

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 24, 2011

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CONWAY PLANNING BOARD

MINUTES

FEBRUARY 24, 2011

A meeting of the Conway Planning Board was held on Thursday, February 24, 2011 beginning at 7:07 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Planning Director, Thomas Irving; and Recording Secretary, Karen Hallowell.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Ms. Sell, to approve the Minutes of February 10, 2011 as written. Motion carried unanimously.

**EAST CONWAY BAYS REALTY TRUST – MINOR SITE PLAN REVIEW (PID 252-52)
FILE #MR11-02**

Wes Smith of Thaddeus Thorne Surveys and Jack McMahon appeared before the Board. This application is to create 1,169 square feet of outside retail space for vehicle sales, close the second entrance and widen the primary entrance.

Mr. Irving stated he wanted to clarify for the Board that the last unit on the building was already approved. It was previously approved and what they are seeking now is to use one of the existing bays for retail. The only substantial change is the use of the existing area and the closure of one of the existing driveways. In fact they are reducing the amount of disturbed area by closing one of the driveways and returning it back to greenspace. This is why staff has no issue with the waiver relative to drainage. Mr. Irving advised he recommends accepting this application as complete.

Mr. Drinkhall made a motion, seconded by Ms. Sell, to accept the application of East Conway Bay Realty Trust for a Minor Site Plan Review as complete. Motion carried unanimously.

Steve Hartman asked if there is an additional structure. Jack McMahon advised that Phase Two that is on the plan has the foundation in and all the site work is done. Mr. Hartman asked if the street trees meet the minimal requirements. Mr. Irving advised they have the sufficient number, the issue is the location. They have a 75 foot gap where our standards say they should be generally 50 feet apart; however, they do have the sufficient quantity. Mr. Hartman next questioned what is in the display area currently. Mr. Smith advised nothing; it is parking.

Ms. Sell questioned if the buffer is located within the setback. Mr. Smith responded in the affirmative. Mr. Irving advised the current parking lot encroaches into the buffer and was approved under the previous application.

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Mr. Porter questioned if they want to have outdoor display and do they have to take away parking. Mr. Smith responded in the affirmative. Mr. Porter questioned if the site conforms to parking as it is now. Mr. Smith advised he believes it does. Jack McMahon explained the additional parking and the closing of the driveway area. Mr. McMahon stated they are not eliminating any spots that were previously allocated to the building. Mr. Irving advised the original approval required 12 spaces and they provided 13 spaces.

At 7:21 p.m. Mr. Porter opened the discussion to public comment. Judy Kennedy of White Horse Press and White Horse Gear stated that they also own the long driveway when you come in and their building is at the end. Ms. Kennedy advised she has no objection to any of this as presented. They are great neighbors. She feels this is a good plan and encourages the Board to approve same. Ms. Kennedy further added that with regard to the second entrance, the applicant requested this be given to him and they did as a courtesy allow a second entrance there. Also she is glad to see it closed up now and it is good for them too.

Mr. Porter closed public comment at 7:22 p.m.

Mr. Hartman asked about the one slot up by the Main Road for the outside display area. Do we have any jurisdiction as to what can go in this area. Mr. Irving advised the Board can restrict as to what the outdoor display area can be used for and you could put a note on the plan.

Mr. Hartman questioned what the applicant wants to have in the outdoor area. Mr. McMahon advised they would use it to sell motor vehicles, similar to what is parked there every day. Mr. Irving stated in order to clarify, the Board could require conditions or a note on the plan, i.e., that the outdoor display area can only be used to display motor vehicles.

Mr. Porter read the waiver requests for §123-20.F/§131-67.C.8.a/§123-27; §123-20.F/§131-67.C.8.c/§123-29.A.4; §123-20.F/§131-67.C.8.f/§123-20.I; §123-21.A.a; §123-29.A.2 & A.3; §123-29.D.8; and §131, Article X, Table II. **Mr. Drinkhall made a motion, seconded by Mr. Hartman, to grant the waivers for §123-20.F/§131-67.C.8.a/§123-27; §123-20.F/§131-67.C.8.c/§123-29.A.4; §123-20.F/§131-67.C.8.f/§123-20.I; §123-21.A.a; §123-29.A.2 & A.3; §123-29.D.8; and §131, Article X, Table II.** Mr. Porter asked for Board and Public comment. There were no comments. **The motion carried unanimously.**

Mr. Porter read the waiver request for §123-41.B. There was discussion regarding the outdoor display of motor vehicles and recreational vehicles and boats, etc. Mr. McMahon stated he would like to leave this the way it is as he may want to sell these items as well. Also he may want to sell a motor home. Ms. Sell stated she would like to see this limited to vehicles only.

Mr. Drinkhall moved that we accept as written. There was no second. Mr. Hartman asked if this is cars, trucks, RV's, boats and Mr. Drinkhall replied in the affirmative. Mr. Porter stated the one spot by the road could be limited to motor vehicles, i.e. car or truck. Ms. Sell stated that you can see this area from East Conway Road. Mr. Porter stated East Conway Road is industrial, although there was a buffer put in. Mr. Porter stated he would be happy with cars or vehicles, but not RV's in the front spot on the highway side. The Board was all okay with this as well.

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Ms. Sell moved to grant §123-41.B with the condition that a note be added to the plan that the outdoor display area shall be limited to cars and trucks. There was no second. There was further discussion. Mr. Smith asked about snowmobiles. Mr. Irving pointed out the list they provide was cars, trucks and RV's and do you want to add motorcycles, snowmobiles, etc. We need to clarify. Mr. Irving next explained to the applicant that he is asking for additional outdoor display area and that this area is also in a buffer; the Board is trying to strike a balance so they can use the area but now we have to define what vehicle types would be permitted.

There was next discussion regarding cars, trucks, boats and RV's. Mr. Irving questioned if they are proposing snowmobiles. Mr. McMahon responded in the negative. Mr. Irving questioned if everyone is comfortable with cars, trucks and boats in the large parking area. The Board agreed. Mr. Irving next discussed the remaining outdoor display area and suggested cars, trucks, boats and motor homes. Mr. Irving advised this is still in the buffer but it is not the one along East Conway Road. The Board agreed.

Ms. Sell moved, seconded by Mr. Drinkhall, to grant the waiver request for §123-41.B with the condition that a note be added to the plan stating that the outdoor display area adjacent to East Conway Road shall be limited to cars and trucks and the outdoor display area adjacent to the west side of the property shall be limited to cars, trucks, boats and motor homes. Mr. Irving questioned if this was acceptable to the applicant and Mr. McMahon responded in the affirmative. **The motion carried 4-0-0.**

Mr. Drinkhall made a motion, seconded by Ms. Sell, to conditionally approve the Minor Site Plan for East Conway Bays Realty Trust conditionally upon adding a note to the plan stating that the outdoor display area adjacent to East Conway Road shall be limited to cars and trucks and the outdoor display area adjacent to the west side of the property shall be limited to cars, trucks, boats and motor homes; Redstone Fire Chief Approval; NHDOT Driveway Permit and indicate approval number on plan; four copies of revised plans; a performance guarantee for all site improvements; a check for \$25 made payable to Carroll County Registry of Deeds; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on May 26, 2011. Mr. Irving inquired if this was sufficient time for the applicant and Mr. McMahon responded in the affirmative. **The motion carried 4-0-0.**

OTHER BUSINESS

Bill and Marilyn Pope (PID 262-58) – §123-4.A.5 (File #NA11-04): This is an application to convert 1,000 square feet of retail/office space to a personal service at 486 White Mountain Highway. Margie MacDonald of Remax appeared before the Board representing the property owner.

Mr. Irving advised there are no proposed modifications to the site. **Ms. Sell made a motion, seconded by Mr. Drinkhall, that the Planning Board determined that based on the provisions of §123-4.A.5, regarding applicability, that the conversion of 1,000 square feet of retail/office space to a personal service is not subject to a Minor or Full Site Plan Review**

because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion carried 4-0-0.

PUBLIC HEARING – §123-26 – LIGHTING

This is an amendment to require International Dark sky Association (IDA) compliant fixtures and other provisions to help reduce light trespass and light pollution; to establish a common standard for fixture heights and sets light intensity maximums; and provide incentives for using energy efficient LED fixtures.

Mr. Porter opened the public hearing at 7:42 pm. Mr. Porter asked for public comment. There were no members of the public present and no public comments were made.

Mr. Irving stated there is one modification for the Board to consider. Selectman Martin suggested we add language to paragraph 5 at the end of the sentence. Mr. Irving next read the entire proposed amendment to the Lighting ordinance with the additional amendment (see attached).

Mr. Porter asked for Board comments. There were none. Mr. Porter closed the public hearing at 7:48 pm.

Mr. Drinkhall made a motion, seconded by Ms. Sell, to adopted the amendment to §123-26 as revised. Motion carried unanimously.

OTHER BUSINESS – continued from earlier in meeting

Letter to NH Housing Authority: Mr. Irving stated that the Board approved a project for workforce housing across from Shurefine and they are requesting a letter of endorsement from the Planning Board in regards to funding.

Mr. Drinkhall read aloud the proposed letter (see attached). The Board reviewed the language and discussed “affordable” housing. Mr. Drinkhall stated the rents they are quoting are not affordable for two people making \$9 or \$10 per hour. Also, the funding for this project gets tax credits and this will lower the tax assessment through the tax credit and, hence, if he understands correctly, lowers what they will pay in taxes.

Ms. Sell stated her understanding is the project is partially funded and, also, in line with our Master Plan. Mr. Drinkhall disagreed stating there is nothing mentioned in the Master Plan regarding “affordable” housing.

Ms. Sell moved to table discussion to the next meeting to define affordable housing. There was no second.

Mr. Porter stated he does not see this as affordable and he will not endorse this himself. Mr. Irving pointed out that affordable is one factor and how funded another. Mr. Irving questioned if the Board believes this is defined as “workforce” housing. His suggestion to the Board, if

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interested in pursuing this matter and the answer to this question is yes, is you may want to consider taking out “affordable” in the letter and replace it with “workforce” housing or to take out “affordable” entirely. Mr. Irving reviewed the letter with the suggested changes replacing the word “affordable” with “workforce”. Mr. Irving further added that this Board has not defined affordable but was proactive in defining workforce housing. The Board agreed that using the word “workforce” would be okay.

Mr. Drinkhall next reviewed the first line of the letter again with the Board. Mr. Drinkhall stated he understand this involves tax credits that they can sell to other entities and this costs the taxpayer in that whoever they sell to doesn’t pay taxes and, also, this lowers the assessment of the property and they don’t pay as much in taxes as others. Mr. Porter stated we sat here and endorsed the project but questions now, is it really the Planning Board’s purview to discuss financing and wouldn’t this be for the Board of Selectmen to discuss. Mr. Porter further added we gave them approval and reworded the letter in his opinion.

Mr. Drinkhall stated he disagrees because he didn’t see anywhere we said we would support subsidized housing and he can’t support the letter for this reason. He supports the project but not the method of funding. Mr. Porter stated he doesn’t believe we should be involved in financing. Mr. Hartman stated he does not know enough about the financing issue and is not comfortable signing the letter with this language included. We are not here to finance projects, we are here to approve the project or not. We did approve the project and this (the financing) should not involve this Board. Ms. Sell stated that passing along the letter to Mr. Weaver will help them with this project. **Ms. Sell moved, seconded by Mr. Hartman, to draft a letter in support of the Conway Pines Project to the New Hampshire Housing Finance Authority. The motion failed 1-3 with Ms. Sell voting in the affirmative and Messrs. Hartman, Drinkhall and Porter in the negative.**

Committee Reports:

There were no committee reports.

Adjourn

At 8:10 p.m. **Ms. Sell moved, seconded by Mr. Drinkhall to adjourn the meeting. The motion carried unanimously.**

Respectfully Submitted,

Karen Hallowell
Recording Secretary

123-26. Lighting. Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street.

1. Outdoor lighting fixtures shall not be mounted higher than ~~30~~ twenty-five (25) feet in the Highway Commercial and Recreational Resort Districts, nor higher than 20 feet in all other districts;
2. Individual light fixtures (or the sum for clusters of fixtures supported on a single pole) shall not exceed 40,000 lumens. As an incentive to promote the use of energy efficient Light Emitting Diode (LED) fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the maximum illuminance of individual light fixtures (or the sum for clusters of fixtures supported on a single pole) may be increased by twenty-five percent (25%) and shall not exceed 50,000 lumens;
3. The total initial site lumens of all site lighting systems shall not exceed four (4) lumens per square foot of disturbed area. As an incentive to promote the use of energy efficient LED fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the total initial site lumens of all site lighting systems may be increased by ten percent (10%) and shall not exceed 4.4 lumens per square foot of disturbed area;
4. Site lighting shall not trespass beyond property lines; Luminance along property lines shall be measured within six (6) feet of finish grade along the property line.
5. All lighting fixtures shall be listed as approved by the International Dark Sky Association (IDA), fully shielded and installed per manufacturers specifications;
6. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.



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www.mwvhc-nh.org

February 8, 2011

Conway Planning Board
1634 East Main St.
Center Conway, NH 03813-0070

Dear Conway Planning Board:

Great Bridge Properties, the developer of the proposed Conway Pines Project, which received zoning and planning approvals from the town of Conway this past year, will be submitting a grant application to New Hampshire Housing Finance Authority on March 4, 2011. The funding process is very competitive, with one of the major considerations being the evidence of local support.

The Mt. Washington Valley Housing Coalition is very much in support of this project because it will increase the number of quality, affordable rental units to house our workers, the backbone of the regional economy. Whereas many other areas of the state have received allocations of funding for this type of housing, our area has not. Conway Pines will be the first such development.

On behalf of the Coalition, I am asking the Conway Planning Board to consider writing a letter of support, which will be included in Great Bridge's application. For your convenience and information, I am attaching a sample support letter. Once signed the letter can be sent to Chris Davies, of Great Bridge Properties, at 814 Elm St., Suite 90B, Manchester, NH 03101.

Thank you very much for considering this request.

Respectfully,

Theresa Kennett
Program Director
MWV Housing Coalition

February , 2011

Mr. Richard Weaver
New Hampshire Housing Finance Authority
32 Constitution Drive
PO Box 5087
Manchester, NH 03108-5087

RE: Conway Pines Apartments, Conway, NH

Dear Mr. Weaver:

On March 4th the sponsor of the Conway Pines housing development in Conway will be requesting funding from New Hampshire Housing Finance Authority. The (YOUR ORGANIZATION'S NAME) is very supportive of this request, as it has many benefits for the Town of Conway. This project consists of a 32 unit affordable housing development which recognizes both the demand for affordable rental housing in the area and the need for job creation.

The Conway Pines project is approved locally and will be Conway's first development using the density bonus provision in the zoning ordinance for long term rental housing. This zoning also meets the State of New Hampshire's requirement for towns to provide opportunities for affordable housing within their communities.

Mr. Weaver, thank you again for the consideration given to this application. This is the sponsors 2nd time applying for funding and we sincerely hope for success this time. The (YOUR ORGANIZATION'S NAME) appreciates the time you and your staff are investing into implementing this and other affordable housing programs. Should you have any questions, please feel free to contact my office.

Respectfully,