

CONWAY PLANNING BOARD

MINUTES

APRIL 14, 2011

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CONWAY PLANNING BOARD

MINUTES

APRIL 14, 2011

A meeting of the Conway Planning Board was held on Thursday, April 14, 2011 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Scott Lees; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Tobin made a motion, seconded by Mr. Lees, to approve the Minutes of March 24, 2011 as written. Motion unanimously carried.

OTHER BUSINESS

Conway Business Park, LLC (PID 277-184) – §123-4.A.4 (File #NA11-09): Mr. Lees stepped down at this time. Tiffany Sorriente of Saco Valley Gymnastics appeared before the Board. Tom Mullins and Kelly Wisner, owners of the property, were in attendance. This is an application to convert warehouse/retail to Saco Valley Gymnastics Center at 64 Hobbs Street.

Mr. Irving stated they that would like to move into the site formally occupied by Winnelson. Mr. Irving stated that the applicant would like to have up to 20 students at the facility and up to 48 persons at one time in the facility. Mr. Irving stated that they may come back in the future to expand, but these numbers work at the moment. Mr. Irving stated that this site is located in the Industrial District and is shared with Tuckerman Brewery.

Ms. Sell made a motion, seconded by Ms. Tobin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the conversion of warehouse/retail to Saco Valley Gymnastics for up to 20 students at one time and an occupancy of no more than 48 persons at one time 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 unanimously carried.

Proposed Subdivision Review Regulation Amendment Discussion: Mr. Lees rejoined the Board at this time. Mr. Irving stated that the amendment would provide the Board of Selectmen with the authority they need to administer a driveway permit and then it would be up to the Board of Selectmen to draft a policy and administrator it. Mr. Irving stated their agent would probably be the Town Engineer and the Public Works Department.

Mr. Irving stated that he is also proposing increasing the Town Engineer reviewing fees from \$40 to actual cost of \$85 per hour. Mr. Irving stated that it costs \$85 to farm it out and it should be the same price. Mr. Irving stated that the applicant bares the cost of their application.

Mr. Irving stated the other amendment corrects the specifications on sidewalk concrete.

Ms. Sell made a motion, seconded by Mr. Lees, to post the amendments to §131-1; §131-13.E; §131-67.C.3; and §131-67.C.8.j and K to a public hearing on April 28, 2011. Motion unanimously carried.

Adopted: April 28, 2011 – As Written
CONWAY PLANNING BOARD – APRIL 14, 2011

Proposed Site Plan Review Regulation Amendment Discussion: Mr. Irving stated a lot of times the project someone is proposing is something he could approve, but because they have already used their two non-applicable they have to come before the Board. Mr. Irving stated that he is proposing to grant more administrative authority with restrictions. Mr. Irving read the proposed amendment.

Mr. Irving stated that he is also proposing increasing the Town Engineer reviewing fees from \$40 to actual cost of \$85 per hour in the site plan review regulations as well.

Ms. Tobin made a motion, seconded by Ms. Sell, to post the amendments to §123-4.A.4.E and §123-8.E. to a public hearing on April 28, 2011. Motion unanimously carried.

Bylaws: Mr. Irving stated that alternates can only participate in the discussion without voting if your bylaws allow it. Mr. Irving stated our bylaws don't allow that and he recommends the Board changing the bylaws.

Ms. Sell made a motion, seconded by Mr. Lees, to post the amendment to the Bylaws on the April 28, 2011 agenda. Motion unanimously carried.

Committee Reports: There were no committee reports.

Meeting adjourned at 7:35 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large initial "H" and "M".

Holly L. Meserve
Planning Assistant



TOWN OF CONWAY

1634 EAST MAIN ST. • CTR. CONWAY, NEW HAMPSHIRE 03813

(603) 447-3855

FAX (603) 447-5012

MEMO

TO: Planning Board
FROM: Tom Irving, Planning Director
CC: File
DATE: 04/05/11
RE: Subdivision Amendments

A handwritten signature in black ink, appearing to be "T. Irving", written over the "FROM" line of the memo.

Message:

Please review the attached draft amendments to the Subdivision Regulations:

- The amendment to §131-1 clarifies the authority relative to driveways.
- The amendment to §131-13.E increases the review fee for engineering to reflect actual costs.
- The amendment to §131-67.C.3 corrects the sidewalk specifications.
- The amendment to §131-67.C.8. j & k Grant the authority to administer driveway permits to the Board of Selectmen.

SUBDIVISION OF LAND**ARTICLE I
GENERAL PROVISIONS****131-1. Legislative Authority.**

Pursuant to the authority vested in the Conway Planning Board by the voters of the Town of Conway and in accordance with the provisions of New Hampshire Revised Statutes Annotated (RSA) Chapters 236, 672-677 and subsequent amendments, and the Condominium Act of 1977 (RSA 356-B), the Planning Board adopts the following regulations governing the subdivision of land in the Town of Conway, New Hampshire.

131-2. Purpose.

The purpose of these regulations shall be to promote the development of an economically sound and stable community by protecting property values, the natural beauty and environment which provides the primary basis for the town's tourist economy and the unique character of the area and residents; by encouraging subdivision that is in harmony, visually and aesthetically, with rural living and a recreational economy based on our natural resources; by preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewage disposal, transportation or other public services or necessitate excessive expenditure of public funds for the supply of such services; to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper arrangement and coordination of streets and ways within a subdivision in relation to other planned streets; to promote the amenities of the town through the provisions for parks, playgrounds and other recreation areas, preservation of trees and natural or historic features; and secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance, both of the subdivider and the Planning Board.

131-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AASHTO -- American Association of State Highways and Transportation Officials.

AGGREGATE BASE - The layer of crushed gravel immediately below the pavement and above the aggregate subbase.

AGGREGATE SUBBASE – The layer of gravel immediately below the aggregate base and above subgrade.

ABUTTER -- Any person whose property is located in New Hampshire or Maine and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for the purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For the purposes of receipt of notification, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

- C. All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be five dollars (\$5) per abutter (or any other party notified) and thirty dollars (\$30) for the published notice.
- D. A tax Map amendment fee of fifty dollars (\$50) shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee to be paid by the applicant prior to final approval.
- E. Applications that require an engineering review shall be assessed a fee of ~~forty~~ eighty-five dollars (\$~~40~~85) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §131-13.F.
- F. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for, and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.
- G. When a completed application is submitted to the Town it will be reviewed by Planning Department Staff. Comments will be made in writing and forwarded to the applicant. If the plans are re-submitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards the applicant will be charged an additional fee of thirty-five dollars (\$35) per hour. Said fee to be paid by the applicant prior to final approval.
- H. A plan scanning fee of ten dollars (\$10) per sheet shall be assessed to facilitate digitizing the final approved plans.
- I. A twenty-five dollar (\$25) Land and Community Heritage Program (LCHIP) Surcharge Fee shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.

131-14. Performance guaranty or bond.

- A. As a condition precedent to final approval of any subdivision, the subdivider shall file with the Board at the time of submission of the final plat a certified check payable to the Town of Conway, or a faithful performance bond running to the town and issued by a surety company acceptable to the Selectmen, or cash in an escrow account in the name of the developer and the town, in an amount of money equal to the total of the cost of construction of all streets, utilities and improvements plus a 15-percent contingency, as specified on the final plat.

2. Curbing

- a. **Use** - Curbing is required in all business districts, along any commercial driveway, all intersections with arterial or collector roads, and where any road or ditch grade exceeds 8% or 6% when the developed length exceeds 250 feet. Use of curbing requires basins and culvert for drainage.
- b. **Type** - Granite curbing shall be utilized when curbing is installed. Bituminous or concrete curbing shall not be permitted as it is a substandard material for this use. If sidewalks are present vertical curbing is required. If there are no sidewalks than either vertical or sloped curbing is acceptable (See detail 7).

3. **Sidewalks** - As a matter of pedestrian safety, sidewalks are required in the vicinity of schools, and in the Village or Business District. Sidewalks are to be at least five feet wide and shall be set back ten feet from the curb face or road shoulder. Sidewalks shall be concrete poured at 4" thickness with a ~~4000~~ 3,000 PSI mix and 5 to 7 percent air entrainment (NHDOT Specification Section 608 Class B). Concrete shall be poured at no more than 4" slump. Acceleration ad mixtures shall not be used. The concrete shall be reinforced with ¾" fibrillated polypropylene fibers at 1.250 #/cy in accordance with the manufacturer's instructions. A seven-foot wide, one foot (12") deep subbase of 1.5" gravel (NHDOT Item 304.3) shall be used. Compaction of the subbase shall be in accordance with Section 131-67.A(5). Expansion joints shall be installed in accordance with NHDOT standards at 4' spacing. Sidewalks shall be treated with Silane-Siloxane or equal. Sidewalks shall have a broom finish.

Where sidewalks cross driveways they shall ramp down to the level of the driveway and comply with the ADA guidelines. Sidewalks greater than five feet in width may be required in these areas.

4. **Sight Distance, Minimum** - All sight distances shall be computed for both vertical and horizontal curves.
 - a. **Level terrain** - A minimum sight distance of two hundred feet is required.
 - b. **Rolling and hilly terrains** - A minimum sight distance of one hundred and fifty feet is required.
5. **Dead End length and units, maximum** - A dead end street shall not serve more than 35 dwelling units.
6. **Cul-de-sac turn around radius, minimum** - See Detail 4.
7. **Off-Street Parking** - The pavement widths as detailed earlier are predicated on there being no on-street parking. As such off-street parking of two spaces per lot or unit shall be required.

8. **Driveways** - Driveways shall be located and their entrances designed as a part of street design. See Detail 5. The minimum standards which must be met are as follows:
- a. Drainage analysis, design, full paving and curbing may be required all the way to the building site if the driveway is likely to divert runoff to the roadside or cause flow into the street.
 - b. Minimum width of ten foot driveway for residential, fourteen feet for one-way non-residential, and twenty feet for two-way non-residential. Maximum width of eighteen foot driveway for residential and thirty-six foot driveway for non-residential.
 - c. 90 degree +/- 15 degrees intersection with street.
 - d. Intersection flares - at minimum single family driveways shall provide a fifteen foot curb radii or five-foot wide by ten-foot long straight flare.
 - e. Driveway grades shall comply with Detail 5.
 - f. Commercial driveways require curbing and a minimum radius of 25 feet.
 - g. Unpaved driveways will require paved aprons extending at least to the ditch line but not less than 15 feet for residential driveways and 25 feet for commercial driveways.
 - h. No more than 1 curb cut is allowed for residential lots (see also 123-20).
 - i. Also see Table 2 for driveway site-distance requirements and location relative to intersections and other driveways and Detail 5 for other requirements.
 - j. In accordance with RSA 236:13 and the legislative authority cited in §131-1 of this chapter, prior to any modification of an existing driveway or construction of a new driveway that deviates from the design shown on an approved subdivision plan or site plan or construction of a new driveway that is not adequately represented on an approved subdivision plan or site plan the property owner must first secure a driveway permit. The Planning Board hereby delegates the authority to administer and issue such permits in accordance with this Chapter to the Board of Selectmen. This includes the issuance of such permits and the adoption of the forms and administrative policies to administer same.
 - k. In accordance with the legislative authority cited in §131-1 of this chapter, prior to any work, other than that represented in a driveway permit issued pursuant to §131-68.C.9.(j), by work performed by contractors, developers, utilities or others doing work on town properties or town roads must first secure a construction permit. The Planning Board hereby delegates the authority to administer and issue such permits in accordance with this Chapter to the Board of Selectmen. This includes the issuance of such permits and the adoption of the forms and administrative policies to administer same.



TOWN OF CONWAY

1634 EAST MAIN ST. • CTR. CONWAY, NEW HAMPSHIRE 03813

(603) 447-3855

FAX (603) 447-5012

MEMO

TO: Planning Board

FROM: Tom Irving, Planning Director 

CC: File

DATE: 04/05/11

RE: Applicability Amendment §123-4.A.4.

Message:

Please review the following draft amendments. Once the Board has decided on the amendments they wish to consider, you can then call for a public hearing prior to their adoption.

The Amendment to §123-4.A.4. expands use of this applicability subsection.

123-4. A.4. Small undertakings where it is demonstrated that:

- (a) All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this Chapter;
- (b) Proposed changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading);
- (c) Any net reduction in greenspace on the lot is less than or equal to 200 square feet;
- (d) Any increase in structure floor space is less than or equal to 100 square feet; and
- (e) In order to ensure that cumulative impacts can be evaluated by the Planning Board in a public forum this subsection (§123-4.A.4.) shall not be applied if its application combined with prior applications since the latest review by the Planning Board would result in a cumulative decrease of green space greater than 400 square feet or in a cumulative increase in structure floor space greater than 200 square feet. ~~more than twice before a Minor or Major Review by the Planning Board is required so that cumulative impacts can be evaluated in a public forum.~~

The Amendment to §123-8.E increases the review fee for engineering to reflect actual costs.

123-8. E. Applications that require an engineering review shall be assessed a fee of ~~forty~~ eighty-five dollars (~~\$4085~~) per hour. Said fee to be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with §123-8.F.

TOWN OF CONWAY, NH
PLANNING BOARD BY LAWS

- ARTICLE I** **NAME:** The name shall be "Town of Conway, New Hampshire Planning Board" as adopted at the Town Meeting on March 10, 1970. Hereafter, the term "Board" shall be used to simplify the text.
- ARTICLE II** **PURPOSE:** The purpose of the Board is to plan for the orderly short and long term development of the Town, and to adopt and administer such regulations that fall within its jurisdiction.
- ARTICLE III** **MEMBERSHIP:** The Board shall consist of seven members. Six members shall be elected, and one ex-officio member shall be appointed by the Board of Selectmen. All seven members have the power to vote. The Board may also appoint up to three alternates to serve in the absence of regular members. Alternates shall be appointed for one (1) year terms. Alternates are expected to regularly attend meetings so that, if they are called upon to sit in place of absent members, they are familiar with the applications and agenda items being considered by the Board. Alternates may fully participate in all discussions and deliberations, however, they are not permitted to vote unless they are appointed to replace an absent Board Member. Selection, qualifications, terms, removal of members and filling of vacancies shall conform with RSA 673:5-14.
- ARTICLE IV** **OFFICERS:** The Board shall annually elect three officers at the first meeting after Town Meeting. The officers are Chair, Vice Chair and Secretary.
- ARTICLE V** **DUTIES OF OFFICERS:**
- A. Chair: The Acting Chair shall call the meeting to order, preside over the deliberations, ensure that all proceedings are held in accordance with Town and State law (spell out), appoint committees, prepare an annual report, and perform other duties customary to the office.
- B. Vice Chair: In the absence of the Chair, the Vice Chair shall perform all duties of the Chair. If neither the Chair or Vice Chair are available for a scheduled meeting a quorum of the remaining members shall appoint an Acting Chair to fulfill the aforementioned duties.
- C. Secretary: The Secretary shall sign plans and document conditions pursuant to conditional approvals and summarize such conditions for motions related to conditional approvals.
- ARTICLE VI** **EMPLOYEES:** The Board, may utilize the services of Town Employees such as the Recording Secretary and Town Planner and other consultants as necessary per **RSA 673:16.** Specific requests shall be made in motion format by the Board.
- ARTICLE VII** **COMMITTEES:**
- A. The Board may establish advisory committees by a majority vote. Such committees shall report directly to the Planning Board.
- B. Committee members shall be Conway residents, and at least one member shall be a member of the Planning Board appointed by the Chair.
- C. Upon creation of a committee, the Board shall establish by majority vote the following:
1. number of committee members;
 2. clear statement of assignment;
 3. time frame for fulfilling assigned duties; and
 4. progress reports and final work product expected.
- ARTICLE VIII** **MEETINGS:**
- A. Regular meetings shall be held at least monthly. The date, time and place of regular meetings shall be selected by majority vote of the Board at the first meeting following Town Meeting, or at another regular or

TOWN OF CONWAY, NH
PLANNING BOARD BY LAWS

special meeting.

B. A regular meeting may be postponed by the Chair upon ~~written~~ request by four members of the Board, and provided that all members are so notified. However, the Board shall hold at least one meeting each month as required by RSA 673:10, II.

C. The order of business at regular meetings shall be as follows:

1. call to order by Chair
2. appointment of alternates by the Acting Chair, as necessary
3. review of minutes
4. meeting business
5. other business
6. adjournment

D. Special meetings such as workshops and site walks may be called by the Chair or in his/her absence by the Vice Chair, upon request by four members of the Board. The date, time and place of special meetings shall be selected by the vote of the Board. No business shall be acted upon unless a quorum is present. Public notice shall be provided as specified in RSA 91-A:2.II.

ARTICLE IX

PUBLIC HEARING: The conduct of public hearings shall be governed by the following:

- A. The Chair shall open the public hearing and report on the matter for which notice was given.
- B. The applicant shall be called to present the proposal.
- C. The Chair shall allow all those in attendance to have an opportunity to speak regarding the proposal. The Chair shall allow each individual an opportunity to speak before allowing anyone to speak a second time, and may take action to avoid repetition of discussion.
- D. All discussion shall be directed through the Chair.
- E. After all comments have been received, the Chair shall either close or continue the hearing. The date, time and place of every continuance shall be specified.

ARTICLE X

RULES OF PROCEDURE:

The Board may adopt such Rules of Procedure as it deems necessary to conduct business, provided that such rules comply with the following provisions:

- A. Four members of the Board shall constitute a quorum. No business may be transacted without a quorum, but a lesser number may meet and adjourn.
- B. A motion, duly seconded, shall be carried when a majority of members present and voting vote in the affirmative.

ARTICLE XI

SUSPENSION OF RULES: These by-laws may be temporarily suspended by an affirmative vote of at least five Board members.

ARTICLE XII

AMENDING THE RULES: These By-laws may be amended by a vote of the Board, provided that such amendment is read at two successive, regular meetings immediately preceding the meeting at which the vote is to be taken.

Adopted on March 15, 2001

Previous Revision: July 13, 2000

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