

**CONWAY PLANNING BOARD**

**MINUTES**

**AUGUST 8, 2013**

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CONWAY PLANNING BOARD

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AUGUST 8, 2013

A meeting of the Conway Planning Board was held on Thursday, August 8, 2013 beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Carl Thibodeau; Vice Chair, Steven Hartmann; Ray Shakir; Planning Director, Thomas Irving and Recording Secretary, Karen Hallowell.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Hartmann made a motion, seconded by Mr. Thibodeau, to approve the Minutes of July 11, 2013 as written. Motion carried 3-0-1 with Mr. Shakir abstaining.**

**ROCK DEVELOPMENT LLC – FULL SITE PLAN REVIEW (PID 235-78.101) FILE #FR13-03**

Mark Lucy of White Mountain Survey and Engineering and appeared before the Board. Also present was Roger Williams, Construction Manager of OVP, Inc. This is an application to construct a 3,244 square foot retail addition to the existing building at 19 Barnes Road, North Conway.

Mr. Lucy stated that he had a procedural question before going forward. There are only four Planning Board members present today which he understands is quorum, but in order for this project to be approved does he need four members voting in the affirmative. The Board and Tom Irving advised that there is a quorum present and a decision is made by majority vote. Mr. Lucy next questioned if an applicant has the right to a seven member board. Mr. Irving advised that in our ZBA requirements an applicant can ask for a continuance if a full board is not present, however, this is not a rule for the Planning Board. Mr. Irving further advised that Mr. Lucy could however ask the Board for it to be continued if he wanted to tonight. Mark Lucy and Roger Williams both indicated that they wished to proceed tonight.

Mr. Lucy reviewed a plan of the property with the Board. Mr. Lucy reviewed the parent lot (Home Depot lot) and the subject lot which includes the Staples store. Mr. Lucy next reviewed parking and landscaping for the lot with the proposed addition. **Mr. Hartmann made a motion, seconded by Mr. Shakir, to accept the application of Rock Development, LLC for a Full Site Plan Review as complete. Motion carried unanimously.**

Mr. Hartmann asked about the waiver for lighting. Mr. Lucy stated that the existing lighting layout has been in place for thirteen years and will remain as is with the exception of one light which is being relocated. Mr. Hartmann asked if it will be a dark sky fixture. Mr. Lucy stated the proposal is to use the existing lighting and it allows no uplight; however, the fixture is not certified by IDA. Mr. Hartmann commented that it is not dark sky compliant then.

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Mr. Shakir asked for a summary of architectural changes to the existing structure. Mr. Lucy reviewed a plan of the existing building and a plan of the proposed addition with the Board. Mr. Lucy advised they are not doing anything radically different. There will be gables in the front and an additional cupola will be added. Mr. Shakir questioned if there are any plans for the occupant of the store where Staples is currently located. Mr. Lucy stated there are no plans that he is aware of at this time. There was next a brief discussion of the windows on the building.

Mr. Porter asked for public comments. Nancy Neenan stated that she lives behind the Home Depot property. Ms. Neenan stated that she is hoping that before this gets approved that an agreement regarding road maintenance could be discussed. Ms. Neenan stated that maintenance and flooding are issues. Also, there is not signage at the end of the road so that people know it is private. Ms. Neenan next stated that she was stranded last winter as no one was plowing. This is a building next to a private development and there is no road agreement in place. Mr. Williams stated that he has no problem with putting a sign up stating the area is private. Ms. Neenan next stated that her issue is also with Barnes Road as last year they had to get the Fire Department involved to get them to plow to the access. Also, this area is not always plowed enough for a fire truck to get through if needed and there are problems with drainage.

Mr. Williams stated that Home Depot owns this unit and they are responsible for this area. Mr. Irving advised that this is a civil matter. Also, for Unit 2 there is a requirement for a second emergency access and if there are issues with this the town would look at it if needed. There was further brief discussion. Mr. Irving stated that this particular application does not warrant any improvements to that private infrastructure. He doesn't feel that we can tie offsite improvements in with his application and he would urge the property owner and OVP to discuss an agreement. Mr. Porter agreed and stated that we should not be discussing this now as part of the application before the Board today. Mr. Williams next stated to Ms. Neenan that if the area is not plowed this coming year to please call him to advise and he will make sure that this is plowed to the emergency exit. He will also look at the signage.

There were no further public comments and Mr. Porter closed public comment at 7:26 p.m.

Tom Irving read a request for an alternative parking standard pursuant to §123-21.A.2.a. **Mr. Porter made a motion, seconded by Mr. Shakir, to approve the alternative parking standard.** There was a brief discussion of the alternative parking standard and the number of spaces. **The motion carried unanimously.**

Mr. Steve Porter read a waiver request for §123-26; §123-27; and §123-30.A.3. **Mr. Shakir made a motion, seconded by Mr. Hartmann, to grant the waiver for §123-26; §123-27; and §123-30.A.3. Motion carried 3-1-0 with Mr. Hartmann voting in the negative.**

**Mr. Thibodeau made a motion, seconded by Mr. Hartmann, to conditionally approve the Full Site Plan application for Rock Development conditionally upon Town Engineer Approval; North Conway Fire Chief Approval; North Conway Water Precinct water and sewer approval; a performance guarantee for all onsite improvements; when the conditions**

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have been met, the plans can be signed out of session; and this conditional approval will expire on November 14, 2013. Motion unanimously carried.

**OTHER BUSINESS**

**August 22, 2013 Meeting** – Mr. Irving advised that no applications have been submitted for the next meeting scheduled for August 22, 2013. **Mr. Hartmann moved, seconded by Mr. Shakir, to cancel the meeting of August 22, 2013. The motion carried unanimously.** Mr. Irving advised that the next meeting is scheduled for September 12, 2013.

**Committee Reports:** Mr. Thibodeau stated he would like to look at sign ordinances and he will be bringing this matter up at a future Board of Selectmen meeting. He feels there should be a discussion of money to relook at the ordinances or that we need to get a group of people together such as Planning Board members, Selectmen, businesspeople, etc, to look at the ordinances. Mr. Thibodeau advised that he has had some discussion regarding sign ordinances with Earl Sires and Tom Irving but has not brought this up to the Board of Selectmen yet.

Mr. Thibodeau next stated that if there is anything this Board would like brought up to the Board of Selectmen for discussion to please let him know. Mr. Shakir suggested that perhaps a first step in this procedure would be to see if we can get this committee together and then look and see what commonality we have with other towns as this may save us money in the end. We can look at town the same size, etc and also look at things unique to our own area as well.

**ADJOURN**

At 7:44 p.m., **Mr. Hartman moved, seconded by Mr. Shakir, to adjourn the meeting. The motion carried unanimously.**

Respectfully submitted,



Karen J. Hallowell  
Recording Secretary