

**CONWAY PLANNING BOARD**

**MINUTES**

**AUGUST 27, 2015**

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CONWAY PLANNING BOARD

MINUTES

AUGUST 27, 2015

A meeting of the Conway Planning Board was held on Thursday, August 27, 2015 beginning at 7:10 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Secretary, Martha Tobin; Ray Shakir; Planning Director, Thomas Irving and Recording Secretary, Karen Hallowell.

**APPOINTMENT OF ALTERNATE MEMBER**

There were no alternates present.

**REVIEW AND ACCEPTANCE OF MINUTES**

It was agreed to defer the review and acceptance of minutes to the next meeting. **Mr. Porter moved, seconded by Ms. Tobin, to postpone the review and acceptance of the minutes of 7/23/15 to next Planning Board meeting. The motion carried unanimously.**

**OTHER BUSINESS**

**Settler's R2, Inc - §123-4.A.5 (File #NA15-04):** Roger Williams, Project Manager, appeared before the Board. This is a request to install 694 square feet of walkway and construct a dormer on Building I at 39 Common Court, North Conway (PID 235-89 & 89.004).

Mr. Williams reviewed the location of the Reebok and Rockport stores and explained they are one tenant but will now be separate. They would like to put in a sidewalk and a dormer on top of the existing roof so that people will know the tenant is there. In doing so they will lose a little bit of greenspace.

Mr. Irving stated that staff has no issue with them defining this space and it is insignificant to the existing development and pursuant to the provision of §123-4. A.5, site plan will not be required.

Mr. Drinkhall asked for Board comment. There were no Board comments. Mr. Drinkhall asked for public comments. There were no public comments.

**Mr. Porter made a motion, seconded by Mr. Shakir, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the installation of 694 square feet of walkway and the construction of a dormer on Building I 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 unanimously.**

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**Northeast Community Development Group/Foxfire Property Management, Inc - §123-4.A.5 (File #NA15-05):** Anthony Farinha, Director of Maintenance for Foxfire Property Management, appeared before the Board. This is a request to construct a 5,000 square foot parking lot and a 5' x 15' paved walkway to the playground area at 175 Grove Street, North Conway (PID 219-187).

Mr. Farinha stated they are seeking to expand the parking lot so they have handicap parking in front of the ADA apartments and, also, a walkway to the playground to bring them in compliance with ADA.

Mr. Irving stated that staff has no objections and that this lot is flat and drainage is not an issue to his knowledge relative to these proposed changes.

Mr. Drinkhall asked for Board comment. There were no comments from the Board. Mr. Drinkhall asked for public comment. There were no comments from the public.

**Ms. Tobin, made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 5,000 square foot parking lot and a 5' x 15' paved walkway to the playground area 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. Mr. Drinkhall asked for comments. There were no comments. Motion carried unanimously.**

**Hancock White Mountain, LLC - §123-4.A.5 (File #NA15-06):** Shawn Bergeron of Bergeron Technical Services appeared before the Board. This is a request to allow additional outdoor storage at 2451 White Mountain Highway, North Conway (PID 219-228).

Mr. Bergeron reviewed that in 2004 this property was before the Board for site plan approval. Mr. Bergeron distributed photos and a map of the property and reviewed same with the Board. Mr. Bergeron reviewed the storage building location, direction of travel in parking lot, etc.

Mr. Bergeron next reviewed that the area along the North-South Road and Depot Street is asphalt and doesn't get used for much and quite often they store items, construction materials, etc, along this area. This was never shown as storage areas in the original plan. This has been an issue at times between the Town and Hancock Lumber. Mr. Irving stated that there is no approval for storing material in those areas. They are also storing materials from time to time at the parking area to the southeast corner of the property. Mr. Irving further stated there are racks on the property from time to time and, also, on the eastern end there have frequently been bundles of materials visible from the North-South Road.

Mr. Bergeron stated that under §123-4. A. 5 Hancock essentially would like to store items for sale along North South Road and, occasionally, Depot Street. This should have been considered back in 2004. Mr. Bergeron next referred to the plans and noted the location of the chain link fence. Although the Town of Conway has no requirement for fencing, they would like to

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replace the chain link fence with something more attractive and that you won't be able to see through and then the items they store there will be less visible. They are not looking to advertise materials; they are looking to store the materials. The fence would prevent passersby from seeing the materials.

Mr. Irving stated that staff has no objection to the requested area so long as storage does not encumber any ingress, egress, movement of emergency vehicles on the site, or reduce the available parking.

Mr. Shakir stated he has no objection to the storage of materials but questions why the fence and why not put in vegetation such as a line of arborvitaes, etc. This way it would be green instead of brown wood.

Mr. Bergeron stated that one of the problems is that on the North-South Road the fence is right on the property line and so plantings that would be put there would be on Town of Conway property and would be in addition to the trees that are there. Mr. Bergeron next referred to the wood fence at the Lilliputian School and stated that over time the trees have encapsulated it and so you see less fence. Mr. Bergeron further added that the current fence at the subject property is see through and is deteriorating and if they put in a new fence this would happen over time here as well. Mr. Shakir stated that if they just plant vegetation there, where the chain link fence is, then it really wouldn't matter. You would see a line of arborvitaes and it would be green instead of wood. Mr. Bergeron stated that it is his understanding when the North-South Road was constructed the fence had to be put along the road and was constructed as a barrier and this happened when Northern Building Supply was the owner of the property. He is pretty sure this fence has to remain as a barrier between the property and the North-South Road. It is his understanding that this is a requirement of the State. Mr. Irving pointed out that the North-South Road at that time was owned by the State. It is now owned by the Town and so this may be something that would need to be worked out with the State.

Mr. Irving next stated that if they are proposing to plant anything on the town property, they would have to get the town's permission to do so. The other alternative would be to locate the fence on client's property perhaps at the edge of the 5' buffer and vegetate the 5' buffer between the fence and the property line on their own property.

Mr. Porter next asked about the outdoor display area on the back and side of the site and questioned if this falls within town code. Mr. Irving stated if it was considered outdoor display –the short answer would be no. Mr. Irving stated he thinks what the applicant is attempting to do is to have these storage areas concealed from public view from offsite and then they wouldn't be treated as outdoor displays. Mr. Bergeron stated this is an accurate statement. Mr. Bergeron stated that it is really not outdoor display. The materials are building supplies and not things such as kitchen cabinets, plumbing fixtures, etc. It is not stuff for display; it is stuff they need to store. Mr. Porter stated so what is going on right now is not up to code. Mr. Bergeron stated that right now there are no materials stored today along Depot Street. Mr. Irving stated that he has seen materials there recently but the town does understand that when materials are delivered it takes time to unload the materials and put them away, etc., but when they set up steel racks to

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hold materials, then this is something different and this has been an ongoing issue. There was further brief discussion of outdoor display, etc.

Mr. Shakir stated he has no problem with the storage but he feels it should be concealed behind vegetation. Mr. Drinkhall concurred. Mr. Porter stated that he disagreed that it should just be vegetation as there needs to be a fence for security of the site; however, not a stockade fence. They do need a fence to keep people out. Mr. Drinkhall stated that he thinks the existing fence does this and that the fence there is okay. He would like to see additional vegetation.

Mr. Irving reviewed that the applicant is asking for additional outdoor storage and if it is insignificant to the existing development. However, it does not sound as though the Board is looking at it this way and it may now require site plan review.

Mr. Bergeron stated that if the existing fence is okay, then they are okay with that also. If the Board is comfortable with that fence, even if they have to move the fence on the North-South Road so that they can vegetate on Hancock property, then they have no problem with that either. Mr. Shakir stated this would be very cooperative of them. Mr. Drinkhall agreed. Mr. Shakir stated that the only issue is storage. Mr. Porter stated it is still outdoor display if they are using it as storage and their initial approval did not give them the approval to store materials outside. Mr. Bergeron stated that Hancock did not get the original approval and that at the time Northern Building Supply did not indicate any storage in these areas. Mr. Porter next questioned if what we are saying then is that we will allow them to store materials out there if they modify the fence. There was further discussion by the Board and Mr. Bergeron of the fence and vegetation. **Mr. Shakir made a motion that the applicant resubmits a proposal that would basically summarize what the Board suggested regarding vegetation and type of vegetation and how it would affect the site. The motion carried unanimously.**

Ms. Tobin questioned if it matters to this Board if the fence is 10 or 14'. Mr. Bergeron stated that based on the discussion today it would be the same or a similar fence. All agreed.

**Cynthia L. Graham – Lot Merger (PID 299-94 & 95):** This is a request to merge PID 299-94 and PID 299-95 into one lot of record.

Mr. Irving explained that the lots are located in the Rockhouse Mountain Subdivision. This request is intended to remedy a building encroachment and they own both lots. Staff has no objection to merging the lots. **Mr. Porter made a motion, seconded by Ms. Tobin, to grant the lot merger requested by Cynthia L. Graham. Motion carried unanimously.**

**Master Plan Updates:** Mr. Irving stated that he has not received any feedback yet from the Board on the proposed Master Plan Update and asked if there are any comments.

Ms. Tobin stated that she would like to see this go to a public hearing.

Mr. Shakir stated that he is uncomfortable with the comment in the proposal that says it would have a significant impact on traffic. You may see one or two people on the trail and he doesn't

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see how this will alleviate traffic in town. Mr. Shakir next stated that there is a blanket statement that the town would be responsible for construction and maintenance of trails and the taxpayers would be assessed for it. There should be no blanket proposal and each trail should be considered individually. Mr. Shakir next stated that he also has a strong objection to requiring a developer to put in a trail via an easement and to connect other trails to complete a trail. To him this is the same thing as a taking and he strongly objects to municipal taking of land.

Mr. Porter stated that he concurs with Martha Tobin and would like to see public input on this matter and let the taxpayers voice their opinions.

Ms. Tobin questioned who put the draft together. Mr. Irving advised that he and Earl Sires worked on this along with a local trails group. Mr. Irving further stated that it was intended as a place for the Board to launch.

Mr. Porter stated that as far as tourism it is a draw to have the availability of trails. Also, he would like to hear from the public on what they are looking for and, also, thinks that some of the verbiage in the proposal should be less stringent.

Mr. Irving commented that this is a Master Plan and not a regulation.

Mr. Shakir reiterated what he said earlier about requirements for developers. Mr. Shakir further added that he feels there is a lot of things in this that are opinion and are not supported by data.

Mr. Drinkhall next asked the Board how they would like to proceed. Ms. Tobin reiterated that a public hearing should be held. She wants to hear from the public to see if it is supported. Mr. Shakir stated that he has no objections to the trails at all. He just wants to make it clear that the landowner comes first and not the want of the town to have a trail system. Also, there are things that can be done to make it attractive to a landowner and if there was something like this in the draft he may be more amenable to it. Mr. Irving requested that Mr. Shakir highlight or rewrite the items he has concerns over. Mr. Shakir agreed.

There was further brief discussion by the Board. **Mr. Drinkhall moved, seconded by Ms. Tobin, to call for a public hearing to consider this amendment for the September 24, 2015 meeting. The motion carried unanimously.**

**Robert Nelson (File #FR15-01 & #S15-03) – Request for extension of Conditional Approval (PID 265-167):** Mr. Irving advised that the conditional approval expires on September 10, 2015 and the applicant is asking for a 30 day extension due to engineering, etc. Mr. Irving next stated that he suggests a 90 day extension. **Mr. Porter moved, seconded by Mr. Drinkhall, to extend the expiration date of the conditional approval to December 10, 2015. The motion carried unanimously.**

**Committee Reports:**

**Sign Advisory Committee:** The next Sign Advisory Meeting is September 9, 2015 at 6:30 pm. Mr. Porter advised that the topic will be roof top signage.

**ADJOURN**

At 8:00 p.m. Ms. Tobin moved, seconded by Mr. Shakir, to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen J. Hallowell", with a long horizontal flourish extending to the right.

Karen Hallowell  
Recording Secretary