

**CONWAY PLANNING BOARD**

**MINUTES**

**SEPTEMBER 14, 2017**

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## CONWAY PLANNING BOARD

### MINUTES

SEPTEMBER 14, 2017

A meeting of the Conway Planning Board was held on Thursday, September 14, 2017 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Michael Fougere; Secretary, Sarah Verney; Steven Hartmann; Raymond Shakir; Steven Steiner; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

#### REVIEW AND ACCEPTANCE OF MINUTES

**Mr. Hartmann made a motion, seconded by Mr. Porter, to approve the Minutes of August 24, 2017 as written. Motion carried with Ms. Verney and Mr. Fougere abstaining from voting.**

#### PUBLIC HEARING – AMENDMENTS TO §110-4 OF THE SITE PLAN REVIEW REGULATIONS REGARDING APPLICABILITY

This is an amendment to increase the thresholds for Not Applicable in §110-4.A.(4) from 100 square feet of floor area to 200 square feet and from 200 square feet of green space reduction to 400 square feet; and increase the cumulative thresholds from 200 square feet to 400 square feet for floor area increases and from 400 square feet to 800 square feet for greenspace reductions.

Mr. Drinkhall opened the public hearing at 7:02 pm. Mr. Irving reviewed the amendments. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:03 pm.

**Mr. Shakir made a motion, seconded by Mr. Steiner, to amend the site plan review regulations regarding §110-4.A.4 as proposed. Motion unanimously carried.**

#### OTHER BUSINESS

**MWV Supports Recovery (File #NA17-11) – §110-4.A.(5)**: Shawn Bergeron of Bergeron Technical Services and Janice Spinney of MWV Supports Recovery appeared before the Board. This is a request to change the use from office space with caretaker's residence to a residential unit, office space and sleeping and bathing accommodations for up to 9 residents at 1620 East Main Street, Center Conway (PID 260-99).

Mr. Bergeron gave a brief history of the property. Mr. Bergeron stated Echo employed 46 people. Mr. Bergeron stated we have been working with town staff and Center Conway Fire Chief, Glenn Merrill, to address the fire alarm system, the sprinkler system and site plan review. Mr. Bergeron stated we have no proposed changes to the site.

Mr. Bergeron stated he thinks the proposed use is significantly less intensive than the 46 employees. Mr. Bergeron stated for the change of occupancy they are proposing one, single family apartment, office space for the coalition, a group space, and 9 client rooms.

Mr. Bergeron stated the site has 2.4 acres, 78% greenspace, 165-feet of street frontage, there are restrooms, the site is ADA accessible inside and outside, the site can accommodate the maximum length vehicle which would be a UPS truck, there are street trees, there is enough snow storage area, there will not be a dumpster, they have a new septic system approval, and there is enough parking for the use of the site.

Mr. Bergeron stated on August 30<sup>th</sup> we sent letters to all abutters. Ms. Spinney stated that they invited the neighbors to come and visit the building and we have not heard from anyone. Mr. Shakir stated assuming that it is already been approved and/or zoned for residential and commercial usage. Mr. Bergeron answered in the affirmative.

Mr. Shakir asked the nature of the clientele. Ms. Spinney stated we are a recovery center for those seeking recovery from addiction. Ms. Spinney stated the rooms will be operated for women who are in short term recovery; this would be six to eight months of sober living. Ms. Spinney stated they cannot be living there if they are using drugs and/or alcohol.

Ms. Shakir asked what is the nature of their responsibilities. Ms. Spinney stated they would be paying rent. Ms. Verney asked if it was just for women. Ms. Spinney stated this particular project is just for women there is another project for men in the works in another town.

Mr. Drinkhall asked about fire protection. Mr. Bergeron stated that the sprinkler system is up and functioning; they met with Chief Merrill and we need to add more water storage. Mr. Bergeron stated there are two, 330-gallon water storage containers in the basement and they are going to install two additional tanks. Mr. Bergeron stated that for fire detection there is an alarm system that will need to have some minor upgrades. Ms. Spinney stated they have a contract with Pope Security.

Mr. Shakir asked if is this a halfway house. Ms. Spinney answered in the negative. Mr. Shakir asked what has been the feedback from the neighbors. Ms. Spinney stated there has been no feedback. Mr. Bergeron stated that they notified all the neighbors; Mr. Bergeron read the letter that was sent to all the abutters. Mr. Drinkhall stated without a site plan review the abutters are not notified by the Town.

Mr. Hartmann stated if you are requiring rent is there a work program in place. Ms. Spinney stated we are networking with businesses. Mr. Steiner asked who is supervising. Ms. Spinney

stated there is a house parent, and the Board of Directors will be involved; there is always someone there.

Mr. Drinkhall stated the parking lot is not currently striped. Mr. Bergeron agreed and stated that it could be; the spaces do work. Mr. Irving stated the number used for parking is greater than three spaces for every five residents, and there is additional parking available. Mr. Bergeron stated it is slightly larger than what is required by the Town. Mr. Irving stated there is adequate parking on the site.

Mr. Irving stated he could not approve the change-of-use administratively because it did not have the adequate infrastructure on site in regards to septic and fire suppression. Mr. Irving stated he spoke to David Silvia of NHDOT today and they will need to apply for a NHDOT driveway permit.

Mr. Steiner stated that he understands addiction very well, and he thinks we need to have a full site review so the Town is aware of what is going on. Ms. Spinney stated we are peer support only, they will not be getting medication from our facility. Ms. Spinney stated they have to want to live here, if they fall out of our guidelines they will be asked to leave. Mr. Steiner asked if there is a chance in changing the license to administer narcotics. Ms. Spinney answered in the negative.

Mr. Irving stated this Board can only review the site plan items. Mr. Porter stated we cannot read more into than what is sitting before you. Mr. Shakir stated it is the purview of the Planning Board to determine what the opinion or objection is to a certain development from the immediate neighbors. Mr. Irving agreed. Mr. Shaker stated our questions are about the effect on the people who live next door, we should know what it does and what it is there for.

Mr. Drinkhall stated that he agrees that we are not giving the public a chance to speak and that bothers him. Mr. Drinkhall asked for public comment; Tom Davidson, Treasurer for the Church, stated that they did receive a letter and it indicated 12 residents. Mr. Davidson stated that the Church has not had the opportunity to administratively address this use, but we are aware of the use next door and have no problem with it. Tom Holmes, Town Manager, stated that the Town did receive a letter as well.

**Mr. Porter made a motion, seconded by Mr. Drinkhall, that the Planning Board determined that based on the provisions of §110-4. A. 5., regarding applicability, that the change of use from office space with caretaker's residence to a residential unit, office space and sleeping and bathing accommodations for up to 9 residents 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 with Mr. Steiner and Mr. Drinkhall voting in the negative.**

**Proposed Height Restriction Amendment Discussion:** Ken Cargill of Cooper Cargill Chant and Josh McAllister of HEB Civil Engineers appeared before the Board. Mr. Cargill stated he understands that the regulation was created due to life safety and not good building design. Mr. Cargill stated there may be a way to combine the aesthetics with the life safety concerns. Mr. Cargill stated the developer could be motivated to move the building further back away from property lines if given a height bonus, which would also create open space.

Mr. Shakir stated until now he was under the impression the overall objections were due to fire access as the vehicles were limited; he wasn't really aware that aesthetically there was that much objection. Mr. Cargill stated fire safety has always been an issue, and Mr. McAllister met with Pat Preece, Chief of the North Conway Fire Department, and he has indicated that the height is not a problem.

Mr. McAllister stated he is also on the Board for the Mount Washington Valley Housing Coalition and you might be able to gain affordable density in a development by not having to expand the foundation footprint. Mr. McAllister stated if you can provide more density to a developer they are likely to gain more residential space at a more affordable cost.

The Board discussed the attached plan and provided feedback as to the issues and concerns related to changing the height restrictions.

**Nathan and Carolina Marles – Lot Merger (PID 299-85 & 86):** Mr. Shakir made a motion, seconded by Ms. Verney, to approve the lot merger for Nathan and Carolina Marles. Motion carried unanimously.

**September 28, 2017 Planning Board Meeting:** Mr. Fougere moved, seconded by Mr. Hartmann, to cancel the Planning Board meeting September 28, 2017. Motion carried unanimously.

**Conway Daily Sun (PID 219-66):** Mr. Drinkhall stated shrubs were required in 2003. Mr. Drinkhall read a motion from the January 23, 2003 Planning Board minutes.

**Mr. Porter made a motion, seconded by Mr. Drinkhall, to send a letter to the Conway Daily Sun that after 14 years of negligence they need to replace shrubs with 8-foot shrubs and maintain them. Motion carried unanimously. After a brief discussion, Mr. Porter withdrew his motion and Mr. Drinkhall withdrew his second.**

Mr. Irving stated he would contact them and ask if they would entertain a dumpster enclosure instead of a hedge. The Board agreed.

**Adopted: October 12, 2017 – As Written**  
**CONWAY PLANNING BOARD – SEPTEMBER 14, 2017**

**Budget Committee:** Mr. Drinkhall stated he is not sure if the Budget Committee voted on everything, but they did vote on the MacMillan Way warrant article; and they are attempting to be able to vote on everything through a change to the RSA.

**Short Term Rentals:** Mr. Drinkhall stated short term rentals continue to be problematic, but he understands that it is up to the Board of Selectmen to regulate and we do not have the enabling language to regulate a disorderly house.

Meeting adjourned at 8:20 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Holly L. Meserve". The signature is written in black ink and is positioned above the printed name.

Holly L. Meserve  
Recording Secretary

**§ 110-4 Applicability.**

There are three possible applications of this code to development of a nonresidential or multifamily site to be determined by the designee of the Board:

- 1) The code is not applicable (Subsection A);
- 2) The Planning Board provides a minor review (Subsection B); or
- 3) The Planning Board provides a full review (Subsection C).

The following criteria specify the level of review necessary for a proposal to develop a commercial or multifamily site:

**A. Not applicable.** The determination of "not applicable" by the designee of the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The site plan review regulations shall be deemed not applicable for the following:

- (1) Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by the designee of the Board.
- (2) Special events approved by the Board of Selectmen.
- (3) Agricultural buildings as defined in Chapter 190, Zoning, of the Conway Code (see § 190-32, Definitions).
- (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~~ 400 square feet;
  - (d) Any increase in structure floor space is less than or equal to ~~400~~ 200 square feet; and
  - (e) In order to ensure that cumulative impacts can be evaluated by the Planning Board in a public forum, this Subsection 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 greenspace greater than ~~400~~ 800 square feet or in a cumulative increase in structure floor space greater than ~~200~~ 400 square feet

## Holly Meserve

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**From:** Thomas Irving <tirving@conwaynh.org>  
**Sent:** Thursday, August 24, 2017 12:42 PM  
**To:** 'Kenneth Cargill'  
**Cc:** Holly Meserve  
**Subject:** RE: Proposed Zoning Amendment

Ken,

We'll put you on the agenda for the September 14th under other business.

What do you mean by "exterior boundaries of land submitted for approval of master development plan"?

Would there be a further subdivision of "master development plan" area that might create property lines that would not be subject to the 300', 350' or 400' requirement for the height increases?

By Way of example. If the entire CMR lot (prior to the subdivision that created setback issues for you) represented the "exterior boundaries of land submitted for approval of master development plan" would the current new boundaries of the Kearsarge Brook Lot be irrelevant. And the 300', 350' or 400' requirement for the height increases would be from the original lot lines?

Regards,  
Tom

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Thomas B. Irving, Planning Director  
Town of Conway  
1634 East Main Street  
Center Conway, NH 03813  
E-mail: [tirving@conwaynh.org](mailto:tirving@conwaynh.org)  
Phone: (603) 447 3811  
Fax: (603) 447 5012

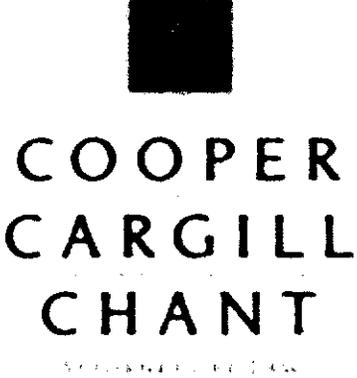
**From:** Kenneth Cargill [mailto:[kcargill@coopercargillchant.com](mailto:kcargill@coopercargillchant.com)]  
**Sent:** Thursday, August 24, 2017 11:43 AM  
**To:** Thomas Irving <tirving@conwaynh.org>  
**Subject:** Proposed Zoning Amendment

Tom,

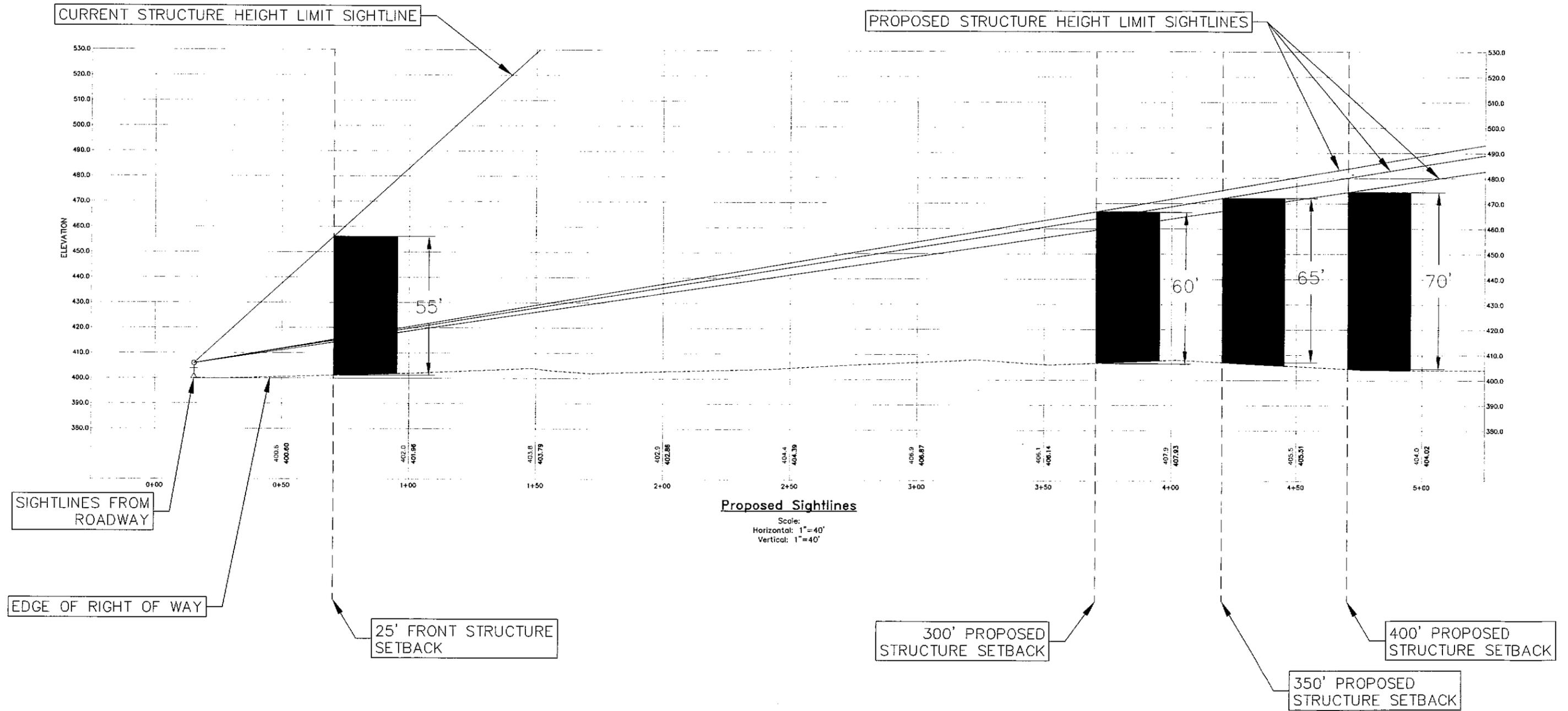
If it's not too late, could I be placed on the agenda for the next meeting to generally discuss an amendment to height restrictions in the Resort and perhaps other districts? The proposal would be to provide for a 5' height increase at a 300' set back, with an additional 5' increase at 350' and 5' at 400'. Setbacks would be measured from exterior lot lines in a unitized development or exterior boundaries of land submitted for approval of master development plan. Following an initial general discussion, I would like to provide proposed language based on feedback from the PB.

Please advise,

Thank you,

 <p><b>COOPER CARGILL CHANT</b></p> <p><small>A MEMBER OF THE CARGILL GROUP</small></p>	<p>Kenneth R. Cargill Cooper Cargill Chant, P.A. 2935 White Mountain Highway North Conway, NH 03860-5210 Phone: 603-356-5439 Fax: 603-356-7975 E-Mail : <a href="mailto:kcargill@coopercargillchant.com">kcargill@coopercargillchant.com</a> <a href="http://www.coopercargillchant.com">www.coopercargillchant.com</a></p>
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SURVEYED BY	-
DESIGNED BY	-
DRAWN BY	MKT
CHECKED BY	-
FIELD BOOK	-
SCALE	1"=20'
DATE	09/13/2017

**Sightlines Profile**  
for the  
**Structure Height Ordinance Revision Proposal**  
located in  
**Conway, New Hampshire**  
prepared for  
**Review at Planning Board**