

**CONWAY PLANNING BOARD**

**MINUTES**

**JULY 25, 2002**

**PAGES**

- 1 Review and Acceptance of Minutes
  - July 11, 2002 – Adopted as Amended
  
- 1 The Denise F. Broughton Revocable Living Trust – Full Site Plan Review Continued (PID 202-16) File #FR02-09
  - Conditionally Approved
  
- 2 Harold Whitaker and Thomas Fadden – 6-Lot Subdivision Review Continued (PID 263-76) File #S02-06
  - Continued until August 8, 2002
  
- 3 Other Business
  - Horizon Christian Fellowship
  - T. Paul and Loretta Matsubara/Car Wash – Extension of Approval
  - Inglewood Subdivision – August 22, 2002
  - Beep Beep Deli – Conceptual Review
  - North South Local Road

**CONWAY PLANNING BOARD**

**MINUTES**

**JULY 25, 2002**

A meeting of the Conway Planning Board was held on Thursday, July 25, 2002 beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Acting Chair, Robert Drinkhall; Selectmen's Representative, Dick O'Brien; Secretary, Conrad Briggs; Brian Glynn; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

The Minutes of July 11, 2002 should be amended as follows: page 3, paragraph 3, line 4 should read, "...Glynn, to grant the waiver..."; and page 3, paragraph 4, line 6, "...request for Article 123-30.A.3...". **Mr. Glynn made a motion, seconded by Mr. O'Brien, to approve the Minutes of July 11, 2002 as amended. Motion unanimously carried.**

**THE DENISE F. BROUGHTON REVOCABLE LIVING TRUST – FULL SITE PLAN REVIEW CONTINUED (PID 202-16) FILE #FR02-09**

Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Bergeron explained the changes. Mr. Irving stated that the Town Engineer's approval is still needed, which can be a condition of approval. Mr. Drinkhall asked if there were any questions by the Board; there was none.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall told the audience if anyone had any questions with any of the waivers to raise their hand and the Board will address any issues. Mr. Drinkhall read a waiver request for Articles 123-20.E. & 22.B. **Mr. Glynn made a motion, seconded by Mr. Briggs, to grant the waiver request for Articles 123-22.E. & 22.B. Motion unanimously carried.**

Mr. Drinkhall read a waiver request for Article 123-20.G. Mr. Bergeron stated that all the waiver requests were approved under the previous application. The Board agreed to read the waiver requests in a block. Mr. Drinkhall read waiver requests for Articles 123-20.G., 123-20.I., 123-27 & 131-67.C.8.a., 131-67.C.8.f., 129-A.2. & A.3., 123-29.D.8., 123-35., and 123-36.B. Mr. Drinkhall asked if there were any comments by the Board; there was none. Mr. Drinkhall asked if there were any public comments; there was none.

**Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver requests for Articles 123-20.G., 123-20.I., 123-27 & 131-67.C.8.a., 131-67.C.8.f., 129-A.2. & A.3., 123-29.D.8., 123-35., and 123-36.B. Motion unanimously carried.**

**Adopted: August 8, 2002 – As Written  
CONWAY PLANNING BOARD – JULY 25, 2002**

Mr. Irving asked if underneath the deck is shielded. Mr. Bergeron answered not yet. Mr. Irving suggested including the screening of underneath the deck in the bonding to make sure it is completed. Mr. Bergeron agreed.

**Mr. O'Brien made a motion, seconded by Mr. Glynn, to conditionally approve the Full Site Plan review for the Denise Broughton Revocable Living Trust conditionally upon the Town Engineer approval of drainage plans and structures; remove article 123-22.C. from granted waiver list on the plans; North Conway Fire Chief Approval; bonding for 50% of site improvements including the enclosure of the area under the deck and 100% for landscaping; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 90 days [October 23, 2002].** Mr. Drinkhall asked for public comments; there was none. **Motion unanimously carried.**

**HAROLD WHITAKER AND THOMAS FADDEN – 6-LOT SUBDIVISION  
CONTINUED (PID 263-76) FILE #S02-06**

Bob Defuto of Ammonoosuc Survey Company and Robert Zimmerman, Attorney for the applicant, appeared before the Board. Mr. Zimmerman stated that he stands by his letter. Mr. Irving stated that the Board can accept what the applicant's attorney has presented; request the abutter with the concern to submit something to the Board; or have Town Counsel review both positions.

Mr. Irving stated if the two parties do not come to an agreement it would be a civil matter. Mr. Irving stated that either party could appeal the Planning Board's position. Mr. Irving stated that he would suggest obtaining an opinion from Town Counsel. Mr. Irving asked if the abutter had anything to present tonight. Danny and Bobby Quint appeared before the Board. Mr. Danny Quint stated that the deed states "a right-of-way" and this will probably be decided in court.

Mr. Irving stated that the Board needs to make a decision unless the applicant withdraws the application. Mr. Irving stated that the Board should have Town Counsel review it and then make a decision. Mr. Danny Quint submitted a letter to the Board from his attorney. Mr. Drinkhall asked for board comments; Mr. O'Brien stated that Town Counsel should review both positions.

Mr. Zimmerman stated that this property was purchased without this easement in place. Mr. Zimmerman asked where does it say by Mr. Viet that there are any limitations what so ever. Mr. Zimmerman stated that it is a single right-of-way to go over the entire road. Mr. Briggs asked the Quint's if they question the applicant's rights to do what they want. Mr. Danny Quint agreed and stated that Mr. Viet did not build the road, they did.

Mr. Zimmerman stated that if the abutter is dissatisfied there is a way for this to go to court and be resolved quickly. Mr. Defuto stated that he tried to contact the abutter with no response. Mr. Zimmerman stated that he did speak with Mr. Danny Quint once and the applicant's do not feel they should be paying to utilize a right they already have. Mr.

**Adopted: August 8, 2002 – As Written  
CONWAY PLANNING BOARD – JULY 25, 2002**

Zimmerman stated that they agree that they should pay a portion of the maintenance, but not to buy into a road they already have a right to pass over.

**Mr. Glynn made a motion, seconded by Mr. O'Brien, to continue the subdivision review for Harold Whitaker and Thomas Fadden until August 8, 2002. Motion unanimously carried.**

Mr. Drinkhall asked for public comment; Jim Pitman stated that he affirmed before Mr. Whitaker and Mr. Fadden purchased the property that Mr. Viet had reserved a right-of-way. Mr. Pitman stated that Mr. Viet did state that he had reserved a right-of-way for all of this property.

Mr. Danny Quint stated that he did not received a phone call from Mr. Defuto as he always returns his calls. Mr. Danny Quint stated he probably left a message at his father's house. Mr. Danny Quint referred to RSA 671:60 and 131-A. Mr. Danny Quint stated that he was informed that someone was researching this property at the Registry of Deeds. Mr. Pitman stated that they were researching the boundary line adjustment that was approved on this property a few months ago.

#### **OTHER BUSINESS**

Horizon Christian Fellowship (PID 258-30): Mr. Irving stated that the Zoning Board of Adjustment granted a special exception for a 30-person day care at the church conditionally upon Planning Board approval. Mr. Irving asked if this would be considered a small undertaking under Article 123-4. **Mr. Briggs made a motion, seconded by Mr. O'Brien, that adding a 30-person day care to the church is a small undertaking under Article 123-4. Motion unanimously carried.**

T. Paul And Loretta L. Matsubara/Car Wash – Extension of Approval (PID 277-287): Mr. Irving stated that the car wash would like a 90-day extension of approval. **Mr. Briggs made a motion, seconded by Mr. Glynn, to extend the approval for T. Paul And Loretta L. Matsubara /CarWash for 90 days [October 23, 2002]. Motion unanimously carried.**

Inglewood Subdivision (PID 250): Mr. Irving stated that a prospective buyer has asked the validity of a subdivision from the 1970's and would like to invite the owner of the property to discuss this with the Board. **Mr. Glynn made a motion, seconded by Ms. Tobin, to invite the property owner of the Inglewood Subdivision to the August 22, 2002 Planning Board meeting. Motion unanimously carried.**

Expansion of Beep Beep Deli in Albany onto land in Conway – Conceptual Review: Andrew Manning of H.E. Bergeron Civil Engineers; Bob Mattheau, owner; and Rick Rosen of Bradford Oil appeared before the Board. Mr. Manning stated that the owner has purchased property in Conway adjacent to the Beep Beep Deli. Mr. Manning reviewed the proposed project.

**Adopted: August 8, 2002 – As Written  
CONWAY PLANNING BOARD – JULY 25, 2002**

Mr. Manning stated that the canopy will be a new 4-bay canopy that will allow single cars to enter and exit. Mr. Manning stated that Bradford Oil currently owns this new canopy and this canopy is the best fit for this site. Mr. Manning stated that the owner will be asking for a waiver from a pitched roof. Mr. Manning stated that 40% of the canopy will be located in Conway. Mr. Manning stated that they are also proposing many safety improvements, which may outweigh some of the architectural guidelines.

Mr. Briggs asked if the main concern is the canopy. Mr. Manning answered in the affirmative. Mr. Briggs asked if they had a photograph of the canopy. Mr. Manning answered in the negative and stated that it is a standard canopy similar to the Mobile station across from the Red Jacket Inn. Mr. Irving stated that the flat roof canopies that are currently existing were constructed before the adoption of the regulation. Mr. Manning stated that they construct these canopies for a certain weight and they are not going to over design, therefore, the canopy support structure can only hold the canopy.

Mr. Glynn suggested putting something on the side of it. Mr. Manning stated he did not know, but they may be able to remove the metal and replace it with cedar clapboard. Mr. Irving stated that the original intent of the architectural guidelines was to prevent large box buildings. Mr. Irving stated that you may be able to come up with something structurally sound that looks like a pitched roof. Mr. Irving stated that Sheila Duane, Chair, has also suggested a joint meeting with Albany to review this project.

Mr. Manning stated if they meet the surface guidelines, but not the pitch requirements and then if they can design a false façade to simulate a pitched roof they will do that, would the Board be agreeable. Mr. Irving asked if the economic viability of this project is such a fine line that meeting the Town's standards are going to kill the project. Mr. Mattheau stated that this proposal is correcting a lot of the safety concerns and Albany is okay with the project. Mr. Mattheau asked if the canopy is going to make a difference in safety. Mr. Mattheau stated that this is leading to the aesthetics of the area and this site is definitely wooded. Mr. Mattheau stated that he would like something low key and a pitched roof on a 100-foot structure is massive and more of an eye sore. Mr. Mattheau stated that it would cost more.

Mr. Irving asked if it would be so cost prohibited that it would prevent the project from going forward. Mr. Rosen stated that it is getting close. Mr. Manning stated these improvements will not be attracting more people. Mr. Irving asked if they can build a new one. Mr. Rosen stated that he's not sure he can answer that and also he said he would be concerned with the snow of a pitched roof as it would create a lot of problems.

Mr. Drinkhall polled the Board. Mr. Briggs agreed to change the siding and no lettering; Mr. O'Brien agreed with Mr. Briggs; Mr. Glynn suggested gable ends and same material as on the building; Ms. Tobin stated if the façade meets the intent then she would be okay; and Mr. Robinson stated that it is the beginning of Conway Village and we need to be careful. Mr. Robinson stated that it should look like the building with gable ends and natural materials. Mr. Drinkhall asked for public comment; there was none.

**Adopted: August 8, 2002 – As Written  
CONWAY PLANNING BOARD – JULY 25, 2002**

North South Local Road: Mr. O'Brien wanted to discuss the secret railroad run and loading platform that just seemed to appear. Mr. O'Brien asked where are they going to park; are they using the Town parking lot; and isn't the parking issue up to the Board to review. Mr. Irving stated that it is a government use on government land and may be able to review under RSA 674:64. Mr. Irving asked if this would fall under the Citizen Design Review Committee mandate.

Mr. Glynn stated that he read they are constructing their own parking lot. Mr. Irving stated that he could send a letter or call the owner of the railroad and ask them to come before the Board under RSA 674:64. Mr. Irving stated that the Board can choose to call a public hearing and submit unbinding recommendations. Mr. Briggs stated any more parking made available is a plus. Mr. Irving stated that he can contact the NHDOT. The Board agreed.

Meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary

July 25, 2002

RECEIVED

JUL 19 2002

hem

TOWN OF CONWAY

**H. E. Bergeron Engineers**  
• Civil • Structural • Land Surveying

P.O. Box 440  
2605 White Mountain Highway  
North Conway, NH 03860  
(603) 356-6936  
(603) 356-7715 (fax)

65 W. Commercial Street  
Portland, ME 04101  
(207) 780-1100  
(207) 780-1101 (fax)  
www.hebcivil.com

HEB

July 19, 2002

Mr. Tom Irving, Planning Director  
Town of Conway  
Town Hall, P.O. Box 70  
Conway, NH 03818

Re: **Request for Conceptual Review**  
**Beep-Beep Deli Mart**

Dear Mr. Irving,

On behalf of our clients, H.E. Bergeron Engineers (HEB) is submitting a request for Conceptual Review by the Planning Board for the site redevelopment of the Beep-Beep Deli Mart in the southern portion of Conway.


**Conceptual Review of Beep-Beep Deli Mart, Tax Map 277, Lot 221**

The Beep-Beep Deli Mart, an existing service station located on the Albany/Conway town line, is proposing a redevelopment of the site with a relocation of the fueling stations, redevelopment of the on-site vehicle circulation and a reconstruction of the site driveways.

Based on our conversation this morning, HEB requests the Conceptual Review be placed on the next regularly held public hearing of the Planning Board, scheduled for July 25, 2002. Bradford Oil Co. is currently reviewing the matter and may decide in the next day or so to remove the project from advancing any farther. If so, I will let you know as soon as possible of their decision.

If you have any questions or would like to discuss the proposed developments, please feel free to contact me at 356-6936. Thank you for your time in attending to this request.

Sincerely,  
H. E. Bergeron Engineers, P.A.

  
Andrew Manning, P.E.  
Project Engineer

Cc: Richard Rosten, Bradford Oil Co.