

CONWAY PLANNING BOARD

MINUTES

APRIL 8, 2004

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## CONWAY PLANNING BOARD

### MINUTES

APRIL 8, 2004

A meeting of the Conway Planning Board was held on Thursday, April 8, 2004 beginning at 7:04 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Vice Chair, Robert Drinkhall; David Robinson; and Connie Briggs; Planning Director, Thomas Irving; and Acting Recording Secretary, Karen Hallowell.

#### REVIEW AND ACCEPTANCE OF MINUTES

**Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the Minutes of March 25, 2004 as written. Motion unanimously carried.**

#### LESLIE AND JANET NAGY/JANET'S REALTY TRUST – BOUNDARY LINE ADJUSTMENT REVIEW (PID 202-3 & 4) FILE #S04-08

Doug Burnell of H.E. Bergeron Civil Engineers appeared before the Board. This is an application to add 0.12 of an acre to PID 202-4 (Carriage Inn Restaurant) from PID 202-3 (vacant land).

Mr. Burnell explained this boundary line adjustment would add clearance to the side of the building giving it the proper setback.

Mr. Irving recommended accepting application.

**Mr. Briggs made a motion, seconded by Mr. Robinson, to accept the application of Leslie and Janet Nagy/Janet's Realty Trust for a subdivision/boundary line adjustment review as complete. Motion unanimously carried.**

Ms. Duane asked for public comments. There were no public comments.

Ms. Duane next asked for comments from the Board. The Board questioned if any bushes would be planted on the side of the building. Mr. Burnell advised it is their desire to keep this a field. Mr. Briggs commented that there is no need to worry about trees at this point, as they will be coming back for site plan review. Mr. Irving pointed out that the NHDOT would also be taking part of the vacant lot.

Ms. Duane read the requirements to grant a waiver. Ms. Duane read the waiver requests for Articles 131-24.N. & 131-24.W.; 131-24.T. & 131-24.N; and 131-37.1.A. & B. **Mr. Drinkhall made a motion, seconded by Mr. Robinson, to grant the waivers for Articles 131-24.N. & 131-24.W.; 131-24.T. & 131-24.N; and 131-37.1.A. & B. Motion unanimously carried.**

**Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant conditional approval for Leslie and Janet Nagy/Janet's Realty Trust conditionally upon North Conway Fire Chief Approval; North Conway Water Precinct Approval; submitting a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on July 8, 2004. Motion unanimously carried.**

#### **PUBLIC HEARING - 123-29.A. – LANDSCAPING**

This public hearing is to increase the buffer along the North-South Road between Barnes Road and Artist Falls Road and for parcels in the Highway Commercial District that are adjacent to the Residential/Agricultural District. The public hearing was opened at 7:15 p.m.

Mr. Irving gave an overview of what the proposed changes to 123-29.A Landscaping would accomplish. Mr. Irving explained the purpose of the buffer is to help protect the North-South Road. Mr. Irving further explained that the buffer we thought we had didn't extend to the west side of the North-South Road and this proposal will increase the buffer to 100 feet. Also, with regard to the parcels that are in the highway commercial district adjacent to the residential agricultural district, the buffer shall increase to 50 feet.

Ms. Duane questioned if we have looked at any negative impacts of doing this or if this would create a hardship for any landowners. Mr. Irving explained that there are a couple of lots that currently encroach into the existing setback and buffer and they would also encroach into this setback and buffer. Also, as far as negatives, the principal concern he has is that the way our current district boundaries are they do not follow lot lines. Mr. Irving explained you may find instances where district lines cross over corners of some properties. It is his hope in the future that we can take the boundary lines and put them along property lines. Mr. Irving further noted that there are not a lot of properties that will be affected by this because it only affects those in highway commercial and residential agricultural.

Ms. Duane read aloud the proposed 123.29.A Landscaping (A copy is attached hereto). Ms. Duane stated that this would put in place what everyone thought was already there.

Ms. Duane next asked for public comment. Ken Vance questioned if the lot line in back of the Village at North Conway property that runs parallel with the North-South Road will change. Mr. Irving advised that the buffer requirement there will increase to 100 feet from the right of way. Mr. Vance questioned if there is that much room out there. Mr. Irving advised that he believes there is and also suggested keeping in mind that there is a significant amount of land between the Village at North Conway property and the North-South Road that still belongs to the state.

Mr. Vance next questioned if the changes would involve any landscaping being done in back of the Village at North Conway. Mr. Irving advised that landscaping could mean a

lawn or a forest. Mr. Vance questioned if there is any way they could have trees there as a buffer from the North-South Road. Mr. Irving advised that he does believe there is any regulation that would preclude them from planting trees in the buffer. Mr. Vance stated that they have limited funds and was hoping they would be getting some trees from the town.

Doug Burnell questioned if there is a right of way line that is different than what the State purchased. Mr. Irving advised that the State took not only the property for the North-South Road right of way but they also took a series of properties from a cul-de-sac that came off of Barnes Road and this left the lots at the point where they really aren't buildable and so there is a significant amount of State land between the North-South Road and the private land.

Mr. Briggs questioned how Body by Thor is affected by the proposed change. Mr. Irving advised that the building is not affected but the land is going to be affected.

Mr. Irving recommended continuing this matter to a future meeting to make sure that everyone fully understands. Ms. Duane stated that this proposal protects residential neighborhoods that abut commercial property and does not see an issue with adopting tonight; however if the Board wishes, this hearing can be continued. **Mr. Drinkhall made a motion, seconded by Mr. O'Brien, to continue the public hearing for §123-29.A. to April 22, 2004. The motion carried unanimously.**

#### **OTHER BUSINESS**

**Bellevue Properties (PID 235-97 & 98):** Mr. Irving reviewed that this matter was before the Board at a previous meeting and it was requested that the town confirm that there are no issues relative to this matter. Mr. Irving advised that he did contact the property owner that shares the parking facility on one of these lots and they were pleased that they heard from us and indicated that they were not concerned with the lot merger.

Ms. Duane read aloud the request for the lot merger. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to sign the lot merger for Bellevue Properties to merge PID 235-97 and 235-98 to one lot of record. Motion unanimously carried.**

**Riverstones Bakery (PID 265-155) - §123-4.A.(5):** Mr. Irving stated that the owner's would like to add outdoor seating. Mr. Irving stated that the seating would consist of twelve small bistro tables with two chairs each.

Lynn Gonier appeared before the Board and distributed photocopies of the property showing where the outdoor seating area would be located and reviewed same. Ms. Gonier explained that she would like to take the railroad ties out that are in front of the building and put in pavers and also have bistro tables with chairs.

Mr. Briggs questioned if any of the seating would be put in the existing parking area. Ms. Gonier replied in the negative.

Ms. Duane requested comments from the public. There were no comments made.

**Mr. Briggs made a motion, seconded by Mr. O'Brien, that based on the provisions of §123-4.A.5., regarding applicability, allowing outdoor seating that consists of 12 bistro tables with 2 chairs each 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**

**North Conway Incinerator Service (PID 253-28 & 29) File #FR03-13 – Extension of Conditional Approval:** Mr. Irving advised that they have requested an extension to November. **Mr. Drinkhall made a motion, seconded by Mr. Robinson, to extend the conditional approval for North Conway Incinerator Service until November 11, 2004. Motion unanimously carried.**

**Agnes Birch/Green Granite Limited Partnership (PID 246-35) File #FR03-06 – Extension of Conditional Approval:** Mr. Briggs made a motion, seconded by Mr. Drinkhall, to extend the conditional approval for Agnes Birch/Green Granite Limited Partnership until July 22, 2004. **Motion unanimously carried.**

**Subcommittee Dissolution:** Mr. Irving recommended that the Board make a formal motion to dissolve any subcommittees that have been created by the Planning Board. Mr. Irving explained several subcommittees such as the Ordinance Review Committee, Workforce Housing Committee and Consultant Selection Subcommittees are inactive. **Mr. Drinkhall made a motion, seconded by Mr. Briggs, that the Planning Board vote to formally dissolve the Ordinance Review Subcommittee, the Master Plan Consultant Selection Subcommittee, and the Workforce Housing Subcommittee. Motion unanimously carried.**

**North Conway Village Associates Streetscape Project:** Mr. Irving reviewed that at a previous meeting the North Conway Village Association reviewed a streetscape plan for North Conway Village with the Board. At that meeting the Board indicated that they would endorse this plan as proposed. Mr. Irving next advised that the North Conway Village Association has requested that the Board sign a letter showing they endorse the project. Ms. Duane next read aloud the proposed letter of support. **Mr. Briggs moved, seconded by Mr. Drinkhall, to endorse the letter. The motion carried unanimously.** (Ms. Duane signed the letter and a copy of same is attached hereto).

**Letter to Press regarding Warrant Article 2:** Ms. Duane reviewed that several letters have appeared in the newspaper written by former board members asking voters not to pass Warrant Article 2. Ms. Duane next advised that Town staff has prepared a letter to hopefully appear in the editorial section of the newspaper that clarifies misinformation provided in the letters sent by the previous board members. Ms. Duane read aloud the draft letter proposed by Town staff. (A copy is attached hereto). A copy of this letter was also given to news reporter, Bart Bachman, of the Conway Daily Sun. **Motion was**

**made by Mr. Drinkhall, seconded by Mr. O'Brien, to have this letter sent to the newspaper. The Motion carried unanimously**

**Adjourn: Mr. O'Brien moved, seconded by Mr. Briggs, to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Karen J Hallowell  
Acting Recording Secretary

Dear Conway Voters:

Regarding recent representations that have been made in the press relative to Article #2 on the Conway Town Warrant, the Planning Board wishes to reaffirm and reassure the Conway Voters that the proposed article is, and has always been, represented as the first of several steps to rehabilitate the Conway Zoning Ordinance. As far back as a year ago when the Board commenced this substantial task the purpose was to reorganize the Zoning Ordinance based on districts, redefine the districts to more closely represent the villages, clarify overlay district designations, and clarify the regulations by making minor adjustments to district boundaries and language to make the ordinance more user friendly.

The Board worked on this project at its duly noticed regular meetings. The work sessions and progress updates at these meetings were always open to the public and the Board encouraged public participation throughout the year. Prior to satisfying the required Public Hearings the Board even held a Public Information Meeting to specifically showcase the Draft ordinance that is now being considered as Article #2.

The Board is confident that this is a progressive step toward rehabilitating the Zoning Ordinance, that Article #2 is consistent with the recently adopted Master Plan, and moreover, Article #2 will not change what you are permitted to do with your land relative to the current regulations.

Respectfully submitted,

Town of Conway Planning Board



# TOWN OF CONWAY

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

(603) 447-3855  
FAX (603) 447-5012

RE: North Conway Village Streetscape

To Whom It May Concern:

Please accept this letter as our support and endorsement of the above referenced project. The Streetscape Plan will provide enhancements to the Village of North Conway including brick sidewalks, attractive benches and trash receptacles, decorative lighting, additional plantings, and most importantly, the burying of the overhead utility lines. These improvements would be part of major construction work that is schedule to take place in the village in years 2005 and 2006.

The Town of Conway has recently completed a comprehensive master plan in which a major goal is to refocus on the villages. The proposed streetscape plan would be a significant step in that direction. We believe the North Conway Village plan enhances the community by encouraging residents and visitors alike to walk along the sidewalks and utilize the many locally owned shops, restaurants and lodging facilities that are such an integral part of the character and viability of the village.

The Mount Washington Valley is an area steeped in natural beauty. Residents live here and tourists travel here to enjoy the abundant views and the warm atmosphere created by the scenic highways and the villages themselves. We believe the proposed streetscape plan will add to this experience.

We wholeheartedly support the North Conway Village Streetscape project and hope you will look upon it favorably as well.

Sincerely,

Sheila Duane, Chair  
Conway Planning Board



**123-24. Snow Removal.** Snow removal shall be considered for all sites, and the general plan for snow removal shall be indicated in a note. Locations for snow storage shall be designated on the plat, or there shall be a note indicating that all snow shall be removed from site. In no case shall snow be stored on a landscaped area in which the snow pile could destroy the landscaping.

**123-25. Pedestrian Access and Circulation.** All sites shall provide for safe pedestrian access and circulation. Such provision shall include sidewalk access to existing street-side sidewalks if applicable, pedestrian aisles through parking lots, and other facilities as are appropriate for the site.

**123-26. Lighting.** Lighting of sites shall be designed to prevent off-site disturbance, nuisance or hazard. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site, shielding to the extent necessary abutting properties and roads. No light source shall be permitted if that light causes glare or other safety problems on an adjacent street. Outdoor lighting fixtures shall not be mounted higher than 30 feet in the Highway Commercial and Recreational Resort Districts, nor higher than 20 feet in all other districts. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.

**123-27. Storm Drainage.** Storm drainage of the site shall be designed with provisions for retention and gradual release of stormwater. This shall include provisions for upgrading the existing drainage system if it is inadequate. All additional stormwater and runoff, which results from the proposed development shall be retained on-site and shall not drain onto adjacent properties, roads or waterways. Drainage plans and calculations, prepared and certified by a licensed NH Professional Engineer, shall be submitted with the application. Drainage facilities shall be designed to accommodate a 25 year storm event. Where drainage is being calculated for a compacted gravel surface such as a parking lot, the calculations shall reflect a paved surface so that future paving of the lot does not significantly alter the drainage of the site.

**123-28. Utilities.** To enhance the design of the site and the Town, all utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved under the following circumstances:

- A. for new development or new buildings; and
- B. for expansions of greater than 5,000 square feet or 50%, whichever is more restrictive, of floor space.

**123-29. Landscaping.** Every lot shall comply with the following standards in order to: enhance site design; enhance privacy; separate, screen and shield potentially conflicting land uses or abutters from undue impact; reserve a portion of the lot to remain undeveloped, permeable, and vegetated; control excessive storm water runoff; prevent soil erosion and pollution of water bodies; reduce heat, glare and dust; not detract from the Town's aesthetic qualities; and help integrate the built environment with the natural environment.

- A. **Buffer Areas.** In addition to buffers required by with the Town of Conway Zoning Ordinance, Every lot shall reserve a buffer area along and within its perimeter boundaries in accordance with the following:

1. The buffer area along the North-South Road between Barnes Road and Artist Falls Road shall extend 100 feet from the right of way. Parcels in the Highway Commercial District that are adjacent to the Residential/Agricultural District shall have a buffer area that either extends 50 feet from the adjacent lot in the Residential/Agricultural District, or the area within the front, side and back lot line setbacks as specified in the Conway Zoning Ordinance, whichever is more restrictive. In all other cases t~~The buffer area shall be defined as that area within the front, sideline, and back-rear lot line setbacks as specified in in Section 147-17.A and B of the Conway Zoning Ordinance, except as limited in Section "5" below, and setbacks from natural resource (such as from rivers or lakes) shall not apply;~~
  2. The buffer area shall be vegetated, except for driveways and other features approved by the Board;
  3. The buffer area shall not be used for merchandise display, vehicle parking or storage, or any other use which conflicts with the purpose and standards of this landscaping section;
  4. Driveways shall cross the buffer areas at an angle of 90 degrees +/- 15 degrees to the perimeter boundary; and
  5. In the Conway Village Commercial and North Conway Village Commercial districts, the buffer shall not include the area within the front setback. The purpose for this exception is to permit activities related to the primary use within this area, such as outdoor restaurant seating or merchandise display. Such uses shall require Board approval under this chapter, and related site improvements such as additional parking and drainage shall be required.
- B. Greenspace. In all zoning districts, greenspace shall comprise no less than 25% of the total lot area, exclusive of wetlands, waterbodies, 100 year floodplain (or 10 year floodplain adjacent to Pequawket Pond), and slopes over 25%, except as permitted in Section 1 below.
1. In the Industrial-1 District, greenspace shall comprise no less than 25% of the total lot area, inclusive of wetlands, 100 year floodplain (or 10 year floodplain adjacent to Pewquaket Pond), and exclusive of slopes over 25% and waterbodies.
- C. Industrial uses in the Industrial-1 District shall plant at a minimum, trees fifty feet on center in the rear and side setback areas. Trees shall be planted twenty-five feet on center in all front setback areas. Where buffer areas are adjacent to sites that are landscaped, every effort shall be made to stagger tree plantings such that they fill in the existing voids on the adjacent site. Additionally, every effort shall be made to save existing trees on site. Additional tree plantings may be required by the Board to screen the visual impact of buildings and to aid in noise reduction.
- D. Trees. All lots regulated by this chapter (except those subject to §123-29.C) shall have trees in accordance with Section 1-11 below.