

CONWAY PLANNING BOARD

MINUTES

JULY 28, 2005

A meeting of the Conway Planning Board was held on July 28, 2005 beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Vice Chair, Conrad Briggs; Secretary, Martha Tobin; Steven Porter; Russell Henderson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Mr. Porter, to approve the Minutes of July 14, 2005 as written. Motion carried with Ms. Tobin abstaining from voting.

SITE PLAN REVIEW FEES - §123-8 & §123-44 – PUBLIC HEARING

Mr. Irving gave a review of the fee structure. The public hearing was opened at 7:04 p.m. Mr. Drinkhall asked for public comment; there was none. The public hearing was closed at 7:05 p.m. **Mr. Briggs made a motion, seconded by Mr. Porter, to adopt the changes to §123-8 & §123-44 as written. Motion unanimously carried.**

SUBDIVISION REVIEW FEES - §131-13 – PUBLIC HEARING

The public hearing was opened at 7:05 p.m. Mr. Drinkhall asked for public comment; there was none. The public hearing was closed at 7:06 p.m. **Mr. Briggs made a motion, seconded by Ms. Tobin, to adopt the changes to §131-13 as written. Motion unanimously carried.**

ROGER, SR. AND JACQUELINE GARLAND – FULL SITE PLAN REVIEW (PID 253-10) FILE #FR05-13

Ron Briggs of Briggs Land Surveying appeared before the Board. This is an application to convert a 1,195 square foot residential home into office space at 636 East Conway Road. **Mr. C. Briggs made motion, seconded by Ms. Tobin, to accept the application of Roger, Sr. and Jacqueline Garland for a full site plan review as complete. Motion unanimously carried.**

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for Articles 123-20.F./131-67.C.8.f.; 123-20.G.; 123-20.I.; 123-29.A.2. & A.3.; and 123-29.D.8. **Mr. C. Briggs made a motion, seconded by Ms. Tobin, to grant the waiver requests for Articles 123-20.F./131-67.C.8.f.; 123-20.G.; 123-20.I.; 123-29.A.2. & A.3.; and 123-29.D.8.** Mr. Drinkhall asked for board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

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Mr. Drinkhall read the waiver request for §123-20.E. Mr. Henderson asked what is unique about this site to prevent pavement. Mr. R. Briggs answered the level of use. Mr. Henderson stated that it is inadequate to not pave. Mr. Drinkhall stated that it would be difficult for the handicap space. Mr. Irving stated that the applicant is proposing to pave the first 30-feet of the driveway. Mr. C. Briggs asked if the Board could limit the use of the property. Mr. Irving stated if the use changed they would have to come back to site plan review. Mr. C. Briggs stated that paving the first 30-feet is adequate for the use.

Ms. Tobin stated she is having a difficult time with the handicap space not being paved. Ms. Tobin asked what would the material be for the handicap parking space. Mr. R. Briggs stated that it would be compacted gravel. Mr. R. Briggs stated that the owner and one bookkeeper occupy this space and this is not a situation where the general public comes to the site.

Ms. Tobin stated ADA requirements would need to be met. Mr. Irving stated there is a note on the plan that ADA requirements would be met. Ms. Tobin stated that she is comfortable with that. Mr. Henderson stated that the site meets ADA requirements, but not the Town regulations. Ms. Tobin stated that we are also trying to reduce the amount of pavement. **Mr. Porter made a motion, seconded by Mr. Briggs, to grant the waiver request for §123-20.E. Motion carried with Mr. Henderson voting in the negative.**

Mr. Drinkhall read the waiver request for §123-22.B and §123-36.B. **Mr. Briggs made a motion, seconded by Ms. Tobin, to grant the waiver request for §123-22.B. and §123-36.B. Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Mr. Porter, to continue the full site plan review for Roger, Sr. and Jacqueline Garland until August 11, 2005. Motion unanimously carried.

RICK AND MARY BRILLARD – FULL SITE PLAN REVIEW (PID 215-20) FILE #FR05-14

Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Rick Brillard was in attendance. This is an application to add two multi-family residential structures for a total of 11 residential units and changes to the existing commercial site at 2888 White Mountain Highway. **Mr. Porter made a motion, seconded by Mr. Briggs, to accept the application of Rick and Mary Brillard for a full site plan review as complete. Motion unanimously carried.**

Luigi Bartolomeo reviewed building elevations. Robert and Linda Teagan of #120 River Road [PID 215-10] and Stephen Hartman of #94 River Road [PID 215-11] were concerned with the view from their lots to the back of the 8-unit building. Glen Saunders asked what are the building setbacks. Mr. Bergeron answered 10-feet. Mr. Saunders stated he is concerned with the minimum setback as the property has been maintained for 60 years and a residential setback [15-feet] should be maintained on the southerly side.

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Mr. Bergeron stated that the lot to the south is used for the administrative offices for White Mountain Oil. Mr. Saunders stated that it is used for the administrative offices with an apartment above. Mr. Bergeron stated that the applicant meets the requirements. Mr. Saunders stated residential in the commercial zone is taxed residential and the setbacks should be increased to reduce the impact to the neighboring residential property. Mr. Bergeron stated the 3-unit building could move to the North by 4-feet and then some landscaping could be planted. Mr. Saunders stated that that would be better than the 10-foot setback.

Mr. Teagan asked what happens if someone cuts down a tree for a better view. Mr. Bergeron answered that it would have to be replanted if it was used for credit in the tree count. Mr. Hartman asked if there would be provisions to keep the embankment from eroding during construction. Mr. Bergeron answered in the affirmative. Ms. Teagan was concerned with the trees on the slope being removed.

Mr. Teagan stated that the Board needs to address the potential run-off. Mr. Irving stated that the drainage has been reviewed and approved by the Town Engineer. Mr. Bergeron reviewed the drainage. Mr. Hartman asked for someone to guarantee him that there would be no problems with the drainage. Mr. Irving stated that there is a professional engineer that addresses the site then the Town Engineer reviews that engineer's design. Mr. Hartman stated if there is an increase what are the ramifications. Mr. Irving stated that the developer would be liable for any damages.

Mr. Henderson stated that there is a shed partially in the setback. Mr. Bergeron stated that the shed has been on the property line since 1957 and is allowed by a land use agreement.

Mr. Bergeron agreed to review moving the 3-unit building forward 4-feet. Mr. Henderson asked that the applicant look at moving the 8-unit building forward as well. Mr. Bergeron agreed to review it.

Mr. Drinkhall read the waiver requests for Articles 123-20.C.; 123-20.G.; and 123-29.A.2. & A.3. **Mr. Porter made a motion, seconded by Ms. Tobin, to grant the waiver requests for Articles 123-20.C.; 123-20.G.; and 123-29.A.2. & A.3.** Mr. Henderson asked if there are any other uses other than the shed and the pavement within the buffer. Mr. Irving answered in the negative. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Teagan asked about lighting. Mr. Bergeron reviewed the lighting plan. Mr. Irving stated that a commercial site could not install lighting without Town approval. Mr. Irving stated that lighting could not cast light off-site. Ms. Teagan asked about the workforce housing. Mr. Irving stated that there is nothing that defines workforce housing, however, the applicant was granted a special exception to grant up to 12-units per acre provided 25% of the units remain as rental units for not less than 20 years.

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Ms. Tobin made a motion, seconded by Mr. Porter, to continue the full site plan review for Rick and Mary Brillard until August 11, 2005. Motion unanimously carried.

ROCK DEVELOPMENT, LLC – FULL SITE PLAN REVIEW CONTINUED (PID 235-78) FILE #FR05-11

Roger Williams of OVP Management, Inc. appeared before the Board. This is an application to construct a 132,972 square foot home improvement center with associated parking, utilities and landscaping. This application was accepted as complete on June 9, 2005. Mr. Williams requested a continuance. **Ms. Tobin made a motion, seconded by Mr. Porter, to continue the full site plan review for Rock Development, LLC until August 11, 2005.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

HAROLD WHITAKER AND THOMAS FADDEN – 4-LOT SUBDIVISION (PID 266-160 & 275-18.17) FILE #S05-16

Doug Burnell of H.E. Bergeron appeared before the Board. Thomas Fadden was in attendance. This is an application to subdivide two-lots with a total of 13.57 acres into four-lots on Nickelback Road. This application was accepted as complete on July 14, 2005.

Mr. Burnell stated that the Conway Village Fire Chief has expressed the need for a fire pond or water storage in case of a fire. Mr. Burnell stated that this was not addressed under the original 19-lot subdivision. Mr. Burnell stated there is an excellent spot on lot 8 for a fire pond, but not quite sure because it is a perched wetland and dry during some parts of the year. Mr. Burnell stated that another alternative would be a reservoir or a tank. After a brief discussion, the applicant agreed the application should be continued.

Ms. Tobin made a motion, seconded by Mr. Porter, to continue the subdivision review for Harold Whitaker and Thomas Fadden until August 11, 2005. Motion unanimously carried.

OTHER BUSINESS

Frick and Frack, LLC/American Air Systems (PID 277-143) - §123-4.A.5. – File #NA05-11: Dan Franz of American Air Systems appeared before the Board. Mr. Franz stated that he would like to construct a 210 square foot addition to the existing building, pave an existing parking lot and add landscaping.

Ms. Porter made a motion, seconded by Ms. Tobin, that the Planning Board determined that based on the provisions of §123-4.A. 5., regarding applicability, that the 210 square foot addition, paving an existing parking lot and adding landscaping 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 with the condition before any

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permits issued the Town Engineer approve the final grading and paving of the parking lot. Motion unanimously carried.

Built on Trust Investments/Don Johnson (PID 202-4) - §123-4.A.(5) – File #NA05-12: Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Bergeron stated that the applicant would like to convert 794 square feet of office space, 279 square feet of storage space and 1,618 of retail space to 150 square feet of office space, 800 square feet of retail, 82 restaurant seats, construct a 580 square foot deck and relocate the dumpster. Mr. Bergeron stated that the site would be deficient 22 parking spaces. Mr. Briggs stated that he was okay with the proposal. Mr. Henderson stated that the impact is too great.

Mr. Briggs made a motion, seconded by Ms. Tobin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that converting 794 square feet of office space, 279 square feet of storage space and 1,618 of retail space to 150 square feet of office space, 800 square feet of retail, 82 restaurant seats, construct a 580 square foot deck and relocate the dumpster 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. Henderson voting in the negative.

Meeting adjourned at 9:10 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary