

CONWAY PLANNING BOARD

MINUTES

MAY 10, 2007

A meeting of the Conway Planning Board was held on Thursday, May 10, 2007 beginning at 7:03 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Secretary, Steven Porter; Sean McFeeley; Hud Kellogg; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

CHANGES TO AGENDA

Mr. Kellogg made a motion, seconded by Mr. Martin, to move item #6 on the agenda to #5 and move item #5 to #6 on the agenda. After a brief discussion, Mr. Martin withdrew his second and Mr. Kellogg withdrew his motion.

Mr. Martin made a motion, seconded by Mr. Kellogg, to switch item #5 and #6 on the agenda and move Appointment of Planning Board member to the first item on the agenda. Motion unanimously carried.

APPOINTMENT OF PLANNING BOARD MEMBER

Ted Sares was in the audience. Mr. Drinkhall stated that Mr. Sares has expressed interest in filling the vacancy on the Planning Board. Mr. Martin stated that he thinks Mr. Sares would do a wonderful job. **Mr. Martin made a motion, seconded by Mr. Drinkhall, to appoint Ted Sares as a Planning Board Member for one-year to fill out the remainder of Russell Henderson's term. Motion unanimously carried.**

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of April 26, 2007 indicate that Martha Tobin was in attendance, however, she was not. **Mr. Porter made a motion, seconded by Mr. Martin, to approve the Minutes of April 26, 2007 as amended. Motion carried with Mr. McFeeley abstaining from voting.**

THE KENNETT COMPANY – 49-LOT SUBDIVISION REVIEW (PID 291-30) FILE #S07-10

Jay Poulin of H.E. Bergeron appeared before the Board. This is an application to subdivide 583 acres into 49-lots, associated road infrastructure and common lands. **Mr. McFeeley made a motion, seconded by Mr. Porter, to accept the application of The Kennett Company for a Subdivision Review as complete. Motion unanimously carried.**

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Mr. Irving stated that the applicant has applied to the Zoning Board of Adjustment (ZBA) in regard to wetlands. Mr. Irving stated that the other items are minor in nature and would recommend the Board open the public hearing and then continue until June 14 to allow the applicant address any issues from the ZBA, the State and for the Town Engineer review.

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Mr. Martin made a motion, seconded by Mr. Porter, to continue the Subdivision Review for The Kennett Company until June 14, 2007. Motion unanimously carried.**

**AMETHYST HILL PROPERTIES – FULL SITE PLAN REVIEW (PID 252-47)
FILE #FR07-10**

Jay Poulin of H.E. Bergeron Engineers appeared before the Board. Kirk Saunders was in attendance. This is an application to construct a self-service commercial fuel station with a 10'x12' maintenance building, two underground fuel storage tanks and a 24' x 26' canopy. **Mr. Porter made a motion, seconded by Mr. McFeeley, to accept the application of Amethyst Hill Properties as complete. Motion unanimously carried.**

Mr. Poulin stated that this facility is not open to the general public. Mr. Irving asked if they had spoken to the Fire Chief regarding water availability. Mr. Poulin stated that there is a dry hydrant on the property. Mr. Saunders stated that there are two dry hydrants on the property. Mr. Martin asked if an on-board ansul system would be required. Mr. Saunders answered in the affirmative. Mr. Irving stated that this project is located on a property that is subject to and already has a site-specific permit. Mr. Irving stated that the applicant would need to update their site-specific application.

Mr. Irving asked if the applicant is still proposing a new overhead wire over East Conway Road. Mr. Poulin answered in the affirmative. Mr. Saunders stated he has made preliminary calls and still needs to be worked out. Mr. Martin asked if there is a concrete pad at the pump area. Mr. Poulin answered in the affirmative. Mr. Martin asked why not pave the whole driveway. Mr. Poulin stated that the applicant didn't think it would be necessary as it is not for the general public and it is a flat site.

Mr. Drinkhall asked for public comment; Mr. Sares asked if the facility would be open 24-hours. Mr. Saunders answered in the affirmative. Mr. Sares asked if the site would be attended. Mr. Saunders answered in the negative. Mr. Sares asked what if there is a fire. Mr. Poulin stated that there would be alarm systems. Mr. Kellogg stated there needs to be a way to contact emergency services in the case of a fire. Mr. Saunders stated that they could provide a phone. Mr. Irving stated that there would be a fire alarm system that would have to be reviewed and approved by the Fire Marshall. Mr. Poulin stated that the applicant needs Fire Chief approval and they have the jurisdiction. Mr. Drinkhall polled Board. Mr. Porter, Mr. Martin, Mr. McFeeley and Mr. Drinkhall agreed to leave the issue to those with jurisdiction.

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Mr. Sares asked if there are any other facilities like this one in the State. Mr. Drinkhall stated in the affirmative. Mr. Sares stated that the applicant should be required to follow the same rules. Mr. Drinkhall agreed. **Mr. Kellogg made a motion, seconded by Mr. Martin, to require as part of the approval that an automated 911 system to their fire system.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion defeated with Mr. Martin, Mr. Porter, Mr. McFeeley and Mr. Drinkhall voting in the negative and Mr. Kellogg voting in the affirmative.**

Mr. Martin made a motion, seconded by Mr. Porter, to continue the Full Site Plan Review for Amethyst Hill Properties until June 28, 2007. Motion unanimously carried.

**KATHERINE BRASSILL/ADVENTURE SUITES – FULL SITE PLAN REVIEW
(PID 202-14) FILE #FR07-11**

Ron Briggs of Briggs Land Surveying appeared before the Board. Katherine Brassill was in attendance. This is an application to amend previously approved site plan by constructing second story office space, reconfiguring and expanding parking lot, constructing a sidewalk and the retention of an existing shed. **Mr. Porter made a motion, seconded by Mr. Martin, to accept the application of Katherine Brassill/Adventure Suites for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Martin asked if there were any changes to the north and south elevation. Mr. Briggs answered in the negative. Mr. Martin asked if the new elevations showed the new second floor addition only. Mr. Briggs answered in the affirmative.

Mr. Irving stated that the north and south elevations submitted were to show that the second story addition wrapped around as it didn't show that on the cut section. Mr. Irving stated there is a garage on the southern side that helps to break up the south elevation. The Board agreed that the north and south elevations should be included in the plan set.

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

Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan for Katherine Brassill/Adventure Suites conditionally upon North Conway Water Precinct Approval; NHDOT Driveway Permit; Town Engineer Approval; add north and south elevations to plan set and renumber the plan sheets accordingly; revise cover sheet as necessary; a Mylar; a performance guarantee for

site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 9, 2007. Motion unanimously carried.

JEANNE FERNANDEZ – BOUNDARY LINE ADJUSTMENT AND 2-LOT SUBDIVISION (PID 214-95, 95.01 & 97) FILE #S07-11

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 9.51 acres (PID 214-95.01) into two lots, add 0.82 of an acre to PID 214-97 from PID 214-95.01 and add 1.15 acres to PID 214-97 from PID 214-95.

Mr. Porter made a motion, seconded by Mr. Martin, to accept the application of Jeanne Fernandez for a Boundary Line Adjustment and 2-Lot Subdivision Review as complete. Motion unanimously carried.

Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall read the waiver request for §131-37.1.A. Mr. Smith stated that the people across the street would like to maintain their view of Mt. Cranmore. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for §131-37.1.A.** Mr. Drinkhall asked for Board comment; Mr. Martin stated there are adequate trees on the property and didn't think about the view for the people in front of this property. Mr. Martin stated that he was opposed to this waiver request at first, but can understand that they would want to maintain their view. Mr. Drinkhall stated that the landscaping is nice on this site. Mr. Porter stated that he doesn't want to take the view away from someone. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the Boundary Line Adjustment and 2-Lot Subdivision for Jeanne Fernandez conditionally upon North Conway Water Precinct Approval; Add waivers granted table to plan; submission of revised plans; Submit a Mylar; A performance guarantee for underground electric and driveway; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 9, 2007. Motion unanimously carried.

ROCKINGHAM ELECTRICAL SUPPLY CO. INC/HILL'S REALTY, INC. – FULL SITE PLAN REVIEW (PID 265-126.2 & 126.3) FILE #FR07-09

Jay Poulin of H.E. Bergeron Engineers appeared before the Board. Larry Knight of Knight Construction was in attendance. This is an application to construct 3,000 square feet retail and 6,500 square feet warehouse building and construct access driveway. This application was accepted as complete on April 26, 2007.

Mr. Poulin stated that the applicant has resubmitted architectural elevations. Mr. Porter stated that he still could not accept the proposal. Mr. Drinkhall agreed and stated that it does not meet his interpretation of New England. Mr. McFeeley stated that it looks like a warehouse. Mr. Poulin stated that it is a warehouse. Mr. Porter stated that the building is going to be visible from Route 16. Mr. Poulin stated that it would be visible south bound,

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but the site is heavily landscaped. Mr. Martin stated when the panels are put together your not going to be able to see the seams and it is going to be a solid wall. Mr. Martin stated that the applicant is trying to put an industrial building in the commercial district.

Mr. Poulin stated that the applicant does have another proposal for the elevations, which would be clapboard siding. Mr. Irving asked what is the material. Mr. Poulin answered hardy plank or vinyl. Mr. Irving stated as long as it simulates natural material it would meet the regulations. Mr. Knight stated that the applicant was providing elevations on a cost basis and trying to be economical; that is why the clapboard siding was not proposed to start. Mr. Martin stated that he understood that the applicant had to try for what they wanted first.

Mr. Poulin stated that Mr. Kellogg discussed with the applicant the possibility of a cupola. Mr. Martin asked outside of this board. Mr. Kellogg answered in the affirmative. Mr. Martin asked did this Board not even a month and a half ago review the responsibilities of these members. Mr. Irving answered in the affirmative. Mr. Drinkhall asked if Mr. Irving agreed that Mr. Kellogg overstepped his boundaries. Mr. Irving stated he was going to reiterate what he stated at a previous meeting, when you step away from this board you are individuals and do not have the protection of the Board. Mr. Irving stated that he would not recommend any Board member going out on their own, but to bring their concerns or ideas to staff or to the Board. The Board took a 15-minute recess at approximately 8:15 pm.

The Board reconvened at approximately 8:30 pm. Mr. Drinkhall asked Mr. Kellogg to repeat what he said to the applicant regarding a cupola. Mr. Kellogg stated that he hoped that a cupola could be incorporated into the plans. Mr. Drinkhall asked to whom did Mr. Kellogg express this request. Mr. Kellogg stated to representatives of Rockingham. Mr. Drinkhall asked if he told the applicant that he would vote against the application if a cupola were not incorporated. Mr. Kellogg answered in the negative.

Mr. Martin apologized for his outburst and it was not intended to be an attack on Mr. Kellogg. Mr. Martin stated that he still believes Mr. Kellogg overstepped his boundaries. Mr. Porter asked Mr. Kellogg if anyone he spoke to was present at this hearing. Mr. Kellogg stated that he did not know the gentlemen's name in the audience. Mr. Knight stated that he spoke to Mr. Kellogg. Mr. Kellogg stated that Mr. Knight contacted him. Mr. Knight stated that Rockingham asked that he contact Mr. Kellogg as Mr. Kellogg had contacted Rockingham, so he called him back. Mr. Porter stated anything discussed outside this Board should not be brought up. Mr. Drinkhall stated that he is still entitled to his opinion.

Mr. Poulin asked if the second proposed architectural elevations were acceptable to the Board. Mr. Drinkhall asked if the garage doors had changed. Mr. Poulin answered in the affirmative. The Board agreed the architectural elevations with the proposed clapboard were acceptable. Mr. Poulin withdrew the waiver requests for §123-30.A2 & A.3. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Kellogg, to conditionally approve the Full Site Plan for Rockingham Electrical Supply Co. Inc/Hill's Realty, Inc. conditionally upon submitting revised architectural elevations in the plan set; Town Engineer Approval; Conway Village Fire Chief Approval; NHDES Septic Approval and indicate approval number on plan; NHDOT Driveway Permit and indicate approval number on plan; label "Zoning structure setback and buffer line" on all sheets; re-label "proposed temporary pipe loading area" to "Loading Area"; a Mylar; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on July 26, 2007. Motion unanimously carried.

MICHAEL VALLADARES – 2-LOT SUBDIVISION REVIEW (PID 207-14) FILE #S07-03

We Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 90± acres into two lots. This acceptance of this application was deferred until May 10, 2007 on March 8, 2007. Mr. Smith stated that the applicant would like to withdraw the application.

OTHER BUSINESS

Set Date for Planning Board workshop: Mr. Drinkhall stated that he would like to set up a workshop to discuss the Master Plan. Mr. Martin asked about the CIP. Mr. Drinkhall stated that they are still waiting for feedback after a third request. Mr. Irving stated that he spoke with the Town Manager and he is going to try to get the information and, if not, we will try to compile what we have. Mr. Drinkhall asked about additional items. Mr. Kellogg stated as long as it is open for other items. Mr. Irving stated it would be nice to know what to add to the agenda. Mr. Kellogg stated that he would like to discuss a workshop he attended and amendments to Board's rules and procedures.

Mr. Drinkhall made a motion, seconded by Mr. Porter, to hold a workshop on June 7, 2007 at 7:00 pm and to be limited to two hours. Motion unanimously carried.

Settler's Green (PID 235-99) – Food Kiosk - §123-4.A.5: Roger Williams of OVP Management appeared before the Board. Mr. Williams stated that they would like to replace the food carts with two food kiosks. Mr. Drinkhall asked for public comment; there was none.

Mr. Martin 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 two, 229 square foot (total 458 square feet) food kiosks to replace food carts are 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 unanimously carried.

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Peaked Mountain, LLC (PID 219-303) File #S05-11 and #S06-21 – Extension of Conditional Approvals: Mr. Porter made a motion, seconded by Mr. McFeeley, to extend the conditional approvals for Peaked Mountain, LLC until August 23, 2007. Motion unanimously carried.

Committee Reports: Mr. Drinkhall stated that he attended a meeting of the Citizen Design Review Committee where Don Lyford made a presentation. Mr. Drinkhall stated that the NHDOT would be conducting a study to compare to the first study to see if bypass is still necessary. Mr. Drinkhall stated if it is still necessary then construction of the southern portion would begin in 2008. Mr. Drinkhall stated that there was one major concern that the project is to be reviewed by the North Country Council and they rank for municipalities who are members and non-members. Mr. Drinkhall stated that Route 16 should be completed by June and the Scenic Vista by August. Mr. Drinkhall stated that there was discussion regarding Main Street for the North Conway Village in the future and the work in Schouler Park has begun and should be completed by the fourth.

Letter to Russell Henderson: Mr. Drinkhall read a letter addressed to Russell Henderson thanking him for his participation on the Board.

Meeting adjourned at 8:48 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant