

CONWAY PLANNING BOARD

MINUTES

JANUARY 22, 2009

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CONWAY PLANNING BOARD

MINUTES

JANUARY 22, 2009

A meeting of the Conway Planning Board was held on Thursday, January 22, 2009 beginning at 7:04 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Theodore Sares; Dana Hysten; John Edgerton; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Sares made a motion, seconded by Ms. Sell, to approve the Minutes of December 11, 2008 as written. Motion unanimously carried.

ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD – PUBLIC HEARING

Sign Application Permit Fees: This is an amendment to increase the sign permit application fee from \$35 to \$60 (§147.13.1.6.10.1.2.1; §147.13.2.6.10.1.2.1; §147.13.3.6.10.1.2.1; §147.13.4.6.10.1.2.1; §147.13.5.6.7.1.2.1; §147.13.6.7.7.1.2.1; §147.13.7.6.7.1.2.1; §147.13.8.6.7.1.2.1; §147.13.10.6.7.1.2.1; §147.13.11.6.7.1.2.1; and §147.13.12.7.10.1.2.1).

Mr. Irving stated that the current fee has not been changed in some time and does not accurately reflect staff time. Mr. Porter asked for Board comments; there was none. The public hearing was opened at 7:05 pm. Mr. Porter asked for public comment; there was none. The public hearing was closed at 7:05 pm. **Mr. Sares made a motion, seconded by Mr. Edgerton, to post the proposed amendment to the Sign Application Permit fees as written to the warrant. Motion unanimously carried.**

Temporary and Special Event Signage: This is an amendment to provide for up to 20 square feet of additional signage for temporary events and to provide for up to 40 square feet of additional signage for special events (add sections §147.13.1.6.8; §147.13.1.6.9; §147.13.2.6.8; §147.13.2.6.9; §147.13.3.6.8.; §147.13.3.6.9; §147.13.4.6.8; §147.13.4.6.9; §147.13.5.6.5; §147.13.5.6.6; §147.13.6.7.5; §147.13.6.7.6; §147.13.7.6.1; §147.13.7.6.2; §147.13.8.6.5; §147.13.8.6.6; §147.13.10.6.5; §147.13.10.6.6.; §147.13.11.6.5; §147.13.11.6.6; §147.13.12.7.8; and §147.13.12.7.9).

Mr. Irving explained the amendment and stated that the additional signage could be in the form of a banner. Mr. Irving stated that there are restrictions in regards to height and setbacks. Mr. Porter asked for Board comments; there was none. The public hearing was opened at 7:07 pm. Mr. Porter asked for public comment; there was none. The public hearing was closed at 7:07 pm.

**ADOPTED: February 12, 2009 – As Written
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Mr. Drinkhall made a motion, seconded by Ms. Sell, to post the proposed amendment for the Temporary and Special Event Signage as written to the warrant. Motion unanimously carried.

Wind Turbines: This is an amendment to adopt a small wind energy systems ordinance (§147-A) in accordance with RSA 674:62-66 and the purposes outlined in 672:1-III-a. Mr. Irving stated that the current regulations do not specifically address wind turbines. Mr. Irving stated that they are currently treated as accessory structures and cannot be higher than 55-feet in height and there are no setback restrictions. Mr. Irving stated that State law requires specific regulations for wind turbines.

Mr. Porter asked for Board comment; Mr. Edgerton stated that he agrees, but there is no height restriction. Mr. Irving stated there is a height restriction and read page 3 of the proposed amendment. The public hearing was opened at 7:11 pm. Mr. Porter asked for public comment; Tom Eastman of the Conway Daily Sun asked about noise. Mr. Irving stated there is a noise restriction. The public hearing was closed at 7:12 pm.

Mr. Drinkhall made a motion, seconded by Mr. Edgerton, to post the proposed wind energy systems ordinance [§147.A] as written to the warrant. Motion unanimously carried.

THOMAS FADDEN AND VICKI GRAVES – BOUNDARY LINE ADJUSTMENT (PID 255-3 & 5.12) FILE #S09-01

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to add 0.50 of an acre to PID 255-3 from PID 255-5.12. **Ms. Tobin made a motion, seconded by Ms. Sell, to accept the application of Thomas Fadden and Vicki Graves for a Boundary Line Adjustment Review as complete. Motion unanimously carried.**

Mr. Porter read the waiver request for §131-24.H. & 24.J. **Ms. Sell made a motion, seconded by Mr. Sares, to grant the waiver request for §131-24.H & 24.J.** Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment; there was none. **Motion unanimously carried.**

Mr. Edgerton made a motion, seconded by Mr. Drinkhall, to conditionally approve the Boundary Line Adjustment for Thomas Fadden and Vicki Graves conditionally upon East Conway Fire Chief 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 March 26, 2009. Motion unanimously carried.

THORNTON INVESTMENT PROPERTIES INC – MINOR SITE PLAN REVIEW (PID 265-198) FILE #MR09-01

Tom Hildreth of Verizon appeared before the Board. This is an application to replace 3 (of 6) existing antennas on the existing tower, add 6 lines of coax, add an approximately 400 square foot equipment building at the base of the tower, and install a power generator within the existing fenced-in compound.

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Mr. Drinkhall made a motion, seconded by Mr. Edgerton, to accept the application Thornton Investment Properties, Inc for a Minor Site Plan Review as complete. Motion unanimously carried.

Ms. Sell asked if the generator is for emergency purposes for loss of power. Mr. Hildreth answered in the affirmative and stated that it is the third backup for this property. Mr. Hildreth stated that the generator is programmed to charge every week for approximately 30 minutes. Ms. Sell asked if there would be any noise when the generator is charging. Mr. Hildreth answered in the affirmative and stated that it sounds like an engine running. Mr. Hildreth stated that they would select a time that would be acceptable by the property owner. Mr. Porter asked for public comment; there was none.

Mr. Porter read the waiver requests for §123-20.F/131-66; §131-27; §123-20.F/131-67.C.8.f; §123-29.A.2 & A.3; §123-29.D.; §123-29.D.3; and §123-29.D.6. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to grant the waiver requests for §123-20.F/131-66; §131-27; §123-20.F/131-67.C.8.f; §123-29.A.2 & A.3; §123-29.D.; §123-29.D.3; and §123-29.D.6. Motion unanimously carried.**

Mr. Sares asked if the landowner has approved the generator. Mr. Hildreth answered in the affirmative. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to conditionally approve the Minor Site Plan for Thornton Investment Properties, Inc conditionally upon modifying sheet C-1 to change “existing” to “proposed” for the parking spaces and dumpster for units 11 – 14; modifying sheet C-1 to indicate the correct address for Evergreens on the Saco Owner’s Association (PID 265-161.3); revising waivers granted table on sheet C-1; removing “For Zoning” on all plans; submitting four copies of revised plan sets [two to remain with the Town]; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on March 26, 2009. Motion unanimously carried.**

LEE FAMILY ENTERPRISES, LLC – FULL SITE PLAN REVIEW (PID 217-24) FILE #FR08-08

Burr Phillips of Civil Solutions appeared before the Board. This is an application to construct a 6-unit apartment building. This application was accepted as complete on November 13, 2008. Mr. Phillips stated that parking spaces in the buffer have been eliminated, the southerly entrance on West Side Road has been eliminated and the site lighting has been removed except for the ones on the fence. Mr. Phillips stated that there is a light over the dumpster that will be lowered and shielded.

Mr. Porter read the waiver request for §131-20.F/§131-67.C.8.f. **Ms. Sell made a motion, seconded by Mr. Drinkhall, to grant the waiver request for §131-20.F/§131-67.C.8.f.** Mr. Porter asked for Board comment; Ms. Tobin thanked Mr. Phillips and stated that he did a nice job. Mr. Porter asked for public comment; there was none. **Motion unanimously carried.**

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Mr. Drinkhall made a motion, seconded by Ms. Tobin, to conditionally approve the Full Site Plan for Lee Family Enterprises, LLC conditionally upon North Conway Fire Chief Approval; submitting signed Justamere Road easement; indicating book and page of recorded Justamere Road easement on plan; changing the revision date on the cover sheet; submitting four copies of revised plan sets [three to remain with the Town]; submitting a Mylar; submitting 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 March 26, 2009. Motion unanimously carried.

OTHER BUSINESS

North Conway Public Library (PID 218-62) – §123-4.A.5 (File #NA09-01): Ed Bergeron of H.E. Bergeron appeared before the Board. Mr. Sares stepped down at this time. Ms. Sell asked if the gravel area being removed could be utilized for parking. Mr. Bergeron stated that it is currently being used for parking and they would prefer to see it loam and seeded.

Ms. Sell 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 expansion of a 6 space parking lot to a 12 space parking lot 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 unanimously carried.

Harold Whitaker and Thomas Fadden (PID 243-12) – Request for an extension and the amendment of conditional approval (File #S08-05): Mr. Sares rejoined the Board at this time. Doug Burnell of H.E. Bergeron appeared before the Board. Ms. Sell made a motion, seconded by Ms. Tobin, to extend the conditional approval for Harold Whitaker and Thomas Fadden until December 31, 2009. Motion unanimously carried.

Mr. Irving stated one of the conditions of approval was a performance guarantee, but the developer would like to actually construct the road prior to final approval. Mr. Irving stated that the applicant would like to modify the conditional approval to allow for the construction of the road prior to final approval.

Mr. Sares made a motion, seconded by Mr. Edgerton, to amend the conditional approval for Harold Whitaker and Thomas Fadden [File #S08-05] to provide surety for off-site infrastructure, to provide surety for on-site erosion control and rehabilitation and all landscaping should the applicant fail to complete the on-site infrastructure, and prior to final approval and recording of the subdivision, provide surety for any uncompleted infrastructure (on-site and off-site) and all landscaping. Motion unanimously carried.

Charlotte Abbott (PID 277-171 & 172) – Lot Merger: Mr. Drinkhall made a motion, seconded by Ms. Tobin, to approve the lot merger requested by Charlotte Abbott to combine PID 277-171 and PID 277-172. Motion unanimously carried.

**ADOPTED: February 12, 2009 – As Written
CONWAY PLANNING BOARD – JANUARY 22, 2009**

Call for Public Hearing regarding petitioned zoning amendments: Ms. Sell made a motion, seconded by Mr. Drinkhall, to hold a public hearing on petitioned Zoning Amendments on February 12, 2009. Motion unanimously carried.

Bowtie Realty, LLC/Willow Common (PID 235-40) File #NA09-02: Mr. Porter stated that Scott Lees is in attendance, but not on the agenda. Mr. Porter asked if the Board would be willing to hear him. The Board agreed. Mr. Irving stated that Mr. Lees would like to add 76 theatre seats. Mr. Lees stated that they would like to change a retail space to a fine arts theatre. Mr. Irving stated there is sufficient parking to support 76 seats.


Ms. Sell made a motion, seconded by Mr. Drinkhall, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the uses as described in the Shared Parking Analysis dated December 10, 2008 [in file] 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 unanimously carried

Committee Reports: Mr. Drinkhall stated that the Town is proposing a new maintenance garage and there is going to be a walkthrough of the old facility on Monday, January 26, 2009 at 9 am and it is opened to the public.

Alternate Member: Mr. Porter stated that Steven Hartmann is in attendance and is interested in being an alternate member. Mr. Sares made a motion, seconded by Mr. Drinkhall, to appoint Steven Hartmann to the Conway Planning Board as an alternate. Motion unanimously carried.

Meeting adjourned at 8:30 pm.

Respectfully Submitted,


Holly L. Meserve
Planning Assistant