

CONWAY PLANNING BOARD

MINUTES

DECEMBER 9, 2010

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CONWAY PLANNING BOARD

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DECEMBER 9, 2010

A meeting of the Conway Planning Board was held on Thursday, December 9, 2010 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; Steven Hartmann; Scott Lees; Alternate, Ray Shakir; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Porter appointed Mr. Shakir as a voting member.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to approve the Minutes of October 28, 2010 as written. Motion unanimously carried.

RAYMOND LOWD (PID 203-111) – 2-LOT SUBDIVISION REVIEW (FILE #S10-11)

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 14.1 acres into two lots of 2.37 acres and 11.73 acres at 512 Intervale Crossroad, North Conway (PID 203-111). Mr. Lees recused himself at this time. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to accept the application for Raymond Lowd for a Subdivision Review as complete. Motion unanimously carried.**

Mr. Porter asked for public comment; Scott Lees asked if the applicant logged the back of proposed lot 111.2. Ms. Smith stated she does not believe so. Mr. Lees asked if anything would happen to the upper lot. Ms. Smith stated they want to sell the lot; not sure what the new owner will do.

Mr. Porter read the waiver request for §131-67.C.8.d; §131-67.C.8.h. and §131-67.C.8.i. **Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to approve the waiver request for §131-67.C.8.d; §131-67.C.8.h. and §131-67.C.8.i.** Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Mr. Porter, to conditionally approve the Subdivision Review for Raymond Lowd conditionally upon North Conway Fire Chief Approval; Kearsarge Lighting Precinct Approval; Town Engineer Approval; revising note #4 to state “Prior to the issuance of a building permit, a Town Construction/ Driveway permit must be acquired for lot 111.2 for driveway construction and installation of underground utilities”; a performance guarantee for paving the existing driveway apron or to pave the existing driveway apron in accordance with the Highway Foreman; submit four copies of revised plans; submit a Mylar; when the conditions have been met, the plans can be signed out-of-session; this conditional approval will expire on May 26, 2011; and a subsequent condition of submitting a copy of the recorded sewer easement. Motion unanimously carried. Mr. Lees rejoined the Board at this time.

OTHER BUSINESS

William Glover (PID 288-31.21 & 31.23) – Request for extension of conditional approval (File #S09-03): Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Ms. Smith stated that the applicant has almost completed the project; the first coat of pavement has been laid, but the second coat cannot be laid until spring. **Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to extend the conditional approval for William Glover until July 28, 2011. Motion unanimously carried.**

Harold Whitaker and Thomas Fadden (PID 243-12) – Conditional Approval Expiring (File #S08-05): Vikki Graves appeared before the Board. Harold Whitaker was in attendance. Mr. Irving stated that they are requesting a one year extension; have not commenced construction due to the economy and too late in the construction season to start.

Mr. Porter stated that he would support continuing for another year, but he probably would not support extending this again. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to extend the conditional approval until December 8, 2011. Motion unanimously carried.**

Mary Gaudette (PID 216-73) – Conditional approval expiring (File #S10-08): Mary Gaudette appeared before the Board. Mr. Irving stated that the outstanding item is bonding. Ms. Gaudette stated that she would like to extend to June 9, 2011 to be able to provide the bonding to the Town. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to extend the conditional approval until June 9, 2011. Motion unanimously carried.**

Randy Cooper – Proposed Zoning Amendment – Cluster Development: Randy Cooper appeared before the Board. Mr. Cooper stated currently the Town of Conway Subdivision Regulations does allow for cluster development; it allows for unit subdivisions. Mr. Irving read §131-30.L.

Mr. Cooper stated the land not in the lot is common and owned by an association; the zoning has not authorized cluster zoning, but can have a condominium development. Mr. Cooper stated since clustering is not allowed and only units, you have to have a condominium. Mr. Cooper stated generally amend the zoning to allow clustering; to put your buildings in one place and leave greenspace.

Mr. Cooper stated he is asking the Board to consider this as one of your amendments. Mr. Cooper stated that he could submit this as a petitioned article, but as a petitioned article we cannot play with it; it would have to go with the way it is written.

Mr. Irving stated we have a provision that allows unit subdivisions for lands that are owned in common; we do not have a provision that allows the same thing for exclusive use areas to be owned separately, which would not be unlike our conventional subdivisions. Mr. Irving stated that he concurs there would be no distinction in the development pattern between a unit or cluster development owned in fee; it is simply a form of ownership distinction. Mr. Irving stated physically it makes no difference.

Adopted: January 27, 2011 – As Written
CONWAY PLANNING BOARD – DECEMBER 9, 2010

Mr. Irving stated the way it is proposed it has not gone through his rigorous review; so the Board could disregard, accept as an amendment that the Board proposes for a public hearing, which would give you the opportunity to amend it; or it can be submitted as a petitioned article. Mr. Cooper stated that he doesn't want to put it in as a petitioned article and then realize it should have been worded differently. Mr. Irving stated this Board looks critically at any proposal which hasn't been done in this case and there may have to be other changes in the ordinance so not to cause inconsistencies.

Mr. Shakir asked if there are other Town's with this type of zoning. Mr. Irving stated not in Conway's context. Mr. Irving stated it is difficult to take from one Town and pop into our regulations. Mr. Irving suggested reviewing the objectives of the ordinance, the existing conditions in Conway and then make it fit for Conway.

Mr. Cooper stated he has no problem putting it off for a year, but he would like some systematic approach to say it will be addressed. Mr. Irving agreed and stated that we should do this once and do it right. Mr. Irving stated that the Board could include this on their work plan for 2011 with the objective to have the amendment prepared and ready for the 2011- 2012 amendment season. **Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to include this amendment in the 2011 work plan for the 2011-2012 amendment seasons. Motion unanimously carried.**

Bruce Frechette (PID 265-5 & 6) – Lot Merger: Mr. Porter made a motion, seconded by Mr. Drinkhall, to approve the lot merger for Bruce Frechette. Motion unanimously carried.

Call for a public hearing on proposed and petitioned Zoning Amendments: Mr. Drinkhall made a motion, seconded by Mr. Porter, to hold a public hearing on proposed amendments to §147.13.8.1.3, Highway Commercial District, and §147.13, Accessory Apartments and the petitioned articles on January 27, 2011. Motion unanimously carried.

Site Lighting Amendments: Mr. Irving stated that this amendment incorporates dark skies; eliminating light trespass and obnoxious light that are not doing what it's supposed to be doing; and to incorporate new technology for efficiency and cost savings. Mr. Irving asked the Board to give this some thought. Mr. Drinkhall asked what zones does this effect. Mr. Irving stated this is in the Site Plan Review regulations; so it is not in a particular zone. Mr. Drinkhall asked how this would affect a light post at a single family home. Mr. Irving stated this only applies to non residential and multifamily. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to continue the discussion on site lighting at the February 24, 2011 Planning Board meeting. Motion carried with Mr. Shakir voting in the negative.**

Committee Reports: There were no committee reports.

Meeting Adjourned at 8:10 pm.
Respectfully Submitted,

Holly L. Meserve, Planning Assistant

CLUSTER DEVELOPMENT (UNIVERSALLY APPLIED)

147.13.1.12 - RA District
147.13.8.16 - HC District
147.13.10.14 - I1 District
147.13.11.14 - I2 District
147.13.12.14 - RR District

147.13.xx.xx **CLUSTER DEVELOPMENT** - For the purpose of this Ordinance, a cluster development is a division of land into individual lots or condominium units, used, or available for use, as residential building sites for single detached one family dwellings or for other lawful buildings or uses within this district where such individual lots or units are clustered together into one or more groups, separated from adjacent individual lots or units by intervening common land.

147.13.xx.xx.1 **Purpose** - The purpose of the cluster development, to which purposes it must adhere, are the following:

147.13.xx.xx.1.1 To allow flexibility and diversity of land use, with open space areas and pedestrian and vehicular safety;

147.13.xx.xx.1.2 To maximize environmental and aesthetic protection and promote the more efficient use of land, streets, and utility systems.

147.13.xx.xx.2 **General Requirements** - The lots or units within Cluster Developments are not be required to conform to the minimum frontage and lot size requirements of the district, but may be designed as provided by the provisions of this Article.

147.13.xx.xx.2.1 The total density, being the number of individual lots or units within the cluster development, shall not exceed the number of lots/units or overall density as permitted for a conventional subdivision layout, with all the requirements of the zoning ordinance and subdivision regulations being met.

147.13.xx.xx.2.2 The minimum lot size and dimensions of the individual lots or units within the cluster development shall be as determined by the Planning Board, based upon the character of the land involved, the type of project proposed and other pertinent factors.

147.13.xx.xx.2.3 All developments shall have at least one (1) entrance upon a Class I thru Class V public road;

147.13.xx.xx.2.4 All roads within a development shall be constructed to Town standards;

147.13.xx.xx.2.5 The area which has not been built upon shall be consolidated into common open land accessible from a road and shall be held in corporate ownership by the owners of lots within the development or as common land in the condominium form of ownership;

SUBMITTED BY RANDY COOPER

147.13.xx.xx.2.6 The common open land shall be designed as an integral part of the development and used for recreation, conservation or park purposes and be accessible to at least the owners and occupants for the lots within the cluster development. Such common land may be used to accommodate water supply and septic systems, or in the case of permitted commercial development for common parking and other common uses;

147.13.xx.xx.2.7 The developer shall by declaration of covenants and restrictions or declaration of condominium, included in the deed to the owners, beneficial rights in said common open land, and shall be made subject to deed restriction and covenant, which shall thereafter prohibit further subdivision of the common open land and or the use of the common open land for purposes other than consistent with use being proposed at the time of the subdivision approval.

147.13.8.1.3 NORTH CONWAY AREA SOUTH OF NORTH CONWAY VILLAGE.

The HC District in the North Conway area south of North Conway Village shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the point on the thread of Kearsarge Brook 500 feet easterly of the centerline of Route 16; thence southerly parallel with and 500 feet from the centerline of Route 16 to the centerline of Locust Lane; thence easterly along the centerline of Locust Lane and continuing on the same bearing to the centerline of the North/South Road; thence southerly along the centerline of the North/South Road to a point adjacent to the southeast corner of Map 230, Parcel 51;

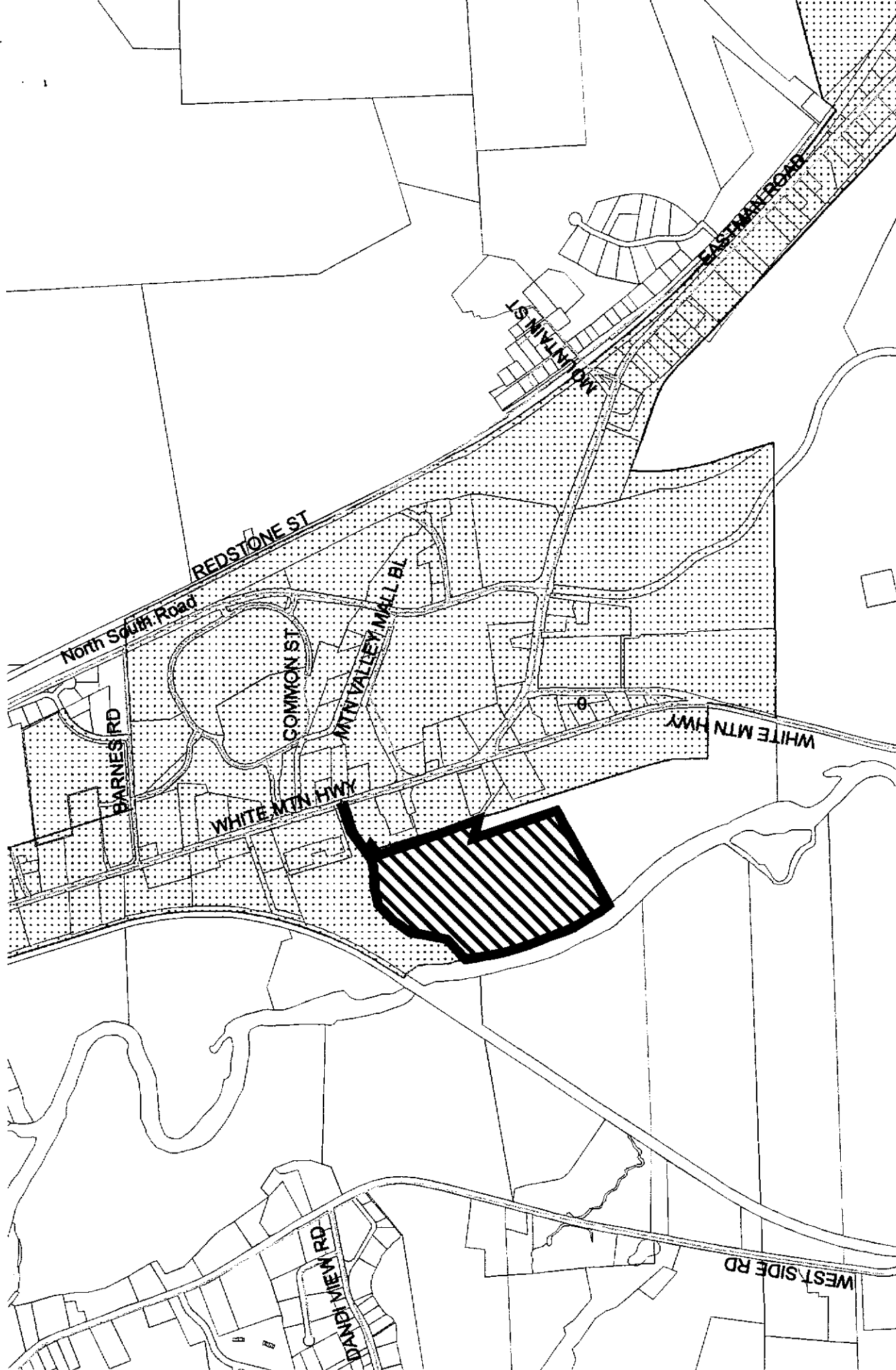
thence westerly through the southeast corner of Map 230, Parcel 51 and continuing along the southern boundary of Map 230, Parcel 51 to a point 500 feet from the centerline of Route 16; thence southerly parallel with and 500 feet from the centerline of Route 16 to the northern boundary of Map 235, Parcel 35; thence easterly along the northern boundary of Map 235, Parcel 35 to the centerline of the North-South Road; thence southerly along the centerline of the North-South Road to a point adjacent to the southeast corner of Map 235, Parcel 35; thence westerly through the southeast corner of Map 235, Parcel 35 and continuing along the southern boundary of Map 235, Parcel 35 to a point 500 feet from the centerline of Route 16;

thence southerly parallel with and 500 feet from the centerline of Route 16 to the northerly boundary of Map 235, Parcel 78; thence easterly along the northerly boundary of Map 235, Parcel 78 to its easterly boundary, common with the westerly boundary of Map 235, Parcel 70; thence southerly along the easterly boundary of Map 235, Parcel 78 and continuing to the southerly boundary of the Puddin' Pond Drive ROW; thence in general westerly, then southerly direction along the southerly boundary of the Puddin' Pond Drive ROW to the southern boundary of the Barnes Road ROW at the southwest corner of Map 235, Parcel 82; thence easterly and following the same bearing as the southern boundary of the Barnes Road ROW to the centerline of Map 219, Parcel 211 (former Maine Central Railroad); thence southerly along the centerline of Map 219, Parcel 211 (former Maine Central Railroad) to a point adjacent to the southwest corner of Map 252, Parcel 31;

thence northeasterly through the southwest corner Map 252, Parcel 31 to the southwest corner of Map 252, Parcel 42; thence traversing Map 252, Parcel 42 easterly in a straight line to the northwest corner of Map 252, Parcel 47; thence southerly along the western boundary of Map 252, Parcel 47 and continuing on the same bearing to the centerline of Map 219, Parcel 211 (former Maine Central Railroad); thence southeasterly along the centerline of Map 219, Parcel 211 (former Maine Central Railroad) to the centerline of East Conway Road; thence westerly along the centerline of East Conway Road and continuing on the same bearing to a point 400 feet west of the centerline of Route 302;

thence northerly parallel with and 400 feet from the centerline of Route 302 to the western boundary of the proposed 9A Bypass ROW; thence southerly along the western boundary of the proposed 9A Bypass ROW to a point where an extension of the southern boundary line of Map 246, Parcel 17 intersects with the western boundary of the proposed 9A Bypass ROW; thence westerly in a straight line to the southeast corner of Map 246, Parcel 17; thence westerly along the southern boundary line of Map 246, Parcel 17 and continuing on the same bearing to the centerline of Route 16; thence northerly along the centerline of Route 16 to the intersection of the centerline of Shaws Way;

thence west to a point 500 feet from the centerline of Route 16; thence northerly parallel with and 500 feet from the centerline of Route 16 to the southwestern boundary of Map 246, parcel 20.001; thence northwesterly along the southwestern boundary Map 246, parcel 20.001 to the western boundary of Map 246, Parcel 22; thence northwesterly, southerly and westerly along the boundary of Map 246, parcel 22 ~~southern boundary of the Map 246, parcel 23; thence westerly along the southern boundary of the Map 246, parcel 23~~ to the eastern shore of the Saco River; thence northerly along eastern shore of the Saco River to the centerline of Map 218, parcel 35 (Conway Scenic Railroad); thence northerly along the centerline of Map 218, parcel 35 (Conway Scenic Railroad) to the thread of Kearsarge Brook, and thence easterly along the thread of Kearsarge Brook to the point of commencement.



North South Road

REDSTONE ST

MT. VALLEY BL

EAST HILL ROAD

BARNES RD

COMMON ST

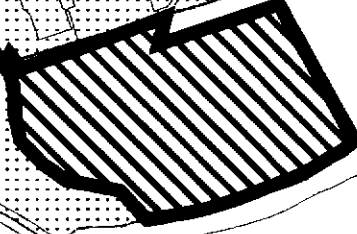
MT. VALLEY MALL BL

WHITE MTN HWY

WHITE MTN HWY

DOUGHTER RD

WEST SIDE RD



RESIDENTIAL AGRICULTURAL (RA) DISTRICT 147.13.1.2.4.2
CENTER CONWAY VILLAGE RESIDENTIAL (CCVR) DISTRICT 147.13.2.2.4.2
CONWAY VILLAGE RESIDENTIAL (CVR) DISTRICT 147.13.3.2.4.2
NORTH CONWAY VILLAGE RESIDENTIAL (NCVR) DISTRICT 147.13.4.2.4.2
CENTER CONWAY VILLAGE COMMERCIAL (CCVC) DISTRICT 147.13.5.2.5.2
CONWAY VILLAGE COMMERCIAL (CVC) DISTRICT 147.13.6.3.5.2
NORTH CONWAY VILLAGE COMMERCIAL (NCVC) DISTRICT 147.13.7.2.5.2
HIGHWAY COMMERCIAL (HC) DISTRICT 147.13.8.2.5.2
RECREATIONAL RESORT (RR) DISTRICT 147.13.12.3.4

147.13.x.x.x.x In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

~~147.13.x.x.x.x~~ The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.x.x.x.x The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.x.x.x.x Sufficient parking is located on site.

~~147.13.x.x.x.x~~ An Accessory Apartment Application is submitted for the ZBA review.



TOWN OF CONWAY

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

(603) 447-3855

FAX (603) 447-5012

MEMO

TO: Planning Board
FROM: Tom Irving, Planning Director
CC: File
DATE: 12/01/10
RE: Site Lighting Amendments

Message:

Please review the attached DRAFT amendment to the Site Plan Review Regulations (§123) relative to site lighting. These amendments respect your work plan goal to incorporate "Dark Skies" provisions to protect the nighttime skies from light pollution, mitigate light trespass and promote energy efficiency.

We will discuss how Steve and I developed these DRAFT amendments and any further modifications the Board wishes to consider at your December 9, 2010 meeting. Once the Board has decided on the amendment they wish to consider, you will then call for a public hearing prior to adopting any changes.

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.

1. Outdoor lighting fixtures shall not be mounted higher than 30 twenty-five (25) feet in the Highway Commercial and Recreational Resort Districts, nor higher than 20 feet in all other districts;
2. Individual light fixtures shall not exceed 40,000 lumens. As an incentive to promote the use of energy efficient Light Emitting Diode (LED) fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the maximum illuminance of individual light fixtures may be increased by twenty-five percent (25%) and shall not exceed 50,000 lumens;
3. The total initial site lumens of all site lighting systems shall not exceed four (4) lumens per square foot of disturbed area. As an incentive to promote the use of energy efficient LED fixtures, if site lighting is comprised entirely of energy efficient LED fixtures the total initial site lumens of all site lighting systems may be increased by ten percent (10%) and shall not exceed 4.4 lumens per square foot of disturbed area;
4. Site lighting shall not trespass beyond property lines; Luminance along property lines shall be measured within six (6) feet of finish grade along the property line.
5. All lighting fixtures shall be listed as approved by the International Dark Sky Association (IDA) and fully shielded;
6. The Board may reduce the permitted heights to reduce or eliminate undue adverse impacts.