

CONWAY PLANNING BOARD

MINUTES

MAY 12, 2011

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CONWAY PLANNING BOARD

MINUTES

MAY 12, 2011

A meeting of the Conway Planning Board was held on Thursday, May 12, 2011 beginning at 7:04 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Kevin Flanagan; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Sell made a motion, seconded by Mr. Flanagan, to approve the Minutes of April 28, 2011 as written. Motion unanimously carried.

PTF REALTY TRUST – REQUEST FOR A CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (PID 265-161.2)

Mark Lucy of White Mountain Survey appeared before the Board. This is a request for a concurrent site plan and subdivision review. **Ms. Sell made a motion, seconded by Mr. Porter, to grant the request for a concurrent site plan and subdivision review for PTF Realty Trust. Motion unanimously carried.**

PTF REALTY TRUST – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (PID 265-161.2) FILE #FR11-01 & #S11-01

Mark Lucy of White Mountain Survey appeared before the Board. Chad Kageleiry and John Sullivan of Summit Land Development and Kevin Morse of Stillwater Construction Management were in attendance. This is a request to construct a 6,400 square foot medical office with associated infrastructure and a 2-unit subdivision on Poliquin Drive/White Mountain Highway. **Ms. Sell made a motion, seconded by Ms. Tobin, to accept the application of PTF Realty Trust for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Ms. Sell asked the type of medical facility. Mr. Lucy answered a Kidney Dialysis Clinic. Mr. Porter asked for public comment; Anthony Ammendolia of Christine Overlook and Secretary of the Evergreen on the Saco Association stated that the Association has not received any information other than the public hearing notice. Mr. Ammendolia asked where the access to the site is. Mr. Lucy stated that the facility will have access onto Poliquin Drive. Mr. Lucy stated there would be 16 trips in and 16 trips out a day.

Mr. Ammendolia stated on the other side of Poliquin Drive there is a housing project proposed. Mr. Ammendolia stated there is a 50-foot buffer between the common area and that development. Mr. Ammendolia asked what would be constructed on the other unit. Mr. Lucy stated that PTF realty trust is retaining unit 2.

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Mr. Ammendolia stated that he is concerned with the buffer as there are two residential units there and it is not thickly wooded. Mr. Ammendolia asked what would be done to ensure their privacy. Mr. Lucy stated that code requires a 10-foot buffer and the ordinance allows the Planning Board to increase it to a 50-foot buffer; the applicant has opted for the 50-foot buffer.

Mr. Ammendolia asked what will happen to our road. Mr. Ammendolia stated that they have received no contact about access onto our private road. Mr. Lucy stated this lot was granted a curb cut onto Poliquin Drive during the Planning Board process in 2004.

Mr. Ammendolia stated that the Association is responsible for the road; we maintain and plow it. Mr. Ammendolia stated that they wish they had had more information prior to the meeting. Mr. Lucy stated that the NHDOT and the town granted approval. Mr. Porter stated when the subdivision was approved in 2004 the access to Poliquin Drive was approved. Mr. Porter stated that NHDOT was not going to allow any further curb cuts on Route 16. Mr. Ammendolia asked if the dumpster was going to be screened. Mr. Lucy stated that the Town codes require the dumpsters to be screened.

Donald Newton of 33 Murray Lane stated he is concerned with the 50-foot buffer and asked if they were adding any additional trees. Mr. Newton stated that he can see through to Route 16 now. Mr. Kageleiry stated that they would be willing to work with the property owner to work out additional vegetative screening to help buffer the residential development. Mr. Porter stated if they come to an agreement outside of this Board, the Town will not be able to enforce the agreement.

Mr. Ammendolia stated we have the same issue with the workforce housing and we worked out a satisfactory agreement for a buffer. Mr. Ammendolia asked if they could do the same type of buffer here. Ms. Sell stated 89 trees are accounted for and 30 trees are required. Mr. Irving asked if this property is going to be a part of the Association. Mr. Lucy stated that they have the right to pass for access and egress over the road. Mr. Porter closed public comment.

Mr. Hartmann stated the owner is willing to work with the residential owner to work something out. Mr. Hartmann stated if you can see through to Route 16 now, what the difference with a building there. Mr. Ammendolia stated you have a clear line of site right to Route 16, don't think people who live close want to see dumpsters or see the receiving box either. Mr. Ammendolia stated that the type of view you get there now is of the Moats. Mr. Ammendolia stated we don't have an objection on the project we just don't want to look at trucks and the dumpsters.

Mr. Porter stated that we have stringent rules and guidelines which they meet. Mr. Porter stated that they are doing everything that they are supposed to do to build that site. Mr. Irving stated that the Planning Board does have one option and read §123-29.A.6. Mr. Irving stated since there are a number of mature trees, a vegetative buffer may not meet the desired goal, a fence may be better.

Mr. Porter read the waiver request for §123-29.D.8 and §131-37.1.A. **Mr. Hartmann made a motion, seconded by Ms. Sell, to grant the waiver request for §123-29.D.8 and §131-37.1.A. Motion unanimously carried.**

Mr. Irving read a list of conditions and asked if that is satisfactory to the applicant. Mr. Lucy answered in the negative and stated that that the street tree was waived. Mr. Irving stated that the waiver was to allow the street trees to be 15-feet from the pavement, not the distance between street trees. **Mr. Porter made a motion, seconded by Ms. Sell, to reconsider the waivers for §123-29.D.8 and §131-37.1.A. Motion unanimously carried.**

Mr. Irving stated that there is a 100-foot gap between two trees along Poliquin Drive. Mr. Irving stated that the ordinance requires a street tree every 50-feet. Mr. Lucy stated that there is a tree that is greater than the 15-feet from the pavement that could be a street tree and this site will be back to the Planning Board for site plan review when it is developed. After further discussion, the applicant agreed to plant the street tree. **Ms. Sell made a motion, seconded by Mr. Porter, to grant the waiver requests for §123-29.D.8 and §131-37.1.A. Motion unanimously carried.**

Mr. Hartmann made a motion, seconded by Ms. Sell, to conditionally approve the Concurrent Site Plan and Subdivision for PTF Realty Trust conditionally upon adding a street tree along Poliquin Drive frontage in the 100' (+/-) gap between the two 12" White Pines represented on the plan adjacent to the property line; adding a lighting budget table on sheet 11 to demonstrate compliance with §123-26.3; submit a revised Conway Village Fire District Water and Sewer approval; Town Engineer Approval; Payment of engineering review fees; four copies of revised plan sets (three to remain with the Town); a Mylar for the 2-unit subdivision plan; 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 August 11, 2011. Motion unanimously carried.

EASTERN SLOPE INN ASSOCIATES/RIVER RUN COMPANY/CONWAY SCENIC RAILROAD/NORTH CONWAY COUNTRY CLUB – FULL SITE PLAN REVIEW (PID 218-34, 35, 51.01 & 52) FILE #FR11-02

Burr Phillips of Civil Solutions appeared before the Board. Joe Berry, owner, and Sheila Duane of River Run Company were in attendance. This is an application to construct a 10-suite, 30-room vacation accommodation structure on PID 218-51.01 (ESIA) with associated parking on PID 218-51.01 (ESIA) and PID 218-52 (River Run); wetland restoration on PID 218-34 (NCCC); and retaining walls and grading on PID 218-35 (CSRR) at 49 River Road.

Ms. Sell made a motion, seconded by Ms. Tobin, to accept the application of Eastern Slope Inn Associates/River Run Company/Conway Scenic Railroad/North Conway Country Club for a Full Site Plan Review as complete. Motion unanimously carried.

Mr. Porter asked for public comment; Ted Sares asked if this is a three story building. Mr. Phillips answered in the affirmative and stated that it is the same as the Whitaker House. Mr. Sares asked if there were future plans to build more on this site. Mr. Phillips stated that this is

the last piece for this lot, other than the Cardinal House. Mr. Sares asked if there were any plans for the area where there was tree removal. Mr. Phillips answered in the negative. Mr. Sares asked if the underground tunnel would be impacted. Mr. Phillips answered in the negative.

Ron Masse property owner on Valley View Road stated that the project doesn't seem to impact him and asked why he was noticed. Mr. Irving stated one of the properties involved is the railroad and the railroad extends pass your property. Mr. Porter closed public comment.

Mr. Porter read the waiver request for §123-6. Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Mr. Porter, to grant the waiver request for §123-6.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-6.B.2. Mr. Porter asked for public comment; there was none. **Mr. Hartmann made a motion, seconded by Ms. Sell, to grant the waiver request for §123-6.B.2.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-20.D. Mr. Porter asked for public comment; there was none. **Mr. Porter made a motion, seconded by Mr. Hartmann, to grant the waiver request for §123-20.D.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-20.F/§131-67.C.8.f. Mr. Porter asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Ms. Sell, to grant the waiver request for §123-20.F/§131-67.C.8.f.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-20.F/§131-67.C.8, Table 2. Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Ms. Tobin, to grant the waiver request for §123-20.F/§131-67.C.8, Table 2.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-20.I. Mr. Porter asked for public comment; there was none. **Mr. Hartmann made a motion, seconded by Ms. Sell, to grant the waiver request for §123-20.I.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-21.A.1. Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Ms. Tobin, to grant the waiver request for §123-21.A.1.** Mr. Porter asked for Board comment; Mr. Irving stated that this property and the adjacent property have shared their parking for several years. Mr. Irving stated that this waiver clarifies that relationship. Mr. Irving stated based on the additional demand that this particular development is going to create they are seeking a waiver for a few spaces and their justification is that they have had sufficient space. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-26.4. Mr. Porter asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Ms. Sell, to grant the waiver request for §123-26.4.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-26.5. Mr. Porter asked for public comment; there was none. **Mr. Flanagan made a motion, seconded by Ms. Sell, to grant the waiver request for §123-26.5.** Mr. Porter asked for Board comment; Mr. Hartmann asked if this addresses the lighting that already exists or the proposed lighting on the new building. Mr. Phillips stated that waiver is for the 50 lights on the existing building and for the ones on the new building. Mr. Phillips stated that the new lights are LED, but have not been approved by International Dark Sky Association. Mr. Hartmann asked if there is a reason why they chose the fixtures for the new building. Mr. Phillips stated that it is the same fixture company as the existing building. Mr. Porter stated just because it is shielded by decks doesn't make it okay. **Motion carried with Mr. Hartmann and Mr. Porter voting in the negative.**

Mr. Porter read the waiver request for §123-29.A.2. Mr. Porter asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Mr. Hartmann, to grant the waiver request for §123-29.A.2.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-29.A.3. Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Mr. Hartmann, to grant the waiver request for §123-29.A.3.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-29.A.4. Mr. Porter asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Ms. Sell., to grant the waiver request for §123-29.A.4.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-29.D.5 & D.8. Mr. Porter asked for public comment; there was none. **Mr. Hartmann made a motion, seconded by Ms. Sell, to grant the waiver request for §123-29.D.5 & D.8.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-29.D.8. Mr. Porter asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Ms. Sell, to grant the waiver request for §123-29.D.8.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read the waiver request for §123-32. Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Mr. Porter, to grant the waiver request for §123-32.** Mr. Porter asked for Board comment; Ms. Sell asked if the dumpster was visible from the Conway Scenic Railroad. Mr. Berry stated it is a ways from the railroad tracks, it is at a different elevation and it is heavily treed. Mr. Porter stated that he thinks it should come into conformity. Mr. Berry stated we manage a dozen dumpsters and the gates always get

demolished. Mr. Berry stated that the dumpster is bear proof. Mr. Berry stated that the hotel guests are the only ones that see it. Mr. Berry stated that we have dealt with this in the past with the Board, it has been this way for eight years and it does not affect anyone else. **Motion defeated with Ms. Tobin, Mr. Hartmann, Mr. Flanagan and Mr. Porter voting in the negative and Ms. Sell voting in the affirmative.**

Ms. Tobin made a motion, seconded by Ms. Sell, to conditionally approve the Full Site Plan for Eastern Slope Inn Associates/River Run Company/Conway Scenic Railroad/North Conway Country Club conditionally upon indicating North Conway Water Precinct and North Conway Fire in Note #10 on Sheet 5 under Lot Data; Town Engineer approval; North Conway Fire Chief Approval; NHDOT driveway permit for Cardinal House on PID 218-52; submitting an easement to be recorded from North Conway Country Club to River Run for connecting drive/emergency access; submitting reciprocal easements between Eastern Slope Inn Associates and River Run Company for the parking and exit driveway on PID 218-52; revising handicap parking space dimensions on plan; removing wetland designations from parking area and under buildings on sheet 5; adding a dumpster gate enclosure to the existing dumpster; submit engineering review fees; submit four copies of revised plans sets (three to remain with the Town); a performance guarantee for all site plan improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 11, 2011. Motion unanimously carried.

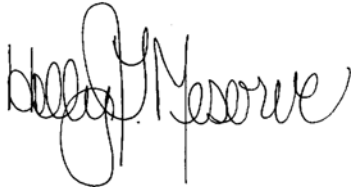
OTHER BUSINESS

Committee Reports: There were none.

Planning Board Bylaws: Mr. Irving stated for alternates to participate it must indicate in what manner in your bylaws. **Ms. Sell made a motion, seconded by Ms. Tobin, to hold the first reading of the Conway Planning Board Bylaws amending alternate participation on May 26, 2011. Motion unanimously carried.**

Meeting adjourned at 8:47 pm.

Respectfully Submitted,



Holly L. Meserve
Planning Assistant

TOWN OF CONWAY, NH
PLANNING BOARD BY LAWS

- ARTICLE I** **NAME:** The name shall be "Town of Conway, New Hampshire Planning Board" as adopted at the Town Meeting on March 10, 1970. Hereafter, the term "Board" shall be used to simplify the text.
- ARTICLE II** **PURPOSE:** The purpose of the Board is to plan for the orderly short and long term development of the Town, and to adopt and administer such regulations that fall within its jurisdiction.
- ARTICLE III** **MEMBERSHIP:** The Board shall consist of seven members. Six members shall be elected, and one ex-officio member shall be appointed by the Board of Selectmen. All seven members have the power to vote. The Board may also appoint up to three alternates to serve in the absence of regular members. Alternates shall be appointed for one (1) year terms. Alternates are expected to regularly attend meetings so that, if they are called upon to sit in place of absent members, they are familiar with the applications and agenda items being considered by the Board. Alternates may ask questions during public hearings however they are not permitted to otherwise participate in discussions, deliberations, motions, seconds or votes unless they are appointed to replace an absent Board Member. Selection, qualifications, terms, removal of members and filling of vacancies shall conform with RSA 673:5-14.
- ARTICLE IV** **OFFICERS:** The Board shall annually elect three officers at the first meeting after Town Meeting. The officers are Chair, Vice Chair and Secretary.
- ARTICLE V** **DUTIES OF OFFICERS:**
- A. Chair: The Acting Chair shall call the meeting to order, preside over the deliberations, ensure that all proceedings are held in accordance with Town and State law (spell out), appoint committees, prepare an annual report, and perform other duties customary to the office.
- B. Vice Chair: In the absence of the Chair, the Vice Chair shall perform all duties of the Chair. If neither the Chair or Vice Chair are available for a scheduled meeting a quorum of the remaining members shall appoint an Acting Chair to fulfill the aforementioned duties.
- C. Secretary: The Secretary shall sign plans and document conditions pursuant to conditional approvals and summarize such conditions for motions related to conditional approvals.
- ARTICLE VI** **EMPLOYEES:** The Board, may utilize the services of Town Employees such as the Recording Secretary and Town Planner and other consultants as necessary per **RSA 673:16.** Specific requests shall be made in motion format by the Board.
- ARTICLE VII** **COMMITTEES:**
- A. The Board may establish advisory committees by a majority vote. Such committees shall report directly to the Planning Board.
- B. Committee members shall be Conway residents, and at least one member shall be a member of the Planning Board appointed by the Chair.
- C. Upon creation of a committee, the Board shall establish by majority vote the following:
1. number of committee members;
 2. clear statement of assignment;
 3. time frame for fulfilling assigned duties; and
 4. progress reports and final work product expected.
- ARTICLE VIII** **MEETINGS:**
- A. Regular meetings shall be held at least monthly. The date, time and place of regular meetings shall be selected by majority vote of the Board at the first meeting following Town Meeting, or at another regular or

Adopted on DRAFT

Previous Revision: March 15, 2001

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