

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 9 2012

PAGES

1	Review and Acceptance of Minutes
	• January 26, 2012 – Adopted as Written
1	Public Hearing – Proposed Zoning Amendment – Petitioned Article
	• §147.13.6.10 – Yard Sales
2	Eastern Slope Inn Associates/Bancroft House (#FR11-02) – Conceptual Review Consultation regarding proposed phasing plan (PID 218-34, 35 & 52)
3	Tin Mountain Conservation Center/Michael and Carole DiGregorio – Boundary Line Adjustment (PID 276-2 & 7) File #S12-02
	• Approved; Plans Signed
3	Doris D’Angelis and Joshua Brustin – Full Site Plan
Review	(PID 219-6) File #FR12-02
	• Conditionally Approved
4	Other Business
	• Committee Reports
	• To agenda the Board of Selectmen’s request for recommendation regarding North Conway Community Center Boundary Line Adjustment of February 23, 2012

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 9, 2012

A meeting of the Conway Planning Board was held on Thursday, February 9, 2012 beginning at 7:32 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Larry Martin; Steven Hartmann; Kevin Flanagan; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Hartmann made a motion, seconded by Mr. Flanagan, to approve the Minutes of January 26, 2012 as written. Motion carried with Mr. Martin abstaining from voting.

PUBLIC HEARING – PROPOSED ZONING AMENDMENT – PETITIONED ARTICLE

§147.13.6.10 – Yard Sales: This is a proposed amendment to increase the number of days a yard sale is allowed from six to twelve days per calendar year in the Conway Village Commercial District.

Randy Davison appeared before the Board. Mr. Davison stated that our neighborhood has been having a yard sale at 96 East Main Street since 1994 during the month of July. Mr. Davison stated prior to 1994, the sale was held on River Street. Mr. Davison stated that they argued that their case was grandfathered since the ordinance regarding yard sales changed in 1997. Mr. Davison stated that their request was denied by Thomas Irving and they did not appeal the decision to ZBA.

Mr. Davison stated that they decided to submit a petition to the voters. Mr. Davison stated that the present ordinance is too restrictive to our properties; there are only three other communities in New Hampshire that have such an ordinance. Mr. Davison stated that it is also not fairly enforced; there are others that have not been enforced. Mr. Davison stated that the response to the tele-talk question in the Conway Daily Sun was overwhelming

Mr. Davison stated that they are seeking support from the Planning Board and the Town to increase the days to 12. Mr. Davison stated that our neighborhood was at the Selectmen's meeting and support of a Board is almost pertinent for something to move forward. Mr. Davison stated that the neighborhood is not cluttered and we keep it picked up.

Mr. Porter opened the public hearing at 7:42 pm. Mr. Porter asked for public comment; Theresa Gallagher stated that she supports the petition. Ms. Gallagher stated that the neighborhood does hold yard sales; they are not unsightly. Ms. Gallagher stated that they are more of a benefit; when there are yard sales the traffic goes down to 30 mph which is safer than the 50 mph that people are usually going. Mr. Porter closed the public hearing at 7:44 pm.

**Adopted: February 23, 2012 – As Written
CONWAY PLANNING BOARD – FEBRUARY 9, 2012**

Mr. Martin stated that he disagrees with the traffic; traffic slows down because they can't get through there as they are parked on both sides of the road. Mr. Irving stated that this is proposed for the entire Conway Village Commercial District; not just this location. Mr. Irving stated that it would apply to all properties within the district. Mr. Irving stated that River Street is not in that district and the district does not go far beyond Mr. Davison's property.

Mr. Flanagan asked if there have been any recorded incidents. Mr. Irving stated there was an accident report which related to the yard sales at the Davison property, however, the reason the Planning Board proposed the amendment was to address a number of complaints of nuisance and traffic hazards resulting from households holding yard sales too frequently.

Mr. Irving stated that the Board determined that more than six yard sales per household per year constituted a nuisance and an unacceptable level of traffic congestion. Mr. Irving stated that under the current regulation a 6-unit apartment building could have 36 days of yard sales; the proposed amendment would double that.

Mr. Porter made a motion, seconded by Mr. Hartmann, to recommend the proposed petitioned amendment to §147.13.6.10 to the warrant as written. Motion unanimously defeated (0-4-0).

**EASTERN SLOPE INN ASSOCIATES/BANCROFT HOUSE (FR11-02) –
CONCEPTUAL REVIEW CONSULTATION REGARDING PROPOSED PHASING
PLAN (PID 218-34, 35 & 52)**

Joe Berry appeared before the Board. Mr. Berry reviewed the conditionally approved project. Mr. Berry stated in order to bond for final approval; they would like to phase the project so they could submit a partial bond. Mr. Berry stated that they would like to complete the infrastructure which would require an \$180,000 bond. Mr. Berry stated that he feels an obligation to the Fire Department to construct their emergency egress.

Mr. Irving stated that the Town would need to know exactly what would be phased. Mr. Irving stated that the first phase would have to be durable and able to be left on its own if the remainder of the project was never constructed. Mr. Irving stated that there would need to be a public hearing on exactly what they want to do and then bond on that.

Mr. Hartmann asked if it would include a time frame for the remainder of the phases. Mr. Berry stated that he did not know when they would want to build. Mr. Hartmann stated that he is concerned with this becoming a constant construction site over the next few years. Mr. Berry stated they would come in with a new bond for the building. Mr. Berry stated they would like to bond for the infrastructure only at this time.

Mr. Irving stated we would need to establish definitive stages and determine what has to be done for the project to be considered vested. Mr. Irving stated they probably would want to do the work under the State permits as well. It was agreed that the applicant would need to submit an application to the Board to phase the project and indicate what would be completed under each phase.

**TIN MOUNTAIN CONSERVATION CENTER/MICHAEL AND CAROLE
DIGREGORIO – BOUNDARY LINE ADJUSTMENT (PID 276-2 & 7) FILE #S12-02**

Doug Burnell of H.E. Bergeron Engineers appeared before the Board. This is an application to convey 2.01 acres to PID 276-7 (DiGregorio) from PID 276-2 (Tin Mountain) at 49 Pollard Street, Conway (PID 276-2 & 7). Mr. Martin stated that he is a fellow Board member of Mr. DiGregorio, but he does not have any personal interest in this application. **Mr. Porter made a motion, seconded by Mr. Hartmann, to accept the application of Tin Mountain Conservation Center/Michael and Carole DiGregorio for a Boundary Line Adjustment as complete. Motion unanimously carried.**

Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Hartmann, to approve the Boundary Line Adjustment for Tin Mountain Conservation Center and Michael and Carole DiGregorio. Motion unanimously carried. The plans were signed.

DORIS D'ANGELIS AND JOSHUA BRUSTIN – FULL SITE PLAN REVIEW (PID 219-6) FILE #FR12-02

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. Doris D'Angelis and Joshua Brustin were in attendance. This is an application to convert the existing three unit building to a four unit building and associated infrastructure. **Mr. Martin made a motion, seconded by Mr. Hartmann, to accept the application of Doris D'Angelis and Joshua Brustin for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Hartmann asked about site lighting; Mr. Tafuto stated there are two lights on the front deck that has a roof over it and the other light has a roof over it. Mr. Irving stated the intent and purpose of the waiver is that there is no dark sky impact due to the shielding of the lights. Mr. Hartmann asked if there are any changes to the exterior. Mr. Tafuto answered in the negative; only interior changes.

Mr. Porter read the waiver requests for §123-20.F/§131-67.C.8.a; §123-20.I; §123-26; §123-27; §123-28; §123-29.A.2 and A.3; and §123-29.D.8. **Mr. Hartman made a motion, seconded by Mr. Flanagan, to grant the waiver requests for §123-20.F/§131-67.C.8.a; §123-20.I; §123-26; §123-27; §123-28; §123-29.A.2 and A.3; and §123-29.D.8.** Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment; there was none. **Motion unanimously carried.**

Mr. Porter asked for public comment; there was none. **Mr. Porter made a motion, seconded by Mr. Hartmann, to conditionally approve the Full Site Plan Review for Doris D'Angelis and Joshua Brustin conditionally upon Town Engineer approval; submitting 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 February 14, 2013. Motion unanimously carried.**

OTHER BUSINESS

Committee Reports: There were none.

To agenda the Board of Selectmen's request for recommendations regarding North Conway Community Center Boundary Line Adjustment on February 23, 2012: Mr. Irving stated that they are proposing to enlarge the building and construct a 30-car parking facility with a 30-car overflow area. Mr. Irving stated the Board needs to determine what they need to see if the Town should exchange land with them. Mr. Irving suggested a site plan, a build out plan, an architectural rendering and how it will impact the view on the Moats from Route 16, from the golf course and from Schouler Park.

Mr. Porter stated to fully comprehend what the impact will be on the Village of North Conway, he would like to see architectural drawings. Mr. Martin stated that a huge piece of the puzzle is the views and how the area is going to change. Mr. Hartmann stated he would like to see the whole site and what is going to change; what are the views going to be like. Mr. Hartman asked the change in height from the existing building to the proposed building. Mr. Phillips stated that the existing building is 30-feet and the proposed will be 39-feet.

Mr. Porter stated this will impact the integrity of the village. Mr. Irving suggested that this be a concurrent site plan and subdivision review if the Board of Selectmen agrees with the exchange of land. Mr. Porter agreed.

The Board agreed they wanted to see a site plan, architectural elevations and renderings from Route 16 toward the Moats, from the golf course to Route 16 and from the vicinity of the back stop in Schouler Park toward Route 16.

Mr. Martin made a motion, seconded by Mr. Hartmann, to put the Board of Selectmen's request for a recommendation regarding North Conway Community Center Boundary Line Adjustment on the February 23, 2012 Planning Board agenda. Motion unanimously carried.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,



Holly L. Meserve
Recording Secretary

RECEIVED

NOV 23 2011

TOWN OF CONWAY

River Run Co., Inc.

DEVELOPER OF VACATION OWNERSHIP
COMMERCIAL & RESIDENTIAL REAL ESTATE

**Eastern Slope Inn
Resort**

**The Oxen Yoke Inn
& Motel**

**Attitash
Mountain Village**

**Attitash
Marketplace Motel**

Attitash Realty

Glen Warehouse

November 17, 2011

Steven Porter
Chair
Town of Conway Planning Board
1634 East Main Street
Center Conway, NH 03813

Re: Bancroft House Approval FR 11-02.
PID 218-34,35, 51.01 & 52.

Dear Steve,

Please accept this letter as our request to have our Bancroft House plan added to your agenda under "Other Business" for the December 8, 2011 public meeting.

We would like to discuss with the Planning Board the concept of phasing our bonding on our Conditionally Approved site plan, which expires in August 2012.

The current economic conditions require we look at this project over a longer term than in the past. The state permits we have for this project were time consuming and costly to attain and we wish to complete the work that concerns the NHDES.

We are anxious to have the parking lot constructed and stabilized at this time. This will allow us to:

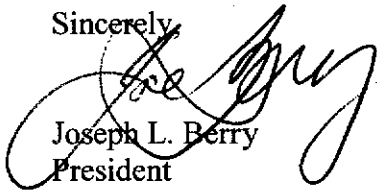
1. Satisfy the North Conway Fire Chief Preece's desire to have this alternative route for emergency access to the north and west portions of Town.
2. Remove the significant number of old discarded railroad ties that have been cast down this site over many decades. We are anxious to have this site cleaned up, so that we know what we have in the ground.

Naturally we would not expect to obtain a building permit until a larger bond is posted to cover excavation for the foundation and all other site plan requirements.

We would like to approach the bonding in phases so that it meets the work being done on-site and satisfies the state permits, as well stabilizes the site.

Thank you in advance for taking the time to discuss this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Berry", written over the printed name.

Joseph L. Berry
President

River Run Co. Inc.
356-6321 X:6401
JoeBerry@EasternSlopeInn.com

Thomas Irving

From: Sheila Duane [SheiláDuane@AttitashRealty.com]
Sent: Monday, December 05, 2011 1:24 PM
To: Thomas Irving
Subject: RE: Moving The Bancroft House phasing discussion to January agenda

FR11-02

218- 34.35, 51.01

\$ 52

Tom,
Please accept this email as our request to move our discussion from this week December 8, 2011 to January 26th 2012.

Thanks,
Sheila

-----Original Message-----

From: Thomas Irving [mailto:tirving@conwaynh.org]
Sent: Monday, December 05, 2011 1:16 PM
To: sheiladuane@attitashrealty.com
Subject: Moving The Bancroft House phasing discussion to January agenda

Regarding your request to have the Bancroft House phasing discussion moved to the January 26th agenda; that should not be a problem. Please send an email requesting same and I'll inform the Board accordingly.

Regards,

Tom

Thomas B. Irving, Planning Director
Town of Conway
1634 East Main Street
Center Conway, NH 03813
E-mail: tirving@conwaynh.org
Phone: (603) 447 3811
Fax: (603) 447 5012

RECEIVED
 DEC 13 REC'D
 2001
 TOWN OF CONWAY NH

Petition To Amend
 Town Of Conway Zoning Ordinance

The undersigned, being twenty-five or more registered voters in the Town of Conway, New Hampshire, hereby petition pursuant to the provisions of RSA 675:4 that the following amendment to the Town of Conway Zoning Ordinance (Chapter 147), to increase the six (6) day yard sale limitation to twelve (12) per household, be submitted to the voters of the Town of Conway:


147.13.6.10 Yard Sales. Yard Sales shall be permitted, provided that no one household holds sales for longer than ~~six~~ twelve days per calendar year.

Name Printed	Name Signed	Address	Phone #
JANE SHITALA	<i>[Signature]</i>	27 RIVER ST, CONWAY	447-5828
Marcia Cohl	Marcia Cohl	20 River St. Conway	447-3418
Juli Vallieres	<i>[Signature]</i>	118 East Main St Conway	603-9815 447-3991
Helen L. CARROLL	Helen L. Carroll	10 Village Ln #8	CONWAY, NH 447-3818
MARY BUDROE	Mary Budroe	10 Village Ln #9	396-7030
Margaret Wade	Margaret Wade	14 Village Ln ^{Apt 11}	Conway 447-4888
Johanna L. Nation	<i>[Signature]</i>	109 E. Main St. Conway	447-8524
Etienne Valle	<i>[Signature]</i>	109 E. Main St. Conway	447-8524
Doro Vallieres	<i>[Signature]</i>	118 East Main Street	986-6159
Robert Bunn	<i>[Signature]</i>	217 E. Fox Rd	447-4572
Staci Blair	<i>[Signature]</i>	446 West N. Conway	603-8591
Linda J Burns	Linda J Burns	217 Eaton Rd Conway	447-4322
Virginia M. STESE	VMS	85 River St. Conway	447-5548
Royetta J. Reung	Royetta J. Reung	46 Main St Conway	603-447-2701
UNIQUE STEPHAN	<i>[Signature]</i>	27 WILDER ST	447-3384



MEMO

TO: Planning Board
Conservation Commission

FROM: Earl Sires, Town Manager 

DATE: January 26, 2012

RE: Request for Boundary Line Adjustment
Tax Map/Lot #218-28 & 30

The Board of Selectmen has been asked to consider a Boundary Line Adjustment between the Town of Conway and the North Conway Community Center. Because this involves the acquisition/disposition of an interest in real property, state law requires the Board of Selectmen to ask for a recommendation from the Planning Board and Conservation Commission. The Board asks that this be considered at your next meeting.

Attached is the information submitted to the Board of Selectmen on Tuesday, January 24, 2011 by Civil Solutions and the North Conway Community Center as well as a copy of the relevant RSA. Please advise if you need any additional information.

Also, kindly advise when this matter is scheduled for discussion at your respective meetings.

After your review and consideration, kindly provide a written recommendation to the Board of Selectmen on this matter.

Thank you for your courtesy and consideration.

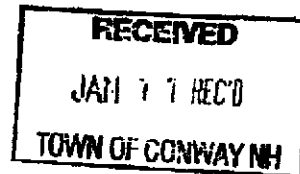
Encs.

cc: Board of Selectmen

Civil Solutions, LLC
INTEGRATING PEOPLE WITH THE ENVIRONMENT

January 10, 2012

Earl Sires, Town Manager
Town of Conway, New Hampshire
1634 East Main Street
Center Conway, NH 03813-0070



Re: North Conway Community Center – PIDs 218/ 28 &30
Proposed Boundary Line Adjustment

Dear Earl,

We met with the Selectboard last June to see if they would be in favor of a minor lot-line adjustment that will effectively give the town full ownership to part of Norcross Circle and give the Community Center full ownership to the land outside of the right-of-way. At that time, we presented a preliminary plan of the proposed adjustment. While one board member chose not to comment at that time, the other four indicated that they would be supportive. We left the meeting stating that we would proceed with the final plan and submit it to the board so they can provide a formal answer.

Attached is the formal lot-line adjustment plan as prepared by Briggs Land Surveying. On behalf the Community Center, we request to meet with the selectboard again to:

- Review the formal plan
- Request their formal agreement to the lot-line adjustment pending approval of the application by the planning board
- Request them to provide a letter authorizing the North Conway Community Center, Civil Solutions, LLC, and Briggs Land Surveying to serve as their agents with respect to the pending planning board application

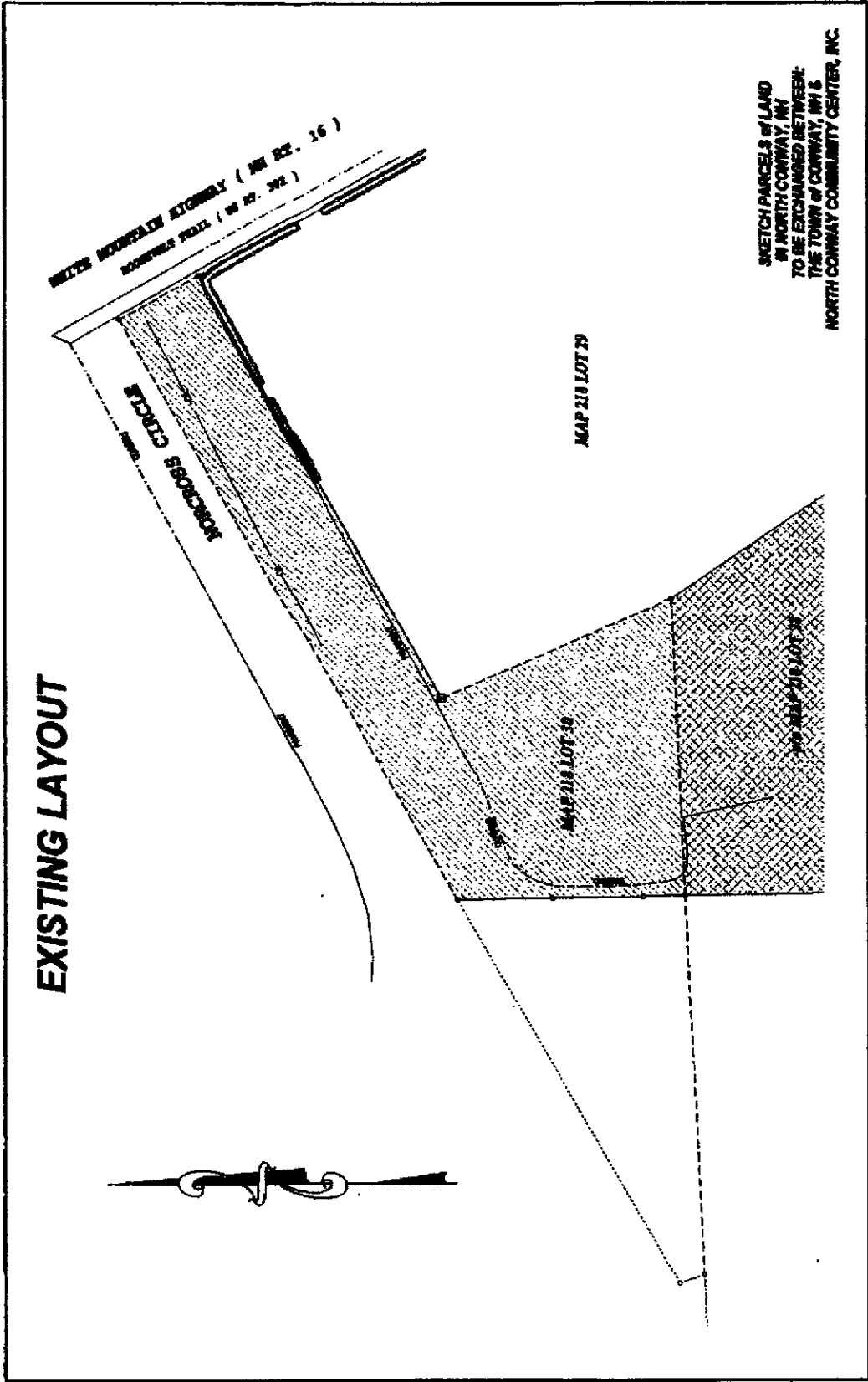
Should you, Tom, or the board members have questions or comments in the meantime, please contact me. Your ongoing assistance is appreciated.

Sincerely,
Civil Solutions, LLC

A handwritten signature in black ink, appearing to read "B. Phillips".

Burr H. D. Phillips, PE, CPESC

Copy: Thomas Irving, Planning Director, Town of Conway
Ryan Sommer, North Conway Community Center
Ron Briggs, Briggs Land Surveying



SKETCH PARCELS OF LAND
IN NORTH CONWAY, NH
TO BE EXCHANGED BETWEEN:
THE TOWN OF CONWAY, NH &
NORTH CONWAY COMMUNITY CENTER, INC.

PROPOSED LAYOUT



WHITE MOUNTAIN HIGHWAY (MAP REF. 16)
ROCKWELL BRIDGE (ON REF. 302)

STREET CROSS SECTION

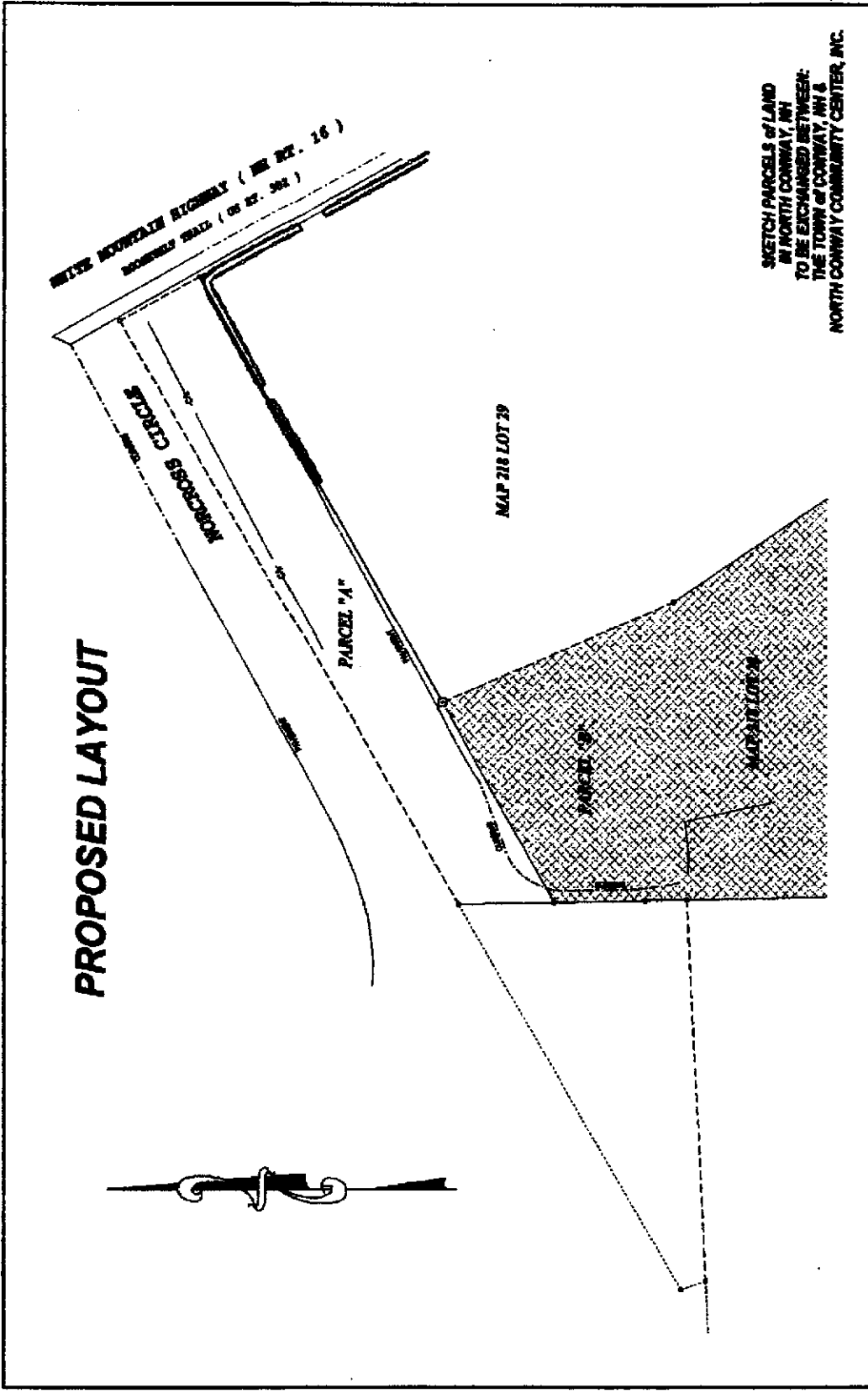
PARCEL "A"

MAP 218 LOT 29

PARCEL "B"

MAP 218 LOT 28

SKETCH PARCELS of LAND
IN NORTH CONWAY, NH
TO BE EXCHANGED BETWEEN:
THE TOWN of CONWAY, NH &
NORTH CONWAY COMMUNITY CENTER, INC.



TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS,
AND UNINCORPORATED PLACES

CHAPTER 41
CHOICE AND DUTIES OF TOWN OFFICERS

Selectmen

Section 41:14-a

41:14-a Acquisition or Sale of Land, Buildings, or Both. –

I. If adopted in accordance with RSA 41:14-c, the selectmen shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the selectmen receive the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The selectmen's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

Source. 1994, 197:3. 1997, 38:1. 2001, 187:2, eff. Sept. 3, 2001. 2005, 80:1, eff. Aug. 6, 2005. 2007, 221:2, eff. Aug. 24, 2007. 2008, 109:1, eff. July 27, 2008.