

CONWAY PLANNING BOARD

MINUTES

OCTOBER 9, 2014

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CONWAY PLANNING BOARD

MINUTES

OCTOBER 9, 2014

A meeting of the Conway Planning Board was held on Thursday, October 9, 2014 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Carl Thibodeau; Secretary, Martha Tobin; Kevin Flanagan; Ray Shakir; Town Planner, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Tobin made a motion, seconded by Mr. Flanagan, to approve the Minutes of September 25, 2014 as written. Motion unanimously carried.

**ROBBIN AND ELLEN RANCOURT – TWO-LOT SUBDIVISION (PID 262-12)
FILE #S14-10**

Andrew Fisher of Ammonoosuc Survey Company appeared before the Board. This is an application to subdivide 5.76 acres into two-lots at 59 Sidetrack Road, Conway (PID 262-12).

Ms. Tobin made a motion, seconded by Mr. Flanagan, to accept the application of Robbin and Ellen Rancourt for a subdivision review as complete. Motion unanimously carried.

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

Mr. Porter read a waiver request for §131-37.1.A. **Mr. Flanagan made a motion, seconded by Mr. Shakir, to grant the waiver request for §131-37.1.A.** Mr. Porter asked for public comment; there was none. Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Mr. Flanagan, to conditionally approve the two-lot subdivision for Robbin and Ellen Rancourt conditionally upon updating the waivers granted table; submitting four copies of revised plans; submitting a Mylar; when the conditions have been met, the plans can be signed out of session; and this conditional approval will expire on January 22, 2015. Motion unanimously carried.

BARBARA IORFINO – FULL SITE PLAN REVIEW (PID 215-31) FILE #FR14-05

Shawn Bergeron of Bergeron Technical Services appeared before the Board. This is an application to construct a 5,894 square foot office building and associated infrastructure on White Mountain Highway.

Mr. Bergeron stated there was a conditional approval granted for this site that was almost for the exact same proposal. Mr. Bergeron stated the then owners of the Wyatt House Inn asked for a privacy fence which we have maintained; we show a future access drive to the parking lot for

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May Kelly's as they do not wish to have it at this time, but we are providing it on our side; and we plan on planting a few additional trees along the south property line and need to meet the landscaping requirement.

Ms. Tobin made a motion, seconded by Mr. Thibodeau, to accept the application of Barbara Iorfino for a Full Site Plan review as complete. Motion unanimously carried.

Mr. Shakir asked has the facility been designated for a use. Mr. Bergeron stated it is medical offices. Mr. Shakir asked if they would be affiliated with the hospital. Mr. Bergeron stated he did not know. Mr. Porter asked if they would see construction on this site this time around. Mr. Bergeron answered in the affirmative.

Mr. Porter asked for public comment; Attorney Maureen Soraghan stated that she represents the McCardle's of May Kelly's and they were concerned with the trees; however, they are completely satisfied that there would be arborvitaes to provide a buffer. Ms. Soraghan stated the McCardle's are good neighbors and there are no objections; they are satisfied that the plans have met the regulations completely.

Trish Mansur and Elaine DiRusso, owners of the Wyatt House, gave copies of a letter to the Board (see attached). Ms. Mansur stated that they are a small business with only eight rooms and would appreciate any consideration from the applicant during construction. Ms. Mansur stated the fence is shown on the applicant's property. Mr. Bergeron stated since 1979 this area has been modified twice; when we did this work for the last application and just previous to when you purchased the property the monuments were there; however, during this application it was discovered that the monuments were gone.

Mr. Bergeron stated he is not sure the abutter's 2003 plan depicts the actual property lines; this plan is based upon being surveyed. Mr. Irving stated the abutter's 2003 plan was for a minor review and did not require a surveyed plan. Ms. Mansur stated that they would like to request a continuance to allow them time to survey their property. Ms. Mansur stated the documentation used when they purchased the property shows the utility poles on the property line not on the neighbor's property. Mr. Bergeron stated that they might have a title insurance issue; but his client does not want to continue.

Mr. Irving addressed the letter submitted by Ms. Mansur and Ms. DiRusso; items #1 & #2 are construction issues that are outside of this Board's purview; #3 if the application wishes to move them, the new location would have to be shown on the plan; #4 they are only required to maintain those trees that are used to satisfy the tree requirements; #5 we do have regulations that the applicant is required to comply with and they will be submitting a photometric plan showing light will not be shedding off the property; and #6 is outside of this Board's purview.

Mr. Bergeron addressed the letter submitted by Ms. Mansur and Ms. DiRusso; #1 no issues there; #2 we cannot do that; #3 they will move the compressors to the street side gable end and add shrubs; #4 the applicant will supply a privacy fence or arborvitaes; #5 they will put the light at the back of the building on a motion sensor; and #6 they are on a tight site and they will do the best we can, but will certainly know that we are there.

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Ms. Mansur stated that the two buildings are located on flat slabs and can feel every movement on the property; they are okay with the resolution of item #4; and asked to keep them enlightened to the construction schedule. Mr. Bergeron stated they hope to work on the building over the winter and be completed by summer 2015. Ms. Mansur asked if there would be weekend construction. Mr. Bergeron stated that it is possible. Ms. Mansur asked that they give them some consideration. Mr. Bergeron stated in an ideal world we only work during the week, but cannot guarantee that.

Bill Bergstrom stated that the Wyatt House is up for sale and we have an interest in it. Mr. Bergstrom asked how big the parcel in total is. Mr. Bergeron answered 0.67 of an acre. Mr. Bergstrom asked how much of that is usable. Mr. Bergeron answered what is shown on the plan. Mr. Bergstrom asked why is the building not facing White Mountain Highway. Mr. Bergeron stated they looked at a few layouts and this is the most intelligent construction layout for this parcel. Mr. Bergstrom asked how many employees will there be. Mr. Bergeron stated he did not know. Mr. Bergstrom asked how many parking spaces are proposed. Mr. Bergeron answered 19. Mr. Bergstrom stated there is probably going to be a dozen employees which doesn't leave many for the patrons; and it doesn't make sense to not face the building to White Mountain Highway.

Mr. Shakir stated that he does not believe the 6 points raised by Ms. Mansur and Ms. DiRusso are unreasonable at all; think they can easily be taken care of. Mr. Shakir stated that he doesn't think any of it is unreasonable; it is just being a good neighbor. Mr. Shakir stated don't believe the number of proposed parking spaces will be appropriate to service the building; and on that basis alone would object to this plan. Mr. Flanagan asked what the quiet hours are for Conway. Mr. Irving stated the Town does not have a noise ordinance. Mr. Flanagan asked if we regulate the lights inside the building. Mr. Irving answered in the negative.

Ms. Tobin asked if there is a difference between medical office and regular office space in regards to parking. Mr. Irving stated the parking calculations are the same for a medical building and an office building. Mr. Bergeron stated that the lower floor is medical office; we don't know what type of office the second floor will be used for. Mr. Irving stated office is office by our regulations.

Mr. Thibodeau asked if the plan meets the office parking requirements. Mr. Bergeron stated that they are asking for a waiver of 5 parking spaces. Mr. Bergeron stated there is a future connecting drive that will go to the property, but will not go through to the abutting property until they develop their site, so there will be three spaces there; and they are double stacking for the employees so they are really only asking for 2 parking spaces. Ms. Tobin stated in a medical building it is not uncommon to have stacked parking.

Mr. Irving stated in regard to nuisance, the abutters have raised concerns regarding additional vegetation; is there a serious nuisance relative to landscaping. Ms. Mansur stated if the air conditioning compressors were not moved there would be, but since they are being moved, no. Mr. Irving asked as long as the ac compressors are moved. Ms. Mansur answered in the affirmative.

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Mr. Irving asked the Board if the existing survey by HEB Engineers is sufficient or does the Board want to give the abutters an opportunity to resurvey their property line. Mr. Porter stated that it makes perhaps the best business sense to give a little time. Mr. Bergeron stated will it be date certain; and could it be four weeks at the most. Mr. Thibodeau stated that they are certified engineers; and it is their insurance. Ms. Mansur stated the 1979 plan was certified and approved by this Planning Board; we are asking for that same consideration. Ms. Mansur stated that we can only go by a Surveyor's availability.

Mr. Bergeron stated he believes they purchased the property in 2007 and at that time the previous approval was in place; if your representatives had done due diligence they would have found this plan in place. Mr. Porter stated that he sat on the original office approval and if they had done due diligence they would have had it resurveyed at that time.

Mr. Flanagan stated the applicant commented that the pins during the original application had been there, but then during this application they were not. Mr. Bergeron stated when we first surveyed the property we found both of the front monuments, then there was construction on Route 16 and they were removed. Mr. Shakir stated that he completely agrees with Mr. Thibodeau, but understand their dilemma. Mr. Shakir stated that it is not unreasonable to grant a four week continuance.

Ms. Tobin made a motion, seconded by Mr. Flanagan, to continue the full site plan review for Barbara Iorfino until November 13, 2014 with the provision that the abutter submit a surveyed property plan no later than November 10, 2014 to the Town. Mr. Bergeron stated this is unacceptable; by applying a seal of a professional surveyor they are ensuring that it is accurate. Mr. Bergeron stated that he is asking the Board to not consider the continuance. **Motion carried with Ms. Tobin, Mr. Flanagan and Mr. Shakir voting in the affirmative and Mr. Thibodeau and Mr. Porter voting in the negative.**

Ms. Tobin stated that she would hate to see the lot cleared and then find that the lines are somewhere else. Mr. Thibodeau stated it looked the same as when they purchased the property.

OTHER BUSINESS

October 23, 2014 Planning Board Meeting: Ms. Tobin made a motion, seconded by Mr. Thibodeau, to cancel the meeting of October 23, 2014. Motion unanimously carried.

Committee Reports:

Sign Advisory Committee – Mr. Thibodeau stated the Committee has not met since the last Planning Board meeting.

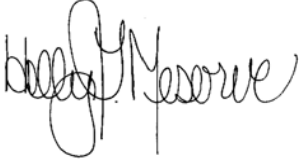
Election signs: Mr. Irving submitted the attached amendments to the Board to consider. The Board agreed that they would like to see it increased to 32 square feet and remove the word “political”.

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Fees: Mr. Irving stated that the Board will be seeing proposed changes relative to fees that were recommended by the Board of Selectmen and they would be addressing fee amendments to the zoning ordinance first.

Meeting adjourned at 8:39 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large initial "H" and "M".

Holly L. Meserve
Recording Secretary

October 09, 2014

Steven Porter, Chair and Planning Board Members
Town Hall, Center Conway, NH
1634 East Main Street
Center Conway, New Hampshire 03813-0070

Re: Public Hearing for White Mountain Highway North Conway NH PID 215-31
Full Site Plan Review to construct a 5,894 Sq Foot Building and associated
infrastructure.

Dear Chairman and Board Members,

We would like to address the following concerns regarding the proposed plan for the property mentioned above, abutting the Wyatt House Country Inn, located at 3046 White Mountain Highway, North Conway NH, 03860.

As a Bed and Breakfast business in the town of North Conway NH, we would like to request that commercial and neighborly consideration be made for the following to prevent or reduce nuisance to our business and guests:

1. Site clearing and/or construction of the property not begin until the end of our foliage season (October 20, 2014) to prevent disruption to our guest and potential loss of revenue.
2. Site clearing and/or construction of the property not begin prior to 8am daily.
3. Location of air conditioning compressors to be at the furthest distance possible from the buildings referred to as Angels Wing and the Cottage, specifically the windows and decks due to noise and vibration which would negatively impact our business.
4. Trees on the property line abutting the Inn remain in place to screen the visual impact of the building and to aid in noise reduction.
5. Consideration is given to the location of area light fixtures in relation to the property line and the buildings referred to as Angels Wing and the Cottage, specifically the windows and decks.
6. Consideration is given to the location of construction vehicles and materials in relationship to our property and business.

We appreciate your consideration from the Town of Conway, NH Planning Board Members and the Applicant for these requests.

Elaine DiRusso, Patricia (Trish) Mansur
Wyatt House Country Inn
3046 White Mountain Highway
North Conway NH 03860



147.13.1.6.10 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.1.6.10.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.1.6.10.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.1.6.10.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.1.6.10.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.1.6.10.5 Flags.

147.13.1.6.10.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.1.6.10.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.1.6.10.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.1.6.10.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.1.6.10.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.1.6.10.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.1.6.10.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.1.6.11 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.1.6.11.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.1.6.11.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.1.6.11.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.1.6.11.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.1.6.11.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

Proposed amendments to clarify current interpretation of regulations pertaining to Election Signs that are permitted during the 14 week election period:

Amendment applied to 147.13.1.6.10.8, 147.13.2.6.10.8, 147.13.3.6.10.8, 147.13.4.6.10.8, 147.13.5.6.7.9, 147.13.6.7.7.9, 147.13.7.6.7.9, 147.13.8.6.7.9, 147.13.10.6.7.8, 147.13.11.6.7.8 and 147.13.12.7.10.8.

147.13.x.x.x.x Signs with a message area of 12 square feet or less for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

~~OR~~ AND

Proposed amendments to remove size restriction pertaining to Election Signs that are permitted during the 14 week election period:

Amendment applied to 147.13.1.6.11.5, 147.13.2.6.11.5, 147.13.3.6.11.5, 147.13.4.6.11.5, 147.13.5.6.8.5, 147.13.6.7.8.5, 147.13.7.6.8.5, 147.13.8.6.8.5, 147.13.10.6.8.5, 147.13.11.6.8.5 and 147.13.12.7.11.5.

147.13.x.x.x.x Signs, which convey only a non-commercial message, including but not limited to ideological, ~~political~~, social, cultural, or religious message, with a message area of 12 square feet or less.