

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 13, 2018

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CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 13, 2018

A meeting of the Conway Planning Board was held on Thursday, September 13, 2018 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Michael Fougere; Secretary, Sarah Verney; Raymond Shakir; Alternate, Ted Sares; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Hartmann appointed Mr. Sares as a voting member.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Fougere, to approve the Minutes of August 9, 2018 as written. Motion carried with Mr. Sares abstaining from voting.

ADVENTURE AND ENTERTAINMENT PROPERTIES, LLC – FULL SITE PLAN REVIEW (PID 246-22) FILE #FR18-03

Josh McAllister of HEB Engineers appeared before the Board. This is an application to construct a 2,140 square foot storage building, to construct an in-ground pool with 1,920 square foot bath house with concrete pad, to construct 64 new camp sites, associated drives, and utility infrastructure and reconstruct river access at 1550 White Mountain Highway, North Conway. Mr. McAllister gave an overview of the project.

Mr. Porter made a motion, seconded by Mr. Fougere, to accept the application of Adventure and Entertainment Properties, LLC for a full site plan review as complete. Motion carried unanimously.

Mr. McAllister stated the site is approximately 95% within the floodplain. Mr. McAllister stated there are too many campsites on the plans that are before the Board this evening, they are over what was approved by the Zoning Board of Adjustment. Mr. McAllister stated there will be 57 new sites plus 7 employee sites with gravel driveways and infrastructure.

Mr. McAllister stated the driveway was approved with the proposed big box site next door; the applicant met the conditions within one year of issuance. Mr. McAllister stated there is a proposed river access; it currently is a gravel path that washes out and is too steep. Mr. McAllister stated a Wetlands permit and a Shoreland Impact permit have been received to improve the river access.

Mr. McAllister stated that he would like to withdraw the waiver request for §110-30.C.2. Mr. McAllister reviewed the new proposed architectural designs for the storage building. Mr. McAllister stated they are proposing vinyl siding that simulates wood; they are still requesting a waiver for the window area. There was a brief discussion regarding the window area on the storage building.

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Mr. Shakir stated he is assuming that no part of this site is serviced by municipal sewer. Mr. McAllister stated the entire site is serviced by municipal sewer; each individual campsite has a municipal sewer hookup and there is a dump site.

Mr. Sares stated this is a significant expansion and there is a tremendous odor in the air from campfires already and if you increase the number of sites the odor is going to double. Mr. Sares asked if there is anything proposed that would impede conservation land. Mr. Irving stated none of this land is conservation land.

Mr. Porter asked if there has been any consideration to off street access onto Settler's Crossing. Mr. McAllister stated we have a waiver request for the connecting drive. Mr. McAllister stated vehicles stacked here will make it difficult to turn right into the Northway Bank property as many of the vehicles are 70 plus feet long. Mr. McAllister stated they may be towing passenger vehicles as well. Mr. Porter stated at some point, with the development potential, we have to alleviate the congestion on Route 16. Mr. Porter stated most will leave the camper on site and either drive a private vehicle or walk, however, this is a very congested area.

Mr. McAllister stated our client is finding that majority have a passenger vehicle with them, and there is a lot of pedestrian traffic. Mr. McAllister stated observationally most of the trips are leaving the campground for day trips and use the pedestrian access to the surrounding amenities. Mr. Hartmann asked if there were any plans for a sidewalk. Mr. McAllister answered in the negative, and stated we have seen a lot of other driveways in Town where a sidewalk has not been required.

Mr. Fougere stated if they have access to a nice walking path they are going to take that walk, but without something inviting them to walk they might not walk. Mr. Fougere stated a pedestrian path, even if it is dirt, should be taken into consideration.

Mr. Hartmann asked for public comment; Keith Wehmeyer, OVP Management Facilities Manager, stated a letter from Derek Lick of Sulloway & Hollis was submitted to the Town. Mr. Irving provided copies of the letter [in file] to the Board. Mr. Wehmeyer stated in summary they object to the waiver request for the connecting driveway as they are concerned with pedestrian traffic, they would like to request a traffic study, and they object to the waiver for the architectural requirements.

Mr. Sares stated the discussion centers around the connecting driveway. Mr. Porter stated they raised this concern when we discussed the Market Basket site and the impact it would have on Route 16 and the abutters. Mr. Porter stated this is an increase of 57 sites. Mr. Porter stated we need to be proactive, do the strip justice and improve the access to these sites. Mr. Porter stated we have to alleviate as much traffic once they get there; the abutters have concern about that and we need to seriously consider it when making our decision.

Mr. Shakir stated he is concerned with the site lines; what kind of site line does the traffic leaving that campground as well as people on 16 have. Mr. McAllister stated it is a fairly straight stretch of Route 16. Mr. Shakir asked if there was any potential building on the sites on either side that of this site that would reduce the site lines. Mr. McAllister stated he does not know of any potential buildings. Mr. Shakir asked if the Board could make any special compensation for site lines on the driveway to maintain that site line. Mr. Shakir stated he doesn't think the current setback is enough. Mr. Irving stated the setback is 25-feet from the road right-of-way. Mr. Shakir asked if that would be adequate. Mr. Irving stated it has been.

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Mr. McAllister stated we were given a copy of the letter from Derek Lick last night and have had the opportunity to review it. Mr. McAllister stated we are willing to provide a connecting drive to the stub on the Northway Bank property to the boundary line of our property and leave it there for the connection to be made by OVP.

Mr. McAllister stated they are willing to withdraw the connecting drive waiver request, and asked that it be part of a conditional approval if the Board proceeds that way this evening. Mr. Irving stated staff has no issue with the withdrawal of the connecting drive waiver request and with the Board leaving it to staff. Mr. Irving stated the only issue would be to have to confirm with the adjacent property owner to make the connection. Mr. Irving read a plan note from a previous approval on the adjacent property.

Mr. McAllister stated if the other party is not willing to construct the connecting drive on their side it would then be further justification for our waiver. Mr. Irving stated we would probably have the applicant build the connecting drive to the property line even if the adjacent owner did not want to play ball.

Mr. Irving asked Mr. Wehmeyer if he could answer if OVP would be willing to construct the connecting drive on their property to connect to this property. Mr. Wehmeyer stated that he could not give a definite answer, but he believes they would not be in favor of constructing the connecting drive as it is in front of where our Northway Bank customers walk. Mr. Irving stated if it is the pleasure of the Board they should have the applicant show the connection on the plan and construct a connecting drive to the property line. Ms. Verney asked if it could be a foot path. Mr. Irving stated pedestrians could use the connecting drive.

Mr. McAllister stated in regard to a traffic impact study, we did a study in 2014 and we are proposing seven fewer sites than what was in that study. Mr. McAllister stated we have applied for a NHDOT driveway permit to include two more sites. Mr. McAllister stated the traffic generation study that we did for an additional 89 sites was found to be insignificant by the NHDOT.

Mr. Fougere asked if the campground property had a connecting drive with the TJ Maxx property. Mr. Irving answered in the negative and stated the driveway itself is not their property. Mr. Sares asked if what they are doing makes it necessary for them to make connections. Mr. Irving answered not now, but they would have to if they come in for site plan review. Mr. Irving stated with the connecting drive issue the plan is to be amended to show a connecting drive where it was shown on the previous plan from the driveway to the property line. Mr. McAllister agreed and stated to the Northway Bank property.

Mr. Porter stated there is no noise ordinance. Mr. Porter asked if an easement to the North Conway Water Precinct is something we need to be concerned with. Mr. Irving stated the utilities are installed and there no utilities proposed. Mr. McAllister stated there is a water line proposed to the storage building. Mr. McAllister stated there is a note on the plan that is left over from another project that will be removed.

Mr. Hartmann asked about the lighting waiver. Mr. McAllister stated the proposed light on the new storage building meets the requirements and the waiver is to not analyze the rest of the lighting on the site. Mr. Shakir asked if there is a light fixture on Route 16. Mr. Porter stated he thinks there is ample amount of the lighting on Route 16.

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Ms. Verney asked about screening for the dumpster. Mr. McAllister stated we believe that it meets the ordinance through vegetative measures. Mr. McAllister stated if there was a six-foot fence you would still be looking at the top of the dumpster from the abutting property due to the elevation.

Mr. McAllister read a waiver request for §110-6.A, Large Trees Identified; §110-6.B.2; §110-20.E; §110-20.F/§130-66.C.8.f; §110-21; §110-22; §110-26; §110-28; §110-29; and §110-30.C.3. Mr. McAllister stated that they are withdrawing the waiver requests for §110-20.G; and §110-30.C.2. **Mr. Porter made a motion, seconded by Mr. Shakir, to grant the waiver requests for §110-6.A, Large Trees Identified; §110-6.B.2; §110-20.E; §110-20.F/§130-66.C.8.f; §110-21; §110-22; §110-26; §110-28; §110-29; and §110-30.C.3.**

Mr. Hartmann asked for Board comment; Mr. Hartmann asked if the overhead utilities exist and there are no new overheads proposed. Mr. McAllister answered in the affirmative. Ms. Verney stated she is ok with the window request for the bathhouse, but not for the storage building. Mr. Irving read the window requirement under §110-30.C.3. Mr. McAllister stated the storage building is not visible from any public rights-of-ways; the sides that face the driveway and the campground meet the requirement. Mr. Irving stated for the other two sides of the storage building there is an 8-foot drop from the parking grade even before leaving the abutters property. **Motion carried unanimously.**

Mr. Porter made a motion, seconded by Mr. Fougere, to conditionally approve the full site plan for Adventure and Entertainment Properties, LLC conditionally upon Town Engineer approval; North Conway Fire Chief approval; North Conway Water Precinct water and sewer approval; NHDOT Driveway Permit and indicating permit number on plan; reducing the total number of campsites on the plan to 235; identifying all propane tanks on the site on the plan; providing design detail for proposed propane tanks; revising the maintenance building architectural plans; revising plan to show connecting drive to PID 246-21.002 and providing engineering details for the connecting drive; \$200 for Inspection Fees; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met the plans can be signed out-of-session; and this conditional approval will expire on March 14, 2019. Motion carried unanimously.

**JAMES AND LINDA DIGIANDOMENICO CONTINUED – 2-LOT SUBDIVISION REVIEW
CONTINUED (PID 262-64) FILE #S18-03**

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 21.22 acres into two-lots of 19.26-acres and 1.96-acres at 600 White Mountain Highway, Conway. This application was accepted as complete on February 8, 2018.

Mr. Irving stated the issue was confirmation that the frontage for the new lot met zoning, an amendment has been made to satisfy the zoning question. Mr. Smith gave an overview of the project. Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann asked for public comment; there was none.

Mr. Smith read a waiver request for §130-36.A. **Mr. Shakir made a motion, seconded by Mr. Fougere, to grant the waiver for §130-36.A.** Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann asked for public comment; there was none. **Motion carried with Mr. Sares abstaining from voting.**

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Mr. Porter made a motion, seconded by Mr. Shakir, to conditionally approve the 2-lot subdivision for James and Linda Digiandomenico conditionally upon Town Engineer approval; NHDOT Driveway Permit and indicating approval number on plan; Conway Village Fire Chief approval; Conway Village Fire District water and sewer approval; revising the waivers granted table on the plan; revising the Highway Commercial side setback line on PID 262-64.1; showing the proposed E/T/C utilities to PID 262-64.2; submitting a \$25 check made payable to Carroll County Registry of Deeds for the L-CHIP fee; submitting four copies of revised plans with original stamps and signatures; submitting a Mylar for recording; submit \$200 for Inspection Fees; 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 December 13, 2018. Motion carried with Mr. Sares abstaining from voting.

OTHER BUSINESS

CMR Properties, LLC (File #NA18-07) - §110-4.A.5 (PID 214-84.2): Josh McAllister of HEB Engineers appeared before the Board. This is a request to construct a 660 square foot addition to the Kearsarge Brook amenities building at 167 Skimobile Road, North Conway.

Ms. Verney made a motion, seconded by Mr. Shakir, that the Planning Board determined that based on the provisions of §110-4.A.(5), regarding applicability, that the 660 square addition to the Kearsarge Brook amenities building 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 carried unanimously.

First Church of Christ, Congregational/Sugarland North Realty Trust (File #FR18-03 & #S18-07) – Request to extend conditional approval (PID 219-205, 206 & 207): Josh McAllister of HEB Engineers appeared before the Board.

Mr. Irving stated the only outstanding item is bonding. Mr. Sares made a motion, seconded by Mr. Fougere, to extend the conditional approval for First Church of Christ Congregational/Sugarland North Realty Trust until March 14, 2019. Motion carried unanimously.

Michael DiGregorio – Solar Farms: Mike DiGregorio appeared before the Board. Mr. DiGregorio stated he would like the Board to look at ordinances in regard to Solar Farms and to see if staff could review and propose a warrant article to look at these issues. Mr. DiGregorio referred to the NHSEA Model Solar Ordinance. Mr. DiGregorio stated solar is coming and we need to make sure they are done the right way. Mr. DiGregorio stated he thinks this is a really good start for the Board to look at.

Mr. Sares stated he would agree, and stated that the biggest issues are glare and a combination of greenspace with solar, it comes in layers. Mr. Fougere stated another issue is storage.

Mr. Irving stated they are permitted in two ways, as an accessory use or as a primary use permitted in the industrial and commercial districts. Mr. Irving stated they would need to be an amendment to accommodate these in the Residential Agricultural district. Mr. Irving stated he would get the information for you, and in the meantime, there are several solar projects on going.

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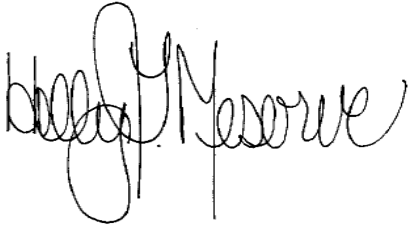
Josh McAllister of HEB Engineers stated along with the allowance in the zoning ordinance, it should also be addressed in the site plan review regulations as solar is treated as an impervious area not consistent with greenspace. Mr. McAllister stated commercial solar is challenging here, but there are draft NHDES regulations. Mr. McAllister stated there is a lot happening, have been approached 8 or 9 solar projects, but some have gone by the wayside.

Mr. DiGregorio stated there is only so much capacity on the lines and once the capacity is used up on the lines, there are no more projects. Mr. DiGregorio stated these projects will likely be in the middle of nowhere and probably not seen by anyone; they should be protected and not seen.

2019 Planning Board dates and submittal deadlines: Ms. Verney made a motion, seconded by Mr. Fougere to accept the 2019 Planning Board dates and submittal deadlines. Motion carried unanimously.

Meeting adjourned at 8:38 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