

**CONWAY PLANNING BOARD**

**MINUTES**

**DECEMBER 13, 2018**

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**CONWAY PLANNING BOARD**

**MINUTES**

**DECEMBER 13, 2018**

A meeting of the Conway Planning Board was held on Thursday, December 13, 2018 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Vice Chair, Michael Fougere; Secretary, Sarah Verney; Raymond Shakir; Steven Steiner; Benjamin Colbath; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Colbath made a motion, seconded by Mr. Steiner, to approve the Minutes of November 8, 2018 as written. Motion carried unanimously.**

**CEDAR STUMP, LLC – EXCAVATION PERMIT REVIEW (PID 244-16) FILE #E18-01**

Stephen LaFrance of Horizons Engineering appeared before the Board. Curt Burke, Tom Burke and Jeff Burke were in attendance. This is an application to develop an 870,000 square foot ledge pit with an estimated material volume of 1,661,500 cubic yards with associated infrastructure on Industrial Drive, Center Conway.

Mr. LaFrance stated this is to start a quarry operation; only one-third of the site will be used. **Mr. Steiner made a motion, seconded by Ms. Verney, to accept the application of Cedar Stump, LLC for an excavation permit review as complete. Motion carried unanimously.**

Mr. Hartmann asked for Board comment; Mr. Shakir asked if this is for rock. Mr. LaFrance answered in the affirmative and stated granite. Mr. LaFrance stated they would be maintaining a 50-foot buffer; and the depth to the rock is from 5-feet to 15-feet. Mr. LaFrance stated they would dig down to the rock, and leave a 2:1 slope. Mr. LaFrance stated there would be a 110-foot high wall. Mr. LaFrance stated that the proposal for this project, which the permit is good for one year but can be renewed, will take 15 years to excavate.

Mr. Fougere asked what is the ground water level and where it has an indentation will it fill with water. Mr. LaFrance stated that is something they will need to address, we did not encounter ground water where we bored. Mr. Shakir asked if they would create a pond there after the excavation. Mr. Fougere asked if there would be standing water in 20-years. Mr. LaFrance stated we don't know what the ground water level will be, but when we are done, we will have a rock bottom on the bottom of this. Mr. LaFrance stated it will have a rock bottom that may have 4- to 5-feet of water; we might leave it with stone on the bottom so you don't see the water, we have to make sure there is no discharge from the site, therefore, the reason it is pitched. Mr. LaFrance stated it could be used for a future building site.

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Mr. Colbath asked if there would be something at the top of the wall to prevent people from wandering off of it. Mr. LaFrance stated there is not a specific law that requires that we do, but it is good practice. Mr. LaFrance stated the site would be gated, but we haven't discussed anything long term. Mr. Colbath asked if there are snowmobile trails in this area. Mr. LaFrance answered in the affirmative and stated phase I brings us into the trail, but before phase II begins the trail will need to be relocated. Mr. Shakir asked the nearest residence. Mr. LaFrance answered on East Conway Road approximately 2,500 feet.

Mr. Irving stated this is not the only time that the Board will see this as it has to be renewed annually. Mr. Colbath asked if there is a conflict with blasting and the nearby propane facility. Mr. LaFrance answered in the negative. Ms. Verney asked if blasting would be during reasonable daytime hours. Mr. LaFrance answered in the affirmative, and stated that blasting is only periodically.

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

Mr. LaFrance read a waiver request for §47-10.H. **Mr. Shaker made a motion, seconded by Mr. Steiner, to grant the waiver for §47-10.H.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. LaFrance read a waiver request for §47-10.J. **Mr. Colbath made a motion, seconded by Mr. Shakir, to grant the waiver for §47-10.J.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Irving read the conditions of approval and asked Mr. LaFrance if those conditions were acceptable to his client. Mr. LaFrance answered in the affirmative.

**Mr. Steiner made a motion, seconded by Mr. Colbath, to conditionally approve the excavation permit for Cedar Stump, LLC conditionally upon Town Engineer Approval; Indicate NHDES Alteration of Terrain approval number on plan; indicate NHDOT Driveway Permit approval number on plan; showing access road (across PID 244-17) on plan; submitting a Reclamation Agreement; submitting any outstanding fees; submitting four copies of revised plans with original stamps and signatures; submitting \$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 June 13, 2019. Motion carried unanimously.**

**DJA PROPERTIES, LLC – FULL SITE PLAN REVIEW (PID 277-223) FILE #FR18-08**

Shawn Bergeron of Bergeron Technical Services appeared before the Board. Donald Whitelaw, Jr. was in attendance. This is an application to construct a 6,000 square foot office and storage/warehouse building with associated infrastructure at 624 Main Street, Conway. Mr. Bergeron reviewed the project. **Mr. Shakir made a motion, seconded by Mr. Colbath, to accept the application of DJA Properties, LLC for a full site plan review as complete. Motion carried unanimously.**

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Mr. Hartmann asked for Board comment; Mr. Shakir asked if the original building stays. Mr. Bergeron answered in the affirmative and stated that building is on a separate parcel. Mr. Steiner asked what the new building would be used for. Mr. Bergeron answered office with storage/warehouse space, but there is not a specific tenant at this time.

Mr. Hartmann asked for public comment; Phil Murphy asked to review the shared driveway plan. Mr. Murphy stated there is a new telephone pole on his property. Mr. Bergeron stated the utility pole that is there presently is located on NHDOT property. Mr. Murphy stated he had no problem with the pole, but now they have added a strong back and he now has a problem with plowing. Mr. Bergeron stated the pole is located in the NHDOT right-of-way; it is a rather large right-of-way in that area with it being 150-feet from the centerline. Mr. Bergeron stated we have no custody or control where they set poles; Mr. Murphy would need to have a conversation with Eversource.

Mr. Irving stated in regards to the connecting drive waiver, he spoke with NHDOT and they indicated that they like to have connecting drives, but don't require them. Mr. Irving stated NHDOT has no problem with the waiver request.

Mr. Bergeron read the waiver requests for §110-20.E; §110-20.G; §110-20.I; §110-22.B; §110-29.A.2. & A.3; §110-29.A.4; and §110-29.D.8. **Mr. Colbath made a motion, seconded by Mr. Shakir, to grant the waiver for §110-20.E; §110-20.G; §110-20.I; §110-22.B; §110-29.A.2. & A.3; §110-29.A.4; and §110-29.D.8.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Irving read the conditions of approval and asked Mr. Bergeron if those conditions were acceptable to his client. Mr. Bergeron answered in the affirmative.

**Mr. Steiner made a motion, seconded by Mr. Shakir, to conditionally approve the full site plan for DJA Properties, LLC conditionally upon Town Engineer Approval; NHDOT Driveway Permit and indicating permit number on plan; identifying location of test pits on sheet 4 (Grading and Drainage Plan); revising sheet number on each individual sheet in plan set; adding the latest revision date to the supplement plan list on sheet 3 (Proposed Site Plan); submitting four copies [three to remain with the Town] of revised plans with original stamps and signatures; submitting \$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.**

**JOSEPH E. SULLIVAN, III – 8-UNIT SUBDIVISION REVIEW (PID 219-108) FILE #S18-11**

Ron Briggs of Briggs Land Surveying appeared before the Board. This is an application to create eight (8) residential units on 2.52 acres at 85 Cranmore Road, North Conway. Mr. Briggs reviewed the project. **Mr. Shakir made a motion, seconded by Mr. Colbath, to accept the application of Joseph E. Sullivan, III for a subdivision review as complete. Motion carried unanimously.**

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Mr. Hartmann asked for Board comment; Mr. Hartmann stated he would like to see more vegetation between the road and the driveway. Mr. Colbath agreed, and suggested evergreens. Mr. Irving suggested adding more vegetation as a condition to granting the waiver for the driveway.

Mr. Shakir stated he is assuming that these are going to be rental units. Mr. Briggs stated they will be sold, and what the buyers do with them he does not know.

Mr. Hartmann asked for public comment; Tom Eastman of the Conway Daily Sun asked if these would be condominium units and could they be rented out. Mr. Briggs answered in the affirmative. Mr. Irving stated we don't have a specific restriction in the zoning that limits short term rentals, but their homeowner's association could add restrictions on short-term rentals.

Mr. Briggs read a waiver request for §130-3. **Mr. Colbath made a motion, seconded by Mr. Steiner, to grant the waiver for §130-3 with the condition that conifer trees be planted between each of the hardwood trees.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Briggs read a waiver request for §130-66.C.8.c. **Mr. Steiner made a motion, seconded by Mr. Colbath, to grant the waiver for §130-66.C.8.c.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Briggs read a waiver request for §130-66.C.8.b. **Mr. Shakir made a motion, seconded by Mr. Fougere, to grant the waiver for §130-66.C.8.b.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Irving read the conditions of approval and asked Mr. Briggs if those conditions were acceptable to his client. Mr. Briggs answered in the affirmative.

**Mr. Steiner made a motion, seconded by Mr. Shakir, to conditionally approve the 8-unit subdivision for Joseph E. Sullivan, III conditionally upon Town Engineer Approval; North Conway Water Precinct water and sewer approval; submitting a Mylar for recording; submitting a \$25 check made payable to the Carroll County Registry of Deeds for the LCHIP fee; submitting four copies of revised plans with original stamps and signatures; submitting \$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.**

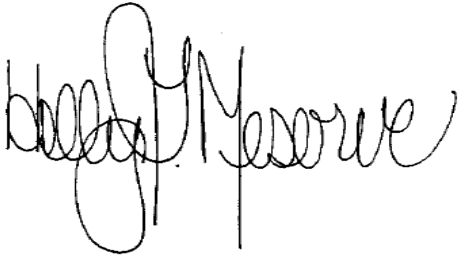
#### **OTHER BUSINESS**

**Set public hearing for proposed and petitioned zoning amendments: Mr. Colbath made a motion, seconded by Mr. Fougere, to hold a public hearing on the proposed zoning amendments and any petitioned zoning amendments that might be received on January 24, 2019. Motion carried unanimously.**

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Meeting adjourned at 8:02 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