

CONWAY PLANNING BOARD

MINUTES

APRIL 11, 2019

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A meeting of the Conway Planning Board was held on Thursday, April 11, 2019 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Secretary, Sarah Verney; Raymond Shakir; Benjamin Colbath; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Colbath made a motion, seconded by Ms. Verney, to approve the Minutes of March 14, 2019 as written. Motion carried unanimously.

PUBLIC HEARING – PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

§110-4. and §110-8: The purpose of these amendments is to increase the administrative authority to approve minor site changes, eliminate the requirements for “Minor” site plan reviews, to eliminate fees for minor reviews and to amend section numbering, revise checklists and application forms as necessary to conform with these amendments to §110-4 and §110-8.

Mr. Hartmann opened the public hearing at 7:01 pm. Mr. Irving stated this would be increasing the threshold necessary for site plan review. Mr. Irving stated over the years the Board has increased the administrative authority to approve developments that substantially complied with the regulations to the administrative level, this is the next step which takes it up to projects that create up to 1,000 square feet of new floor area or a reduction of greenspace up to 2,000 square feet, which was the threshold for a minor site plan review, and to change that to be an administrative authority under the non-applicable clauses and essentially eliminate the minor site plan review. Mr. Irving stated there will be two options, a non-applicable or a full site plan review.

Mr. Irving stated there are two options under the non-applicable clause; administrative or the Planning Board still has the authority where it finds that the proposed changes to the site are insignificant relative to the existing development, where the Board can still make a finding that a site plan review is not-applicable.

Mr. Hartmann asked for Board comment; Mr. Shakir asked under the segment of the full review does that make it more difficult. Mr. Irving answered in the negative and stated the full site plan review is not done administratively, the full site plan review is the review done by the Planning Board. Mr. Irving stated what this amendment does is it saves developers or applicants from having to file a site plan application for smaller projects now up to 1,000 square feet of new floor area.

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Mr. Porter stated this would make it more enticing for individuals to expand their businesses. Mr. Shaker stated it makes things easier. Mr. Porter stated it makes things easier all the way around. Mr. Irving stated staff will be determining at the staff level whether or not it is substantially compliant with the regulations, which is what we do anyway when we do the staff review for the Board when there is a site plan review. Mr. Irving stated the only time the Board has a lot to do on a site plan review when there are waivers to address. Mr. Irving stated if waivers are going to be necessary it will require a site plan review.

Mr. Hartmann asked for public comment; Shawn Bergeron of Bergeron Technical Services stated he appreciates this effort; he would like to see the process easier for people to do these small projects. Mr. Bergeron stated there is no need for his office to be involved in these smaller projects, this will save business people time, effort and money. Mr. Bergeron stated he supports this amendment. Mr. Hartmann closed the public hearing at 7:05 pm.

Mr. Shakir asked if there is an appeal process. Mr. Irving answered in the affirmative, and stated they can come to the Planning Board. **Mr. Shakir made a motion, seconded by Ms. Verney, to amend the site plan review regulations regarding §110-4 and §110-8 as proposed. Motion carried unanimously.**

OTHER BUSINESS

Brian and Richard Fram (PID 218-110) – Paid Parking Lot experiment discussion (File #NA19-04): Shawn Bergeron of Bergeron Technical Services and Brian and Richard Fram appeared before the Board. Mr. Bergeron stated the basic intent of their request is that they would like to, on a trial basis, use this property as a commercial parking lot for the summer of 2019. Brian Fram stated they would like to try it for four days over Memorial Day weekend, then shut it down and try it again just before July 4th.

Mr. Bergeron stated the intent is to see how this will work in North Conway Village. Mr. Bergeron stated the building would remain vacant. Mr. Bergeron stated this parcel has been used for parking in the past the only difference is it would be an attempt at a potential commercial parking adventure, which they would evaluate at the end of the summer. Mr. Brian Fram stated if it is important enough, he would share the information with the town, and see if they want to take this to a higher level.

Mr. Porter asked if he has approached the neighboring business. Mr. Fram answered in the negative. Mr. Porter stated he should let them know as employees from surrounding businesses do park there. Mr. Brian Fram stated he knew it was used for parking, but he didn't realize it was employees parking there; he thought just people were parking there.

Mr. Porter stated he thinks it is a good idea, but need to look at the long-term impact as it could create a potential problem. Mr. Porter stated to softened the problem he should reach out to the local businesses in that area to let them know. Mr. Brian Fram stated this is a beta test, don't want to over jump my boundaries or set up people for anxiety. Mr. Porter stated he should definitely let them know since its planned around Memorial Day weekend, to give them

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forewarning and let them plan for it. Mr. Bergeron stated they can make an attempt to see who is parking there, however, they are parking on someone else's property without permission. Mr. Bergeron stated they can attempt make them aware of it, but it is a good potential opportunity. Mr. Porter stated he just wants to soften the blow.

Mr. Colbath asked if they plan on gating it, and if so, what about access to the back lots of other properties. Mr. Brian Fram stated there is an easement and they will still be allowed access to the back of their properties. Mr. Colbath asked if he would be required to have handicap spaces. Mr. Brian Fram stated one currently exists. Mr. Bergeron stated there is an easement to pass through which will remain and access to the back of their lots will be clear and free.

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

Mr. Irving stated the Town would be interested in the statistics collected. Mr. Irving stated one reason why he is encouraging this experiment is at some point in time as the villages develop, we know they are not going to develop out much because most of the developable land is occupied or within setbacks.

Mr. Irving stated there is a higher probability that the uses of the buildings will become more intensive or the development will be upward, which may require more parking and put increasing parking pressure on the public parking on the street. Mr. Irving stated at this point in time we don't permit parking lots as a principal use; if it turns out this is viable, or even if it doesn't, at some point in time the Town is going to need to propose that parking lots are a permitted use. Mr. Irving stated this allows us to see if this works.

Mr. Porter 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 use of the vacant parking site for a temporary paid parking lot 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.

Edward Prevost – Lot Merger (PID 259-96 & 97): Ed Prevost was in attendance. **Mr. Porter made a motion, seconded by Mr. Colbath, to approve the lot merger to merge PID 259-96 & 97 into one lot of record. Motion carried unanimously.**

Conway Hospitality (PID 246-42) – Request Field Changes (File #FR14-06): Burr Phillips of Civil Solutions and Charlie Allan appeared before the Board. Mr. Phillips reviewed the proposed field changes (see attached email). **Mr. Porter made a motion, seconded by Mr. Colbath, that the proposed changes are acceptable field changes. Motion carried unanimously.**

SCRC, LLC – Lot Merger (PID 262-60 & 61): Mr. Shakir made a motion, seconded by Ms. Verney, to approve the lot merger to merge PID 262-60 & 61 into one lot of record. **Motion carried unanimously.**

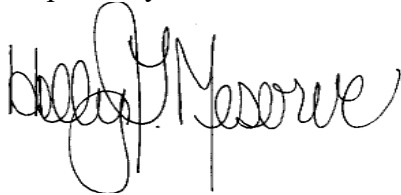
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November 14th Planning Board Meeting: Mr. Irving asked the Board to move the November 14, 2019 Planning Board meeting to November 7, 2019. **Ms. Verney made a motion, seconded by Mr. Colbath, to move the November 14, 2019 Planning Board meeting to November 7, 2019 with the application deadline date to be October 15, 2019. Motion carried unanimously.**

Mike DiGregorio – Solar Collection Systems: Mr. DiGregorio had a brief discussion with the Board regarding solar collection systems. Mr. DiGregorio suggested the Board have a workshop with Clay Mitchell. The Board agreed to have Mr. DiGregorio check to see if Mr. Mitchell could attend the May 9, 2019 Planning Board meeting.

Meeting adjourned at 7:58 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is fluid and cursive, with the first name being the most prominent.

Holly L. Meserve
Planning Assistant

§ 110-4 **Applicability.**

~~There are three possible applications of this code to development of a nonresidential or multifamily site to be determined by the designee of the Board:~~

- ~~1) The code is not applicable (Subsection A);~~
- ~~2) The Planning Board provides a minor review (Subsection B); or~~
- ~~3) The Planning Board provides a full review (Subsection C).~~

The following criteria specify the level of review necessary for a proposal to develop a ~~commercial~~ nonresidential or multifamily site:

A. Not applicable. The determination of "not applicable" by the designee of the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The site plan review regulations shall be deemed not applicable for the following:

- (1) Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by the designee of the Board.
- (2) Special events approved by the Board of Selectmen.
- (3) Agricultural buildings as defined in Chapter **190**, Zoning, of the Conway Code (see § **190-31**, Definitions).
- (4) Small undertakings where it is demonstrated that:
 - (a) All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this chapter;
 - (b) Proposed changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading);
 - (c) Any net reduction in greenspace on the lot is less than or equal to ~~4,000~~ 2,000 square feet; [Amended 3-14-2019]
 - (d) Any increase in structure floor space is less than or equal to ~~500~~ 1,000 square feet; and [Amended 3-14-2019]
 - (e) In order to ensure that cumulative impacts can be evaluated by the Planning Board in a public forum, this Subsection **A(4)** shall not be applied if its application, combined with prior applications since the latest review by the Planning Board, would result in a cumulative decrease of greenspace greater than ~~2,000~~ 4,000 square feet or in a cumulative increase in structure floor space greater than ~~4,000~~ 2,000 square feet. [Amended 3-14-2019]
- (5) Where the Planning Board finds that the change of use and/or physical changes to the site are insignificant relative to the existing development.

B. Minor review. ~~A minor review by the Planning Board shall be required for any development that does not qualify to be "not applicable" or "full review."~~

C. Full review Applicable. Unless deemed not applicable pursuant to Subsection **A(5)**, a full Site Plan Review by the Planning Board shall be required for the following:

- (1) Establishment of nonresidential use where no nonresidential use currently exists;
- (2) Establishment of multifamily use where no multifamily use currently exists;
- (3) Reduction in greenspace on the lot exceeds ~~1,000~~ 2,000 square feet; or
- (4) The increase in structure floor space exceeds 1,000 square feet or 25% of existing floor space, whichever is more restrictive.

§ 110-8 **Fees; consultant review.**

[Amended 7-28-2016]

In accordance with RSA 676:4, I(g) and RSA 674:44, V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

~~**A.** An application for a minor site plan review shall not be considered complete unless it includes a filing fee of \$200.~~

~~**B.** An application for a full-site plan review shall not be considered complete unless it includes a filing fee of \$200 and \$40 per new motel/hotel/transient room/suite and \$40 per new dwelling unit and \$0.10 per gross square foot of any other new nonresidential floor space. The applicant shall also submit a recording fee of \$40 per plan sheet to be recorded and \$20 for each 8.5 inch by 11 inch page to be recorded.~~

~~**CB.** All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be \$10 per abutter (or any other party notified and \$40 for the published notice.~~

~~**DC.** A Tax Map amendment fee of \$75 shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee shall be paid by the applicant prior to final approval.~~

~~**ED.** Applications that require an engineering review shall be assessed a fee of \$100 per hour. Said fee shall be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with Subsection ~~**FE.**~~~~

~~**FE.** The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.~~

~~**GF.** When a completed application is submitted to the Town, it will be reviewed by Planning Department staff. Comments will be made in writing and forwarded to the applicant. If the plans are resubmitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards, the applicant will be charged an additional fee of \$60 per hour. Said fee shall be paid by the applicant prior to final approval.~~

HG. A plan scanning fee of \$10 per sheet shall be assessed to facilitate digitizing the final approved plans.

IH. A Land and Community Heritage Program (LCHIP) surcharge fee of \$25 shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.

J. A site inspection fee of \$60 per hour shall be assessed to facilitate progress and final inspections. Said fee shall be paid by the applicant prior to final release of surety or a final certificate of occupancy.

Holly Meserve

From: Burr Phillips <burr@c-solutions-llc.com>
Sent: Friday, March 8, 2019 12:56 PM
To: Thomas Irving
Cc: apatel; Mark Puebla; [REDACTED]; Scott Lawler, Holly Meserve
Subject: Conway Hospitality - Home2Suites: Proposed Field Changes
Attachments: Conway Hospitality - Proposed Field Changes - 2-28-19.pdf; A-1 - Revised Color Elevs - 02222019.pdf; A-2 - Revised Color Elevs - 02222019.pdf; A-2 - ORIGINAL.pdf; A-1 - ORIGINAL.pdf

Hi Tom,

Attached are the updated site plan and architectural elevations. We hope that these adjustments can be handled as field changes or an administrative review since they are driven mostly by the final building design/construction details.

Regarding the site plan:

- 1) The proposed changes are indicated in construction orange.
- 2) Most of the changes are a result of re-matching up to the adjusted building footprint.
- 3) We did need to adjust the transformer pad locations due to new requirements of the power company.
- 4) We also replaced the small patio at the northwesterly corner of the restaurant with an "Outdoor Living Area" as requested by Hilton.

Regarding the architectural elevations:

- 1) These were mostly driven by making the building buildable and some code requirements. For example, you will see a new dormer above the elevator shaft.
- 2) The changes to the footprint are mostly due to getting columns in the right spot and extending the slab under the brick facing.
- 3) The Porte Cochere size was reduced, but its clearance was increased to 14' to allow large emergency vehicles to fit under it.
- 4) The client proposes to add stone veneer to several vertical sections of the building to enhance the New England feel.
- 5) You will also notice (though not specifically highlighted) that some windows and shutters on the south, west, and north sides of the building have been adjusted. I believe that this was mostly driven by the final location of the elevator shaft.

If the town has any concerns with these proposed field changes we would prefer to address them, if it is possible, without filing a new site plan application.

Please let me know how many paper copies to drop off at town hall. Thanks for your consideration.

Burr H. D. Phillips, PE, CPESC
Civil Solutions, LLC
PO Box 476, Bartlett, NH 03812
603-374-1899