

CONWAY PLANNING BOARD

MINUTES

JANUARY 8, 2004

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Adopted: January 29, 2004 – Adopted as written

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A meeting of the Conway Planning Board was held on Thursday, January 08, 2004, beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Vice Chair, Robert Drinkhall; Secretary, Brian Glynn; Conrad Briggs; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the Minutes of December 11, 2003 as written. Motion carried with Mr. Robinson abstaining from voting.

NORTH CONWAY LUMBER – FULL SITE PLAN REVIEW CONTINUED (PID 219-204) FILE #FR03-16

Shawn Bergeron of Bergeron Technical Services LLC appeared before the Board. This is an application to redevelop the site by changing the use of the two existing buildings from retail to office and restaurant space and constructing 12,000 square feet of new office space. This was continued from the December 11, 2003 Planning Board meeting.

Mr. Bergeron reviewed the changes to the plan. Mr. Irving stated that staff has no issues with the requested waivers and feel the applicant has done a tremendous job protecting the North-South Road. Ms. Duane asked if the architectural plans are for both buildings. Mr. Bergeron answered in the affirmative. Ms. Duane asked what elevation would be facing the North-South road. Mr. Bergeron stated that it would look exactly like the elevation facing Route 16, minus the doors, with a window in the place of the doors.

Mr. Briggs stated that there is still a huge chunk of asphalt that he would like to see broken up. Mr. Bergeron stated that his client does not own all of the asphalt, and can only deal with a small portion. Mr. Bergeron stated that this applicant has to deal with the drainage for both lots. Mr. Bergeron stated certain modifications to this site would make the bank parking lot a lake.

Ms. Duane stated that we are looking for more of what fits within our ordinances. Mr. Briggs stated that they might meet the letter of the law, but not the spirit of the law. Mr. Bergeron stated that they are not going to go onto someone else's property and do site improvements. Mr. Glynn stated that the applicant has made tremendous improvements and he doesn't see much more they can do.

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Mr. Robinson asked why the radius on one side of the driveway was being modified and not on both sides. Mr. Bergeron stated that one side is already existing, plus the NHDOT wanted the driveway to be reduced in width.

Ms. Duane read the requirements to grant a waiver. Ms. Duane read the waiver requests for Articles 123-20.F./131-67.C.8.a., b. & f.; 123-21; 123-27; and 123-29.D.1., 2. & 8.

Mr. Drinkhall made a motion, seconded by Mr. O'Brien, to grant the waiver requests for Articles 123-20.F./131-67.C.8.a., b. & f.; 123-21; 123-27; and 123-29.D.1., 2. & 8. Motion carried with Mr. Briggs not voting.

Mr. Drinkhall made a motion, seconded by Mr. Glynn, to reconsider the waiver request for Article 123-29.A.2. & A.3. that was denied on December 11, 2003. Motion carried with Mr. Briggs voting in the negative and Mr. Robinson abstaining from voting. Ms. Duane read the modified waiver request for Article 123-29.A.2. & A.3. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to grant the waiver request for Article 123-29.A.2. & A.3.** Mr. Bergeron stated that they have eliminated some of the uses within the buffer resulting in a gain of green space. **Motion carried with Mr. Briggs voting in the negative.**

Ms. Duane asked for public comment; there was none. Ms. Duane stated if there are any changes to this site then the applicant must come back to the Board. **Mr. Glynn made a motion, seconded by Mr. Drinkhall, to conditionally approve the Full Site Plan for North Conway Lumber conditionally upon obtaining a NHDOT Driveway Permit; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on April 22, 2004. Motion carried with Mr. Briggs not voting.**

**NORTHERN BUILDING SUPPLY, INC. – FULL SITE PLAN REVIEW
CONTINUED (PID 219-228) FILE #FR03-17**

Shawn Bergeron of Bergeron Technical Services LLC appeared before the Board. This is an application to raze the rear section of existing storage building, completely raze one storage building, construct a new 17,160 s.f. warehouse/retail building and construct a 1,200 square foot retail building. This was continued from the December 11, 2003 Planning Board meeting.

Mr. Bergeron stated that there were two concerns at the last meeting; first, the Board wanted some type of plant screening along Depot Road, which the applicant has proposed a row of Eastern Red Cedar. Mr. Bergeron stated that the applicant would plant the same size and caliper that the Town planted at the Depot Street Park. Mr. Bergeron stated that the other concern was added green space at the southerly entrance on the southerly side of the entrance. Mr. Bergeron stated that they would need to remove some asphalt and then would be planting a tree backed up to a hedge of trees. Mr. Bergeron stated that that corner should be left the way it is.

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Mr. Briggs stated that he does not think it is that difficult to resolve. Mr. Bergeron stated either the applicant is going to lose a parking space or plant green space in the State right-of-way. Mr. Irving stated that the applicant would have to revisit their driveway permit if green space is added in the State's right-of-way. Mr. Bergeron stated that he will plant two cedars on the applicant's property and will speak to NHDOT regarding planting green space, but he is not committing his client to the green space. The Board agreed. Ms. Duane asked for public comment; there was none.

Mr. Briggs made a motion, seconded by Mr. Drinkhall, to conditionally approve the Full Site Plan for Northern Building Supply conditionally upon obtaining a NHDOT Driveway Permit; Town Engineer Drainage Approval; locating the utilities for the 1,200 s.f. building on the plan; add green space to the southerly driveway if approved by the NHDOT; add two cedars at the southerly entrance; adding note regarding an outdoor display area for the 1,200 square foot retail building to the plan; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 22, 2004. Motion unanimously carried.

**ESTATE OF GEORGE MURRAY/E.J. POLIQUIN CORP – BOUNDARY LINE
ADJUSTMENT/SUBDIVISION REVIEW (PID 265-161.1 & 161.6) FILE #S04-01**

Mark Lucy of White Mountain Survey Company and Ed Poliquin, Developer, appeared before the Board. This application is to add 2,409 square feet of land to PID 265-161.6 from PID 265-161.1. Mr. Irving stated this is a complete application. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to accept the application of the Estate of George Murray/E.J. Poliquin Corp. for a Boundary Line Adjustment/Subdivision Review as complete. Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 131-27 through 131-68. Mr. Irving stated that this waiver request would still require the standards to be met, just for them to not be represented on the plan. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to grant the waiver request for Articles 131-27 through 131-68. Motion unanimously carried.**

Ms. Duane asked for public comment; there was none. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to approve the Boundary Line Adjustment/ Subdivision Application for the Estate of George Murray/E.J. Poliquin Corp. Motion unanimously carried.** The plans were signed.

**GALE AND RICHARD DAVIDSON – FULL SITE PLAN REVIEW (PID 230-1)
FILE #FR04-01**

Ted Kupper of Provan and Lorber and Ed Poliquin, Developer, appeared before the Board. This is an application to construct a 11,146 square foot/64-unit Inn with swimming pool. Mr. Irving stated that this is a complete application. **Mr. Glynn made**

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a motion, seconded by Mr. Briggs, to accept the application of Gale and Richard Davidson for a Full Site Plan Review as complete. Motion unanimously carried.

Mr. Irving stated that staff has no issues with the requested waivers, except for a comment from the Town Engineer regarding the driveway width. Mr. Irving read the memorandum from Mr. DegliAngeli dated January 8, 2004. Mr. Kupper stated that there is not a lot of stacking room and they are trying to prevent a lot of stacking on the property. The Board agreed to allow a North bound and a southbound exit turning lane.

Mr. Irving stated that it might be appropriate to have a pedestrian walkway connecting to the retail stores to the North and to the South of this property. Mr. Kupper stated that a pedestrian walkway could be added. Ms. Duane asked if we want to have them retain space for a connecting drive. Mr. Irving stated that the adjacent properties, as they are developed, don't have an appropriate place for a connecting drive. Mr. Briggs stated that we should compromise and make a pedestrian walkway.

Ms. Duane asked for public comment; there was none. Ms. Duane read the waiver requests for Articles 123-29.D.1.; 123-20.F./131-67.C.8.b.; 123-20.G.; 123-29.D.2.; 123-29.D.7.; and 123-29.D.8. **Mr. Drinkhall made a motion, seconded by Mr. Briggs, to grant the waivers for Articles 123-29.D.1.; 123-20.F./131-67.C.8.b.; 123-20.G.; 123-29.D.2.; 123-29.D.7.; and 123-29.D.8. Motion unanimously carried.**

Mr. Irving stated that he has indicated to the applicant's agent that the NHDOT is not only going to have to approve the driveway permit, but the drainage that goes under the building. Mr. Irving stated that the applicant's agent is confident that there will be no changes to the site and asked Mr. Kupper if he is still comfortable with a conditional approval. Mr. Kupper agreed to go forward with a conditional approval.

Mr. Glynn stated that he does not think the architectural elevations are within the guidelines. Mr. Poliquin reviewed the materials for the building. Mr. Poliquin stated that it is going to be a clapboard building. The Board asked for more definitive architectural plans. The applicant agreed.

Mr. Briggs made a motion, seconded by Mr. Glynn, to conditionally approve the Full Site Plan for Gale and Richard Davidson conditionally upon adding a pedestrian walkway to the northerly and southerly property; North Conway Fire Chief Approval; North Conway Water Precinct Water and Sewer Approval; NHDOT Driveway Permit; satisfy Town of Conway Engineer requirements in memorandum dated 01/05/04; final architectural drawings to be submitted and approved by the Board; add elevation drawings to plan set and number accordingly; add elevation drawings to supplemental plan list on Sheet C2.1; amend tree calculations on Sheet L1; add waivers granted to the plan; amend plans to show the hydrant and water lines as required by North Conway Fire Chief; submit a Mylar; a performance guarantee for all site improvements; when the conditions have been met, the plans to be signed in-session; and this conditional approval to expire on April 22, 2004. Motion carried with Mr. O'Brien voting in the negative.

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**HARLCO LTD PARTNERSHIP – CONCURRENT SITE PLAN AND
SUBDIVISION REVIEW (PID 235-1) FILE #FR04-02 & S04-02**

Nick Castel of Mountain High Marketplace LLC appeared before the Board. This is an application to create a 32-unit commercial condominium, to construct a 3,245 square foot building expansion and change-of-use that would result in 250 restaurant seats (16,000 square feet), 2,144 square feet of office space and 31,000 square feet of retail space. Mr. Irving stated that this is a complete application. **Mr. Glynn made a motion, seconded by Mr. Briggs, to accept the application of Harlco LTD Partnership for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Ms. Duane asked what portion of the building would be used for restaurant. Mr. Castel answered units A, B, C, D, F, E, G2, and I2 will be restaurant. Ms. Duane asked if there is any residential under this application. Mr. Castel answered in the negative. Mr. Irving stated that there is a caretaker's unit for the restaurant.

Ms. Duane asked for public comment; Jim Beldotti, resident of the Village of North Conway, asked what is the disposition of Carol Ann Way entering onto Village Way. Mr. Beldotti stated that Village Way is our right-of-way, but no one has addressed that that is our right-of-way. Mr. Irving stated that Village Way is a private right-of-way that is owned by the Village of North Conway. Mr. Irving stated that it is a civil matter between the residents of the Village of North Conway and Carol Ann Way in regards to maintenance.

Mr. Castel submitted a letter to the Board from an attorney in regard to the ownership of Village Way. Mr. Castel stated that the right-of-way is private and shared by three groups; the Bollinger Subdivision (Carol Ann Way), the Village of North Conway and the Willow Place property. Mr. Castel stated that Willow Place does not use Village Way.

Kenneth Vance, resident at Village of North Conway, asked where are the additional buildings. Mr. Castel stated that there are no new buildings, but extension of the existing building. Brian Kairnes, resident of Carol Ann Way, asked if there would be a restriction from using Willow Place to get to Carol Ann Way. Mr. Irving stated that there is no plan to block that entrance at this time. Mr. Castel stated that the Bollinger Subdivision has no lawful right-of-way to cross their property to get to Carol Ann Way.

Mr. Kairnes asked if there could be a residential aspect on this site. Mr. Castel stated that there is no plan for residential development under this application. Mr. Irving stated that there is no approval for residential, and the Town's regulations do not forbid it, however, it would require an approval from the Planning Board.

Ms. Duane read the waiver requests for Articles 123-6.A., 123-20.F., 123-22.D., 123-27., 123-28., 123-29.A.2., 3., & 4., 123-29.D., 123-30.1., 2., & 3., 131-24.E.; 131-24.G; 131-25.C., 131-26.A.; 131-24.J.; and 131-24.T., 131-24.U., & 131-24.V. **Mr. O'Brien made a motion, seconded by Mr. Glynn, to grant the waiver request for Articles 123-6.A., 123-20.F., 123-22.D., 123-27., 123-28., 123-29.A.2., 3., & 4., 123-29.D., 123-30.1., 2., & 3., 131-24.E.; 131-24.G; 131-25.C., 131-26.A.; 131-24.J.; and 131-24.T., 131-24.U., & 131-24.V. Motion unanimously carried.**

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Mr. Irving asked if Mr. Castel if there were any additional street trees proposed. Mr. Castel answered in the affirmative and stated that four more trees are proposed. Mr. Irving stated that the handicap parking spaces would need to be re-stripped to include 5-foot access aisles.

Mr. Glynn made a motion, seconded by Mr. Drinkhall, to conditionally approve the Concurrent Site Plan and Subdivision Application for Harlco LTD Partnership conditionally upon remaining trees and landscaping be added to the plan; re-stripping of the handicap parking spaces; North Conway Water Precinct Water and Sewer Approval; Add the address of the Engineer and the Engineer's Certification to the plan; NHDOT Driveway Permit; Show existing and proposed telephone, electric and other underground utilities on the plan; Town Engineer's Drainage approval; Submit a Mylar; A performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on June 30, 2005. Motion unanimously carried.

OTHER BUSINESS

William Gucwa/Claredon Motel - §123-4.A.(5) - (PID 202-171) NA03-19: The owner would like the Board to consider the sale of one car at a time on the motel property not subject to a Minor or Full Site Plan Review. Since the applicant was not present, there was no action taken.

Set Public Hearing Date – January 29, 2004: Mr. Drinkhall made a motion, seconded by Mr. Glynn, to hold a public hearing on January 29, 2004 for the proposed and petitioned amendments to the Zoning Ordinance and Chapter 88, the Building Code. Motion unanimously carried.

Agnes Birch/Green Granite Limited Partnership (PID 246-35) File #FR03-06 – Extension of Conditional Approval: Mr. Briggs made a motion, seconded by Mr. Glynn, to extend the conditional approval for Agnes Birch/Green Granite Limited Partnership until April 22, 2004. Motion unanimously carried.

E.J. Poliquin/Evergreen on the Saco – As-built Plans for units 11 and 12 (PID 265-161.3) File #S03-18: Mr. Glynn made a motion, seconded by Mr. Drinkhall, to sign the as-built plans for E.J. Poliquin/Evergreens on the Saco for Units 11 and 12. Motion unanimously carried.

Meeting adjourned at 9:25 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary