

CONWAY PLANNING BOARD

MINUTES

DECEMBER 12, 2013

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CONWAY PLANNING BOARD

MINUTES

DECEMBER 12, 2013

A meeting of the Conway Planning Board was held on Thursday, December 12, 2013 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Carl Thibodeau; Vice Chair, Steven Hartmann; Secretary, Martha Tobin; Kevin Flanagan; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Hartmann made a motion, seconded by Mr. Thibodeau, to approve the Minutes of November 14, 2013 as written. Motion carried with Ms. Tobin abstaining from voting.

GALE MOSMAN – MINOR SITE PLAN REVIEW (PID 262-84) FILE #MR13-02

Andrew Fisher of Ammonoosuc Survey Company appeared before the Board. This is an application to construct a single-family home and garage at 505 White Mountain Highway. Mr. Fisher stated that they are not changing anything on the commercial portion. Mr. Fisher stated there is a garage that is being removed and the proposed house would be located in the same location. **Ms. Tobin made a motion, seconded by Mr. Hartmann, to accept the application of Gale Mosman for a Minor Site Plan review as complete. Motion unanimously carried.**

Mr. Hartmann stated there are a lot of waivers. Mr. Fisher stated a lot of them are to do with the commercial portion and granted under the 2003 approval. Mr. Hartmann asked about lighting. Mr. Fisher stated the waiver is to do with the existing commercial structure; not asking for a waiver on the new structure.

Mr. Porter stated this is a residential home and not doing anything to the current commercial. Mr. Hartmann stated that he just had to ask these questions to make sure he wasn't missing anything. Mr. Hartmann asked what the waiver for utilities is. Mr. Irving stated it is for the overhead service to the commercial structure; the new service to the house is underground.

Mr. Thibodeau asked about drainage. Mr. Irving stated there is a proposed retaining wall and the Town Engineer has asked for a swale so the runoff does not cross the property line. Mr. Porter asked for public comment; there was none.

Mr. Porter read a waiver request for §123-20.F/§131-67.C.8.a. **Mr. Porter made a motion, seconded by Mr. Hartmann, to grant the waiver for §123-20.F/§131-67.C.8.a with the condition that the drainage swale requested by the Town Engineer be installed.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

**Adopted: January 23, 2014 – Adopted as Written
CONWAY PLANNING BOARD – DECEMBER 12, 2013**

Mr. Steve Porter read a waiver request for §123-20.F/§131-67.C.8.b; §123-20.F/§131-67.C.8.c; §123-20.F/§131-67.C.8.e; §123-20.G; §123-22.A; §123-26; §123-27; §123-28; §123-29.A.2 & A.3; §123-29.A.4; and §123-29.D.8. **Mr. Thibodeau made a motion, seconded by Ms. Tobin, to grant the waiver for §123-20.F/§131-67.C.8.b; §123-20.F/§131-67.C.8.c; §123-20.F/§131-67.C.8.e; §123-20.G; §123-22.A; §123-26; §123-27; §123-28; §123-29.A.2 & A.3; §123-29.A.4; and §123-29.D.8.** Mr. Steve Porter asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Mr. Hartmann, to conditionally approve the Minor Site Plan for Gale Mosman conditionally upon providing cut sheets of proposed lighting that demonstrate compliance with §123-26; revising plan to show drainage swale per Town Engineer's request; submitting 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 12, 2014. Motion unanimously carried.

**MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL – 5-LOT SUBDIVISION
REVIEW (PID 262-86.2) FILE #S13-08**

Jac Cuddy of Mount Washington Valley Economic Council and Josh McAllister of HEB Engineers appeared before the Board. This is an application to amend File #S09-09 and subdivide 74± into 5-lots.

Mr. McAllister stated that they are looking to maintain the five-lots that were approved in 2009, but reduce the infrastructure. Mr. McAllister stated that they would extend Technology Lane by 525-feet, but the application no longer proposes to construct Innovation Drive.

Ms. Tobin made a motion, seconded by Mr. Porter, to accept the application of the Mount Washington Valley Economic Council for a subdivision review as complete. Motion unanimously carried.

Mr. Cuddy stated that they have the money to move forward with this project now; and would result in four lots available for construction. Mr. Thibodeau stated there was a discussion regarding fire protection and asked with the new water main is that no longer an issue. Mr. McAllister answered in the affirmative. Mr. Porter asked for public comment; there was none.

Mr. Steve Porter read a waiver request for §131-48.D; §131-67.A.; §131-67.C.6; §131-67, Table 2, intersection and roadway grades; and §131-67, Table 2, driveway intersection grades. **Ms. Tobin made a motion, seconded by Mr. Flanagan, to grant the waiver for §131-48.D; §131-67.A.; §131-67.C.6; §131-67, Table 2, intersection and roadway grades; and §131-67, Table 2, driveway intersection grades.** Mr. Steve Porter asked for Board comment; there was none. **Motion unanimously carried.**

**Adopted: January 23, 2014 – Adopted as Written
CONWAY PLANNING BOARD – DECEMBER 12, 2013**

Mr. Flanagan made a motion, seconded by Ms. Tobin, to conditionally approve the subdivision for Mount Washington Valley Economic Council conditionally upon Town Engineer approval; Conway Village Fire District Water and Sewer approval; Conway Village Fire Chief Approval; submitting a Mylar; submitting a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; submit a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on June 26, 2014. Motion unanimously carried.

CMR PROPERTIES LLC – DESIGN REVIEW (PID 214-84) FILE #D13-01

Brian Fairbank, owner of Cranmore Mountain Resort, Ben Wilcox, General Manager of Cranmore Mountain Resort; Josh McAllister of HEB Engineers and Ken Cargill of Cooper Cargill Chant appeared before the Board. This was a review of the proposed Master Development plan at the Cranmore Mountain base complex.

OTHER BUSINESS

Peter Gagne – Outdoor Commercial Amusements Discussion: Peter Gagne appeared before the Board. The Board and Mr. Gagne had a discussion regarding the possibility of allowing outdoor commercial amusements under a special exception. The Board agreed that they would review a petitioned article, but would not be looking to make an amendment themselves.

Set public hearing for petitioned zoning amendments: Ms. Tobin made a motion, seconded by Mr. Thibodeau, to hold a public hearing on petitioned zoning articles on January 23, 2014. Motion unanimously carried.

Settler’s R2, Inc – Request for a Concurrent Site Plan and Boundary Line Adjustment Review (PID 235-86 & 89): Mr. Irving read a request from Roger Williams dated December 12, 2013. Ms. Tobin made a motion, seconded by Mr. Porter, to grant the request for a Concurrent Site Plan and Boundary Line Adjustment application from Settler’s R2, Inc. Motion unanimously carried.

Committee Reports:

Sign Advisory Committee: Mr. Thibodeau stated that the Committee has met twice and have taken public input. Mr. Thibodeau stated that the Committee so far has agreed that the areas of concern were feather flags, a-frames, projecting signs, how to measure the square footage of a sign, internally lit signs, sign lighting and balloons and the next meeting is January 9, 2014 at the Conway Town Office beginning at 7:30 pm.

Meeting adjourned at 8:40 pm.

Respectfully submitted,



Holly L. Meserve, Recording Secretary

12/12/13
PB MEETING

Town Of Conway
Planning Board
1634 East Main St
Conway, NH 03813

SCRC LLC
PO Box 984
North Conway, NH 03860
peter@sacocanoerental.com

Attention: Steve Porter

My name is Peter Gagne, owner of Saco Canoe Rental Company 558 White Mountain Highway. I would like to discuss with the Planning Board about the possibility of amending the Town of Conway Zoning regulations to allow Outdoor Commercial Amusements in the Highway Commercial Zone by Special Exception. This change would be similar to 147.13.10.12.1 which already regulates outdoor commercial activity.

There are certain areas in Town where outdoor commercial activities could be appropriate:

- 1 Campgrounds
- 2 Parcels of land greater than 3 acres.
- 3 Settlers Green
- 4 Property adjacent to Settlers Green
- 5 Proposed Market Basket Site.

I feel outdoor commercial amusements should be allowed by special exception to make sure such an activity is appropriate for proposed area.

147.13.10.11 COMMERCIAL AMUSEMENTS. Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.10.11.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.10.11.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.10.12 OUTDOOR COMMERCIAL ACTIVITIES such as drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.10.12.1 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

Thank you

Peter Gagne
603 447 4275