

CONWAY PLANNING BOARD

MINUTES

APRIL 22, 2004

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CONWAY PLANNING BOARD

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APRIL 22, 2004

A meeting of the Conway Planning Board was held on Thursday, April 22, 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, Larry Martin; Vice Chairman, Robert Drinkhall; Theodore Sares; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Mr. Martin, to continue the Minutes of April 8, 2004 until the next meeting. Motion carried with Mr. Sares and Mr. Porter abstaining from voting.

ELECTION OF OFFICERS

Mr. Martin made a motion, seconded by Mr. Porter, to continue the Election of Officers until there is a full Board. Mr. Sares stated that as we move into the summer he worries that the Board would be confronted with the same problem in two weeks. Mr. Drinkhall stated that in the past the Board has waited to vote until there is a full Board. Mr. Sares asked if the Board would have waited to take a vote on the River Street issue. Ms. Duane stated that she didn't understand Mr. Sares question. Mr. Sares stated that the question was rhetorical. Mr. Irving read a memorandum from Martha Tobin. **Motion carried with Mr. Sares voting in the negative.**

NORTH CONWAY HOLDINGS INC – PEPSY CORNER – FULL SITE PLAN REVIEW (PID 246-44) FILE #FR04-05

Shawn Bergeron of Bergeron Technical Services appeared before the Board. This is an application to construct a 4,000 square foot retail/office building in addition to the existing 4,006 square foot building at 1205 Eastman Road, North Conway, NH. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to accept the application of North Conway Holdings, Inc. for a Full Site Plan Review as complete. Motion carried with Mr. Sares abstaining from voting.**

Mr. Sares asked if anything would happen to the two trees as you approach the site. Mr. Bergeron answered in the negative. Mr. Sares asked if the new trees are the same type as the existing trees. Mr. Bergeron answered in the affirmative. Mr. Sares asked if the building would look like the new one Roger Jones is constructing in North Conway. Mr. Bergeron stated that the proposed building would look very similar to the existing building on this site.

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Mr. Sares stated that he thought this corner site always had great possibilities as it is an entrance corner and the Board should take the opportunity in its appearance. Mr. Sares asked about the handicap spaces. Mr. Irving stated that they don't meet current standards, but this plan does meet the requirement.

Mr. Drinkhall stated that 35 trees are required and only 12 are being provided. Mr. Bergeron stated that the owner likes more green open space rather than trees. Mr. Bergeron asked if Mr. Drinkhall would like to see more trees along the road. Mr. Drinkhall answered in the affirmative and agreed that the trees should not block the sign.

Ms. Duane asked for public comment; there was none.

Ms. Duane read the requirements to grant a waiver. Ms. Duane read the waiver request for Articles 123-20.F./131-67.C.8.a./123-27. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to grant the waiver for Articles 123-20.F./131-67.C.8.a./123-27. Motion unanimously carried.**

Ms. Duane read the waiver request for Articles 123-20.F./131-67.C.8.b. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver for Articles 123-20.F./131-67.C.8.b.** Mr. Irving stated that the driveway is on the inside of a curve so the extra width makes sense. **Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 123-20.F./131-67.C.8.f. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to grant the waiver for Articles 123-20.F./131-67.C.8.f. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-20.G. **Mr. Porter made a motion, seconded by Mr. Sares, to grant the waiver request for Article 123-20.G. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-21.A. **Mr. Sares made a motion, seconded by Mr. Drinkhall, to grant the waiver for Article 123-21.A. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-22.C. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to grant the waiver for Article 123-22.C.** Mr. Martin asked if this is the existing handicap space that was a concern. Mr. Irving answered in the negative and stated that this is for a 10-foot wide space with a 7-foot access aisle instead of the required 11-foot wide space with a 5-foot access aisle. **Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 123-29.A.2. & A.3. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for Articles 123-29.A.2. & A.3. Motion unanimously carried.**

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Ms. Duane read a waiver request for Article 123-29.D.1. Mr. Martin asked for an explanation between trees and street trees. Mr. Irving explained the regulation. Mr. Bergeron asked if the Board would address all other waivers before addressing the two tree waivers. The Board agreed.

Ms. Duane read a waiver request for Article 123-30. Mr. Bergeron stated that the elevations would meet the architectural guidelines for materials, but would not meet the requirement for windows. Mr. Irving stated that there might be security issues with having windows on that back wall. Ms. Duane stated that we have required false windows in the past. Mr. Bergeron stated improving a side of a building that is not going to be seen is not beneficial.

Ms. Duane stated there is not a lot of room from the back of that building to the mall property. Mr. Sares stated if someone develops the mall property in the future it would create a problem if all the trees behind this building were removed. Mr. Martin asked if the tree line is on the mall property. Mr. Bergeron answered in the affirmative.

Ms. Duane asked if shutters could be added to the building. Mr. Porter stated that shutters are not a requirement. Mr. Drinkhall stated that shutters are New England style. Mr. Porter stated that not all New England style buildings have shutters. Mr. Sares stated that the idea of shutters may not be right but bringing it up is. Mr. Porter stated that the issue at hand is windows, not shutters.

Mr. Bergeron stated he would be willing to add shutters on the elevation facing the bank and not put in windows in the back where they will not be seen. Mr. Drinkhall stated that he is concerned with the trees on the mall being removed in the redevelopment. **Mr. Sares made a motion, seconded by Mr. Drinkhall, to grant the waiver for Article 123-30. Motion was defeated with Mr. Drinkhall, Mr. Martin, Mr. Porter and Ms. Duane voting in the negative and Mr. Sares abstaining from voting.**

Ms. Duane read a waiver request for Article 123-30.A.3. Mr. Sares stated that he worries about what could happen on the mall property and the tree line. Mr. Porter stated that with the minimum cost of windows the Board should stick with the guidelines as the mall could be developed and we would be looking at the back of a building with nothing on it. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to grant the waiver request for Article 123-30.A.3. Motion unanimously defeated.** Mr. Irving asked if false windows would be okay. The Board agreed.

Ms. Duane asked for a review of the trees on the site. Mr. Bergeron reviewed the trees that exist on the site and the proposed trees to be planted. Mr. Martin stated if the applicant weren't proposing to build the Town wouldn't be gaining any trees. Ms. Duane stated that this is our opportunity to have them come into compliance. Ms. Duane stated that there is the importance of the gateway and the Board should be looking at ornamental trees as well. Mr. Bergeron stated that he could add approximately 5 more trees and some ornamental trees.

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The Board agreed that the application should be continued so the applicant could modify the east elevation to include 5% windows; modify the north elevation to include 5% windows; and improve the landscaping with some more trees and other ornamental trees not just 3” caliper trees. Mr. Irving suggested conifers as well. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to continue the Full Site Plan review for North Conway Holdings, Inc. until May 13, 2004. Motion unanimously carried.**

CHARLES AND MARY LUCA – 2-UNIT SUBDIVISION (PID 218-85) FILE #S04-09

Edgar Allen of Thaddeus Thorne Surveys and Charles Luca appeared before the Board. This is an application to subdivide a duplex into two units that could be sold separately at 39 Swett Street, North Conway, NH. **Mr. Martin made a motion, seconded by Mr. Porter, to accept the application of Charles and Mary Luca for a 2-Unit Subdivision Review as complete. Motion unanimously carried.**

Mr. Irving stated that this is a vested, non-conforming density. Mr. Irving stated that they simply want to change the ownership arena that is why they are here. Ms. Duane asked if the back of the property is going to be grassed and where do the driveways end. Mr. Luca stated there would be a deck on the back of each unit and the driveway would extend to the back of the deck. Mr. Luca stated that the back area would be grassed.

Ms. Duane read the requirements to grant a waiver. Ms. Duane read the waiver request for Article 10, Table 2, Driveway Centerline offset. Mr. Irving stated that the Town Engineer supports this waiver request. **Mr. Drinkhall made a motion, seconded by Mr. Porter, to grant the waiver request for Article 10, Table 2, Driveway Centerline offset. Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the 2-unit subdivision for Charles and Mary Luca conditionally upon a performance guarantee for all landscaping; when the condition has been met, the plans can be signed out-of-session; and this conditional approval will expire on July 22, 2004. Motion unanimously carried.

PUBLIC HEARING - §123-29.A. – LANDSCAPING/BUFFERS – CONTINUED

Mr. Irving suggested withdrawing this amendment as the Town is in negotiations with the State for a wider corridor along the North-South Road by extending it another 100-feet. **Mr. Martin made a motion, seconded by Mr. Drinkhall, to discontinue the proposed amendment to §123-29.A. Motion unanimously carried.**

OTHER BUSINESS

Juniper Point Realty Trust and Kearsarge Inn (PID 218-126 & 127) – Request for Concurrent Site Plan and Subdivision Review: Mr. Irving stated that the applicant is requesting a concurrent site plan and subdivision review to add 540 square feet (0.01 of

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an acre) of land to PID 218-126 (Decades) from PID 218-127 to accommodate a 510 square foot outdoor dining deck and 40 new restaurant seats for a total of 168 restaurant seats and 23 lounge seats for Decades Steakhouse and incorporate the existing emergency decks and stairway. **Mr. Martin made a motion, seconded by Mr. Porter, to allow a concurrent site plan and subdivision review for Juniper Point Realty Trust and Kearsarge Inn. Motion unanimously carried.**

Richard and Gale Davidson/Wingate Inn & Suites (PID 230-1) File #FR04-01 – Extension of Conditional Approval: Mr. Irving stated that the applicant has requested an extension of the conditional approval. **Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approval for Richard and Gale Davidson until January 13, 2005. Motion unanimously carried.**

R.G. MacKinnon Holdings, LLC (PID 244-4) – File #FR03-18 – Extension of Conditional Approval: Mr. Irving stated that the applicant has requested an extension of the conditional approval. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to extend the conditional approval for R.G. MacKinnon Holdings LLC until December 11, 2004. Motion unanimously carried.**

Committees: Mr. Irving stated that the Board would need to appoint representatives to the Citizen Design Review Committee, Economic Council Housing Committee, and possibly the Saco River Advisory Committee if it is reestablished.

Master Plan: Mr. Irving stated that the Board should review the Master Plan objectives soon at a workshop as it is approaching the one-year anniversary date of being adopted.

Meeting adjourned at 8:42 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary