

CONWAY PLANNING BOARD

MINUTES

JANUARY 27, 2005

A meeting of the Conway Planning Board was held on Thursday, January 27, 2005 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Conrad Briggs; Selectmen's Representative, Larry Martin; Secretary, Robert Drinkhall; Sheila Duane; Theodore Sares; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Sares made a motion, seconded by Ms. Duane, to approve the Minutes of January 13, 2005 as written. Motion carried with Mr. Martin not present for the vote.**

**PUBLIC HEARING – §147.13.1.4. & 147.13.8.4 – SETBACKS**

This is an amendment to increase the minimum front setback to 100-feet along the North South Road between the extension of the centerline of Barnes Road and the centerline of Depot Road.

The public hearing was opened at 7:02 p.m. Mr. Irving stated that this amendment would provide further protection of the North-South road. Mr. Irving stated that a lot of people were under the impression that the Special Highway Corridor District protected the North-South Road; however, when the bypass diverges from the North-South Road there is no protection. Mr. Irving stated this amendment would help with more protection. Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:05.

**Mr. Drinkhall made a motion, seconded by Ms. Duane, to post the proposed amendment for §147.13.1.4 & §147.13.8.4 as written to the warrant. Motion unanimously carried.**

**PUBLIC HEARING - §147.13.14.3.11 – FLOODPLAIN LEVEL**

This is an amendment to bring the 100- and 10-year flood elevation around Pequawket Pond into conformity with the 2002 FEMA Flood Insurance Study by changing the 100-year flood elevation to 464.1 feet and the 10-year flood elevation to 460.5 feet.

The public hearing was opened at 7:06 p.m. Mr. Briggs stated this is a housekeeping matter to bring the regulation up-to-date. Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:07 p.m.

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

**Ms. Duane made a motion, seconded by Mr. Drinkhall, to post the proposed amendment for §147.13.14.3.11 as written to the warrant. Motion unanimously carried.**

**PUBLIC HEARING - §147.15.79 – RESIDENTIAL/DWELLING UNIT DEFINITION**

This is an amendment to clarify the definition of a residential/dwelling unit. Mr. Irving stated this amendment is to correct what seems to be a deficiency as the definition describes the appliances. Mr. Irving stated that this definition is taken from the State Board of Fire Control RSA 153:1 and will help clarify it.

The public hearing was opened at 7:07 p.m. Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:07. **Mr. Sares made a motion, seconded by Ms. Duane, to post the proposed amendment for §147.15.79 as written to the warrant. Motion unanimously carried.**

**PUBLIC HEARING - §147.13.1.2.4.1.5 – ACCESSORY STRUCTURE SIZE**

This is an amendment to change the accessory structure minimum size to 300 feet from 500 feet. Mr. Irving stated that the notice only indicated one section of the ordinance and there are several. Mr. Irving suggested dismissing this article this year and waiting until next year to address it.

The public hearing was opened at 7:08 p.m. Mr. Briggs asked for public comment; Robert deFeyter stated there was no section 5 under that posted. Mr. Irving stated there might have been other Town Meeting articles that required renumbering sections. Mr. deFeyter stated that this question came up last year and referred to minutes of last year's public hearing and asked how it could have been changed. Mr. Sares suggested researching the issue. The public hearing was closed at 7:14.

**Mr. Drinkhall made a motion, seconded by Mr. Porter, to pass over on §147.13.1.2.4.1.5. Motion unanimously carried. Mr. Martin made a motion, seconded by Mr. Sares, to have Mr. Irving research the issue raised by Robert deFeyter. Motion unanimously carried.**

**PUBLIC HEARING - §147.13.1.6.13.1, 147.13.2.6.13.1, 147.13.3.6.13.1, 147.13.4.6.13.1, 147.13.5.6.10.1, 147.13.6.7.10.1, 147.13.7.6.10.1, 147.13.8.6.10.1, 147.13.10.6.10.1, 147.13.11.6.10.1, and 147.13.12.7.13.1 – FLAGS, BANNERS, PENNANTS, ETC.**

This is an amendment to increase the angle permitted from 30 degrees from vertical to 45 degrees from vertical. Mr. Irving stated that this was an amendment authorized by town meeting last year and this just changes the angle.

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

The public hearing was opened at 7:15 p.m. Mr. Briggs asked for public comment; there was none. The public hearing was closed at 7:15 p.m.

**Mr. Martin made a motion, seconded by Mr. Drinkhall, to post the proposed amendment for §147.13.1.6.13.1, 147.13.2.6.13.1, 147.13.3.6.13.1, 147.13.4.6.13.1, 147.13.5.6.10.1, 147.13.6.7.10.1, 147.13.7.6.10.1, 147.13.8.6.10.1, 147.13.10.6.10.1, 147.13.11.6.10.1, and 147.13.12.7.13.1 as written to the warrant. Motion unanimously carried.**

**PUBLIC HEARING - §147.13.16 & 147.13.17 – WETLAND AND WATERSHED PROTECTION OVERLAY DISTRICT (WWPOD) AND THE WETLAND CONSERVATION OVERLAY DISTRICT (WCOD)**

This is an amendment to consolidate the WCOD with the WWPOCD into a single Overlay district and accommodate municipal trails near wetlands. Mr. Irving stated that this consolidates the two districts and adds provisions from the WCOD to make one district. Mr. Irving stated that this eliminates redundancy and does not diminish the limits of protection as the most restrictive requirement remains.

Mr. Irving stated in regard to municipal trails the zoning ordinance does not apply to government uses on government lands so the town could improve trails on town lands to make them more environmentally friendly, but there are no provisions for continuing trails across properties not owned by the Town. Mr. Irving stated that without the amendment, applicants would have to go to the ZBA for a variance to make similar improvements on private lands. Mr. Irving stated that this particular amendment would provide for municipal trails on private land when municipal trail easements exist in favor of the Town.

The public hearing was opened at 7:18 p.m. Mr. Briggs asked for public comment; William Altenburg stated where private trails come to a brook and require a crossing, there is nothing that prohibits private trails going through buffers. Mr. Irving answered in the negative and stated there are restrictions and it would require a wetland crossing. Mr. Altenburg asked if existing trails that cross through the buffer zones have to retroactivity go back. Mr. Irving answered in the negative and stated that trails could remain, however, restrictions apply for any modifications or improvements.

Mr. Altenburg asked if uniquely and natural features are shown on Town Maps. Mr. Irving answered not all of them. Mr. Altenburg asked how would they be identified. Mr. Irving stated they would have to be identified in a specific site inspection.

Catherine Woodall asked for a clarification if there is a stricter ordinance than the more restrictive applies. Mr. Irving stated the shoreline protection overlay district has a 100-foot setback and the wetland and watershed protection overlay district has a 75-foot setback. Mr. Irving stated where the two districts overlap the more restrictive, the 100-foot setback, would apply. The public hearing was closed at 7:24 p.m.

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

**Ms. Duane made a motion, seconded by Mr. Sares, to post the proposed amendment for §147.13.16 and §147.13.17 as written to the warrant. Motion unanimously carried.**

**PUBLIC HEARING – PETITIONED ARTICLE - §147.13.8.1.3 – HIGHWAY COMMERCIAL DISTRICT**

This is a petitioned amendment to rezone portions of PID 235-77 & 78 (in the vicinity of the Staples property) that are currently zoned residential/agricultural to highway commercial. Dot Seybold and Robert Barsamian appeared before the Board. Ms. Seybold stated that they did give an overview of this amendment to the Planning Board on January 13, 2005. Ms. Seybold stated in 2001, the Planning Board did not support this proposed change, as they wanted to wait for the Master Plan to be complete. Ms. Seybold stated in 2004 the Master Plan had been adopted and the Planning Board recommended this amendment, but the Town defeated it. Ms. Seybold stated that they feel this amendment meets the intent of the Master Plan and is a good area for a retail complex.

The public hearing was opened at 7:30 p.m. Mr. Briggs asked for public comment; Kenneth Vance of the Village of North Conway stated that they have an agreement with the owner of the property that addresses their concerns and will not be opposing this amendment tonight. Mr. Sares asked Mr. Vance what changed his mind. Mr. Vance stated they have an agreement with the owner that protects them, plus it is a losing battle.

Mark Hounsell stated that he hasn't adopted a position on this amendment yet. Mr. Hounsell stated that the owners should have an opportunity to use their land to make money. Mr. Hounsell stated that he does think, with the development of the town traffic patterns, connecting Barnes Road with North South Road would be wise at all. Mr. Hounsell stated he envisions if the connection is made there would be the need for a traffic light on the North-South Road, which would create backed up traffic and increased traffic flows to that area.

Mr. Hounsell stated with the existing problem with the intersection at Wal-Mart he is concerned with the connection of Barnes Road to the North-South Road. Mr. Hounsell asked who would pay for that connection as well as the upgrade of Barnes Road. Mr. Irving stated that he is not sure of any regulation that would require that connection unless if the Planning Board requires a traffic study, which requires improvements and shows the connection is warranted.

Mr. Hounsell stated there is a curb cut that exists on the North-South Road and some town staff feels that the connection is necessary. Mr. Hounsell stated that he is a supporter of people using their land for the best use, and he thinks that Settler's Green has done a fine job and wish them success. Ms. Seybold stated Barnes Road would need to be improved and it would be to town specifications. Ms. Seybold stated that the Master Plan does speak to that connection, as there is several existing land locked parcels that need to be accommodate if no other access is found.

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

Mr. Irving stated there is not an ordinance at this time that requires that connection. Mr. Barsamian stated they would be looking to construct that access. Mr. Barsamian stated that they would be required to conduct a traffic study. Ms. Seybold stated the Budget Committee had asked why the Town should construct it, as when the land is developed the connection would come as a natural process. Mr. Hounsell stated that he does appreciate and recognize the project would necessitate a connection, but the Town does need a study. Mr. Hounsell stated that he is glad the Town didn't make that connection.

Richard Lake stated that it appears that there is ample land in the commercial district that could be developed and just because it is in the Master Plan showing the possibility of being commercial doesn't mean it has to be rezoned commercial. Mr. Lake stated that it could be rezoned in 15 to 20 years when the other areas are filled up.

Robert deFeyter stated that there has been some expressed concerns regarding this proposal and some wishful thinking about what this is going to generate in taxes. Mr. deFeyter gave a presentation on his own tax impact analysis. Mr. deFeyter stated that he would like to see development in existing areas rather than creating more. Mr. deFeyter stated there is a lot of vacancies and the Town would benefit more by trying to get those properties back on line. Mr. deFeyter stated that it would be the best interest of the Town to proceed slowly on this.

Mr. deFeyter stated the Master Plan also discusses in-fill, to fill in what is there, not take residential property and fill it with commercial. Mr. deFeyter stated that one of the goals for the town is affordable housing, which has been endorsed by the Planning Board and the Board of Selectmen. Mr. deFeyter stated affordable housing is not going to be available on Conway Lake, only where municipal water and sewer are available.

Mr. deFeyter stated this is an area where people could live without a car, as they would be able walk to where they need to go. Mr. deFeyter stated continuing to take in-town properties with water and sewer is taking away land appropriate for affordable housing. Mr. deFeyter stated that you should be able to use your property for profit, but this is residential land and was purchased as residential land. Mr. deFeyter stated that he is not shutting the door on this being a commercial area, but need to get the other areas cleaned up first.

Mr. Barsamian stated in regard to taxes we haven't said what we will construct there. Mr. Barsamian stated value on properties we own have gone up 25%, not down. Mr. Barsamian stated that he cannot imagine the Town of Conway wanting to see a Home Depot on the Yield house site as it is a gateway to the community, plus the lot is not big enough, it wouldn't fit. Mr. Barsamian stated when you wait you drive them to other communities and then you see fragmentation, which would be a mistake.

Mr. Sares stated in-fill could also develop on vacant land. Mr. deFeyter stated in the Master Plan it refers to in-fill of existing properties. Mr. Sares stated this was not only bought for residential but also agricultural, but what is the likely hood of agricultural

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

developing on this parcel. Mr. Sares stated the probability is not high for residential development. Mr. Sares stated that they the property and should be able to make money. Mr. Sares stated the issue of fragmenting is a concern, but there is no guarantee with the rezoning these businesses won't go to other communities. Ms. Duane stated in regard to vacant areas, the Town couldn't force someone to develop their land.

Mr. Hounsell stated the discussion on taxes is irrelevant. Mr. Hounsell stated it is his land and should be able to develop it as the Town permits and has the right to ask if the Town will rezone it commercially. Mr. Hounsell stated the question is not how much would this generate in taxes, but what would the impact be on the community and the North-South Road. Mr. Briggs stated that infrastructure would be necessary. Mr. Sares stated during the writing process of the Master Plan there were public hearings and asked where were these people when this was being discussed.

Barbara Ricker a resident of the Settler's Green Condominiums stated that she thinks it is short sighted of us to look at how much money this can generate for the Town as there are other issues that should be looked at first. Ms. Ricker stated she is concerned with the connection of Barnes Road to the North-South Road. Ms. Ricker stated the North-South Road was constructed to relieve the load on Route 16 and if there are a lot of connections made to the North-South road it will slow down just like Route 16. Ms. Ricker stated there is still a residential mix in the main part of Town, which helps lower the impact on our fossil fuels as people can walk to work and shopping.

Ms. Ricker stated she thinks if the Town continues to allow more retail construction, residential will be pushed out and there won't be a nice mix. Ms. Ricker stated that she is very happy in her nice spot, but uncomfortable with the notion of allowing more commercial as it could put a lot more pressure for our area [the condominiums] to go retail. Ms. Ricker stated if the area remains residential the owners will find something else to do with it or they will sell it. Ms. Ricker stated that this amendment puts pressure on the residential mix there.

Mr. Sares stated in regard to congestion on the North-South Road there is a proposed bypass that would cushion the North-South Road, which is a relief that hasn't been factored in yet. Ms. Seybold stated 200 residential units would also have an impact.

Mr. deFeyter stated that he agrees with Mr. Hounsell that taxes are irrelevant to this discussion, but there were a lot of numbers floating around and he didn't want people to think that this would be a substantial financial gain for the Town. Mr. deFeyter stated he thinks Settler's Green has done a great job and if the rest of the Town did the same the Town would be better off. Mr. deFeyter stated that the issue that concerns him is the substantial amount of property that could handle big box retail and the only leverage the Town has is to use these areas up first before we consider rezoning residential land into commercial land. Mr. deFeyter stated in regard to the comment about not wanting Home Depot on the Yield house site he would agree, but the Town does not have control over that since if they meet the regulations the Town would not be able to deny it.

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

Mr. Hounsell asked if there is anything to limit the size of a footprint. Mr. Irving stated there is a footprint limitation in the Special Highway Corridor District, but nothing specific as to the size of a building. Mr. Irving stated it is a back-in approach, as an applicant needs to meet greenspace requirements and balance size of building with number of parking spaces. Mr. Irving stated there are some size restrictions in other districts.

Mr. Sares stated that taxes are not an issue and the issue of waiting until other properties are developed is a two-edge sword. Mr. Sares stated that it is punitive to make them wait on someone else developing their property. Ms. Duane stated the discussion in regard to waiting for other property to develop should be a message to the Planning Board to be proactive to protect the Town, but not stop development.

Mr. Martin stated that he would ask Mr. deFeyter to say on camera that he was not attacking his integrity [at the Board of Selectmen's meeting on January 25, 2005]. Mr. Martin stated after the Board of Selectmen meeting Mr. deFeyter came up to him and stated that he was not attacking my integrity and asked that he say that on camera. Mr. Martin stated that he is the reason for the tax discussion due to an interview with the paper. Mr. Martin stated that he did see the Tax Assessor, Thomas Holmes, and he stands behind his comments. Mr. Martin stated that this is America, the man, and the people, should be able to do with their land that best benefits them as long as it doesn't impact the Town.

Mr. deFeyter stated that he was not attacking Mr. Martin's integrity and he is entitled to his opinion, but when you are the representative of the Board of Selectmen to the Planning Board people consider what you have to say. Mr. deFeyter stated there is a difference of opinion, but this should not be based on taxes. Mr. deFeyter stated that he did not intend a personal attack as Mr. Martin is entitled to his opinion as he is entitled to his.

The public comment was closed at 8:31 p.m. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to recommend the petitioned amendment for §147.13.8.1.3 on the warrant.** Mr. Sares stated that this is a difficult vote for him as he has heard both sides and he will vote his consensus and thanked everyone. **Motion unanimously carried.**

**PUBLIC HEARING – PETITIONED ARTICLE - §147.11 – HELICOPTERS**

This is a petitioned amendment to insert language regarding helicopter operations for certain activities by special exception. Catherine Woodall appeared before the Board. Ms. Woodall stated this would put the special exception language back in the Zoning Ordinance, which had been eliminated.

The public hearing was opened at 8:44 p.m. Mr. Briggs asked for public comment; Mr. Irving stated he has no objection to this amendment; however, the wording does appear in all the districts already. Mr. Irving explained when the zoning ordinance was restructured and approved, it was changed from being categorized by topic to being

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

categorized by district and the special exception was copied into each zoning district where it was applicable. Mr. Irving stated if the wording is there again it doesn't do any harm.

Ms. Duane stated a lot of time was spent reviewing the ordinance to make it more clear and user-friendly and she wouldn't want to see the Town go backwards and make it more redundant. Mr. Martin stated that it shows up eleven times, once in each zone. Mr. Irving stated it falls under the special exception in each zone. Ms. Woodall stated that she wants the special exception in the helicopter ordinance.

Doug Burnell stated if it is in every district than why duplicate. Mr. Burnell stated that he is for keeping the ordinance short and easy as we can. Ms. Duane stated she would like to keep things clean and not see them go backwards. Ms. Woodall stated chapter 147 is not one ordinance it has many ordinances; 147-11 and 147-12 are different ordinances and the wording should go back in. Mr. Drinkhall stated the changes were made to be easier to use, but he doesn't think this change would make the ordinance any less user friendly.

The public hearing was closed at 8:51 p.m. Mr. Sares asked if the redundancy would have any impact on the pending litigation. Mr. Irving stated this should not have an impact on the pending litigation. Ms. Duane asked if this would change anything to do with the emergency use. Mr. Irving answered in the negative.

**M. Drinkhall made a motion, seconded by Mr. Sares, to recommend the petitioned amendment for §147.11 on the warrant. Motion carried with Mr. Martin and Ms. Duane voting in the negative.**

**PUBLIC HEARING – PETITIONED ARTICLE - §147.13.2 – CENTER CONWAY  
VILLAGE RESIDENTIAL DISTRICT**

This is a petitioned amendment to add language regarding permitted uses. Mr. Irving stated he has no objections to this amendment. Mr. Irving stated that it is reflected in the use table, but the language in the ordinance helps out.

The public hearing was opened at 8:54 p.m. Mr. Briggs asked for public comment; Richard Lake stated on the petitioned article the word "permitted" is typed, then crossed out, and the word "prohibited" is written in pen. Mr. Irving stated when we received the petitioned article we had the same concern, was it typed and scratched out before or after people signed it. Mr. Irving stated someone could challenge it. Mr. Irving asked Ms. Woodall if it was a typo. Ms. Woodall stated it was corrected before people signed it. The public hearing was closed at 8:56 p.m.

**Mr. Sares made a motion, seconded by Mr. Drinkhall, to recommend the petitioned amendment for §147.13.2 on the warrant. Motion unanimously carried.**

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

**PUBLIC HEARING – PETITIONED ARTICLE - §147.13.1.6.11.4; 147.13.2.6.11.4; 147.13.3.6.11.4; 147.13.5.6.8.4; 147.13.6.7.8.4; 147.13.7.6.8.4; 147.13.8.6.8.4; 147.13.10.6.8.4; 147.13.11.6.8.4; and 147.13.12.7.11.4 – SIGN DESIGN STANDARDS**

This is a petitioned amendment to prohibit flashing, blinking, alternating type or digital type lighting such as digital message board. Mr. Irving stated actual change prohibits time and temperature signs that are using electronic displays. Mr. Irving stated he recommends this amendment as there is a question of whether we can regulate content, such as instead of time and temperature why can't it say welcome. Mr. Sares asked about existing signs. Mr. Irving stated they would be legally, existing non-conforming.

The public hearing was opened at 9:00 p.m. Mr. Briggs asked for public comment; Mr. deFeyer stated in the petition there are 12 sections referenced and only 11 were noticed. Mr. deFeyer stated that this article was not properly noticed. Ms. Duane stated that it has met the spirit and intent of the ordinance. The public hearing was closed at 9:04.

**Mr. Drinkhall made a motion, seconded by Mr. Sares, to post another public hearing for Articles §147.13.1.6.11.4; 147.13.2.6.11.4; 147.13.3.6.11.4; 147.13.5.6.8.4; 147.13.6.7.8.4; 147.13.7.6.8.4; 147.13.8.6.8.4; 147.13.10.6.8.4; 147.13.11.6.8.4; and 147.13.12.7.11.4, including Article 147.13.4.6.11.4 on February 10, 2005. Motion defeated with Mr. Porter, Mr. Briggs and Mr. Drinkhall voting in the affirmative and Mr. Sares, Mr. Martin and Ms. Duane voting in the negative.**

**Ms. Duane made a motion, seconded by Mr. Sares, to recommend the petitioned amendment for §147.13.1.6.11.4; 147.13.2.6.11.4; 147.13.3.6.11.4; 147.13.5.6.8.4; 147.13.6.7.8.4; 147.13.7.6.8.4; 147.13.8.6.8.4; 147.13.10.6.8.4; 147.13.11.6.8.4; and 147.13.12.7.11.4 including Article 147.13.4.6.11.4 on the warrant. Mr. Sares stated the intent is not going to change and common sense should be exercised in this situation. Motion carried with Mr. Porter voting in the negative.**

**BELLEVUE PROPERTIES INC. – FULL SITE PLAN REVIEW (PID 235-98) File #FR05-03**

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to expand the existing lobby into existing porte corchere; add new porte corchere; add a 31,550 square foot enclosed pool structure with adjacent exterior patio area; and add thirty-three new hotel suites in a 5,650 square foot 3-story addition at 72 Common Court. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Bellevue Properties, Inc. for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Lucy asked for a continuance in order for the applicant to deal with an abutter issue. Mr. Briggs asked for public comment; there was none. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to continue the Full Site Plan for Bellevue Properties, Inc., until February 10, 2005. Motion unanimously carried.**

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

**JEANNE AND ANTHONY FRANCHI/PHILIP MCDONNELL/PATRICIA  
FRANCHI – DESIGN REVIEW (PID 219-303) File #S05-01**

Doug Burnell of H.E. Bergeron appeared before the Board. This is a design review pursuant to Article 131-7 for a proposed 33-unit subdivision off Thompson Road. Mr. Burnell stated this is on a dead end street with more than 35, more than 100, units on a dead-end street. Mr. Burnell stated that the question is can there be any road at all on this property or does the count begin on a new road on the property itself. Mr. Briggs stepped down and asked Mr. Drinkhall to chair.

Mr. Sares asked in terms of sequence, what would come first, a design review or a conceptual review. Mr. Irving stated both are options. Ms. Duane asked what is the type of development proposed. Mr. Burnell answered single-family homes. There was discussion of the possibility to connect to sewer, which is approximately 1,500 feet from this property. Mr. Irving asked if the Board would allow more than 35 units on a dead end street. Mr. Martin asked why does the driveway by Unit 18 go nowhere. Mr. Burnell stated it would serve as an access to land owned by the Town of Conway. Mr. Burnell stated there is a brook higher up that cannot be crossed and this is an easement for access to Town property.

Mr. Drinkhall asked for public comment; Dave Power, an abutter, stated that he is concerned with 33 homes having only one entrance and the impact to his property would be 100-trips per day. Mr. Power stated that this would be a huge impact and two entrances should be required. Mr. Burnell stated it is legally possible for two entrances, but the other entrance would require dredging and filling in a wetland, but it certainly could be done with two.

Mr. Power asked what exactly is the issue. Mr. Irving stated the dead end, or single-point of access, commences at the North-South Road. Mr. Irving stated the question is if this Board is compelled to not allow any more dead end roads. Mr. Irving stated that the Board would not be at this time granting a waiver. Mr. Power asked Mr. Irving, as the planner, how many is too many. Mr. Irving stated he reviews the ordinance, as he does not get an opinion.

Douglas Hill, an abutter, stated that he is concerned with water, and septic systems very close to his property line with municipal services just feet down the road. Mr. Hill stated in the towns best interest if someone wants to impact the town that much they should be required to connect. Mr. Irving stated the precinct would be a part of this approval.

Mr. Hill stated that Thompson Road is scheduled to be rebuilt in 2008 or 2010. Mr. Hill stated that this road is in disrepair now and adding more onto Thompson Road will only make it worse. Mr. Irving stated that the Town Engineer will also review this application and could make suggestions for off premise improvements.

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

Mr. Drinkhall stated the question is are we going to allow this development on a dead end road. Mr. Irving agreed. Mr. Drinkhall asked if the precinct does not require this development to connect to municipal sewer, would the developer be willing to do it anyway. Mr. Burnell stated there are ways to design for the future; they could dry lay sewer pipes.

Mr. Drinkhall polled the Board to see what they wanted to do. Mr. Sares stated that he needed more information. Mr. Porter stated he needed more information and stated instead of two entrances he would rather push to have sewer brought in at the developer's expense. Mr. Sares stated Mr. Porter brings up a great point, at the developer's expense, that is why the town needs a CIP. Mr. Drinkhall stated the precinct is working on buy-ins. Mr. Martin stated this is really vague; he's not against it, but curious about price range, primary or secondary homes, affordable housing. Mr. Martin stated he would like to see a few more answers, type of housing and the sewer issue.

Ms. Duane stated she would like to see more information, such as what is the total number on this dead end road. Mr. Irving stated the fundamental question is, are there too many dwellings on a dead end road. Ms. Duane stated the issue is more a safety issue and would like to hear from the Fire Chief. Mr. Irving stated there are three fundamental areas; transportation, servicing and safety. Mr. Drinkhall stated he is not opposed, but would like more information. **Ms. Duane made a motion, seconded by Mr. Sares, to continue the public hearing for Jeanne and Anthony Franchi/Philip McDonnell/Patricia Franchi until February 10, 2005. Motion unanimously carried.**

**MARK AND MARGARET HORAN – FULL SITE PLAN REVIEW (PID 265-136)  
FILE #FR05-04**

Mr. Briggs rejoined the Board at this time. Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to convert existing residential home to a Doctor's Office and catering service at 81 Washington Street. Mr. Allen stated there would be no seats as this is a delivery service only. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Mark and Margaret Horan for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving stated the main question is does the Board feel the parking is sufficient. Mr. Irving asked if the garage was available for parking. Mr. Horan answered in the affirmative. Mr. Briggs asked for public comment; there was none. Mr. Martin asked if the parking in the garage would always be available. Mr. Irving stated it would be difficult to monitor.

Mr. Briggs read the waiver requests for Articles 123-20.F/131-67.C.8.a thru h., 123-21.A, 123-27., and §123-29.A.2. & A.3. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles 123-20.F/131-67.C.8.a thru h., 123-21.A, 123-27., and §123-29.A.2. & A.3.** Mr. Briggs asked for public comment; there was none. **Motion unanimously carried.**

**Adopted: February 25, 2005 – As Amended  
CONWAY PLANNING BOARD – JANUARY 27, 2005**

**Mr. Drinkhall made a motion, seconded by Mr. Martin, to conditionally approve the Full Site Plan for Mark and Margaret Horan conditionally upon Conway Village Fire Chief Approval; Conway Village Fire District Water/Sewer Approval; amend the parking note on the plan; add a handicap access aisle to the plan; A Mylar; A performance guarantee for all site improvements (striping & a handicap sign); When the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 28, 2005. Motion unanimously carried.**

**OLYMPIA EQUITY INVESTORS X, LLC (regarding property owned by FRANK & GILDA JANUZZI/PRIORITY DEVELOPMENT INC/CMC REALTY TRUST)  
– FULL SITE PLAN REVIEW (PID 235-12, 13 & 14) FILE #FR05-05**

Jeff Kevan of T.F. Moran appeared before the Board. This is an application to construct a 65,314 square foot 4-story 100-room hotel and pool building at 1772 & 1788 White Mountain Highway, North Conway. **Mr. Drinkhall made a motion, seconded by Ms. Duane, to accept the application of Olympia Equity Investors X, LLC for a Full Site Plan Review as complete. Motion unanimously carried.**

Ms. Duane asked where is the closest hotel that looks like this. Jim Brady stated there is not one exactly like this. Mr. Irving stated there are a few outstanding state approvals, the elevations need to be modified since the Zoning Board of Adjustment denied their variance request, therefore, he would recommend continuing the application.

Mr. Sares stated he is concerned with fire access to the back of the property. Mr. Kevan stated that the fire chief has requested a pedestrian walkway in the back of the building and a ladder. Mr. Briggs asked for public comment; Richard Lake asked if this meets the 25% greenspace requirement. Mr. Kevan answered in the affirmative. Mr. Martin asked if they could provide a plan view from the road. Mr. Kevan answered in the affirmative.

**Mr. Drinkhall made a motion, seconded by Mr. Martin, to continue the Full Site Plan for Olympia Equity Investors X, LLC until February 10, 2005. Motion unanimously carried.**

Meeting adjourned at 10:37 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary