

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 24, 2005

A meeting of the Conway Planning Board was held on Thursday, February 10, 2005 beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Acting Chair, Robert Drinkhall; Vice Chair, Martha Tobin; Selectmen's Representative, Gary Webster; Acting Secretary, Steven Porter; Sheila Duane; Theodore Sares; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of January 27, 2005 should be amended as follows: page 4, paragraph 3, line 4 should read, "...North South Road would *not* be wise...". **Mr. Sares made a motion, seconded by Ms. Duane, to approve the Minutes of January 27, 2005 as amended. Motion carried with Mr. Webster and Ms. Tobin abstaining from voting.**

CRANMORE MOUNTAIN RESORT/RCC ATLANTIC D/B/A UNICEL – FULL SITE PLAN REVIEW (PID 214-84) FILE #FR05-06

Pete DeMarco of Site Acquisitions, Inc. appeared before the Board. This application is for the location of a 10' x 28' radio equipment trailer for a wireless communication facility to be located at the corner of Old Bartlett Road and the North Base Lodge driveway. **Ms. Duane made a motion, seconded by Ms. Tobin, to accept the application for Cranmore Mountain/RCC Atlantic d/b/a Unicel for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving stated that the Zoning Board of Adjustment approved the special exception and required the facility to be removed by June 1, 2006. Mr. Irving stated that the intent and purpose is to have a temporary facility until a permanent location is found; either on an existing facility or the creation of a new facility. Mr. Drinkhall asked for public comment; there was none.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for Articles §123-6.A.; 123-6.B.2.; 123-20.B.; 123-20.C.; 123-20.F./131-67.C.8.a.; 123-20.F./131-67.C.8.e.; 123-20.F./131-67.C.8.f.; 123-21.A.; 123-22.A.; 123-22.B.; 123-22.C.; 123-22.D.; 123-22.E.; 123-23.; 123-26.; 123-27.; 123-29.A.2. & A.3.; 123-29.D.8.; 123-36.B.; 123-6.A.; 123-6.B.4.; 123-6.B.4.; 123-21.A. – E.; 123-23.A. – E.; 123-28.; 123-29.A.1. – A.3.; 123-29.D.1 – D.11; 123-29.E.1 – E.3.; and 123-32.

Ms. Duane made a motion, seconded by Mr. Sares, to grant the wavier requests for Articles §123-6.A.; 123-6.B.2.; 123-20.B.; 123-20.C.; 123-20.F./131-67.C.8.a.; 123-20.F./131-67.C.8.e.; 123-20.F./131-67.C.8.f.; 123-21.A.; 123-22.A.; 123-22.B.; 123-22.C.; 123-22.D.; 123-22.E.; 123-23.; 123-26.; 123-27.; 123-29.A.2. & A.3.; 123-

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29.D.8.; 123-36.B.; 123-6.A.; 123-6.B.4; 123-6.B.4.; 123-21.A. – E.; 123-23.A. – E.; 123-28.; 123-29.A.1. – A.3.; 123-29.D.1 – D.11; 123-29.E.1 – E.3.; and 123-32. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan for Cranmore Mountain Resort/RCC Atlantic d/b/a Unicef conditionally upon turning waivers on sheet C-2 right side up; North Conway Fire Chief Approval; submitting a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on May 26, 2005. Motion unanimously carried.

**ARLISS HILL/KGI MOUNTAIN VALLEY MALL, LLC – DESIGN REVIEW
(PID 246-38) FILE #FR05-07**

Kevin Letch of KGI Properties appeared before the Board. Mr. Letch reviewed the project. Todd Morey of Lowe's and gave an overview of operations. Mr. Morey stated that 140,000 square feet would be demolished and 169,000 square feet would be reconstructed. There was some discussion regarding the elevation that faces the North South Road. Ira Baline of Bergman & Associates reviewed the landscaping.

**THE KENNETT COMPANY/CLIPPER HOME OF NORTH CONWAY, LLC –
BOUNDARY LINE ADJUSTMENT (PID 246-17 & 262-71) FILE #S05-04**

Doug Burnell of H.E. Bergeron Engineers and Bayard Kennett of the Kennett Company appeared before the Board. This is an application to take a 25'-wide, 0.35 of an acre, sewer line corridor from the north end of the Clipper Home property and annexing it to the Kennett Company property in exchange for taking a 20'X800', 0.37 of an acre, strip from the Kennett Company property and annexing into the east boundary line of the Clipper Home property. **Ms. Duane made a motion, seconded by Ms. Tobin, to accept the application of the Kennett Company/Clipper Home of North Conway, LLC for a Boundary Line Adjustment as complete. Motion unanimously carried.**

Mr. Sares stated that the issue of a Capital Improvements Plan (CIP) is not yet an issue presented to the town that addresses impact fees, buy in fees, etc., however, it is an issue that is being reviewed by the North Conway Water Precinct (NCWP). Mr. Sares stated that he assumes the Kennett Company would be liable for the buy in fees if adopted by the NCWP. Mr. Kennett answered in the affirmative. Mr. Sares stated with this exchange water and sewer will be available to this property. Mr. Burnell stated only sewer would be available in this location.

Mr. Sares stated it would be cost prohibited for Conway Village Fire District to move their sewage here. Mr. Sares stated there might be reluctance to see the growth of the NCWP because it is expensive. Mr. Sares stated he would be worried about increasing the capacity of the infrastructure without seeing a CIP, but at some point we as a Planning Board and the Board of Selectmen have to say lets get this CIP going as growth

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is moving fast. Mr. Kennett stated that there are concerns of non-precinct segments of the Town falling outside municipal service areas.

Mr. Drinkhall stated the reason for the Boundary line is not a determining factor for approval. Mr. Sares stated he understands, but it does have profound implications. Ms. Duane stated there is an effort between the two precincts to try to work together as everyone needs to protect their water. Mr. Sares stated the BOS have placed a warrant article on the Ballot for the CIP. Mr. Drinkhall asked for public comment; there was none.

Mr. Drinkhall read the waiver requests for Articles 131-24, 24.A & 25.B; 131-24.B, 24.D, 25.B & 25.E; 131-25.E; 131-25.E; 131-24.E & 25.F; and 131-24.N. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver requests for Articles 131-24, 24.A & 25.B; 131-24.B, 24.D, 25.B & 25.E; 131-25.E; 131-25.E; 131-24.E & 25.F; and 131-24.N. Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Porter, to approve the Boundary Line Adjustment for the Kennett Company/Clipper Home of North Conway, LLC. Motion carried with Ms. Tobin abstaining from voting. The plans were signed.

ADELE TAMBOR – 2-LOT, 2-UNIT SUBDIVISION (PID 273-20) FILE #S05-05

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This application is to subdivide 11.6 acres into two lots, lot 1 being 4.6 acres and lot 2 being 7.06 acres with two units being on lot 2. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Adele Tambor for a Subdivision Review as complete. Motion unanimously carried.**

Mr. Irving read a letter from Nancy Earle, an abutter. Mr. Irving stated that the offsets for the driveways have been met. Mr. Irving read a letter from the Conway Police Chief having no concerns with this application. Mr. Drinkhall asked for public comment; there was none.

Mr. Drinkhall read the waiver requests for Articles 131-24.O. and 131-26.A. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver request for Articles 131-24.O. and 131-26.A. Motion unanimously carried. Ms. Duane made a motion, seconded by Mr. Porter, to approve the 2-Lot, 2-Unit Subdivision for Adele Tambor. Motion unanimously carried.** The plans were signed.

BRIAN LINTHWAITE AND JEAN SIMON – SUBDIVISION/BOUNDARY LINE ADJUSTMENT REVIEW (PID 266-140 & 141) FILE #S05-02

Doug Burnell of H.E. Bergeron Engineers appeared before the Board. This is an application to add 1,113 square feet (0.03 of an acre) to PID 266-141 from PID 266-140. **Ms. Tobin made a motion, seconded by Mr. Porter, to accept the application of**

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Brian Linthwaite and Jean Simon for a Subdivision Review as complete. Motion unanimously carried.

Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall read the waiver requests for Articles 131-24.N.; 131-24.T.; 131-24.U.; 131-24.W.; and 131-29. **Ms. Duane made a motion, seconded by Ms. Tobin, to grant the waiver requests for Articles 131-24.N.; 131-24.T.; 131-24.U.; 131-24.W.; and 131-29. Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Sares, to approve the Subdivision/ Boundary Line Adjustment for Brian Linthwaite and Jean Simon. Motion unanimously carried. The plans were signed.

FRAM REAL ESTATE – MINOR SITE PLAN REVIEW CONTINUED (PID 235-33) FILE #MR04-05

Edgar Allen of Thaddeus Thorne Surveys, Darin Leavitt of Badger Realty and Peter Gagne of Northern Extremes appeared before the Board. Mr. Allen stated that the storage trailers have been removed and the gas tanks are going to be removed. Mr. Irving stated that the tank has been removed from the plan and will be removed from the site once it is no longer frozen in the ground. Mr. Irving stated that the second snowmobile access has been removed and only the proposed one at the northern end of the property remains. Mr. Irving stated there was a concern about storage of equipment and materials through out the site and read the note added to the plan.

Ms. Duane asked what is being stored in this facility. Mr. Allen answered snowmobiles in winter and canoe and kayaks in the summer. Ms. Duane asked if there is a van in the parking lot with a trailer of canoes attached, is this going to become a problem. Mr. Irving stated it would be a licensed vehicle parked in a parking lot. Mr. Irving stated that the intent of the note is for the snowmobiles and canoes/kayaks that are stored on the ground shall be contained within the storage area. Ms. Duane stated at nighttime can the snowmobiles be on a trailer or do they have to be in the storage area. Mr. Irving stated that that would be up to the Board, however, it is his understanding that the snowmobiles stored on the site shall be contained in the storage area.

Mr. Drinkhall asked for public comment; Joe Lautenschlager stated there has been no attempt to come into compliance. Mr. Lautenschlager stated snowmobiles go by the houses all the time as well as there is a snow grooming business. Mr. Lautenschlager stated this should be considered an amusement in a residential area. Mr. Lautenschlager stated that it was mentioned that the storage trailers have been removed, however, the trailers have been replaced with a Dodge Van. Mr. Lautenschlager stated there doesn't seem to be any resolution and there will be no progress with this until May. Mr. Sares stated the issues have evolved to another area, which may not be in our purview, that being the noise of the snowmobiles.

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Mr. Drinkhall stated that it might not be just his snowmobiles using those trails. Ms. Duane stated this is a residential neighborhood that abuts a commercial property and this is an existing snow mobile trail that goes by there; it is an unfortunate situation. Mr. Sares stated if the business wasn't there the issue would still be there.

Kim Perkins stated there were concerns by the Echo Acres Association at that time and they said they could live with what is there now as they were not going to expand their program. Mr. Perkins stated that the Association was okay with the number of machines, however, they were concerned with nights, which they are not open nights except for some trips. Mr. Perkins stated that he sees the snow mobiles go by and he doesn't have a problem with them, he actually thinks they are great, however, there might be more going by Mr. Lautenschlager's home. Mr. Perkins stated his one concern was the fence. Mr. Irving stated that that fence is no longer proposed as the fence was to hide the trailers that have now been removed from the plans. Mr. Perkins stated if the fence was there it would hide them in the parking lot.

Mr. Lautenschlager stated when the Association spoke many members thought the Town had already approved a snow mobile business; they did not realize they were not approved. Mr. Lautenschlager stated that Northern Extremes has a brochure that advertises a twilight tour, which starts at 10:00 pm. Mr. Gagne stated it was part of a dinner tour with the White Horse Grill, but it has never happened. Mr. Gagne stated that all snowmobiles are on the property by 7:00 pm. Ms. Tobin left at this time. Mr. Perkins stated that not all the sleds on this trail belong to Northern Extremes.

Mr. Sares asked who in town is authorized to deal with noise issues. Mr. Irving stated that the Town does not have a noise ordinance. Ms. Duane stated it is part of the resort atmosphere and where we live. Mr. Sares stated short of limiting the hours of access to the trail, which is not this Board's business, there is not much else that can be done.

Mr. Irving stated they are considering rerouting trail 19 to follow the southern bypass corridor in the future, but cannot say snowmobiles will never use those tracks. Mr. Irving stated that the State has agreements with private landowners; these are not State owned trails. Mr. Sares stated residents of Echo Acres could initiate the process of a noise ordinance. Sam Dyer asked about the zoning ordinance and how this was approved. Mr. Irving stated he made a finding that this is a permitted use and his decision could be appealed to the ZBA .

Mr. Drinkhall read the waiver requests for Articles 123-6.; 123-6./131-67.C.8.; 123-22.D.; 123-27.; 123-28.; 123-29.D.; and 123-31. **Ms. Duane made a motion, seconded by Mr. Sares, to grant the waiver requests for Articles 123-6.; 123-6./131-67.C.8.; 123-22.D.; 123-27.; 123-28.; 123-29.D.; and 123-31. Motion unanimously carried.**

Mr. Sares made a motion, seconded by Ms. Duane, to conditionally approve the Minor Site Plan Review for Fram Real Estate conditionally upon modifying note #26; submit payment of supplemental review fees; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-

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of-session; and this conditional approval will expire on May 26, 2005. Motion unanimously carried.

**JAMES AND LINDA DIGIANDOMENCIO – 15-UNIT SUBDIVISION
CONTINUED (PID 262-64) FILE #S04-27**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This application was accepted as substantially complete on December 9, 2004. Mr. Irving stated they are being required to dry lay sewer pipes by the Precinct and connect to the municipal system in the future.

Mr. DegliAngeli stated there is an infrastructure committee that has been recently formed working with the precincts to coordinate capital improvements. Mr. DegliAngeli stated that municipal sewer is scheduled to be in the area of this subdivision within five years. Mr. Irving stated that the applicant has agreed to dry lay the sewer pipes. Mr. Allen agreed. Mr. Sares stated that the Town is growing rapidly something needs to be done as there is a lot of development.

Brenda Lyons of Joy Tarbell Prudential stated that is has been determined by the State that the soil types can warrant septic systems. Mr. Steele stated we have seen tremendous development in our district and if we can create a system that can preordain infrastructure installations as the precinct intends to provide sewer within 3 to 6 years to this area so we don't have to dig the road up at the time of installation.

Ms. Duane made a motion, seconded by Mr. Porter, to continue the 15-unit Subdivision Application for James and Linda Digiandomenico until March 10, 2005. Motion unanimously carried.

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

Doug Burnell of H.E. Bergeron Engineers appeared before the Board. Mr. Burnell stated that the applicant is willing to extend or dry lay the sewer line. Mr. Sares stated safety is the major concern and should have more than one access. Mr. Porter stated he is still hesitant as to how much more traffic that area can withstand. Mr. Webster stated the Board has dealt with this issue many times in other areas and he recalls it was denied and made to conform to the existing ordinance. Ms. Duane stated looking at the density of Thompson Road what we would be saying is that they couldn't develop their property. Ms. Duane stated she would need more information. Mr. Drinkhall stated he is leaning toward being very cautious.

Mr. Irving stated fundamental issue is 35 units on a dead end road and whether it is a good standard or not. Mr. Irving stated that this board needs to consider the flat definition of 35-units with no other point of access. Mr. Irving asked is there any way to lessen the number of units on a dead end road with off site improvements or is there any other viable alternative. Mr. Irving read the letter from Richard and Mary Power. Mr.

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Irving stated unfortunately the applicant wants a definitive answer that the Board is unable to give at this time.

**BELLEVUE PROPERTIES, INC. – FULL SITE PLAN REVIEW CONTINUED
(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. This application was accepted as complete on January 27, 2005.

Mr. Lucy reviewed the application. Mr. Lucy stated that the Board had several questions at the last meeting, which he has gained answers. Mr. Lucy stated that the Board asked if the pool would be open to general public; the answer is no, it is for hotel patrons only. Mr. Lucy stated that the Board asked what would happen to the existing indoor pool space; the answer is that the existing space would remain as it is. Mr. Lucy stated that the Board asked what impact will there be to Town roads; the answer based upon a written response from the Town Engineer, the additions would not require a traffic impact study.

Mr. Sares stated if the zoning amendment to rezone the area behind Staples passes, he thinks that should be factored in at some point as there will be a lot more traffic. Mr. Lucy stated a traffic study might be required upon the development of the rezoned area. Mr. Lucy stated Mr. Irving requested greenspace calculations for the Special Highway Corridor District (SHCD). Mr. Lucy stated there will be a reduction of 14 parking spaces and an increase of 11% greenspace in the SHCD.

Mr. Drinkhall read the waiver requests for Articles 123-20.C.; 123-20.F./131-67.C.8.f.; 123-21.A.; 123-22.D.; 123-29.A.2. & A.3.; 123-29.A.4.; and 123-29.D.1. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver requests for Articles 123-20.C.; 123-20.F./131-67.C.8.f.; 123-21.A.; 123-22.D.; 123-29.A.2. & A.3.; 123-29.A.4.; and 123-29.D.1. Motion unanimously carried.** Mr. Drinkhall asked for public comment; there was none.

Ms. Duane made a motion, seconded by Mr. Sares, to continue the Full Site Plan Review for Bellevue Properties until March 10, 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 CONTINUED (PID 235-12, 13 & 14) FILE #FR05-05

Jeff Kevan of T.F. Moran appeared before the Board. Mr. Kevan stated that the building elevations have been revised to address the building height requirements. Mr. Sares asked if the Fire Chief issues have been addressed. Mr. Kevan answered in the affirmative. **Ms. Duane made a motion, seconded by Mr. Sares, to continue the Full**

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Site Plan Review for Olympia Equity Investors X, LLC until March 10, 2005.
Motion unanimously carried.

OTHER BUSINESS

Plum Potter Land (PID 260-48)/Trafford's RV – Conceptual Review: Maureen McGlone of H.E. Bergeron and Ginny Trafford appeared before the Board and reviewed the proposed project.

River Run Company, Inc. (PID 218-42) §123-4.A.5: Joe Berry and Bill Cuccio appeared before the Board. Ms. Duane stepped down at this time. Mr. Berry stated that they would like to add 24-seats to an existing food service area that was formerly occupied by Artisan Sausage. Mr. Sares asked the square footage of the space. Mr. Berry answered just less than 600 square feet. Mr. Cuccio stated he owns and operates the Lobster Trap Restaurant on the West Side Road. Mr. Cuccio stated this would be a simple operation and enhance the experience of the visitors in Town.

Mr. Sares stated he doesn't see the need for a site plan given the use before. **Mr. Sares made a motion, seconded by Mr. Porter, to grant the addition of 24-seats to the existing approved food service operation. Motion unanimously carried.**

E & C Maine Realty, LLC – Joe Jones (PID 218-97) – Conceptual Review: Ms. Duane rejoined the Board at this time. Shawn Bergeron appeared before the Board and reviewed the proposed addition to Joe Jones and the development of a new parking lot across the street.

Deborah Hepler – Lot Merger (PID 277-49 & 50): Mr. Sares made a motion, seconded by Ms. Duane, to approve the lot merger for Deborah Hepler. Mr. Porter was appointed as Secretary. **Motion unanimously carried.**

Old Mill Estates – As-Built Plan Signing (PID 268-117.43, 117.44 & 117.51): Ms. Duane made a motion, seconded by Mr. Sares, to sign the As Built Plans for Old Mill Estates for Lot 4, Units C & D and Lot 5 Unit 1. **Motion unanimously carried.** The plans were signed.

Evergreen on the Saco Development – Building Area Plan Signing (PID 265-161.332, 161.334 & 161.336): Ms. Duane made a motion, seconded by Mr. Sares, to sign the Building Area Plans for Evergreen on the Saco for Units 32, 34 & 36. **Motion unanimously carried.** The plans were signed.

Meeting adjourned at 11:05 p.m.

Respectfully Submitted,

Holly L. Meserve, Recording Secretary