

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 27, 2007

A meeting of the Conway Planning Board was held on Thursday, September 27, 2007 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Steven Porter; Theodore Sares; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Sares, to approve the Minutes of September 13, 2007 as written. Motion unanimously carried.

APPOINTMENT OF PLANNING BOARD MEMBER

Mr. Drinkhall read a letter from Patricia Sell regarding the Planning Board vacancy. **Mr. Sares made a motion, seconded by Mr. Porter, to accept the letter of interest of Patricia Sell and for her to become a member of the Planning Board.** Mr. Drinkhall asked if the Board wanted him to review the procedure of appointing a member or move forward. Mr. Sares stated to move forward. **Motion unanimously carried.** Mr. Irving stated that the term of office is to the next election and then the position will be on the ballot to fill the remaining years.

CONWAY DAILY SUN

Mr. Sares stated that he wanted it noted that the Conway Daily Sun is not here for the second meeting in a row and if they are going to be calling members then they should be here.

PAUL AND JOAN RICHARDSON/FRANK HUBBELL/BEVERLY FRIZZELL/
STEPHEN AND SHARYLIN RICHARDSON – BOUNDARY LINE
ADJUSTMENT (PID 276-107 & 114) FILE #S07-19

Ron Briggs of Briggs Land Surveying appeared before the Board. This is an application to add 1.95 acres to PID 276-114 from PID 276-107. **Mr. Porter made a motion, seconded by Ms. Tobin, to accept the application of Paul and Joan Richardson, Frank Hubbell, Beverly Frizzell and Stephen and Sharlylin Richardson for a Boundary Line Adjustment review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for §131-37.1.A. **Mr. Porter made a motion,**

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seconded by Ms. Tobin, to grant the waiver request for §131-37.1.A. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Porter made a motion, seconded by Mr. Sares, to conditionally approve the Boundary Line Adjustment for Paul and Joan Richardson/Frank Hubbell/Beverly Frizzell and Stephen and Sharylin Richardson conditionally upon submitting copy of recorded Access Easements and Termination of Access Easement; indicating book and page of recorded Access Easements and Termination of Access Easement on plan; submitting Conway Village Fire District Water and Sewer Approval that indicates “the plans (dated) are approved as submitted”; submitting a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on January 10, 2008. Motion unanimously carried.

**JOESPH E. SULLIVAN JR REVOCABLE TRUST OF 1998 AND SUMMIT
HOTEL PROPERTIES, INC (PID 235-76) FILE #FR07-15**

Ara Aftandilian of Summit Hotel Properties, Inc.; Erik Saari of Jones & Beach Engineers; Nate Sullivan, Property Owner; Kathleen Sullivan, Attorney for the Sullivan’s; and Shawn Bergeron of Shawn Bergeron Technical Services, Consultant for the Sullivan’s, appeared before the Board. This is an application to construct a 79,452 square foot, 108-room hotel with associated infrastructure.

Mr. Sares stated that he wanted to note again the absence of the Conway Daily Sun in light of the headline in this morning’s paper. Mr. Aftandilian stated that he is aware of the staff report and asked if the Board wanted him to give a brief overview or address the staff report first. Mr. Irving stated that the procedure is usually the applicant gives a brief overview of the application and then the Board determines if the application is complete or not. Mr. Aftandilian gave an overview of the proposed project. Mr. Irving stated that the Board does have his staff report and read the highlight issue. Mr. Irving stated that even though his staff report recommends a Design Review, public notification is necessary and all abutters have not been properly notified.

Mr. Porter made a motion, seconded by Ms. Tobin, to accept the application of Joseph E. Sullivan, Jr. Revocable Trust of 1998 and Summit Hotel Properties, Inc for a Full Site Plan Review as complete. Motion unanimously defeated.

Mr. Aftandilian stated that he understands the deficiencies with the site plan and they are working through those, but asked what is the public notification issue. Mr. Irving stated there is a unit subdivision with common interest in land that was not noticed in time and you were of the opinion that they were not abutters. Mr. Aftandilian stated that he did speak with Mr. Irving’s assistant and it was determined they were an abutter. Mr. Aftandilian stated that he submitted the necessary information. Mr. Irving stated that it was too late to notice.

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Mr. Aftandilian asked if the Board could address the matter regarding the Sullivan property. Mr. Irving stated the Board could discuss that issue under a consultation. Mr. Irving stated that the applicant would be going across this easement area to access the hotel. Mr. Irving stated that under the applicant's description the hotel could generate between 500 to 800 trips per day, which would increase the intensity of use. Mr. Irving stated the Sullivan's disagree.

Mr. Porter asked what was the easement granted for. Mr. Irving stated in 2003 when the Sullivan's came in for a boundary line adjustment, originally this driveway was on the parcel to the north and they came in to change it so the driveway was on the Blueberry Muffin property to facilitate access to the site. Mr. Aftandilian reviewed the access easement area. Mr. Sares asked if the pavement to be removed is used for parking. Mr. Bergeron stated that it is not designated as parking. Mr. Irving stated that it is used for parking.

Mr. Porter stated when the easement was granted the use was a mini golf course that was no longer operating. Mr. Porter asked if the driveway was in accordance with the State regulations. Mr. Irving stated that the State is reviewing it and not confirmed at this time. Mr. Irving stated that a minor review should be required since it is affecting two sites.

Mr. Aftandilian stated that they have submitted a NHDOT driveway permit to the State and there was a scoping meeting held in Concord. Mr. Aftandilian stated the State is not requiring a full traffic study, but a memorandum. Mr. Aftandilian stated that they did have real counts done and it is the opinion of their consultant that no improvements are required to the driveway for the hotel, but that is the for the NHDOT to decide.

Kathleen Sullivan asked if a minor or a full site plan is recommended. Mr. Irving stated that he cannot tell you what scale, but by general provisions, the applicant is not increasing the floor space and they are not reducing the greenspace, so a minor may be required. Ms. Sullivan stated that it has not been determined. Mr. Irving stated that a waiver is required on the Sullivan property because it does not conform to the requirements and a waiver can only be addressed through the public hearing process.

Ms. Sullivan stated the proposed changes do not increase the intensity of the use of the site. Ms. Sullivan stated when the mini golf course was in operation there were approximately 500 visits per day so there was substantial use of that driveway. Ms. Sullivan stated that a site plan is not applicable to the Sullivan site as there are no improvements to the Sullivan property and the only issue is the access and she doesn't believe it is applicable in this case. Ms. Sullivan stated that she included a recent decision from the courts in a similar case in a letter she sent to Mr. Irving. Ms. Sullivan stated that it is their position that it would not be necessary, but perhaps request a waiver for a site plan.

Mr. Sares stated that this is moving too fast as all the abutters have not been notified and without that discussion there is no basis for what type of site plan is necessary. Mr. Sares

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stated that he is assuming the Consultant's report regarding the driveway will be forwarded to the State, but a decision cannot be made until we see it.

Mr. Bergeron stated the concern relates to the functionality of the driveway on the Sullivan property to this site. Mr. Irving stated that the real question is what level of review is required. Mr. Irving stated that his suggestion would be upon reapplication include both properties in the same application and request waivers for the review of the entire Sullivan property and focus on the effected easement area.

Mr. Irving reviewed §123-4.A and stated that since the applicant does not meet those requirements, there are only two options remaining, a minor or a full site plan review. Ms. Sullivan stated that Mr. Irving is suggesting a waiver from the initial material and information required by the ordinance for a site plan review. Mr. Irving stated that it would be a big waiver. Ms. Sullivan stated that you have a property that is not being changed and to propose, because there is a shared access, that it requires a full review goes beyond what is contemplated as a site plan. Ms. Sullivan stated to consider it is a large stretch, but a full site plan since the property has been in its current configuration since 1991 and there is not going to be a shovel put into the ground, is going beyond what is required of site plan review.

Mr. Irving stated how do you propose to remove 1,000 square feet of asphalt without a shovel. Ms. Sullivan stated your saying if someone wanted to repair a driveway they would be required to have a site plan review. Mr. Irving stated that he was not going to get into a hypothetical discussion. Mr. Porter suggested polling the Board. Mr. Sares stated he would like to wait for the traffic report before he decides what type of review would be necessary. Ms. Tobin stated she would have to wait until there was more information. Mr. Porter stated that he was leaning toward a minor review. Mr. Drinkhall agreed.

RED JACKET MOUNTAIN VIEW, LLC – SITE PLAN REVIEW (PID 230-51)

This is an application to add an aboveground LP tank on a pad. Mr. Irving stated that the applicant has withdrawn this application.

**THE KENNETT COMPANY – 49-LOT SUBDIVISION REVIEW CONTINUED
(PID 291-30) FILE #S07-10**

Doug Heller of H.E. Bergeron Engineers appeared before the Board. This is an application to subdivide 583 acres into 49-lots, associated road infrastructure and common lands. This application was accepted as complete on May 10, 2007.

Mr. Irving stated that the applicant has requested a continuance until October 25, 2007. Mr. Porter stated that this has come to the Board a few times with engineering issues and asked if more time is needed. Mr. Heller stated that they believe they can address the issues by October 25th. Mr. Irving stated that there are several state permits outstanding and the wetlands application was only submitted this week.

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Mr. Sares made a motion, seconded by Mr. Porter, to continue the Subdivision Review for The Kennett Company until November 8, 2007. Motion carried with Ms. Tobin voting in the negative.

OTHER BUSINESS

Michelle Rober – 121Fit – Conceptual Review (PID 215-60): John Howe of Ammonoosuc Survey Company and Michelle Rober of 121Fit appeared before the Board. Ms. Rober reviewed plans for a new fitness facility just north of the hospital.

Cranmore Mountain (PID 214-84) – §123-4.A.5 (File #NA07-07): Ben Wilcox, General Manager of Cranmore Mountain Resort appeared before the Board. Mr. Wilcox stated that they would like to keep the 35' x 48' warming hut approved for last season this season. Mr. Wilcox stated that it would go up in November. Mr. Porter stated he is okay with it as long as it is maintained as a temporary structure and taken down at the end of the season. Mr. Sares asked if they would be asking for another one of these. Mr. Wilcox stated that he wants to keep his options open since ski areas under construction use these types of structures while they're down a building.

Mr. Sares made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the installation of a 35' x 48' tent warming hut for the winter months only ski season is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.

North Conway Water Precinct – Groundwater Protection Overlay District (§147.13.18): Jennifer Osgood of CDM and David Bernier of North Conway Water Precinct appeared before the Board. Mr. Bernier stated well 4 is the highest producing well in NH and asking for the Board to help them protect the aquifer. Mr. Sares asked if this is for future protection and not to eliminate any existing businesses. Mr. Bernier answered in the affirmative. Mr. Bernier stated that they would stop at existing businesses and review safe practices with them to prevent a spill.

Mr. Sares made a motion, seconded by Mr. Porter, to endorse the preparation of an amendment to the Groundwater Protection Overlay District to be considered at the next town meeting. Motion unanimously carried.

Evergreen on the Saco – Lot 51 (PID 265-161.351) – As Built Plans: Mr. Sares made a motion, seconded by Mr. Porter, to sign the as-built plans for lot 51 at Evergreens on the Saco. Motion unanimously carried.

Harold Whitaker and Thomas Fadden (PID 243-12) – Extension of Conditional Approval (File #S07-04): Mr. Porter made a motion, seconded by Ms. Tobin, to extend the conditional approval for Harold Whitaker and Thomas Fadden until December 13, 2007. Motion unanimously carried.

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William and Polly Leblanc (PID 254-104 & 111) – Lot Merger: Ms. Tobin made a motion, seconded by Mr. Porter, to approve the lot merger for William and Polly Leblanc to combine PID 254-104 & 111). Motion unanimously carried.

Steven B. Cheney Revocable Trust and Anita S. Cheney Revocable Trust (PID 216-13 & 14) – Lot Merger: Mr. Porter made a motion, seconded by Ms. Tobin, to approve the lot merger for Steven B. Cheney Revocable Trust and Anita S. Cheney Revocable Trust to combine PID 216-13 & 14). Motion unanimously carried.

Committee Reports: There were no committee reports.

Birch Hill Water: The Board had a brief discussion regarding the Birch Hill Water system and a temporary well. Mr. Sares suggested because of the nature of urgency once it is determined what is needed an emergency meeting should be called if necessary.

Beth and Walter Campbell and John and Nancy Long (PID 274-29 & 30) – Extension of Conditional Approval (File #S06-19): Mr. Porter made a motion, seconded by Mr. Sares, to extend the conditional approval for Beth and Walter Campbell and John and Nancy Long until December 13, 2007. Motion unanimously carried.

Meeting adjourned at 8:40 pm

Respectfully Submitted,

Holly L. Meserve
Planning Assistant