

CONWAY PLANNING BOARD

MINUTES

DECEMBER 13, 2007

A meeting of the Conway Planning Board was held on Thursday, December 13, 2007 beginning at 7:03 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

The Minutes of November 8, 2007 should be amended as follows: page 5, under Committee Reports, second paragraph, second line should read "...to the North Conway Water Precinct Governor's Council requesting...". **Mr. Sares made a motion, seconded by Ms. Sell, to approve the Minutes of November 8, 2007 as amended. Motion unanimously carried.**

**PUBLIC HEARING – §123-16.B AND §131-10.B – CONDITIONAL APPROVALS**

This is a public hearing to revise the regulations relative to conditional approvals by establishing a 90-day expiration period and a maximum of one year for conditional approvals to remain valid.

Mr. Drinkhall opened the public hearing at 7:05 pm. Mr. Drinkhall asked for public comment; Bayard Kennett asked the reason for this change. Mr. Irving stated the primary concern was the Board was repeatedly being asked to extend conditional approvals. Mr. Irving stated the ordinance currently allows 30-days and this amendment would allow 90-days with an extension to one year.

Roger Williams stated that in some cases it takes the State longer than a year. Mr. Williams stated that he has a problem with one year as it took him more than a year to get the driveway permit for one of his projects. Mr. Williams stated to cut it off 100% at a year is a little extreme when dealing with the State. Mr. Martin stated it does say for certain circumstances it can be extended longer. Mr. Irving stated that the proposed wording does not have that option; that was proposed by Randall Cooper of Cooper Cargill Chant.

Ms. Sell stated that we do have a letter from Cooper Cargill Chant with that language and she agrees with the language proposed by Mr. Cooper. **Ms. Sell proposed to amend the language several times to include the words "on the basis for good cause shown"**. Mr. Kennett agreed with Ms. Sell that the language is appropriate. Mr. Kennett asked if the conditional approval is not exercised at the end of the year, would the developer go back to ground zero. Mr. Irving answered in the affirmative. Mr. Kennett stated that the language proposed by Mr. Cooper should be incorporated as there are a number of projects for good reasons that need to be extended beyond a year; State permits, economic downturn. Mr. Kennett stated there would have been a lot of money spent and for the applicant to go back to zero and pay the fees over

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again is not right. Mr. Kennett stated what is trying to be achieved is a housekeeping item and asked the Board to reconsider the language to add the language proposed by Mr. Cooper. Chris Meyer, with Randall Cooper's office, stated that it doesn't make sense as a matter of the Board's own regulations to give away their own discretion. Mr. Meyer asked why the Board would voluntarily give that up.

Mr. Drinkhall asked for Board comment; Mr. Sares asked if there is a bench mark against other towns. Mr. Irving stated there are other Towns with a one year limit, but he hasn't checked many. Mr. Sares stated that the Board maintains the right to determine good cause and should draft new language of what is a good cause. Mr. Sares stated that he doesn't want to have to sit in a determination hearing. Mr. Sares stated that economic downturn is not a good cause as it is part of the risk a developer takes. Mr. Sares stated that the language should be redrafted.

Ed Poliquin asked what happens with phased projects. Mr. Irving stated when the Board addresses a phased project it would establish a threshold to when the project is vested. Mr. Sares stated it is approved up front and not an issue. Ms. Sell stated she is not in favor of putting in a lot of extra language as it is impossible to list all the examples of "good cause" and the Board can determine that at the time when the applicant is here. Mr. Drinkhall agreed. Mr. Sares stated he would always list what is good cause. Mr. Martin stated all conditional approvals have to be extended by the Board now and this verbiage is only in place to give a little house cleaning so projects don't go on for a while and then go nowhere anyway. The public hearing was closed at 7:25 pm.

The consensus of the Board was to change the wording to include the verbiage suggested by Mr. Cooper. Mr. Irving asked if the change was a significant change as it is changing a finite deadline to a more open door and before making a decision, should the Board continue to another public hearing. The Board disagreed.

**Mr. Martin made a motion, seconded by Mr. Sares, to adopt the amendments to §123-16.B and §131-10.B as follows: "Conditional approvals shall be assigned an expiration date which is coincident with a regularly scheduled meeting not more than 90 days from the date when the conditional approval is granted. The Planning Board may, at its discretion, extend the expiration date beyond 90 days. However, in no case shall the expiration date be extended beyond one year from the original date when the conditional approval was granted unless the Planning Board for good cause agrees to extend the conditional approval for an additional period of time beyond that one year period". Motion unanimously carried.**

**REQUEST TO TAKE AGENDA OUT OF ORDER**

Diane Smith of Thaddeus Thorne Surveys asked if the Board could take a few items on the agenda out-of-order. **Mr. Sares made a motion, seconded by Mr. Martin, to take the agenda out-of-order to address Robert and Eunice McIntire, Beth and Walter Campbell and Pastureview Development after the Steven and Anita Cheney Revocable Trust application. Motion unanimously carried.**

**STEVEN AND ANITA CHENEY REVOCABLE TRUST – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (PID 216-13) FILE #FR07-17 & #S07-20**

Steve Cheney, owner, and Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct one building with five units, associated parking and infrastructure, and a five-unit subdivision. **Mr. Martin made a motion, seconded by Mr. Sares, to accept the application of Steven and Anita Cheney Revocable Trust for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Mr. Sares stated that he is one abutter away from being an abutter and he had wanted to purchase this property to preserve it, but what Mr. Cheney is proposing is fine. Mr. Sares stated at some point the Board has to revisit the Master Plan as it is one greenspace gobble up after another. Mr. Sares stated that the Master Plan is a joke until the Board starts to look at it for direction. Ms. Sell stated that one side of the building has less windows than the other side. Ms. Smith stated it has to do with the floor plan. Mr. Cheney stated that there are two stairways on that end of the building.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for §123-6.B.2; §123-29.D.8; and §123-30.A.3. **Mr. Sares made a motion, seconded by Ms. Sell, to grant the waiver requests for §123-6.B.2; §123-29.D.8; and §123-30.A.3.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; Tom Reardon reviewed the plans. **Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Mr. Martin made a motion, seconded by Mr. Sares, to approve the Concurrent Site Plan and Subdivision for Steven and Anita Cheney. Motion unanimously carried.** The plans were signed.

**ROBERT AND EUNICE MCINTIRE – FULL SITE PLAN REVIEW CONTINUED (PID 253-42) FILE #FR07-16**

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct a 2,100 square foot storage addition and associated infrastructure. This application was accepted as substantially complete on October 25, 2007. Ms. Smith stated that the applicant would like to request a continuance to address engineering issues that might result in changes to the site plan. **Mr. Martin made a motion, seconded by Ms. Sell, to continue the Full Site Plan for Robert and Eunice McIntire until January 24, 2008 with any new information to be submitted by end of business, Friday, January 11, 2008. Motion unanimously carried.**

**OTHER BUSINESS**

**Beth and Walter Campbell and John and Nancy Long (PID 274-29 & 30) – Extension of Conditional Approval (File #S06-19): Mr. Martin made a motion, seconded by Ms. Sell, to extend the conditional approval for Beth and Walter Campbell and John and Nancy Long until August 28, 2008. Motion unanimously carried.**

**Pastureview Development (PID 283-22.1) – Extension of Conditional Approval (File #S07-07): Mr. Martin made a motion, seconded by Ms. Sell, to extend the conditional approval for Pastureview Development until April 24, 2008. Motion unanimously carried.**

**PUBLIC HEARINGS CONTINUED**

**MARK GUERRINGUE/CHARLES LOCKE REVOCABLE TRUST/STEVEN AND OLGA MORRILL/BRUCE DAVID/BRADFORD AND MARGARET MORRILL – BOUNDARY LINE ADJUSTMENT (PID 267-26 & 274-4) FILE #S07-21**

Andrew Fisher of Ammonoosuc Survey Company appeared before the Board. This is an application to evenly swap 0.01 of an acre between the two parcels. **Mr. Martin made a motion, seconded by Mr. Sares, to accept the application of Mark Guerringue/Charles Locke Revocable Trust/Steven and Olga Morrill/Bruce David/Bradford and Margaret Morrill for a Boundary Line Adjustment Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Sares asked if the sole reason is to put Mr. Guerringue's well on his own lot. Mr. Fisher answered in the affirmative. Ms. Sell asked if there were any restrictions. Mr. Fisher answered in the negative. Mr. Drinkhall asked for public comment; there was none.

**Mr. Martin made a motion, seconded by Mr. Sares, to conditionally approve the Boundary Line Adjustment for Mark Guerringue/Charles Locke Revocable Trust/Steven and Olga Morrill/Bruce David/Bradford and Margaret Morrill conditionally upon changing Charles Locke Revocable Trust to Stephen Morrill et al in title block on plan; submitting a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on March 13, 2008. Motion unanimously carried.**

**JOSEPH E SULLIVAN REVOCABLE TRUST OF 1998 AND SUMMIT HOTEL PROPERTIES INC – FULL SITE PLAN REVIEW (PID 235-76 & 77) FILE #FR07-18**

Nate Sullivan, property owner, Ara Aftandilian of Summit Hotel Properties, Inc, and Eric Saari of Jones & Beach Engineering appeared before the Board. This is an application to construct a 79,452 square foot, 108 room hotel and associated infrastructure and improvements to 60-foot easement area. **Mr. Sares made a motion, seconded by Ms. Sell, to accept the application of Joseph E. Sullivan Revocable Trust of 1998 and Summit Hotel Properties for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-6. **Mr. Sares made a motion, seconded by Mr. Martin, to grant the waiver for §123-6.** Mr. Drinkhall asked for Board comment; Mr. Sares asked why the Board needs to address this waiver first. Mr. Irving stated if the waiver is denied the applicant would have to submit a design of the entire Blueberry Muffin/Yankee Clipper site. Mr. Sares stated one entity is trying to sell to another entity, and part of the deal is to give them an easement. Mr. Irving stated they already have the easement. Mr. Sares stated the intent is to

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never open a site plan for seller, but for the buyer. Mr. Irving stated that he doesn't disagree. Ms. Sell stated during the last presentation the Board was told to treat this as both parcels. Mr. Irving stated what he said was both parcels are required to have a site plan review, so the applicant is asking to waive site plan review for the Blueberry Muffin/Yankee Clipper site and only review the easement area. Mr. Irving stated just the modifications in the easement area would have triggered a site plan review. Mr. Martin asked are there any pitfalls lining up for us by granting this waiver. Mr. Irving stated that this is not a precedent setting Board as each application is looked at on its own merit.

Mr. Drinkhall asked for public comment; Shawn Bergeron stated there is no public benefit to studying any further aspect of the lot. David Correa asked if there are any waivers that have been granted that have not been compiled with. Mr. Drinkhall answered in the negative. Mr. Correa stated that the applicant did the boundary line adjustment for a reason and if it is going to move to the Marriott then it needs to be reviewed. Mr. Correa stated that the proposed entrance to the Marriott is not wide enough and there are safety issues that need to be addressed. Mr. Sares stated the driveway issue is separate from this issue.

Ms. Sell asked why the Blueberry Muffin doesn't deed that land over to the Marriott. Mr. Sullivan stated that they haven't looked at it. Ms. Sell stated it would eliminate the need for the waiver. Mr. Sullivan stated that he would have to review it and speak to the other members of the trust, so it is not an option at this point. **Motion carried with Ms. Sell voting in the negative.**

Mr. Drinkhall read the waiver request for §123-20.G. **Mr. Martin made a motion, seconded by Ms. Sell, to grant the waiver for §123-20.G.** Mr. Drinkhall asked for Board comment; Mr. Sares stated it would be extremely difficult to connect to the Home Depot site. Ms. Sell stated that it would also have the Home Depot traffic cutting through to avoid the light. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read a substitution request for §123-21.A. Mr. Aftandilian stated this is an extended stay limited facilities hotel with no facilities for the public. Mr. Aftandilian stated most limited hotels require 1:1 parking and the Marriott's requirement is 1:1 parking. Ms. Sell asked what about employees and if the hotel is at full occupancy. Mr. Aftandilian stated it's usually full during the evenings and very little in the day. Mr. Aftandilian stated that only one space is needed in the evening for the one employee at night, so the need is for 109 parking spaces. Mr. Sares asked what if guests have guests. Mr. Aftandilian stated most likely it would be in the early evening.

Mr. Sullivan stated that there is overflow parking on the Blueberry Muffin site. Mr. Martin stated that he does have an issue with the number of parking spaces. Mr. Martin stated there is parking in the easement area. Mr. Sullivan stated the spaces in the easement area are not included in the parking calculation. Ms. Sell asked if the applicant is willing to give an easement for parking. Mr. Sullivan stated that it has been discussed, but not determined.

Mr. Sares stated that this is an Inn that targets families; it would be a vacation type place, which would have people coming to visit the guests. Mr. Sares stated he has a problem with the

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formula and the applicant is being too cavalier with the parking. Mr. Sares stated that the applicant is trying to put a ten foot shoe in a nine foot space. Mr. Drinkhall asked who would this impact. Mr. Sares stated this relates specifically to another issue, the number of cars that go out have to come in and will have an impact on Route 16 and to come into traffic the way it is now is a problem. Mr. Sares stated that he would never agree to the way it is now. Mr. Sares stated that he thinks it is all related and he is having a problem with the formula. Ms. Sell stated the applicant should deed over the easement area and use it for overflow parking.

Mr. Irving stated the ordinance does have a provision that addresses off-site parking. Mr. Irving read §123-21.D. Mr. Sullivan stated the parking on the Blueberry Muffin site is underutilized. Mr. Sullivan stated that they have over 61,000 square feet of asphalt with 146 spaces for 180 restaurant seats and 68 rooms. Mr. Sullivan stated that they have plenty of parking. **Mr. Martin made a motion, seconded by Ms. Sell, to grant the substitution request for §123-21.A.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously defeated.**

Mr. Drinkhall read the waiver request for §123-29. Ms. Sell stated there are a good variety of plantings. **Ms. Sell made a motion, seconded by Mr. Sares, to grant the waiver request for §123-29.** Mr. Drinkhall asked for Board comment; Mr. Irving stated several of the trees proposed do not meet the caliber size and there are several trees that are more than 15-feet off the sidewalk. Mr. Irving stated that these are not huge issues, but they do require a waiver. Mr. Irving stated the two trees that don't meet the within 15-feet of the sidewalk requirement may be due to visibility. Mr. Saari agreed. Mr. Irving stated usually there are single stems for street trees and they have proposed clumps of birch.

Mr. Aftandilian stated the landscaping plan could be tweaked a bit to meet the regulation. Mr. Irving suggested tweaking it and then let the Board reconsider the waiver request. Mr. Saari stated it would lose the variety. **Ms. Sell withdrew motion. Mr. Sares with withdrew second.**

Janet Hudson stated that the front of the building would probably be nice but what about the back of the building. Ms. Hudson stated that the Village of North Conway owners will see two stories of the Marriott and there is nothing proposed to beautify the back of the building. Mr. Sares asked when the Marriott would be visible from Village Way. Mr. Aftandilian answered around the pool area. Mr. Sares asked what would cover the first two floors. Mr. Aftandilian stated the height of land. Mr. Irving stated the Board has required prospective views before, which may help to determine what is necessary to mitigate the impact.

Bruce Monroe stated that he lives on Village Way next to Weston Tool and asked if the applicant is proposing to clear cut the lot. Mr. Aftandilian stated the building is close to the property line. Mr. Monroe asked about lighting in the back. Mr. Aftandilian stated there would be no lights in the back of the building. Mr. Sares stated he would hate to see the residents of Village Way get hit a second time. Ms. Sell stated she would like to see as much screening of the back of the building as possible.

Mr. Correa stated Home Depot has impacted us by approximately \$80,000. Mr. Correa stated that he doesn't know how this would impact them. Mr. Correa stated to be enclosed by walls

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and having the entire site clear cut, he won't be around by the time the trees screen anything. Mr. Aftandilian stated 25-feet of the building including the roof pitch would be visible from the back. Ms. Sell asked if it is necessary to clear cut the lot. Mr. Aftandilian answered in the affirmative in order to construct the building within the slope.

Mr. Sullivan stated the retaining wall is to allow the building to be built lower. Ms. Hudson stated she is more concerned with seeing the building. Mr. Correa stated the applicant doesn't own enough property to plant anything. Ms. Sell asked if the applicant is going to impact the abutting property would the applicant consider making improvements to their properties. Mr. Aftandilian stated that they have discussed that, but it is not just our decision. Mr. Sares stated that he thinks that is outside of the Board's purview.

Mr. Irving stated that he did have a discussion with NHDOT and at this time they are not sure what improvements, if any, would be necessary. Mr. Irving suggested continuing the site plan review until the January 24, 2008 meeting. Mr. Martin stated that he has strong concerns for the Village of North Conway, so the applicant should come to an agreement. Mr. Sares stated that he would affirm that. Ms Sell agreed.

**Mr. Martin made a motion, seconded by Mr. Sares, to continue the Full Site Plan Review for Joseph E. Sullivan Revocable Trust of 1998 and Summit Hotel Properties, Inc. until January 24, 2008 with any new information to be submitted by end of business, Friday, January 11, 2008. Motion unanimously carried.**

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

Jay Poulin of H.E. Bergeron 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. Drinkhall read the waiver request for §131-43.E. **Mr. Sares made a motion, seconded by Mr. martin, to grant the waiver request for §131-43.E.** Mr. Drinkhall asked for Board comment; Mr. Sares stated by not being built to town standards are there any safety issues. Mr. Irving stated not according to the Police Chief or the Fire Chief. Mr. Martin asked if there was any way, if granted, to protect the town and to make the potential property owners aware that this would not be a Town Road. Mr. Irving stated there are items that would be required to be put on the plans that would do that. Mr. Sares asked if Mr. Martin wanted to protect the Town, not necessarily the homeowner. Mr. Martin answered both.

**Mr. Sares amended his motion to grant the waiver request for §131-43.E, seconded by Mr. Martin, to include the following conditions: that Private Drive "A" and Viewmont Lane are deemed Driveways (not Streets) as contemplated §131-68.E."; that any subdivision road which has had construction standards waived by this Planning Board at any time may not be used as access for any additional residential units until such road has been reconstructed to comply with the then-applicable road construction standards of this Planning Board."; and maintenance (including snow removal), improvement or relocation**

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of Driveways shall be undertaken only by the Association or with its prior written consent which may be granted or withheld for any reason or for no reason. The Association may, upon vote of a majority of Owners present at a duly noticed annual meeting, abandon Driveway maintenance, in which case all owners shall maintain their respective Driveways with owners of shared Driveways contributing to maintenance in proportion to the number of Lots served by the Driveway.” Mr. Drinkhall asked for public comment; there was none. **Amended motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131-68, Table 2, Intersection and Road Grades. **Mr. Sares made a motion, seconded by Ms. Sell, to grant the waiver request for §131-68, Table 2, Intersection and Road Grades.** Mr. Drinkhall asked for Board comment; Mr. Martin asked if there is terrain guiding this. Mr. Poulin agreed and stated town regulation is strict. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131-68, Table 2, Minimum centerline offsets. **Mr. Sares made a motion, seconded by Mr. Martin, to grant the waiver request for §131-68, Table 2, Minimum centerline offsets.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Irving read the proposed conditions of approval. Mr. Irving asked if the conditions are acceptable to the applicant. Mr. Poulin answered in the affirmative. **Ms. Sell made a motion, seconded by Mr. Martin, to conditionally approve the Subdivision for The Kennett Company conditionally upon submitting four complete plan sets with requested revisions; submitting engineering and supplemental review fees; revising Waivers Granted Table; labeling Private Drive “A” and Viewmont Drive on Sheet 7 of 43; showing Street Trees along Private Drive “A” and Viewmont Drive on Sheets 21 & 22 of 43; adding note to Sheet 7 of 43: “Regarding the waiver granted pursuant to §131-43.E. Private Drive “A” and Viewmont Lane are deemed Driveways (not Streets) as contemplated §131-68.E.”; adding a note to sheet 7 of 43: “Any subdivision road which has had construction standards waived by this Planning Board at any time may not be used as access for any additional residential units until such road has been reconstructed to comply with the then-applicable road construction standards of this Planning Board.”; adding a note to sheet 7 of 43 indicating what was waived pursuant to §131-43.E.; adding the following note to Sheet 7 of 43, include same clause in proposed CCRs (submit proposed CCRs to be recorded) and Deeds for all affected lots (submit proposed deeds to be recorded): “Maintenance (including snow removal), improvement or relocation of Driveways shall be undertaken only by the Association or with its prior written consent which may be granted or withheld for any reason or for no reason. The Association may, upon vote of a majority of Owners present at a duly noticed annual meeting, abandon Driveway maintenance, in which case all owners shall maintain their respective Driveways with owners of shared Driveways contributing to maintenance in proportion to the number of Lots served by the Driveway.”; submitting deed restrictions (to be recorded) precluding access to Dolloff Hill Road from Lots 25, 37, 38 and 72; adding Wetland Scientist’s stamp and signature to sheets 5, 6, and 7; submitting deed restrictions (to be recorded) that indicate that “Lots 68 & 72 shall not have access to private drive A and lots 64 & 67 shall not have access to Viewmont Lane; submitting driveway easement (to be recorded) benefiting lot 71 for a shared driveway on Lot 70;**

**Town Engineer approval; Fire Chief Approval of Revised Plans; NHDES Wetlands Approval and indicate approval number on plan; NHDES Site Specific Approval and indicate approval number on plan; NHDES Subdivision Approval and indicate approval number on plan; NHDOT Driveway Permit and indicate approval number on plan; adding note that the subdivision shall be deemed vested upon completion of all infrastructure associated with sub phases IIA and IIB; a performance guarantee for all on site and off site (Rte. 153 and Dolloff Hill Rd.) improvements; final Approval of Phase I; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 24, 2008. Motion unanimously carried.**

#### **OTHER BUSINESS CONTINUED**

**Neil McIlvaine/The Quilt Shop at Vac N Sew (PID 265-151.001 & 151.002) File #NA07-12:**

Neil McIlvaine appeared before the Board. Mr. McIlvaine stated that they would like to convert 1,902 square feet of office space to retail space. Mr. Irving stated that the site has already been issued the allowed two small undertakings under §123-4.A.4 and he would have granted this request if he could have approved three small undertakings.

**Mr. Sares made a motion, seconded by Mr. Martin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the conversion of 1,902 square feet of office space to retail space 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.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

**The Estate of Eugene Hussey (PID 231-139.03) File #NA07-10:** Shawn Bergeron of Bergeron Technical Services and John Boisvert of Pittsfield Aqueduct Company appeared before the Board. Mr. Bergeron submitted handouts to the Board. Mr. Bergeron stated that the Pennichuk Water Company would like to construct a 70 square foot building for a metering pit and station for the Birch Hill Water system. Ms. Sell asked if it is in the floodplain. Mr. Bergeron answered in the affirmative.

**Mr. Martin made a motion, seconded by Mr. Sares, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 70 square foot building for metering pit and station 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.**

Mr. Drinkhall asked for Board comment; Mr. Sares asked if it was insignificant because of usage or size. Mr. Irving stated either. Mr. Sares asked if it would always be a meter pit. Mr. Bergeron answered in the affirmative. Mr. Sares asked if not granted and a site review required would it slow the connection to Birch Hill. Mr. Irving answered in the affirmative. Ms. Sell asked for an explanation of the purpose of a metering pit and station. Mr. Boisvert stated in an agreement to purchase water from the North Conway Water Precinct, a metering station is necessary in order to be billed and the metering station needs to be close to the North Conway Water Precinct boundaries.

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Ms. Sell asked if there were any houses in the area. Mr. Bergeron stated that it is in the middle of a cornfield. Mr. Irving stated the plans submitted to the Board this evening indicate wells #1 and #2. Mr. Boisvert stated they are recycled handouts. Mr. Irving stated that this board is not approving the wells. Mr. Boisvert agreed. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Vincent Jill Investments, Inc and Tiernan, LLC (May Kelly's) – Conceptual Review (PID 215-29 & 30):** Kim Frechette of Bergeron Technical Services appeared before the Board. There was discussion regarding meeting the parking requirement or removing the parking from the setback. It was the consensus of the Board to remove the parking from the setback.

**MRM Real Estate Development, LLC (PID 246-20) File #NA07-11:** Roger Williams of OVP Management appeared before the Board. Mr. Williams stated that they would like to change the east elevation of “A” building.

**Mr. Martin made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the change to the east elevation of “A” building 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.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Harold Whitaker and Thomas Fadden (PID 243-12) – Extension of Conditional Approval (File #S07-04):** Doug Burnell of H.E. Bergeron appeared before the Board. Mr. Burnell stated that the applicant has a conditional approval that expires today and there are a couple of things that have been further defined and have come unraveled. Mr. Burnell stated that the wetland permit has been denied and there has not been an agreement with an abutter. Mr. Burnell stated that he was under the impression that they were making good progress with the abutter in regard to her driveway and signing a release for the wetlands application.

Mr. Burnell stated that they were caught in procedures, because we didn't ask for an extension, which we didn't know we had to, the State denied the wetland permit, and then denied the appeal. Mr. Burnell stated the applicant can appeal to the Council. Mr. Burnell stated that the connecting driveway has become difficult with the neighbor, but he doesn't think it is completely off the table. Mr. Burnell stated he thinks there is good reason to extend the conditional approval to see if it can be worked out.

Mr. Irving stated the Board could consider a motion to extend the conditional approval until June 26, 2008, which is one year from the approval date. **Mr. Martin made a motion, seconded by Mr. Sares, to extend the conditional approval for Harold Whitaker and Thomas Fadden until June 26, 2008.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; Chris Meyer of Cooper Cargill Chant stated that he represents the abutter, Sharon Johnson. Mr. Meyer stated that he understands the reason the permit was denied because there was no agreement with the abutter and he doesn't anticipate an agreement with the

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abutter. Mr. Meyer stated that he would ask that no continuance be granted or a shorter period of time so not to hang over his client's head. Mr. Martin stated the Board is proposing to extend the application for six months. Mr. Meyer stated most likely the applicant won't be able to meet the conditions and his client does not want this hanging over her head. Mr. Meyer stated that the project is going to be within 20-feet of her back porch.

Vicki Graves stated they thought they had the abutter's agreement when the conditional approval was granted. Ms. Graves stated that Ms. Johnson was present at all the meetings until the last one and never expressed any opposition about the driveway being moved. Mr. Sares stated she should have been there early on. Mr. Meyer stated that she was at every meeting, but once she realized how close it was to her back porch and the wetland permit was denied she obtained legal council to demand some concessions.

Mr. Sares recommended a three month extension. Mr. Burnell stated that he spent a lot of time with Ms. Johnson in good faith and suggested she should consult a lawyer and then after the conditional approval was granted there were more demands and a changing of guard. Ms. Graves stated Ms. Johnson was not present at the conditional approval and she expressed no concerns with her driveway. Ms. Graves stated if she did have concerns why was she not there. **Motion unanimously carried.**

**Robert and Deanna Pletschke (PID 280-38 & 39) – Lot Merger: Mr. Martin made a motion, seconded by Mr. Drinkhall, to approve the lot merger for Robert and Deanna Pletschke to merge PID 280-38 & 39. Motion unanimously carried.**

**Jay Patel/Wingate Inn & Suites (PID 230-1) – Conditional Approval Expiring (File #FR04-06): Mr. Martin made a motion, seconded by Mr. Drinkhall, to deny the application of Jay Patel/Wingate Inn & Suites without prejudice for failure to meet the conditions of approval. Motion unanimously carried.**

**Amethyst Hill Properties (PID 252-47) – Extension of Conditional Approval (File #FR07-10): Mr. Irving stated since the Board will not be meeting on January 3, 2008, he would recommend extending the conditional approval until January 24, 2008 to give Staff time to go through their normal process of notifying applicants that their applications are expiring. Mr. Sares made a motion, seconded by Mr. Martin, to extend the conditional approval for Amethyst Hill Properties until January 24, 2008. Motion unanimously carried.**

**Paul and Joan Richardson/Frank Hubbell/Beverly Frizzell/Steven and Sharylin Richardson (PID 2276-107 & 114) – Extension of Conditional Approval (File #S07-19): Mr. Irving stated since the Board will not be meeting on January 3, 2008, he would recommend extending the conditional approval until January 24, 2008 to give Staff time to go through their normal process of notifying applicants that their applications are expiring. Mr. Drinkhall made a motion, seconded by Ms. Sell, to extend the conditional approval for Paul and Joan Richardson/ Frank Hubbell/Beverly Frizzell/Steven and Sharylin Richardson until January 24, 2008. Motion unanimously carried.**

**Adopted: January 24, 2008 – As Amended  
CONWAY PLANNING BOARD – DECEMBER 13, 2007**

**Set Public Hearing for proposed zoning amendments and zoning petitions: Mr. Drinkhall made a motion, seconded by Mr. Martin, to set a public hearing on January 24, 2008 for any proposed zoning amendments and/or zoning petitions. Motion unanimously carried.**

**Master Plan Discussion:** Mr. Sares stated at some point he thinks a committee is needed to look at revising the Master Plan. Ms. Sell stated that she would like to be on that committee. Mr. Irving stated that he has asked the Board for several years to at least look at the Implementation Strategy. Mr. Sares stated that the Master Plan needs to be reviewed. Mr. Sares stated at the next meeting he would like to discuss forming a committee.

**Committee Reports:** There were none.

Meeting adjourned at 10:30 pm.

Respectfully Submitted,

Holly L. Meserve  
Planning Assistant