

CONWAY PLANNING BOARD

MINUTES

JUNE 10, 2010

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CONWAY PLANNING BOARD

MINUTES

JUNE 10, 2010

A meeting of the Conway Planning Board was held on Thursday, June 10, 2010 beginning at 7:05 pm at the Conway Town Office in Center Conway, NH. Those present were: Selectmen's Representative, Robert Drinkhall; Secretary, Patricia Sell; Ted Sares; Steven Hartmann; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of May 27, 2010 should be amended as follows: page 1, last paragraph, line two should read, "...Mr. Drinkhall stated there is **was** legislation to change...". **Mr. Sares made a motion, seconded by Ms. Sell, to approve the Minutes of May 27, 2010 as amended. Motion carried with Ms. Sell abstaining from voting.**

SETTLER'S R2, INC – UNIT BOUNDARY LINE ADJUSTMENT (PID 235-89 & 89.001) FILE #S10-06

Mark Lucy of White Mountain Survey and Roger Williams of OVP appeared before the Board. This is an application to convey 364 square feet of land to PID 235-89.001 (Unit F) from PID 235-89 (Common Land). **Ms. Sell made a motion, seconded by Mr. Sares, to accept the application of Settler's R2, Inc for a unit boundary line adjustment as complete. Motion unanimously carried.**

Mr. Sares asked the amount before and after the expansion. Mr. Lucy stated that the lot is 9,285 square feet and will be 9,649 square feet after the adjustment. Mr. Sares asked the plans purpose. Mr. Lucy answered to construct a covered walk way.

Mr. Drinkhall asked for public comment; John Cohen, President of Bellevue Properties and with the North Conway Grand Hotel, stated that he has two concerns. Mr. Cohen stated that the information on the underlying approval that created R2 are not correct and need to be corrected prior to granting any other approval. Mr. Cohen stated that he is concerned that this application is really a piece of a larger application and feel that it would be appropriate for the plans for the lot be fully disclosed.

Mr. Cohen stated that this lot F has been subject to several applications recently to expand the footprint of the building; one application to the Zoning Board of Adjustment to expand the building to 12,000 square feet, which was denied and there was another application before the Planning Board that was withdrawn. Mr. Cohen stated that this seems simple and a small request, but it is unlikely that this is not a part of a much larger plan.

Mr. Drinkhall asked how this is relevant to what is going on. Mr. Cohen stated that the underlying permit has certain representations that must remain true before any further changes to the lot can take place. Mr. Cohen stated to the best of their information that is not true. Mr. Cohen asked if there are any other plans for this lot. Mr. Lucy stated that the record has shown that there are plans for a covered entry way. Mr. Cohen asked if there are plans to further expand the building beyond the entry way. Mr. Lucy answered in the negative.

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Mr. Cohen asked to provide the Board with the previous plan of this lot. Mr. Cohen stated that he wanted it noted in the record so when an application for this lot comes forward for further expansion the Board is aware of the concerns that we have at this point. Mr. Drinkhall stated that he does not believe this is relevant to what is on the table tonight.

Mr. Irving stated the letter from Orr & Reno, which was received earlier today, outlines issues with the parking analysis and expresses concerns with anything that comes forward that would require additional parking. Mr. Irving stated that the letter does state that they don't have any particular issue with the exchange of land. Mr. Irving stated that the primarily concern is the parking arrangements.

Mr. Irving asked if the issue is more around the arrangement for parking than the Boundary Line Adjustment. Mr. Cohen stated that he would raise issues with the parking, the roads, traffic and circulation and greenspace. Mr. Cohen stated that they wanted to review the application for compliance with the standards and if this is not the application to raise those concerns then they would like to come back when it is appropriate. Mr. Irving stated that this application will not affect parking, roads, traffic or greenspace. Mr. Cohen stated they are concerned with addition to and the development of the property.

Dot Seybold stated that Mr. Cohen is an attorney himself and we are in litigation with the abutter, unfortunately, and this is probably part of that discussion. Ms. Sell stated she believes that the creation of R2 is water under the bridge and the Board is addressing a simple boundary line adjustment that is not going to affect the hotel.

Mr. Sares asked if the original application was defected. Mr. Irving stated he wasn't here in the early 1980's so he does not know if there was a defect then. Mr. Sares stated for the two to be fighting each other is weird; as one feeds off the other. Ms. Sell stated she is not going to make judgment from that long ago.

Mr. Drinkhall read the waiver request for §131-37.1.A, street trees. **Ms. Sell made a motion, seconded by Mr. Sares, to grant the waiver request for §131-37.1.A.** Ms. Sell stated that Settler's Green does an outstanding job with landscaping and she has no problem with the waiver. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Sares made a motion, seconded by Ms. Sell, to conditionally approve the unit boundary line adjustment for Settler's R2, Inc conditionally upon North Conway Fire Chief Approval; North Conway Water Precinct Approval; revise waivers granted table on plan; indicate the Druker Company as an abutter on the plan; submit an additional \$10 scanning fee; submit a Mylar; submit three copies of revised plans [two to remain with the Town]; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 9, 2010. Motion unanimously carried.

Settler's R2, Inc. (PID 235-89.001) - §123-4.A.5 (File #NA10-03): Mark Lucy of White Mountain Survey and Roger Williams of OVP appeared before the Board. Mr. Lucy stated that the applicant would like to construct a 14' x 14' covered entry way. Mr. Sares stated this is about a four percent increase. Mr. Irving stated this is not internal floor space. Mr. Lucy stated it is 196 square feet. Dot Seybold stated that the tenant would like the same entry way as the other buildings. Mr. Drinkhall asked for public comment; there was none. Mr. Irving stated this makes it easier to find the front door.

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Ms. Sell 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 14' x 14' covered entry way 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.

BOOTH CREEK SKI HOLDINGS INC/MOUNT CRANMORE SKI RESORT INC – FULL SITE PLAN REVIEW CONTINUED (PID 214-84 & 219-105) FILE #FR10-04

Josh McAllister of H.E. Bergeron Engineers and Ben Wilcox, General Manager, appeared before the Board. This is an application to construct a 3,700 lf mountain coaster and a 162-foot wide by 650-foot long tubing park with associated buildings and walkways, construct two trails, relocate the existing south chair lift and construct a new chair lift. The application was accepted as sufficiently complete on May 13, 2010.

Mr. Sares made a motion, seconded by Ms. Sell, to approve the lot merger to merge PID 214-84 and PID 219-105. Motion unanimously carried.

Mr. Irving stated that the applicant has done a lot of work; they have improved the drainage design, they have addressed the parking lot layout issues, the parking substitution has been addressed and staff recommends addressing the waivers. Ms. Sell stated she is impressed with the way they handled the noise situation with Mr. Derouin.

Mr. Drinkhall read the waiver requests for §123-6.A, existing 2-foot contours; §123-6.A, large trees identified; §123-6.B.2; §123-6.B.4, property line setback; §123-6.B.4, uses, sizes and FFE of all existing buildings; §123-20.C; §123-20.F/§131-67.C.8.f; §123-20.I; §123-22 (fitness center); §123-26; §123-28; §123-29; and §123-30.

Ms. Sell made a motion, seconded by Mr. Sares, to grant the waivers for §123-6.A, existing 2-foot contours; §123-6.A, large trees identified; §123-6.B.2; §123-6.B.4, property line setback; §123-6.B.4, uses, sizes and FFE of all existing buildings; §123-20.C; §123-20.F/§131-67.C.8.f; §123-20.I; §123-22 (fitness center); §123-26; §123-28; §123-29; and §123-30. Mr. Drinkhall asked for Board comment; Mr. Sares asked if we approve the waivers can we still discuss the sound. Mr. Irving answered in the affirmative. Mr. Sares asked what a yes vote means. Mr. Irving stated that those sections of the ordinance will be considered satisfied. Mr. Drinkhall asked for public comment; there was none. Motion unanimously carried.

Mr. Sares asked in regard to the sound issue did you speak with Mr. Derouin. Mr. Wilcox stated that they sent him letter, as he was not listed in the phone book, and asked him to contact him if he had any concerns. Mr. Sares asked did he contact you. Mr. Wilcox answered in the negative. Mr. Sares stated he would have wanted an independent audiologist if he were an abutter. Ms. Sell stated that the speakers have been adjusted and there is a decrease. Mr. Hartmann stated they are not a certified audio expert. Ms. Sell stated they have decreased the noise levels. Mr. Sares stated with the issue with the Red Jacket he does not accept any report from the Sound Resort on this.

Mr. Drinkhall asked for public comment; Charlotte Ferris stated she is an abutter and was not able to attend the first meeting as she was out of the country. Ms. Ferris asked if she could review a set of plans. The Board took a five minutes recess for Ms. Ferris to review the plans. Once the meeting resumed, Ms. Ferris stated that she had no concerns.

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Ms. Sell made a motion, seconded by Mr. Sares, to grant the parking substitution under §123-21.A. Motion unanimously carried.

Mr. Sares made a motion, seconded by Ms. Sell, to conditionally approve the Full Site Plan for Booth Creek Ski Holdings Inc/Mount Cranmore Ski Resort Inc conditionally upon NHDES Alteration of Terrain Permit and indicate permit number on plan; NHDES Wetland permit and indicate permit number on plan; submit inspection and maintenance manual (per notes 4 & 5 on sheet #27); North Conway Fire Chief Approval; North Conway Water Precinct Water and Sewer Approval; Show Floodplain Conservation Overlay District on plan; revise Waivers Granted Table as necessary; add parking substitution note to waivers granted table; submit four sets of revised plans [3 to remain with the Town]; Town Engineer approval; submit engineering, supplemental review and any other pending fees; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on September 9, 2010. Motion unanimously carried.

OTHER BUSINESS

Marcello Irr Trust – Vito Marcello – §123.4.A.5 – File #NA10-02: Mr. Irving stated that the applicant would like to replace the existing pergola with a solarium and extend the kitchen by approximately 150 square feet. Mr. Irving stated there is no additional seating and there is no reduction in greenspace. Mr. Hartmann asked why the solarium. Mr. Irving stated that they are spreading the seating season and seating is already allowed there.

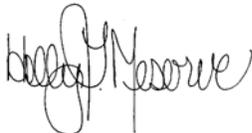
Ms. Sell made a motion, seconded by Mr. Sares, that the Planning Board determined that based on the provisions of §123-4.A.5., regarding applicability, that the replacement of the existing pergola with a solarium and extending the kitchen by approximately 150 square feet is not subject to a Minor or 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.

Conveyance of Court House property to the State: Mr. Irving stated this was part of a 20-year lease agreement and the 20-years are up. Mr. Irving asked if the Board had any issues or concerns. Mr. Sares made a motion, seconded by Ms. Sell, to suggest the Board of Selectmen proceed with the conveyance. Motion unanimously carried.

Committee Reports: Mr. Drinkhall reviewed the garage.

Meeting Adjourned at 8:25 pm.

Respectfully Submitted,



Holly L. Meserve,
Planning Assistant