

CONWAY PLANNING BOARD

MINUTES

MARCH 10, 2016

PAGES

1	Review and Acceptance of Minutes
1	Other Business <ul style="list-style-type: none">• Juniper Point Realty Trust - §123-4.A.5 (File #NA16-01)• Conway Hospitality, LLC (formerly Fandangle's LTD) File #FR14-06

CONWAY PLANNING BOARD

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A meeting of the Conway Planning Board was held on Thursday, March 10, 2016 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Steven Hartmann; Secretary, Kevin Flanagan; Martha Tobin; Raymond Shakir; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Tobin, to approve the Minutes of February 25, 2016 as written. Motion unanimously carried.

OTHER BUSINESS

Juniper Point Realty Trust (PID 218-126) - §123-4.A.5 (File #NA16-01): This is a request to enclose 594 square feet of an outdoor deck for indoor seating (with no increase seating) at 32 Seavey Street, North Conway. Rob Peterson appeared before the Board. Mr. Peterson stated they are looking to enclose an existing deck. Mr. Irving stated he could not approve this administratively as it was greater than 100 square feet; however, they are not proposing to increase the number of seats.

Mr. Drinkhall asked for Board comment; Mr. Hartmann asked if the deck is part of the seating. Mr. Irving stated they are entitled to 160 seats total; they used the deck in the summer, but still restricted to 160 seats. Mr. Shakir asked which deck was being enclosed. Mr. Peterson answered the lower deck. Mr. Drinkhall asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Flanagan, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the enclosing of 594 square feet of an outdoor deck for indoor seating (with no increase seating) 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.

Conway Hospitality, LLC (formerly Fandangle's LTD) PID 246-42 – Request to extend conditional approval (File #FR14-06): This is a request to extend the conditional approval. Burr Phillips of Civil Solutions appeared before the Board. Mr. Phillips stated they are looking for an extension of the conditional approval. Mr. Drinkhall asked if the Town had any concerns. Mr. Irving stated he has no concerns; it is his understanding the only outstanding item is securing a utility easement from a neighboring property. Mr. Porter stated his patience with this project is thin; when this started three years ago they stated they wanted to be the gateway to the Mt. Washington Valley. Mr. Porter stated they have been less than forth coming; how soon this will become a reality.

Mr. Phillips stated they have been working diligently with KGI regarding the easements; they have to go to the tenants as well, so if one has a question it has to go back to all of them again. Mr. Hartmann asked how far did obtaining the utility easement get pushed back while they were changing their plans. Mr. Phillips stated to the best of his knowledge the Attorney has been working on the easements for the past 18 months.

**Adopted: March 24, 2016 – As Written
CONWAY PLANNING BOARD – MARCH 10, 2016**

Mr. Shakir asked how did the utilities originally get to Fandangle's. Mr. Phillips stated there was an overhead wire across Route 16. Mr. Irving stated if there is a change in power, it would reopen the application and they would be required to go underground which would require boring under Route 16. Mr. Phillips stated it would also require an easement from SC Lookout.

Mr. Hartmann made a motion, seconded by Mr. Flanagan, to extend the conditional approval for Conway Hospitality, LLC until September 8, 2016. Mr. Shakir asked if the Board could put a subsequent condition that if an easement is not granted from KGI the applicant has to apply for a permit to bore under Route 16. Mr. Irving stated if there is a change with the utilities, it may require a re-review of the utility design. **Motion defeated with Ms. Tobin, Mr. Hartmann and Mr. Porter voting in the negative and Mr. Shakir, Mr. Flanagan and Mr. Drinkhall voting in the affirmative.**

Mr. Porter made a motion, seconded by Mr. Hartmann, to extend the conditional approval for Conway Hospitality, LLC until June 9, 2016. Mr. Flanagan stated we are setting them up for failure; he urged the Board to reconsider and understand that this is something that is outside of their control. Mr. Flanagan stated the extension does not seem to be costing anyone at the moment, and would ask the Board to reconsider the 6-month extension. Mr. Hartmann stated they have had plenty of time to work this out; they have spent more time revising their original plans than trying to obtain the utility easement.

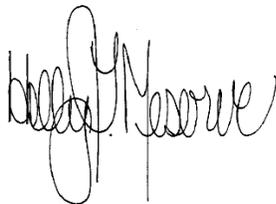
Mr. Drinkhall stated he believes we are making a mountain out of a mole hill; and he agrees with Mr. Flanagan. Mr. Shakir stated to put a burden on the owner when he cannot control the easement is not right; he did not create this problem. Mr. Phillips stated the owner has hired a local lawyer to help with the easement process. Mr. Shakir stated if he owned the property he would not want to delay in getting it constructed; this is costing him money. Mr. Phillips stated that owner would like it approved as soon as possible. **Motion defeated with Mr. Porter and Ms. Tobin voting in the affirmative and Mr. Shakir, Mr. Flanagan, Mr. Hartmann and Mr. Drinkhall voting in the negative.**

Mr. Drinkhall made a motion, seconded by Mr. Flanagan, to extend the conditional approval for Conway Hospitality, LLC until September 8, 2016. **Motion defeated with Ms. Tobin, Mr. Hartmann and Mr. Porter voting in the negative and Mr. Shakir, Mr. Flanagan and Mr. Drinkhall voting in the affirmative.**

Mr. Flanagan stated the same problem is going to exist with any other project on this site. **Ms. Tobin made a motion, seconded by Mr. Porter, to extend the conditional approval for Conway Hospitality, LLC until September 8, 2016.** Motion carried with Mr. Shakir, Mr. Flanagan, Ms. Tobin, Mr. Porter and Mr. Drinkhall voting in the affirmative and Mr. Hartmann voting in the negative.

Meeting adjourned at 7:32 pm.

Respectfully submitted,



Holly L. Meserve
Recording Secretary