

CONWAY PLANNING BOARD

MINUTES

JANUARY 24, 2008

A meeting of the Conway Planning Board was held on Thursday, January 24, 2008 beginning at 7:04 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Martha Tobin; Sean McFeeley; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of December 13, 2007 should be amended as follows: page 1, paragraph 4 under the heading *Public Hearing - §123-16.B and §131-10.B – Conditional Approvals*, line 2, should read, "...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...". **Ms. Tobin made a motion, seconded by Mr. Sares, to approve the Minutes of December 13, 2007 as amended. Motion carried with Ms. Tobin and Mr. McFeeley abstaining from voting.**

PUBLIC HEARING – PLANNING BOARD PROPOSED ZONING AMENDMENT – §147-15. DEFINITIONS

This is a public hearing to add a definition of a utility pole and renumber the ordinance sections accordingly. The public hearing was opened at 7:10 pm. Mr. Irving stated in the past there has been some debate on what was or wasn't a utility pole and this amendment would resolve that issue. Mr. Irving read the proposed change. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. The public hearing was closed at 7:11 pm. **Ms. Tobin made a motion, seconded by Mr. Sares, to recommend the proposed amendment to §147.15 as written on the warrant. Motion unanimously carried (6-0-0).**

PUBLIC HEARING – PETITIONED ZONING AMENDMENT – §147.13.8.6.8.1

This is a public hearing to amend the sign lighting provisions in the Highway Commercial District. Ms. Sell stated she would like to change the wording to state "good cause shown". Mr. Irving stated that since this is a petitioned article it cannot be changed.

The public hearing was opened at 7:12 pm. Mr. Drinkhall asked for public comment; there was none. Mr. Martin stated it is an adjustment that is better because it allows white light and not quite as restrictive as last year's proposed amendment. Mr. Martin stated that he would support this article. Mr. Sares asked if it was the same wording as last year. Mr. Drinkhall answered in the negative. The public hearing was closed at 7:16 pm. **Mr. Martin made a motion, seconded by Ms. Tobin, to recommend the proposed amendment to §147.13.8.6.8.1 as written on the warrant. Motion carried with Mr. Sares voting in the negative (5-1-0).**

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**BRADFORD AND MARGARET MORRILL/STEPHEN AND OLGA MORRILL,
BRUCE DAVID, BRADFORD AND MARGARET MORRILL AND GARY AND
CAROLINE FOLLMER – BOUNDARY LINE ADJUSTMENT (PID 260-57 & 58) FILE
#S08-01**

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to convey 0.62 of an acre from PID 260-58 to PID 260-57. **Mr. Martin made a motion, seconded by Ms. Tobin, to accept the application of Bradford and Margaret Morrill and Stephen and Olga Morrill, Bruce David, Bradford and Margaret Morrill and Gary and Caroline Follmer for a Boundary Line Adjustment as complete. 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 Ms. Tobin, to approve the Boundary Line Adjustment for Bradford and Margaret Morrill and Stephen and Olga Morrill, Bruce David, Bradford and Margaret Morrill and Gary and Caroline Follmer. Motion unanimously carried.** The plans were signed.

**JOSEPH E SULLIVAN REVOCABLE TRUST OF 1998 AND SUMMIT HOTEL
PROPERTIES INC – FULL SITE PLAN REVIEW CONTINUED (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 the 60-foot easement area. This application was accepted as complete on December 13, 2007.

Mr. Aftandilian stated that revised plans were submitted with a letter indicating the changes to the plans to Town Staff. Mr. Aftandilian stated most of the changes were in response to the Town Engineer's review. Mr. Aftandilian stated that an easement for 10 additional parking spaces for the hotel on the Blueberry Muffin site has been submitted.

Mr. Aftandilian stated the Board asked the applicant to review the landscaping. Mr. Aftandilian stated that the landscaping plan was not changed, but the waiver was revised. Mr. Aftandilian stated that the applicant is proposing clumps of white birch rather than single stems of white birch that meet the 3-inch caliber requirement. Mr. Aftandilian stated that the applicant could replace the clumps of white birch with single stems of white birch, but the applicant would prefer to keep the clumps of white birch. Mr. Aftandilian stated another issue is the street trees as a few of the street trees are further than the required 15-feet from pavement and they don't meet the 50-feet on center requirement either. Mr. Aftandilian stated that the landscaping waiver was clarified to address those issues.

Mr. Aftandilian stated that the Board asked the applicant to address the Village of North Conway Condominium Association. Mr. Aftandilian stated that the applicant has had many discussions with various members of the Association and the applicant has provided a proposal to the Association Board that would plant additional landscaping on their property, but it has not been

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agreed upon yet. Mr. Sares asked if the Planning Board should be having this discussion and asked if this discussion should be taking place between the applicant and the Association. Mr. Drinkhall stated that the Board was concerned with the view from the Association. Mr. Sares stated that this is not the Planning Board's purview. Mr. Martin stated the discussion that is taking place does concern him as he wants to know what the applicant is going to do with the retaining wall and it would have to be discussed with the abutters.

Mr. Sares stated that particular discussion has yet to come and he believes the Board will discuss the retaining wall, but he doesn't want to hear of an agreement that the applicant and the Association have reached as it puts him in a tainted spot. Ms. Sell stated that she had asked Mr. Aftandilian to elaborate on his discussion with the abutter and he would not. Ms. Sell stated that she was told that it was not a part of the Board's purview. Mr. Irving stated if the applicant is making agreements outside of this Board that is up to the applicant unless what is proposed on the other property would require site plan review. Mr. Aftandilian stated that he is not here to discuss the specifics with the Board, but wanted the Board to know that there are on-going discussions.

Mr. Aftandilian stated a NHDOT Driveway Permit has not yet been issued for this project. Mr. Irving stated the applicant submitted engineered stamped retaining wall plans and a plan of the Blueberry Muffin parking layout to demonstrate excess parking spaces on January 23, 2008. Mr. Irving stated that the Town Engineer has not been able to fully review these new plans and would bring that information back to the Board once it has been fully reviewed. Mr. Irving stated that he did speak with NHDOT and changes to the driveway are anticipated. Mr. Irving read the attached email from David Silvia. Mr. Irving stated in regard to the plan submitted to demonstrate the parking analysis it does appear that some of the numbers are not consistent with what is in town files. Mr. Irving requested the opportunity for time to review it and address it with the applicant.

Mr. McFeeley stated since this is an extended stay property the applicant would be marketing long term stays, such as six months to one year. Mr. Aftandilian agreed. Mr. McFeeley stated he is concerned that long term stays will have multiple cars, which you don't run into in a Motel situation. Mr. McFeeley stated that more parking should be created or he thinks there would be a parking crunch.

Mr. Sares asked if there would be a time to make a comment for the prevailing side in regard to the waiver for the easement area. Mr. Drinkhall answered in the affirmative. Mr. Sares stated that he would like a firm understanding of what the difference is. Mr. Sares stated that there is a driveway and an easement for ten parking spaces, which he has no problem with that as it makes it closer to the parking requirement. Mr. Sares stated now there is a driveway being used by two entities, prior to this there was certain usage of that driveway; deliveries, employees, minimal usage, but with this use there would be a significant increase. Mr. Sares stated that it is a substantially different use from before and it should require a site plan for the Blueberry Muffin. Mr. Sares stated that he is not sure what to do about that, but he wants to understand it.

Mr. Irving stated that the waiver was to address just the easement area and not the entire Blueberry Muffin property. Mr. Irving stated if there was no development on the property and

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this intensity of use was proposed on that driveway it would trigger a site plan review. Mr. Sares stated the increased usage is given the fact that we are anticipating changes. Mr. Sullivan stated the usage hasn't changed from the last meeting. Mr. Drinkhall stated he is questioning the decision from that last meeting. Mr. Sullivan asked if he is having second thoughts from what he did at the last meeting. Mr. Sares stated that he could have second thoughts and this site is going to see a lot of traffic without a turn lane. Mr. Sullivan stated that the turn off would be stipulated by the NHDOT and the applicant has spoken with them. Mr. Sares asked what is anticipated. Mr. Sullivan stated that he does not assume changes and he is waiting for the report, but the NHDOT has agreed with the traffic count.

Mr. Drinkhall asked for public comment; Sheila Duane stated the ordinance has parking calculations and regardless if it is called Residence by Marriott it needs to abide by the regulations. Ms. Duane stated there are some situations where the parking calculations don't work. Mr. Sares stated he needs to go to the other businesses that have suites, but it seems a good bench mark would be the Comfort Inn and he needs to do that for himself. Mr. Sares stated that the parking seems very close. Mr. Drinkhall stated in this particular case those impacted by the parking would be the applicant themselves and the Blueberry Muffin. Mr. Drinkhall stated he would prefer to reduce the amount of asphalt.

Mr. Aftandilian stated that the average stay at a regular hotel is two nights and the average stay for a Residence Inn is seven nights. Mr. Aftandilian stated in this type of market it would be down below the seven night average stay. Mr. Aftandilian stated that he doesn't anticipate the real long term stays here. Mr. Aftandilian stated that the NHDOT is looking at the driveway flair and the split rail fence in front of Blueberry Muffin.

Mr. Martin stated that he doesn't see anything in the area of the retaining wall to protect the abutters. Mr. Martin stated he would like to see a 3D drawing of the wall. Mr. Sullivan asked if the Board would like 3D drawings from different perspectives. Mr. Martin answered in the affirmative. Mr. Aftandilian asked for clarification. Mr. Martin stated that Mr. Saari seems to understand what were looking for. Ms. Sell stated that she agrees with Mr. Martin. Ms. Sell stated that she thinks overall it is beautiful and she likes the clump of birches, but strongly feel the retaining wall needs to have some landscaping on it as well. Ms. Sell stated that she would like to see specific surface materials and how that can be worked into the plan.

Mr. Aftandilian stated that the retaining wall is in the back and the only people seeing it would be the guests. Ms. Sell stated she would like to see a buffer between the two properties. Mr. Sullivan stated they could provide the views from Mr. Munroe's house and the Village of North Conway. Mr. Sares stated agreed with Mr. Martin and stated that he doesn't want to see us get into another Home Depot situation.

Mr. Sares asked when driving down Village Way and pass the prison wall of Home Depot then come to the swimming pool at what point do you see the retaining wall for this project. Mr. Saari stated the retaining wall would not be visible and they would see landscaping. Mr. Aftandilian submitted photos of the property without the hotel and with the hotel superimposed. Ms. Sell asked if the fence on the top of the retaining wall would be visible. Mr. Saari stated that it would be a black vinyl, which is hard to see.

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Becky Olson of the Village of North Conway Condominium Association asked how many trees would be cut down. Mr. Aftandilian stated that the trees in the pictures are the trees that would remain. Ms. Olson stated she is in building 3 that overlooks Home Depot, but she has a nice view of the mountains when standing on her front walk and now she would be looking at the fourth floor of this building. Ms. Olson asked what the setbacks are as it seems the retaining wall is very close to the property line. Mr. Irving requested a photograph from building 3 if the Association would allow. Mr. McFeeley stated that he doesn't see any trees removed.

Jan Hudson stated the pictures don't seem in perspective in relation to the property and stated that she doesn't foresee all those trees remaining. Ms. Olson stated that the pictures are taken on the lowest point of the property and not taken from their homes. Ms. Sell stated if these trees are on the Association's property then they would have to remain. Ms. Hudson stated she is not sure if all the trees are located on the Association's property.

Bruce Munroe asked how much of the wall would be seen from his father's property. Mr. Aftandilian stated that he would look over the wall as the wall would be below his property. Mr. Saari stated that the proposed building is down from Mr. Munroe's property. Ms. Olson stated Route 16 goes down to two lanes after McDonald's and it is a nightmare now and with this building she cannot see it getting better. Mr. Sares stated that it is out of the Board's hands as it is a State highway.

Mr. Sares stated that he is concerned that the applicant is trying to put a size 9 foot into a size 8 shoe. Mr. Sares stated that the sting felt from Home Depot should not be under estimated as it was painful in their wallet, not the Board's fault, but just the circumstances. Mr. Sares stated that the Board needs to be cognizant of that as the Board moves forward.

Ms. Tobin 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 February 28, 2008. Motion unanimously carried.

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

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. Mr. Irving stated that the applicant has requested to continue the Full Site Plan Review to address engineering issues. **Mr. Martin made a motion, seconded by Ms. Tobin, to continue the Full Site Plan Review for Robert and Eunice McIntire until February 14, 2008 with new information to be submitted by February 1, 2008. Motion unanimously carried.**

OTHER BUSINESS

Amethyst Hill Properties (PID 252-47) – Extension of Conditional Approval (File #FR07-10): Mr. Sares made a motion, seconded by Mr. Martin, to extend the conditional approval for Amethyst Hill Properties until April 28, 2008. Motion unanimously carried.

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Warrant Article for study and revision of signage regulations: Mr. Irving read the attached memorandum. Mr. Sares stated if the primary reason is to enhance positive energy alternatives, then he is all for it if it is pro-environmental. Mr. Sares stated recognizing \$25,000 is a lot. Ms. Sell asked if there are any grants moving in this direction. Mr. Drinkhall asked who would be responsible to look for grants. Mr. Irving stated Town Staff and the money could be used for a matching grant. **Ms. Sell made a motion, seconded by Ms. Tobin, to request the Board of Selectmen put a money article on the 2008 warrant to fund the study and preparation of revised regulations for signage and sign lighting for the Town of Conway.**

Mr. Drinkhall stated the only problem he has is with the money. Mr. Drinkhall stated we know we need to do it, but there are other things that are needed in town. Mr. Martin stated that the Board shouldn't let the money be the driving issue as the voters will decide the money. Mr. McFeeley stated any time a situation arises that we can make an impact in helping the environment is good and he would be championing the article. Mr. Sares stated when we can do something to contribute to the solution we should do so in a money effective manner. **Motion carried with Mr. Martin abstaining from voting (5-0-1).**

Warrant Article authorizing Board of Selectmen to establish Capital Improvements Program (CIP) Committee: Mr. Irving read the attached memorandum. **Mr. Sares made a motion, seconded by Ms. Tobin, to request the Board of Selectmen put an article on the 2008 warrant article to authorize the Board of Selectmen to appoint a capital improvement program committee, pursuant to RSA 674:5, to prepare and amend a recommended program of capital improvements projects over a period of at least 6 years. Motion unanimously carried (6-0-0).**

Master Plan Committee: Mr. Sares stated that he thinks this committee hinges on the previous motion and should wait to see about the Capital Improvements Plan (CIP). Mr. Sares stated that the Master Plan is a non-legal document that provides direction, but the CIP committee is the driving force. Mr. Sares stated if you have both it's a good thing, but if you don't have the CIP there's not much you can do with the Master Plan and should hold off until the elections.

Mr. Drinkhall stated the Board could review the Implementation Chapter. Mr. Sares stated there should be a sub-committee of this board to look at updating the Master Plan. Ms. Sell stated she would like to volunteer for that committee. Mr. Irving stated he would do everything to help this committee, but not able to attend a number of meetings. Mr. Irving stated the Board would need to indicate which members would be a part of this subcommittee and if other members of the community would be invited to sit on the Committee. Mr. Drinkhall stated that this may be better addressed with simple workshops. Mr. Sares agreed. **Mr. Sares made a motion, seconded by Ms. Sell, to have an allotted period of time at the Board's regular meetings for a Master Plan discussion. Motion unanimously carried.**

Faux Windows: Mr. Drinkhall asked the Board what their vision of faux windows is and asked about the windows at Lowe's. Mr. Sares stated that he likes them. Mr. Martin stated in that particular setting it is okay, but not what was envisioned. Mr. Irving stated in the past the Board has required the frame and the glazing, but it couldn't be seen through. Mr. Irving stated that Lowe's built what was approved. Mr. Drinkhall agreed.

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Compliments: Mr. Martin stated that he wanted to compliment the Board for holding their ground with the Rockingham Electric building and stated that the building looks nice. Mr. Sares stated that the Christmas Tree Shop building looks really nice as well.

Committee Reports: There were none.

Meeting adjourned at 8:45 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant