

CONWAY PLANNING BOARD

MINUTES

MARCH 10, 2011

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A meeting of the Conway Planning Board was held on Thursday, March 10, 2011 beginning at 7:05 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Scott Lees; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Ms. Sell, to approve the Minutes of February 24, 2011 as written. Motion carried with Mr. Lees abstaining from voting.

OTHER BUSINESS

Heartbreak Hotel, LLC (PID 217-24) – §123-4.A.5 (File #NA11-05) – Amend Phasing and Conditions of Approval (File #MR11-01): *It was determined during the meeting that this was a request to modify file #MR11-01 and the conditions of approval rather than a request for a non-applicable under §123-4.A.5. Shawn Bergeron of Bergeron Technical Services appeared before the Board. This is a request to modify File #MR11-01 to allow phase I to consist of 12, one-bedroom units and phase II to consist of 8, one-bedroom units at 2695 West Side Road, North Conway.*

Mr. Bergeron stated that they ran into a snafu with the NHDES. Mr. Bergeron stated once the site reaches 15 units it is required to have a licensed water system. Mr. Bergeron stated that they would like to construct 12 units in the existing building and continue their negotiations with the NHDES for the remaining units.

Mr. Irving asked if the 12 units in phase I would be in the existing building. Mr. Bergeron answered in the affirmative. Mr. Irving stated that the conditional approval requires surety for all site improvements and he would recommend amending the requirement for surety to require surety for all site improvements except for the footprint area of phase II.

Mr. Drinkhall made a motion, seconded by Ms. Sell, to amend the conditions of approval to clarify that phase I constitutes 12 units within the existing structure, obtain NHDES approval for phase I as amended and amend the surety requirement for all site improvements except for the preparation of the phase II structure. Motion unanimously carried.

Eastern Slope Inn Vacation Owner's Trust/Center Chimney Inn (PID 218-33): Joe Berry and Sheila Duane appeared before the Board. This is a request to allow an earthen berm and vegetative planter in lieu of six street trees approved under File #FR07-04 at 107 River Road, North Conway.

Steve Hartmann stepped down at this time. Ms. Duane submitted photos of the Center Chimney Inn site (see file for photos). Ms. Duane stated that 61% of the parcel is covered by greenspace. Ms. Duane stated in early winter they did some timber maintenance in order for the apple trees on the site to flourish. Ms. Duane stated that this is a safety issue. Ms. Duane stated that they constructed a 7-foot wide by 4-foot high berm. Ms. Duane stated that they are requesting the raised planter to be allowed in lieu of street trees.

Mr. Irving stated they are asking for modification of the landscaping along the buffer area, but they are asking for a waiver from the street tree requirement. Mr. Irving stated there is a process that needs to be followed to grant waivers and the most significant requirement is that the abutters are to be notified. Mr. Irving stated he would caution the Board on granting this, as a field change would be ignoring your requirements and abutter notification.

Mr. Drinkhall stated that he was concerned with the abutter notification and asked where the right-of-way is. Mr. Irving stated the planter is not in the road right-of-way. Ms. Tobin asked what the probability of trees surviving there is. Mr. Irving stated if planted properly, taken care of and if they are salt tolerant trees, they should survive. Mr. Lees asked if the planter was on the original plan. Ms. Duane answered in the negative and stated that it was changed due to safety. Mr. Lees stated that they are not in compliance with the site plan. Mr. Irving agreed.

Mr. Porter asked for public comment; Steve Hartmann stated aesthetically he does not have an issue with the berm and the planter; his issue is more with procedure. Joe Berry stated when they submitted the site plan it showed seven street trees. Mr. Berry stated that they missed it on the procedural issue and they will come back when notified properly. Mr. Berry stated having a street tree requirement is important, but he believes it was more for the villages and not for heavily treed areas. Mr. Berry stated that he doubts very much that the spirit of the ordinance is to go after a neighborhood with a lot of trees. Mr. Berry stated when we decided that the berm was the way to go, we also looked at aesthetics and we think the flowers and the plants compliment the woods around us.

Steve rejoined the Board at this time.

Committee Reports: There was none.

Meeting adjourned at 7:30 pm.

Respectfully Submitted,



Holly L. Meserve
Planning Assistant