

**CONWAY PLANNING BOARD**

**MINUTES**

**JUNE 24, 2004**

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**CONWAY PLANNING BOARD**

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**JUNE 24, 2004**

A meeting of the Conway Planning Board was held on Thursday, June 24, 2004 beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Conrad Briggs; Selectmen's Representative, Larry Martin; Secretary, Robert Drinkhall; Sheila Duane; Theodore Sares; Steven Porter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Drinkhall made a motion, seconded by Ms. Duane, to approve the Minutes of June 10, 2004 as written. Motion carried with Mr. Martin and Mr. Sares abstaining from voting.**

**PUBLIC HEARING – ARTICLE 123-30. – ARCHITECTURAL DESIGN**

A public hearing was opened at 7:03 p.m. Mr. Irving stated that this proposed amendment came about due to a Town vote in April. Mr. Sares asked what was the vote on April 13, 2004. Mr. Irving stated that it was to determine that the interpretation of that regulation was purely a guideline and not a regulation. Mr. Irving stated that it failed. Mr. Sares asked if the vote implied opposite. Mr. Irving answered in the affirmative. Mr. Irving stated that the proposed amendment clarifies that it is a regulation.

Mr. Briggs asked for public comment; Mr. Bartolomeo stated that he attended the public hearings when this ordinance was first proposed and then adopted. Mr. Bartolomeo stated that he remembers Dick O'Brien stating that he could only support the amendment if they were merely guidelines. Mr. Bartolomeo stated that he would like to see it stay as guidelines. Mr. Irving asked if Mr. Bartolomeo would refer to see the word regulation be changed to guidelines. Mr. Bartolomeo answered in the affirmative. Mr. Bartolomeo stated that he could live with the existing regulation as it is written as long as they are guidelines.

Mr. Sares stated that his problem is with mandatory vs. permissive. Mr. Sares stated that the town spoke and we need to respond to the will of the people. Mr. Sares stated that the people want this to be a regulation. Mr. Bartolomeo stated that designing is more than what you like and what you don't like and he doubts any of the Board members have any formal training. Ms. Duane stated as this is proposed, does it take out any architectural creativity. Mr. Bartolomeo stated that in a Town like there is a feeling of being held hostage to a local ordinance. Mr. Bartolomeo stated that every thing has a similar flavor on the strip.

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Mr. Martin stated that the voters have voted to take out the word guidelines making them regulations and that is what this body has to do at this juncture. Mr. Martin stated that it can always come back to the voters next year but they have given us direction. Ms. Duane stated that architectural design standards could be added to the Board's list of items that need to be reviewed. Mr. Sares stated that even though it is a regulation there is still room for interpretation; arbitrary or subjective depending on how that is done there is still room for leeway.

Mr. Drinkhall stated that we should go along with the voters but the way it was written was opposite from the way it was interpreted. Mr. Irving stated that the amendment of the subdivision and site plan review regulations is not a Town meeting process. Mr. Irving suggested if people have change recommendations to the site plan or subdivision regulations they should bring them directly to the Board and not wait for Town meeting. The public hearing was closed at 7:16 p.m.

**Ms. Duane made a motion, seconded by Mr. Porter, to adopt the amendments proposed to Article 123-30. Motion unanimously carried.**

**LEO KILEY/LINCOLN ESTATES – 18-LOT SUBDIVISION (PID 259-101) FILE #S04-11**

Jon Howe of Ammonoosuc Survey Company appeared before the Board. This is an application to subdivide 31.91 acres into 18-lots on Route 302 and on Old Mill Road. **Ms. Duane made a motion, seconded by Mr. Martin, to accept the application of Leo Kiley/Lincoln Estates for a subdivision review as complete. Motion unanimously carried.**

Mr. Sares stated that he is not a big fan of cul-de-sacs and asked if there is any chance the two roads could connect. Mr. Howe stated that it would be difficult to connect them, plus they would probably end up losing a lot. Mr. Irving stated he concurs that the roads should connect, however, connecting them may cause a greater impact on the wetlands.

Mr. Sares asked what price range of homes will be constructed on these lots. Mr. Howe stated that the homes would be approximately \$200,000 to \$300,000. Mr. Briggs asked for public comment; there was none from the audience. Mr. Briggs read a letter from Gail Palughi. Mr. Irving stated that to the best to his knowledge and belief this application has complied with all wetland regulations for the town and the state.

The Board discussed 40-foot radius cul-de-sacs vs. 50-foot radius cul-de-sacs. Ms. Duane stated that she would prefer to see less asphalt and if reducing the size of the cul-de-sac would do that than she would be in favor of reducing the size. Mr. Sares stated that he would not sacrifice the reduction of pavement for a standard. Mr. Sares stated that he doesn't like cul-de-sacs due to an increase in traffic pulse, safety and the cost of servicing cul-de-sacs. Mr. Irving stated that the Town Engineer and he agree that the standard should be changed. The majority of the Board agreed to a 40-foot radius.

**Mr. Drinkhall made a motion, seconded by Ms. Duane, to continue the subdivision application for Leo Kiley/Lincoln Estates until July 8, 2004. Motion unanimously carried.**

**JAY PATEL/WINGATE INN & SUITES – FULL SITE PLAN REVIEW (PID 230-1) FILE #FR04-06**

Ted Kupper of Provan and Lorber appeared before the Board. This is an application to construct a 76-room Inn with swimming pool at 2008 White Mountain Highway. **Ms. Duane made a motion, seconded by Mr. Drinkhall, to accept the application of Jay Patel/Wingate Inn & Suites for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Kupper stated that this application has been before the Board before and has been granted a conditional approval. Mr. Kupper stated that the applicant is going from a 64-room Inn to a 76-room Inn. Mr. Kupper stated that this change required an additional nine parking spaces. Mr. Kupper stated that the architectural design of the building would be worked out at a later date. Mr. Kupper stated that the applicant wants to make sure there is an approval before spending money on designing the building. Ms. Duane stated that she would like to see the architectural drawings as part of the entire package and not after a conditional approval is granted. Mr. Irving stated that we have received a set of drawings they are just not complete. Mr. Briggs stated that the drawings were not satisfactory.

Mr. Briggs asked for public comment; Russ Seybold of the Conway Scenic Railroad stated for safety factors there should be a fence along the property line abutting the railroad property. Mr. Seybold stated that a fence is also a good way to provide protection from encroachment. Mr. Seybold stated that he always asks for trees on the applicant's property between the railroad and the proposed property. Mr. Seybold stated that there is a visual impact, which they are trying to maintain. Mr. Seybold stated that they are trying to resemble a scenic ride through an urban area. Mr. Seybold stated that exterior lighting should be directed away from the railroad and down on the walkways and parking areas.

Mr. Kupper stated that his client respectfully requests a conditional approval. The majority of the Board would like architectural drawings to be submitted prior to granting a conditional approval.

**Ms. Duane made a motion, seconded by Mr. Martin, to continue the Full Site Plan Review for Jay Patel/Wingate Inn & Suites until July 8, 2004. Motion carried with Mr. Sares voting in the negative.**

**OTHER BUSINESS**

**Thomas Hanley (PID 202-181) - §123-4.A.(5):** Thomas Hanley appeared before the Board. Mr. Hanley stated that he would like to change the approved use from one

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caretakers apartment, 23 seat restaurant, 11 seat lounge to one caretakers apartment, 30 seat restaurant, 27 seat lounge and four motel rooms. **Ms. Duane made a motion, seconded by Mr. Martin, that the change of the approved use from one caretakers apartment, 23 seat restaurant, 11 seat lounge to one caretakers apartment, 30 seat restaurant, 27 seat lounge and four motel rooms 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 carried with Mr. Sares abstaining from voting.**

**Larry Smolinsky (PID 277-287) – Extension of Conditional Approval (File #FR02-08):** Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Larry Smolinsky until September 23, 2004. Motion carried with Mr. Sares voting in the negative.

**Mount Washington Valley Economic Council (PID 262-86 & 87) – Lot Merger:** Mr. Martin made a motion, seconded by Ms. Duane, to grant the lot merger for Mount Washington Valley Economic Council. Motion unanimously carried.

**Parking Discussion:** The Board discussed parking on the North-South Road on land owned by the State of New Hampshire. Mr. Sares stated that he toured the property next to the railroad storage area behind North Conway Lumber Company. Mr. Sares stated that approximately 200 parking spaces could be gained. Mr. Briggs stated that the State owns the property and the Conway Scenic Railroad has a lease.

Ms. Duane stated that the chairman should send a letter to the Conway Scenic Railroad asking for the lot to be used for public parking. Mr. Irving stated that it would be more appropriate for that request to come from the Board of Selectmen. The Board also discussed the municipal parking lot owned by Ed Bergeron, which the lease expires in 2006.

**Mr. Sares made a motion, seconded by Mr. Porter, to request the Board of Selectmen pursue the issue of securing parking spaces at the platform slab on Depot Road with the appropriate parties. Motion carried with Mr. Martin abstaining from voting.**

**Mr. Sares made a motion, seconded by Mr. Porter, to request the Board of Selectmen begin the negotiation process with Ed Bergeron to renew the lease on the municipal parking lot [PID 218-135]. Motion carried with Mr. Martin abstaining from voting.**

**Ms. Duane made a motion, seconded by Mr. Drinkhall, to request that the Board of Selectmen ask the State of New Hampshire keep space available on the 80-acre parcel [PID 219-211] in order to provide public parking. Motion carried with Mr. Martin abstaining.**

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**Board Comments:** Mr. Drinkhall stated that he had concerns with an article printed in the Conway Daily Sun which quoted Mr. Briggs as stating that the Planning Board had endorsed the subdivision and two site plans for the proposed high school. Mr. Briggs indicated that he may have been misquoted and not necessarily speaking on behalf of the Board.

**Committee Reports:** Mr. Sares stated that he attended the recent Citizen Design Committee meeting. Mr. Sares stated that a sub-committee has been formed to review the entrance to the bypass in Albany as well as traffic flow and lighting. Mr. Sares stated the sub-committee would have members from the Town of Albany and the Town of Madison. Mr. Sares stated that the Citizen Design Review committee also discussed bridges in the Kearsarge Road area.

Meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary