

CONWAY PLANNING BOARD

MINUTES

MARCH 8, 2007

A meeting of the Conway Planning Board was held on Thursday, March 8, 2007 beginning at 7:04 pm at the Conway Town Office in Center Conway, NH. Those present were: Acting Chair, Russell Henderson; Selectmen's Representative, Larry Martin; Secretary, Steven Porter; Martha Tobin; Hud Kellogg; Sean McFeeley; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Tobin made a motion, seconded by Mr. Porter, to approve the Minutes of February 8, 2007 as written. Motion carried with Mr. Henderson abstaining from voting.

RED JACKET MOUNTAIN VIEW, LLC – FULL SITE PLAN REVIEW (PID 230-48 & 51) FILE #FR07-03

This is an application to construct a 32,365 square foot indoor water park. David Abraham, General Manager of the Red Jacket and Jack Mettee and Patrick Crimmins of Appledore Engineering appeared before the Board. **Mr. Porter made a motion, seconded by Ms. Tobin, to accept the application of Red Jacket Mountain View, LLC for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Henderson asked for Board comment; Mr. Martin asked if there is a utility easement across the property. Mr. Mettee answered in the affirmative. Mr. Martin stated there was a concern from an abutter and he does not think the fence is an adequate buffer. Mr. Martin recommended arborvitaes along the southern boundary. Mr. Mettee agreed to the arborvitaes. Mr. Martin asked if the future parking lot would be in the buffer. Mr. Crimmins stated it would conform to the regulations if constructed.

Jack Dunn of Aquatic Development Group, Inc, reviewed the architectural plans. Mr. Henderson asked for public comment; Ed Furman complimented the applicant for a much better plan than the last set of plans. Mr. Furman asked the height of building. Mr. Dunn answered 43-feet. Mr. Furman asked if the glass panels open. Mr. Dunn answered in the negative and stated there would be venting on the gable ends. Mr. Furman stated arborvitaes are nice and asked if they would be planted at any specific height. Mr. Furman stated that he would like to see eight feet. Mr. Porter stated he would agree to a six-foot minimum. Mr. Porter stated six-feet would be a compromise and they would still cut down on the headlights.

Catherine Reddington congratulated the applicant for a much better plan and for taking the abutters concerns into consideration. Ms. Reddington stated that she would like to see the arborvitaes planted close together as a buffer. Ms. Reddington stated that she is very pleased with this proposal. Mr. Porter asked the purpose of the solar panels. Mr. Mettee stated to add natural light to the building. Mr. Porter asked if it was necessary. Mr. Mettee stated that it adds a lot to the building.

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Mr. Henderson stated that this is a major renovation with the hopes of drawing more customers. Mr. Henderson asked if the applicant is concerned at all in regards to parking. Mr. Abraham stated they would like more customers, but when the hotel is at full capacity there has been no parking challenges. Mr. Abraham stated if the parking becomes an issue, they would construct the additional spaces, as they do not want unhappy customers.

Mr. Irving stated that staff has reviewed the proposed parking layout and it is more efficiently laid out than the existing parking. Mr. Irving stated with the current lot you hope everyone stays in the spaces. Mr. Irving stated that the glass panels are an advantage as the environmental impact is less, as less daytime lighting is needed. Mr. Martin stated that the architectural design does not fall into the New England character, but it goes with the existing building, plus due to the location it is not easily seen from any road.

Mr. Henderson read the requirements to grant a waiver. **Mr. Porter made a motion, seconded by Mr. Martin, to vote on the waivers all together. Motion unanimously carried.**

Mr. Henderson read the waiver requests for §123-6.B.2; §123-20.F/131-67.C.8.b [Route 16]; §123-20.F/131-67.C.8.b [Locust Lane]; §123-20.F/131-67.C.8.c; §123-20.F/131-67.C.8.f [Locust Lane]; §123-20.G; §123-21.A.; §123-29.A.2 & A.3 [Well House]; §123-29.A.2 & A.3 [Tennis Court]; and §123-29.A.4 [Locust Lane]. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver requests for §123-6.B.2; §123-20.F/131-67.C.8.b [Route 16]; §123-20.F/131-67.C.8.b [Locust Lane]; §123-20.F/131-67.C.8.c; §123-20.F/131-67.C.8.f [Locust Lane]; §123-20.G; §123-21.A.; §123-29.A.2 & A.3 [Well House]; §123-29.A.2 & A.3 [Tennis Court]; and §123-29.A.4.** Mr. Henderson asked for Board comment; there was none. Mr. Henderson asked for public comment; there was none. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. McFeeley, to conditionally approve the Full Site Plan for Red Jacket Mountain View, LLC conditionally upon indicating six foot tall arborvitaes planted 4-foot on center along the length of the southern edge of the parking; addressing the deficiency list dated 02/21/07; demonstrating that roof pitches meet or exceed 3:12 minimum; North Conway Water Precinct Approval; NHDES Site Specific Approval and indicate approval number on plan; Town Engineer approval of all on-site improvements and surety for same; Town Engineer approval for all off-site improvements including reconstruction of Locust Lane and surety for same; four sets of revised plans [three to remain with the Town]; Mylar's; 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 will expire on June 14, 2007. Mr. Henderson asked for Board comment; there was none. Mr. Henderson asked for public comment; there was none. **Motion unanimously carried.**

MICHAEL VALLADARES – 2-LOT SUBDIVISION REVIEW (PID 207-14) FILE #S07-03

Michael Valladares and Mia Gannon of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 90± acres into two lots. Ms. Gannon stated this is a relatively simple two-lot subdivision and it has been brought to our attention that there are issues with the land, but those issues have no impact on the subdivision and can be dealt with in do time.

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Mr. Irving read the Staff Report. Mr. Irving stated that he has had correspondence directly from the Building Inspector and read a letter from David Pandora, Building Inspector. Mr. Irving read two letters from Thomas Holmes, Tax Assessor. Mr. Irving stated based on the issues relative to this property there is one lot that may or may not have issues, but he is precluded to recommending the application be accepted as complete.

Mr. Valladares stated in regard to the gravel pit, the site that is marked out on the plan is the site that was described to Mary Pinkham. Mr. Valladares stated that it is not being excavated all at once; it is a two-acre site. Mr. Valladares stated that the large acreage is probably a seven acre site that will be excavated over the next 75-years, but only two acres at a time. Mr. Valladares stated that there have only been 60 to 65 truckloads a year taken from the pit. Mr. Valladares stated that there is not much paperwork on this site. Mr. Valladares stated that this was the time when John Krebs was the Planning Director and he was a selectmen at the time.

Mr. Valladares stated that it is a grandfathered site and it could not be changed from that area. Mr. Valladares stated that this is the third time this has been reviewed. Mr. Valladares stated that Mary Pinkham and the Town signed off on the paperwork and there should be records in the town as it took six weeks to review. Mr. Valladares stated that he is not sure of the septic and it does need to be addressed.

Mr. Valladares stated it is a small area for the pit. Mr. Henderson stated that the Board is challenged with not having the evidence. Mr. Irving stated that is why it is important for the applicant to provide the information. **Mr. Porter made a motion to table this application for 30-days for further fact finding.** Mr. Irving asked if the applicant would like to table this application for 30-days. Mr. Valladares asked that the application be continued in order to address the issues. **There was no second.**

Mr. Porter made a motion, seconded by Ms. Tobin, at the request of the applicant, defer consideration of this applications acceptance as complete to the meeting of May 10, 2007 with the understanding that the public hearing for this application will have to be re-noticed and if the Planning Board determines at that time that the application is complete they would then call for a public hearing and that public hearing will have to be re-noticed. Motion unanimously carried.

JOHN NELSON, JR – SUBDIVISION REVIEW CONTINUED (PID 258-68) FILE #S06-16

This is an application to subdivide 340± acres into 40-lots. This application was accepted as complete on June 22, 2006. Mr. Irving stated that the applicant has requested a continuance until March 22, 2007. **Mr. Martin made a motion, seconded by Mr. Porter, to continue the Subdivision Review for John Nelson, Jr. until March 22, 2007. Motion unanimously carried.**

OTHER BUSINESS

Settler's R2, Inc. – Extension of Conditional Approval (PID 235-89) File #FR06-09 & S06-24: Mr. Irving stated that the applicant has requested an extension of conditional approval. **Mr. Porter made a motion, seconded by Mr. Martin, to extend the conditional approval for Settler's R2, Inc. until June 14, 2007. Motion unanimously carried.**

Conway Historical Society (PID 265-33) – §123-4.A.5: Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Irving stated that he could have approved the physical changes to the site, but he could not approve them with the performing arts center.

Mr. Porter made a motion, seconded by Ms. Tobin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that changing wooden stairs to steel stairs and increasing the footprint by 72 square feet, constructing a roof over the entrance and extending the sidewalk to the new doors and increasing the footprint by 60 square feet and include in the approved use a performing arts center with 150 viewing seats 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.

Mr. Henderson asked for board comment; Mr. Martin suggested changing it to 99-seats and then the parking would be adequate. Mr. Bergeron stated that were dealing with folding chairs not permanent seats. Mr. Bergeron stated that this is probably one of the only properties that provide compliant parking. Mr. Martin stated that he would have a hard time approving 150-seats, but he could support 99-seats. Ms. Tobin stated that they would be using spaces on the street as they do now. Mr. Porter stated that the Board should be consistent in their decision-making. **Mr. Porter withdrew his motion and Ms. Tobin withdrew her second.**

Mr. Martin made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that changing wooden stairs to steel stairs and increasing the footprint by 72 square feet, constructing a roof over the entrance and extending the sidewalk to the new doors and increasing the footprint by 60 square feet and include in the approved use a performing arts center with 99 viewing seats 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.

Meeting adjourned at 8:30 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant