

CONWAY PLANNING BOARD

MINUTES

APRIL 26, 2007

A meeting of the Conway Planning Board was held on Thursday, April 26, 2007 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Secretary, Steven Porter; ~~Martha Tobin~~ [not in attendance]; Hud Kellogg; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**SWEARING IN NEW MEMBERS**

Mr. Martin swore in Mr. Porter and Mr. Kellogg.

**REVIEW AND ACCEPTANCE OF MINUTES**

The Minutes of April 12, 2007 should be amended as follows: page 4, last paragraph [§123-21.A.], last line should read, "21.A. Motion carried with Mr. Kellogg voting in the negative". **Mr. Martin made a motion, seconded by Mr. Porter to approve the Minutes of April 12, 2007 as amended. Motion unanimously carried.**

**RESIGNATION OF MEMBER**

Mr. Drinkhall read a letter of resignation from Russell Henderson. **Mr. Martin made a motion, seconded by Mr. Porter, to accept Russell Henderson's letter of resignation. Motion unanimously carried.** Mr. Kellogg asked that a letter of thanks be sent to Mr. Henderson. Mr. Drinkhall agreed.

**ELECTION OF OFFICERS**

**Mr. Martin made a motion, seconded by Mr. Porter, to nominate Mr. Drinkhall as Chair. Motion unanimously carried.**

**Mr. Martin made a motion, seconded by Mr. Drinkhall, to nominate Ms. Tobin as Vice Chair. Motion unanimously carried.**

**Mr. Martin made a motion, seconded by Mr. Drinkhall, to nominate Mr. Porter as Secretary. Motion unanimously carried.**

**LOT FIVE GENERAL PARTNERSHIP/LUPINE DOGWEAR – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (PID 253-73, 84 & 85) FILE #FR07-08 & S07-08**

Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. This is an application to construct a 4,224 square foot industrial building and consolidate three lots into two lots. **Mr. Porter made a motion, seconded by Mr. Martin, to accept the application**

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**of Lot Five General Partnership/Lupine Dogwear for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Mr. Martin asked about the trees. Mr. Bergeron stated that there is a tree table on the plan that has been inventoried on the easterly and southerly side of the parking lot greater than 3” in caliber. Mr. Irving asked that the trees be clarified on the plan and asked if they are all within 70-feet of the parking lot. Mr. Bergeron answered in the affirmative.

Mr. Irving stated that the street trees are to be hardwood, but the applicant is proposing spruce. Mr. Bergeron stated that the applicant would like the Board to consider the spruce as there are several healthy spruces on that site and continuing would blend with the rest of the site. Mr. Martin stated that the hedge is healthy and see no problem continuing around Lupine Lane, as it is a nice barrier. Mr. Martin stated that he has no problem granting the waiver. Mr. Drinkhall asked for public comment; there was none.

Mr. Drinkhall read the waiver for §123-20.E. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for §123-20.E.** Mr. Drinkhall asked for Board comment; Mr. Porter asked if the Board could discuss all pavement issues under this waiver request. The Board agreed and Mr. Bergeron agreed. Mr. Porter stated if the entryway is not paved it causes wear and tear on the main road. Mr. Porter suggested paving along the front row of parking just beyond the last handicap parking space and keeping the rest gravel. Mr. Porter stated the way the parking lot is laid out anyone using the handicap parking space would have to go behind the vehicle and if it was paved they could wheel around the parking lot. Mr. Martin stated that he doesn’t necessarily agree. Mr. Martin stated that he could see a paved apron and a block of paving around the handicap area. Mr. Drinkhall stated he agreed with Mr. Martin, but not necessarily 65-feet for the paved apron as suggested by the Town Engineer.

Mr. Kellogg asked how far in is the handicap spaces. Mr. Bergeron answered approximately 210-feet to the furthest parking space. Mr. Irving asked if it would make more sense for a continuous sheet of pavement rather than portions, as the portion will easily break up. Mr. Bergeron suggested straight down at 24-feet wide to the storage building, from the easterly side of the driveway cut, parallel with the westerly edge of the parking lot to the far end. Mr. Drinkhall asked for public comment; there was none. Mr. Bergeron stated that the waiver is no longer necessary and withdrew the waiver request. **Mr. Martin withdrew the motion and Mr. Porter withdrew his second.**

Mr. Drinkhall read the waiver for §123-22.B. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for §123-22.B with the condition that the western side of parking lot be paved extending parallel to the eastern edge of the driveway the full length of the parking lot as shown on a plan in the meeting. Motion unanimously carried.**

Mr. Drinkhall read the waiver for §123-6.B.2; 123-20.C; 123-20.F/131-67.C.8.b; 123-20.F/131-67.C.8.f; 123-20.G; 123-20.I; 123-29.A.2 & A.3; and 123-29.D.6. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for §123-6.B.2; 123-20.C; 123-20.F/131-67.C.8.b; 123-20.F/131-67.C.8.f; 123-20.G; 123-20.I; 123-29.A.2**

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**& A.3; and 123-29.D.6.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Martin, to conditionally approve the Concurrent Site Plan and Subdivision for Lot Five General Partnership/Lupine Dogwear conditionally upon Town Engineer Approval; indicating tree sizes and locations along parking lot on plan; indicating monuments to be set along Lupine Lane at each turn; adding “To be combined with (the other lot) and not to be considered a separate lot of record” note to plan; indicating revised pavement per approval of waiver §123-22.B; indicating existing paved driveways on plan; modifying waivers granted table as necessary; A Mylar; 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 July 26, 2007. Motion unanimously carried.**

**THE KENNETT COMPANY/CONWAY SCHOOL DISTRICT – BOUNDARY LINE  
ADJUSTMENT REVIEW (PID 252-60 & 262-71) FILE #S07-09**

Bayard Kennett of the Kennett Company and Doug Burnell of H.E. Bergeron Engineers appeared before the Board. This is an application to add 1.71 acres to PID 252-60 (School District) from PID 262-71 (Kennett) on Eagle’s Way. **Mr. Porter made a motion, seconded by Mr. Martin, to accept the application of The Kennett Company and Conway School District for a Boundary Line Adjustment Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Mr. Porter made a motion, seconded by Mr. Martin, to conditionally approve the Boundary Line Adjustment for The Kennett Company and Conway School District conditionally upon Conway Village Fire Chief Approval; North Conway Water Precinct Approval; a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on July 26, 2007. Motion unanimously carried.**

**ROCKINGHAM ELECTRICAL SUPPLY CO. INC/HILL’S REALTY, INC. – FULL  
SITE PLAN REVIEW (PID 265-126.2 & 126.3) FILE #FR07-09**

Jay Poulin of H.E. Bergeron Engineers appeared before the Board. This is an application to construct 3,000 square feet retail and 6,500 square feet warehouse building and construct access driveway. **Mr. Porter made a motion, seconded by Mr. Martin, to accept the application of Rockingham Electrical Supply Co. Inc. for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Martin stated on sheet 3 of 11 there is a proposed temporary pipe loading area. Mr. Poulin stated that it is intended to unload the pipe to this area and then move the pipe to the warehouse. Mr. Porter asked what is the definition of temporary. Mr. Poulin stated 12-hours. Mr. Porter stated that he is concerned with the pipe being visible. Mr. Poulin stated that it would not be visible due to the embankment. Jim Pender, Owner of Rockingham Electric, stated that the pipe is unloaded onto the ground from the truck and then immediately put it into the building within two hours. The Board agreed

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that the word “temporary” needed to be removed. Mr. Drinkhall asked for public comment; there was none.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver for §123-29.D.6. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for §123-29.D.6.** Mr. Drinkhall asked for Board comment; Mr. Porter stated that the trees were necessary to buffer as well as shades the parking areas and it is more eye appealing if the parking lot is buffered. Mr. Martin stated he wants to make sure there is enough buffer. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Kellogg voting in the negative.**

Mr. Drinkhall read the waiver for §123-30.A.2. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver request for §123-30.A.2.** Mr. Drinkhall asked for Board comment; Mr. Porter stated he is having a hard time accepting this building elevation and doesn't like steel. Mr. Porter stated that color doesn't matter to him. Mr. Porter referred to Trafford's RV and Hill's RV. Mr. Poulin stated that they are steel buildings. Mr. Irving stated that Trafford's RV used the vertical siding that simulated clapboard siding facing the road and other negatively affected properties. Mr. Irving stated that the Hill's RV was basically the same. Mr. Poulin stated that the building is buffered by landscaping. Mr. Porter stated from past history he could not entertain this waiver. Mr. Porter stated the applicant should be able to design the exterior of the building to comply with the regulations.

Mr. Kellogg stated that he agrees with Mr. Porter. Mr. Kellogg stated in the big scheme of things it is not a big task. Mr. Drinkhall stated that there are garage doors. Mr. Martin stated that the applicant has tried, but has not succeeded. Mr. Martin stated anything you can propose to lessen the impact of the vertical siding and the warehouse look would be better. Mr. Drinkhall asked the applicant if they were open to redesigning. Mr. Poulin agreed. Mr. Pender stated that we tried to keep with their other businesses, as they are a warehouse type business. Mr. Pender stated in regard to windows we have several different types of pipe that would be visible through the windows. Mr. Drinkhall stated that the Board usually suggests faux windows.

Mr. Pender asked if steel is okay if it looks like clapboard. Mr. Porter stated that he is not in favor of steel. Mr. Irving suggested continuing the application. **Mr. Porter withdrew motion and Mr. Martin withdrew second.**

**Mr. Porter made a motion, seconded by Mr. Martin, to continue the Full Site Plan Review for Rockingham Electrical Supply Co., Inc until May 10, 2007. Motion unanimously carried.**

**HAROLD WHITAKER AND THOMAS FADDEN – 33 – LOT SUBDIVISION  
REVIEW CONTINUED (PID 243-12) FILE #S07-04**

Jay Poulin of H.E. Bergeron Engineers appeared before the Board. This is an application to subdivide 81.4 acres into 33-lots with associated road and infrastructure. This application was accepted as complete on March 22, 2007. Mr. Poulin stated that the applicant would like to request a continuance until May 10, 2007. Mr. Irving stated that staff would recommend the application be continued until May 24, 2007. **Mr. Kellogg made a motion, seconded by**

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**Mr. Porter, to continue the Subdivision Review for Harold Whitaker and Thomas Fadden until May 24, 2007 and new materials be submitted two weeks in advance. Motion unanimously carried.**

**JEANNE FERNANDEZ – 2-LOT SUBDIVISION AND BOUNDARY LINE  
ADJUSTMENT CONTINUED (PID 214-95.01 & 97) FILE #S07-06**

This is an application to subdivide 9.51 acres (PID 214-95.01) into two-lots and to add 0.82 of an acre from PID 214-95.01 to PID 214-97 resulting in three-lots, one lot being 2.34 acres (PID 214-97), one lot being 7.60 acres (PID 214-95.01) and a new lot of 1.08 acres. This application was accepted a sufficiently complete on March 22, 2007. Mr. Irving stated that the applicant has withdrawn the application.

**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. **Mr. Kellogg made a motion, seconded by Mr. Porter, to continue the Subdivision Review for John Nelson, Jr. until May 24, 2007. Motion unanimously carried.**

**OTHER BUSINESS**

**The Druker Company/Christmas Tree Shops (PID 246-24.001) - §123-4.A.5:** Peter Puskuldjian stated that Christmas Tree Shops would like to occupy the former Ames space. Mr. Puskuldjian stated that the proposal would eliminate the vestibule and some of the square footage at the rear of the building to reconfigure the loading area. Mr. Puskuldjian stated that the applicant is proposing a new façade. Mr. Irving stated that the applicant asked if this would require a site plan. Mr. Irving stated that they meet the standards, however, he could not in good faith call this a small undertaking. Mr. Irving stated that the applicant is asking for the Planning Board to find that the proposal is insignificant to the rest of the development.

Mr. Drinkhall asked for Board comment; Mr. Porter stated that this is a major undertaking and find what they are asking for would open a can of worms that the Board would live to regret. Mr. Porter stated that he doesn't think the Board could sign off on this even though they are not changing the basic exterior of the building. Mr. Puskuldjian stated that it is still a retail use; all that is proposed is a new façade. Mr. Puskuldjian stated that the applicant has complied with all other regulations. Mr. Drinkhall stated that it is a significant improvement.

Mr. Martin stated that he has tossed this around; it is not a change of use, it doesn't exceed the square footage requirement for site plan and there is no reduction in greenspace, but it is a significant change to the property. Mr. Martin stated that he understands that the changes are only to the façade, but is it significant. Mr. Martin stated that he is leaning toward a minor site plan review. Mr. Drinkhall asked what would be gained by requiring a minor site plan review. Mr. Porter answered consistency. Mr. Porter stated there have been other projects that used the same argument, but in good conscience he could not approve under this section. Mr. Porter stated as he reads the regulation it requires a minor site plan review.

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Mr. Kellogg stated that he agrees with Mr. Porter and believes it needs at least a minor site plan review. Mr. Martin stated that the Board should not allow this piece meal. Mr. Martin stated if the whole façade on the entire building would require a site plan review then just a change in a portion of the façade should require a site plan. Mr. Puskuldjian stated that they are only a tenant and do not have control of the rest of the site. Mr. Porter stated that the applicant would have to deal with the landlord. Mr. Martin stated that this is one of the non-compliant sites. Mr. Porter stated that this is not a small undertaking.

Mr. Martin stated that Adventure Suites [PID 202-14] was required to have a Full Site Plan review for the changes in the façade. Mr. Irving stated that it was a façade change as well as additional structures. Mr. Martin stated that this cannot be looked at as insignificant and needs to have a Board review.

**Mr. Porter made a motion, seconded by Mr. Kellogg, that the Planning Board determined that based on the provisions of §123-4.A.5., regarding applicability, that the proposed exterior improvements to the building are 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 defeated.**

**Residence Inn by Marriott – Conceptual Review (PID 235-76):** Ara Aftandilian and Erik Saari of Jones & Beach Engineers appeared before the Board. Mr. Aftandilian and Mr. Saari reviewed proposed plans for a Residence Inn by Marriott. Shawn Bergeron was in attendance representing the Sullivan Family and the Yankee Clipper. Mr. Bergeron stated that his client is not in favor of anything that would require their property to come under site plan review.

Mr. Drinkhall asked for public comment; David of the Village of North Conway stated they would clear-cut and we are starting to become Saugus, MA. David stated that they would be looking at a 16-foot retaining wall. David stated that this is not what we are about and we should have a standard of living and not boxed in by walls. David stated that the property values are going down the tubes and they are requesting waivers and taking other people's property. David stated that he is infuriated with what Home Depot pulled over them and this applicant has not begun discussions with the Village of North Conway. David stated that he does not want to see another Saugus.

The Board discussed trees and landscaping with the Board. Nate Sullivan stated that he understands the concern with the tree waiver. Mr. Sullivan stated that his family has been there for a considerable time, certainly would like to work with the Marriott people, but a full site plan review for the Yankee Clipper site is not something we want to consider at this point.

Janet Hudson of the Village of North Conway stated no one has considered how a residential community feels in regard to more commercial property. Ms. Hudson stated that she is the Treasurer and no one has contacted them in regard to the Marriot people. Ms. Hudson stated that our recreation area is adjacent to the proposed hotel. Ms. Hudson stated that this project is not going to be looked at favorably by the residential community and they will carefully consider the impact.

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Mr. Martin stated that the Village of North Conway had a representative here during the Home Depot review and supported the project. Mr. Martin stated the Board didn't sell you out. David stated that he didn't mean to apply that. David stated that Kenneth Vance had discussions with Home Depot and they did not keep their promises to him. Mr. Porter stated he is concerned with protecting the Village of North Conway.

Mr. Kellogg stated that this applicant is following a bad seed and hope they proceed in a better manner. Mr. Irving stated the Home depot project is proceeding per the approved plans and there are some snafus. Mr. Irving stated if you don't like that type of development then you need to change the regulations.

**Cranmore Birches – As-Built Plan Signing (PID 214-78.042): Mr. Martin made a motion, seconded by Mr. Porter, to sign the As-Built plans for Unit C5 at Cranmore Birches. Motion unanimously carried.**

**Beth and Walter Campbell and John and Nancy Long (PID 274-29 & 30) – Extension of Conditional Approval (File #S06-19): Mr. Porter made a motion, seconded by Mr. Martin, to extend the conditional approval for Beth and Walter Campbell and John and Nancy Long until July 12, 2007. Motion unanimously carried.**

**Diodati Realty Trust/Michael Diodati (PID 218-69) – Extension of Conditional Approval (File #FR06-07 & #S06-18): Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approval for Diodati Realty Trust/Michael Diodati until July 26, 2007. Motion unanimously carried.**

**J & W North Conway Development (PID 202-167) – Extension of Conditional Approval (File #FR07-01 & S07-01): Mr. Porter made a motion, seconded by Mr. Martin, to extend the conditional approval for J & W North Conway Development until August 9, 2007. Motion unanimously carried.**

Meeting adjourned at 9:40 pm.

Respectfully Submitted,

Holly L. Meserve  
Planning Assistant