

**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 10, 2008**

A meeting of the Conway Planning Board was held on Thursday, April 10, 2008 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Secretary, Steven Porter; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Sares made a motion, seconded by Mr. Porter, to approve the Minutes of March 27, 2008 as written. Motion unanimously carried.**

**VALLEY VISION**

Mr. Sares asked that it be noted that Valley Vision is not present this evening.

**JOSEPH E SULLIVAN REVOCABLE TRUST OF 1998 AND SUMMIT HOTEL PROPERTIES INC – FULL SITE PLAN REVIEW CONTINUED (PID 235-76 & 77) FILE #FR07-18**

Shawn Bergeron of Bergeron Technical Services and Erik Saari of Jones & Beach Engineering appeared before the Board. Nate Sullivan, property owner, and Ara Aftandilian for Summit Hotel Properties were in attendance. This is an application to construct a 79,452 square foot, 108 room hotel and associated infrastructure and improvements to 60-foot easement area. This application was accepted as complete on December 13, 2007.

Mr. Bergeron stated that the first item is a question of external mechanical equipment. Mr. Bergeron stated that there are flat roof sections behind the gable roofs that the mechanicals would be located. Mr. Bergeron submitted an illustration of how the mechanicals would be concealed [in file]. Mr. Irving asked if they would be behind the gables facing the Blueberry Muffin. Mr. Bergeron answered in the affirmative.

Mr. Bergeron asked if the Board would reconsider the parking. The Board agreed. Mr. Bergeron submitted information regarding parking [attached to the waiver for §123-21.A.2 (b) & (c) and §123-21.D]. Mr. Bergeron stated upon the transfer the ownership of this property to the developer an easement would be recorded for the benefit of the Marriott, which would allow the Marriot to meet the parking requirement. Mr. Bergeron stated that he spoke with Janice Crawford [of the Mt. Washington Valley Chamber of Commerce] and she thought that they should maintain a 64% occupancy. Mr. Sares asked if she was an expert. Mr. Bergeron stated that he did not go to her as an expert, but what was the average. Mr. Sares asked if that came from the top of her head. Mr. Bergeron stated that she had to call him back.

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Mr. Bergeron stated if the Marriot needed more parking spaces, there would be spaces available on the next lot. Ms. Sell asked how many spaces the applicant is asking to be waived. Mr. Bergeron stated that the applicant is providing 109 parking spaces, the Town of Conway requirement is 119 parking spaces and the other 10 are available by easement on the adjacent lot.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for §123-21.A.2 (b) & (c) and §123-21.D. **Mr. Porter made a motion, seconded by Mr. Sares, to grant the waiver for §123-21.A.2 (b) & (c) and §123-21.D.** Mr. Drinkhall asked for public comment; Janet Hudson stated that the additional ten spaces are behind the Blueberry Muffin and asked if it would interfere with parking on the weekend. Ms. Hudson stated that there has also been a moving van that is staying at the Yankee Clipper and that it is taking more than one parking space. Nate Sullivan stated that staff parking is usually behind the Blueberry Muffin, but moves to behind the Yankee Clipper in the summer months.

Ms. Sell asked how much greenspace is proposed for the site and is there any other space available for parking. Mr. Saari stated that the site is maxed out. Ms. Sell asked do you allow RV parking. Ara Aftandilian stated that it is important to note that parking for the hotel is during the evening hours and not during the morning hours when the restaurant is open for breakfast and lunch. Mr. Aftandilian stated that they don't really have that type of clientele. Mr. Sullivan stated we have never had an RV in their many years of business, as his father always says if there is one RV there are 20 people using the facilities. Mr. Sares stated that RV's do go to the Marriott. Mr. Aftandilian stated that he would disagree as we don't usually have that type of clientele.

Mr. Sares stated most of the vehicles for the Marriott would be in the evening and the Blueberry Muffin would be during the day. David Coret stated that he works at the Red Jacket and asked where the staff is going to park. Mr. Bergeron stated the plans do not represent staff parking, but the parking calculations consider staff parking. Mr. Sares stated that Marriott does not have much staff. Mr. Aftandilian stated that they run less staff than typical hotels as they don't provide facilities. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-29. **Mr. Porter made a motion, seconded by Ms. Sell, to grant the waiver request for §123-29.** Mr. Drinkhall asked for Board comment; Ms. Sell stated that she is fine with the landscaping, but she doesn't see anything at the back of the property or on the retaining wall and asked if the abutters would be viewing a building. Mr. Bergeron stated that there are 30 Arborvitaes. Ms. Sell asked if they would be on top of the retaining wall. Mr. Saari answered in the affirmative. Mr. Bergeron stated that they would be 5 to 6 feet in height and spaced 4-feet on center.

After a brief discussion, the Board decided to table the landscaping waiver in order to discuss the changes in the retaining wall. **Mr. Porter made a motion, seconded by Ms. Sell, to table the waiver for §123-29 in order to review the retaining wall information. Motion unanimously carried.**

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Mr. Sares stated that a meeting was continued because there were discussions regarding the retaining wall. Mr. Bergeron stated that the Town Engineer, Burr Phillips, has reviewed and approved the retaining wall plans. Mr. Irving stated that the Town Engineer has approved the redesign of the retaining wall. Mr. Saari explained the revised retaining wall. Mr. Saari stated that it reduces the impact on the abutting property. Ms. Sell asked how far the wall from the property line is. Mr. Saari stated it is 18-feet, then jogs back to 10-feet and then the lower wall is 6-feet.

Ms. Sell asked if a silt fence would be necessary. Mr. Saari answered in the negative. Mr. Coret stated that he would like to request that the Board view Home Depot and see what arborvitae screen. Mr. Coret stated that it looks like a prison wall at Home Depot and asked if they would be accessing Village Way to construct the wall. Mr. Bergeron stated that the wall would be constructed prior to the building so there would be no access from Village Way. Mr. Bergeron stated if arborvitae are properly taken care of they would provide screening, but they needed to be maintained. Mr. Saari stated that the retaining wall is not going to be visible.

Ms. Sell stated that she would like to address the abutters concerns. Mr. Irving stated that the applicant did submit cross sections of the building. Mr. Sares stated that he is here to protect the abutter's property and he wants to make sure he dissects it appropriately. Mr. Sares stated that this wall is different from the wall at Home Depot and this wall is not going to be as visible as the wall at Home Depot and it appears when driving Village Way the wall won't be visible. Mr. Bergeron stated the he understands the concerns, but there is no comparison. Mr. Bergeron stated the wall at its highest point is 11-feet in height.

Mr. Bergeron stated the viewpoint from the Condominiums is at a down grade and they would have to look over the arborvitae and down to see the wall. Ms. Hudson stated she understand that the wall may not be visible, and they don't see the wall at Home Depot either, but they do see the building. Ms. Hudson asked if there is additional landscaping proposed. Mr. Coret asked how high a story in the building is. Mr. Bergeron stated an average story is 10 to 11 feet. Mr. Coret stated the building is four stories in height.

Ms. Sell stated that they have moved the retaining wall away from the property line, but would like to know if this Board could specify the type of arborvitae, the height and spacing. Mr. Bergeron stated that the applicant does not have a problem providing 8-foot arborvitae, but they would like to keep spacing as indicated, to prevent dying. Mr. Bergeron stated that they would grow to a point of touching each other, but you have to give them a chance to grow.

Ms. Hudson asked what is planted on the Home Depot side. Mr. Bergeron stated the existing buffer on the Home Depot lot is part of the Home Depot approval and must be obtained and on the easterly side of the Marriot site there is a mixture of trees along that property line. Mr. Bergeron stated in time it would be a relatively good buffer.

Ms. Hudson was concerned with the view from building 3. Mr. Bergeron stated that building 3 is quite away from the Marriott and think improvements could be done on other sites including their own. Mr. Bergeron stated that the applicant has made a sincere attempt to screen the Village of North Conway from this development. Mr. Coret stated that he would like the Board

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to review the site as the photo renderings submitted do not depict Staples and the Blueberry Muffin in the correct locations, as the buildings are further to right. Nate Sullivan showed the Board the gambrels of the Blueberry Muffin in the photo renderings and stated that the pictures are accurate. Mr. Bergeron stated that building 3 is 100's of feet away and they could provide landscaping on their own site. Ms. Sell asked how accurate the photos are. Mr. Saari stated that this would be the absolute worst scenario. Mr. Coret stated that he would request that everything be accurate.

The Board had a lengthy discussion regarding screening the view of the hotel from the Village of North Conway and the Board and the applicant agreed that five dogwoods on the northeast corner of the property to be replaced with 6-8 foot white spruces, four river birches along the eastern property line to be replaced with white spruces, and the arborvitae along the northern property line to be eight feet in height. **Motion unanimously carried.**

Mr. Irving stated that the motion to grant the waiver should be amended to include the changes to the landscaping plan. **Ms. Sell made a motion, seconded by Mr. Sares to reconsider the waiver for §123-29. Motion unanimously carried.**

**Ms. Sell made a motion, seconded by Mr. Sares, to grant the waiver for §123-29 conditionally upon five dogwoods on the northeast corner of the property being replaced with 6-8 foot white spruces, four river birches along the eastern property line being replaced with white spruces, and the arborvitae along the northern property line to be eight feet in height. Motion unanimously carried.**

Ms. Sell asked if she could recommend 8-foot Techny arborvitaes. Mr. Irving stated sometimes species are not available. Ms. Sell stated they are available and one of the best. Mr. Sullivan stated that techny is already specified on the plan.

**Mr. Porter made a motion, seconded by Mr. Sares, to conditionally approve the Full Site Plan for Joseph E. Sullivan Revocable Trust of 1998 and Summit Hotel Properties, Inc conditionally upon submitting a copy of recorded parking easement on PID 235-77 and indicating Book and Page on plan; revising landscaping plans per waiver granted for §123-29; revising revision dates on plans; updating waivers granted table on sheet 4; submitting supplemental review fees; submitting four revised plan sets (three to remain with Town) with original stamps and signatures; submit 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 10, 2008. Motion unanimously carried.**

## **OTHER BUSINESS**

**Poopsy Investments, Inc/99 Restaurant (PID 235-19) File #NA08-01:** Jeff Burgess, Regional Manager and Garry Gnong, General Manager, appeared before the Board. Mr. Gnong stated that they would like to construct a 500 square foot patio for 32 additional outdoor restaurant seats. Mr. Irving stated that there is a surplus of parking and they have received a NHDOT driveway permit. Mr. Irving stated that staff does not have an issue. Ms. Sell asked if the area being

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utilized has plantings and asked what would happen to those plantings. Mr. Burgess stated that they would match the existing landscaping. Ms. Sell asked if the Board could request more plantings along Route 16. Mr. Irving stated it's either what they are proposing is fine or it requires site plan review.

**Mr. Porter made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 500 square foot patio for 32 additional outdoor restaurant 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.**

**Chuck Henderson/Chuck Roast Equipment, Inc (PID 266-2) File #NA08-02:** Chuck Henderson and Nancy Killam appeared before the Board. Mr. Irving stated that they would like to convert 1,600 square feet of manufacturing to a daycare and the addition of a second egress. Mr. Sares asked who operates the daycare. Ms. Killam stated that she would be the owner of the daycare. Ms. Sell asked if this was temporary or permanent. Mr. Henderson answered permanent.

**Mr. Sares made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the conversion of 1,600 square feet of manufacturing to a daycare and the addition of a second egress 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.**

**James H. Swallow, Jr – Lot Merger (PID 234-35 & 36):** Mr. Sares made a motion, seconded by Mr. Porter to sign the lot merger for James H. Swallow, Jr. combining lots PID 234-35 & 36. Motion unanimously carried.

**Master Plan:** There was no discussion

**Committee Reports:** There were no committee reports.

**Planning Board Position:** The Board had a brief discussion regard the Planning Board vacancy as Mr. Drinkhall has been elected a Selectmen. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to advertise the Planning Board position. Motion unanimously carried.**

Meeting adjourned at 9:10 pm.

Respectfully Submitted,

Holly L. Meserve  
Planning Assistant