

CONWAY PLANNING BOARD

MINUTES

MAY 28, 2009

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CONWAY PLANNING BOARD

MINUTES

MAY 28, 2009

A meeting of the Conway Planning Board was held on Thursday, May 28, 2009 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Secretary, Patricia Sell; Theodore Sares; Steven Hartmann; David Sordi; Planning Assistant, Holly Meserve; and Executive Secretary, Karen Hallowell.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Drinkhall made a motion, seconded by Ms. Sell, to approve the Minutes of May 14, 2009 as written. Motion carried unanimously.

KATHERINE BRASSILL – FULL SITE PLAN REVIEW (PID 202-14) FILE #FR09-03

Ron Briggs of Briggs Land Surveying and Architect, Josh Simmons, appeared before the Board. Katherine Brassill was also in attendance. This is an application to construct a 1,634 square foot maintenance building.

Mr. Briggs advised this building will be a three story structure. The basement will be used for the storage of lawn maintenance equipment, the ground floor will be for doing maintenance activities, and the third level will be for storage. Mr. Briggs next briefly reviewed the construction and design of the building. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to accept the application of Katherine Brassill for a Full Site Plan Review as complete. Motion carried unanimously**

Mr. Sares questioned if the new building would be in harmony with the existing building. Mr. Simmons replied in the affirmative. Ms. Sell asked about driveway permits. Mr. Briggs advised he has contacted the NHDOT and they did a review and did have questions about whether they were altering anything but are ok with it.

Planning Assistant, Holly Meserve, advised that the North Conway Fire Chief and the North Conway Water Precinct have approved this plan.

Planning Assistant, Holly Meserve, next advised that that she did grant an approval yesterday under §123-4.A.4 to convert the owners unit residence to a hotel unit and there is now 17 units instead of 16 as approved in 2007. This was approved as the demand for a hotel unit is less intensive on parking than a residential unit and this was granted administratively. The owners will not be living in the unit and this is now a hotel unit.

Mr. Hartman questioned if there is anything that stops them from converting the upstairs of the new building to a unit. Ms. Meserve advised they would need to come back before the Planning Board for review. Mr. Sares questioned if there is a bathroom in the new building. Ms. Brassill replied in the affirmative. Ms. Brassill further added it is not their intention to live there; it is a workshop and needs a bathroom.

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Mr. Porter read the waiver requests for §123-20.F/§131-67.C.8.f and §131-20.G. **Mr. Drinkhall made a motion, seconded by Ms Sell., to grant the waivers for §123-20.F/§131-67.C.8.f and §131-20.G.** Mr. Porter asked for Board comment; there were Board comments. Mr. Porter asked for public comment; there were no public comments. **Motion carried unanimously.**

Ms. Sell made a motion, seconded by Mr. Sares, to conditionally approve the Full Site Plan for Katherine Brassill conditionally upon the North Conway Fire Chief Approval; a revised NHDOT Driveway Permit; submitting a Mylar for recording; submitting a \$25 check made payable to Carroll County Registry of Deeds; 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 have an expiration date of August 27, 2009. Motion carried unanimously.

OTHER BUSINESS

3425 Mountain View, LLC (PID 202-183) – §123-4.A.5 (File #NA09-14): Jonathan Bliss of the Village Cigar Emporium appeared before the Board.

Mr. Bliss advised that he is requesting a total of 15 seats and 10 patio seats at the new location for the Village Cigar Emporium. Mr. Bliss next read aloud a letter he prepared to the Board regarding his cigar business. The letter explained that business is down now because of the economy and he is moving to the new location with a more affordable rent and the space is more conducive to a cigar emporium. Mr. Bliss explained that the space is categorized as retail which is the sale of cigars but in order for him to obtain seating he needs to obtain a change of use. Mr. Bliss explained that he does not have a lot of cars in and out of his business.

Mr. Sares questioned if there are any issues with regard to fire control, sprinklers or alarms. Mr. Bliss replied in the affirmative and advised that this is the reason he is asking for this amount of seating. Mr. Bliss advised that he spoke with Fire Chief, Pat Preece, and Building Inspector, David Pandora, regarding this and with a retail operation and this number of seats he has to put in two illuminated exit signs and an ADA bathroom. Mr. Bliss advised that all codes at this time have been met.

Ms. Sell questioned that even though the bathroom has been put in will he be able to put in a ramp as well. Mr. Bliss replied in the affirmative stating he will be able to put a ramp in the parking lot. Ms. Meserve advised that ADA requirements in parking lot are different – signage, markings, etc., are not met here; however, the actual retail space Mr. Bliss is making compliant.

Ms. Sell next stated Mr. Bliss is not compliant with storage containers. Mr. Bliss advised that you cannot see the storage container from the back or southern side. It was put in back of the building and you don't know it is there unless you are looking for it – it is a matter of adding a tree to a bush and he and the landlord are willing to work on this as well. Mr. Bliss went on to state that with the type of business he is bringing to this site he feels this insignificant and if he has 3-4 cars to the Village Cigar Emporium at one time that is a lot and, further, he is working with Chief Preece and David Pandora with regard to the lighted exits, etc.

Ms. Sell next questioned if Mr. Bliss was going to do anything with the landscaping. Mr. Bliss stated there is landscaping and there is a forest behind the building. Ms. Sell asked for pictures of the site. Mr. Bliss presented a drawing for the Boards review. Ms. Meserve also distributed pictures taken by

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staff for the Boards review. Ms. Sell questioned Mr. Bliss if he would be able to provide enough parking for the seating and Mr. Bliss replied in the affirmative.

Mr. Sares next pointed out there is retail to retail but retail to retail with alcohol triggers intensity of use and parking. Mr. Drinkhall pointed out that if they have a building with a bathroom that is ADA compliant but the parking lot isn't –then what good is it.

Ms. Meserve stated that with regard to the parking the site has 16 spaces and the site would require 25 spaces. The added seating would require an additional 13 parking spacing making the site deficient by 22 as it should have 38 spaces. Mr. Drinkhall asked about parking, spacing, etc. Ms. Meserve reviewed spacing for aisles and parking spaces with the Board.

Mr. Porter stated he feels this site has been the way it has for a very long time. The last time this site was before the Planning Board the Board didn't look at it the same way and the site hasn't changed its appearance at all and has the same deficiencies. Mr. Sares stated the deficiencies were not pointed out before. Mr. Porter stated he felt this was an insignificant review. Mr. Sares stated he was in total agreement with Mr. Porter. Mr. Sares stated that when the tattoo and masseuse came to the building we didn't do the same review. Mr. Drinkhall stated we did not have this long list before us and asked that Mr. Pandora address same. Mr. Pandora stated the change of use is to a more intensive use. Lounge seating is a more intensive use. The reason for the ADA bathroom is due to change of use.

There was further brief discussion and the Board felt the change of use was insignificant relative to existing development.

Ms. Sell made a motion, seconded by Mr. Sares, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that allowing 15 seats indoors and 10 seats outdoors 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. The motion carried unanimously.

Committee Reports:

Groundwater Withdrawals – Mr. Porter reported a meeting will be held by the NH Groundwater Commissioner on groundwater withdrawals on June 8, 2009 at the Tech Village in Conway, New Hampshire.

Adjourn

Mr. Drinkhall moved, seconded by Ms. Sell to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 7:42 pm.

Respectfully Submitted,



Karen Hollowell
Executive Secretary