

CONWAY PLANNING BOARD

MINUTES

JULY 23, 2009

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CONWAY PLANNING BOARD

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A meeting of the Conway Planning Board was held on Thursday, July 23, 2009 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Secretary, Patricia Sell; Steven Hartmann; David Sordi; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Sell made a motion, seconded by Mr. Sordi, to approve the Minutes of June 25, 2009, as written. Motion unanimously carried.

R. MICHAEL LYNN – 2-LOT SUBDIVISION (PID 247-107) FILE #S09-07

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 2.97 acres into two lots. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to accept the application of R. Michael Lynn for a 2-lot subdivision as complete. Motion unanimously carried.**

Mr. Porter asked for Board comment; there was none. Mr. Porter read the waiver requests for §131-30.H and §131, Table 2, Intersection Design Guidelines. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to grant the waiver requests for §131-30.H and §131, Table 2, Intersection Design Guidelines.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Mr. Drinkhall, to approve the 2-lot subdivision for R. Michael Lynn. Motion unanimously carried.** The plans were signed.

NORTH CONWAY COUNTRY CLUB/CONWAY SCENIC RAILROAD/RIVER RUN COMPANY, INC – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (PID 218-34, 35 & 51.01) FILE #FR09-04 & #S09-08

Burr Phillips of Civil Solutions appeared before the Board. This is an application to convey 15,459 square feet of land from PID 218-34 (NCCC) to PID 218-51.01 (River Run); to convey 18,961 square feet of land from PID 218-35 (CSRR) to PID 218-51.01 (River Run); to convey 11,525 square feet of land from PID 218-35 (CSRR) to PID 218-34 (NCCC); and to demolish existing NCCC maintenance buildings and construct a new 10,000 square foot maintenance facility for the North Conway Country Club at 38 & 76 Norcross Circle and 49 River Road, North Conway (PID 218-34, 35 & 51.01).

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Mr. Drinkhall made a motion, seconded by Ms. Sell, to accept the application of North Conway Country Club/Conway Scenic Railroad/River Run Company, Inc for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.

Ms. Sell asked about the dumpster screening detail. Mr. Phillips stated that the dumpster is in the bins and there would be a gate on the front side facing the golf course and will not be visible from abutting property. Mr. Porter asked for public comment; there was none.

Mr. Porter read the waiver request for §123-20.F/§131-67.C.8.b; §123-29.A.2, A.3 & A.4; §123-30.A.1; §123-30.A.2; and §131-37.1.A. **Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to grant the waiver request for §123-20.F/§131-67.C.8.b; §123-29.A.2, A.3 & A.4; §123-30.A.1; §123-30.A.2; and §131-37.1.A.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to conditionally approve the Concurrent Site Plan and Subdivision for North Conway Country Club, Conway Scenic Railroad and River Run Company, Inc conditionally upon removing existing buildings from sheet 5; submitting a dumpster screening detail; revising waivers granted table on sheet 4; North Conway Fire Chief Approval; North Conway Water Precinct Approval; submit recorded easement for driveway encroachment onto Conway Scenic Railroad or relocate driveway to North Conway Country Club property; submitting Mylar's to be recorded; submitting a \$25 check made payable to the 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 expire on October 22, 2009. Motion unanimously carried.

Eastern Slope Inn Associates/River Run Company/Conway Scenic Railroad/North Conway Country Club (PID 218-34, 35 & 51.01 – Boundary Line Adjustment (File #S08-06): Mr. Phillips withdrew the previous application for a Boundary Line Adjustment (File #S08-06) at this time.

**MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL – 5-LOT SUBDIVISION
(PID 262-86.2) FILE #S09-09**

Josh McAllister of H.E. Bergeron Engineers appeared before the Board. This is an application to subdivide 74± acres into five-lots and infrastructure. Mr. McAllister stated that this is a different version of a previous application for a subdivision at the Technology Village. Mr. McAllister stated in this application the applicant is proposing five new lots on the land that is remaining from the Mount Washington Valley Economic Council land. Mr. McAllister stated that this application includes the extension by 700 feet of Technology Lane that exists and the construction of Innovation Drive.

Mr. McAllister stated that this application also includes potential future water and sewer stubs for the future connections to municipal water and sewer that will be coming down Route in the relatively near future as well as septic system areas and there is enough domestic water services with the water that exists at Technology Lane to service the commercial uses on site.

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Mr. McAllister stated that they have coordinated with Chief Solomon of the Conway Village Fire Department; he is willing to allow the applicant to have up to four on-site fire suppressions. Mr. McAllister stated there would only be one access to this development instead of a loop road as proposed in a previous application.

Mr. Irving stated that the fundamental concern to the previous application was sewerage availability, although we knew the pipes were going in the ground. Mr. Irving stated that the applicant in this one has designed in a dual approach where they will be dry laying sewer pipes for eventual connection to the Conway Village Fire District system, but they have also gone through State Subdivision Approval and have provided adequate septage areas for each of the lots. Mr. Irving stated that resolves one of the biggest stumbling blocks the previous application had.

Mr. Drinkhall made a motion, seconded by Ms. Sell, to accept the application of Mount Washington Valley Economic Council for a Subdivision Review as complete. Motion unanimously carried.

Mr. Porter asked for public comment; Bob DiPice of the Evergreen on the Saco asked if the water tower is gone. Mr. McAllister answered in the affirmative. Mr. DiPice asked if the road loops back onto Route 16. Mr. McAllister stated that the road does not loop in this application. Mr. Irving stated that they could come back in the future and propose a loop road. Mr. DiPice asked if the lots go to the river. Mr. McAllister stated that the proposed new lots do not, but the remaining original lot does reach the river.

Mr. Porter read the waiver request for §131-48.D; §131-67.A; §131-67.C.6; §131-68, Table 2, Intersection and roadway grades; and §131-68, Table 2, Driveway intersection grades. **Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to grant the waiver request for §131-48.D; §131-67.A; §131-67.C.6; §131-68, Table 2, Intersection and roadway grades; and §131-68, Table 2, Driveway intersection grades.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Ms. Sell, to conditionally approve the Subdivision Review for Mount Washington Valley Economic Council conditionally upon revising lot sizing calculations to reflect the 0.5 acres minimum lot size with CVFD water supply; Town Engineer Approval; Town Approval of Declaration of Covenants and Restrictions; NHDES Subdivision Approval; NHDES Alteration of Terrain Approval (confirmation letter); NHDES Sewerage approval; NHDES Drinking Water and Ground Water Bureau Approval; NHDOT Driveway Permit Approval; Conway Village Fire District Water and Sewer Approval; Conway Village Fire Chief Approval; submitting a \$25 check payable to the CCRD pursuant to RSA 478:17-g II (a); a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; submitting Mylar(s) to be recorded; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on October 22, 2009. Motion unanimously carried.

Mount Washington Valley Economic Council (PID 262-86.2 & 265-152) – Lot Merger: Ms. Sell made a motion, seconded by Mr. Drinkhall, to grant the lot merger for the Mount Washington Valley Economic Council. Motion unanimously carried.

OTHER BUSINESS

Krzysztof Planeta and Elzbieta Skotniczna – Lot Merger (PID 299-58 & 59): Ms. Sell made a motion, seconded by Mr. Drinkhall, to grant the lot merger for Krzysztof Planeta and Elzbieta Skotniczna. Motion unanimously carried.

Committee Reports: Mr. Drinkhall stated that the driveway permit situation was reviewed as Town Staff wanted some way to regulate so we are applying the construction permit with a \$1,000 surety for new driveways onto a Town road. Ms. Sell asked if this was for residential driveways. Mr. Drinkhall answered in the affirmative. Mr. Hartmann asked if this applies to everyone. Mr. Drinkhall answered in the affirmative. Mr. Hartmann asked if the money is refundable. Mr. Irving answered in the affirmative.

Mr. Drinkhall stated that there are two new committees; a Garage Committee regarding the Town maintenance garage and a Lighting Committee regarding Town lighting and not precincts. Mr. Porter volunteered to be on the Garage Committee. Mr. Drinkhall stated that there are already two members of the Planning Board, Mr. Sordi as a Budget Committee member and himself as a Selectman, on the Lighting Committee.

Ms. Sell made a motion, seconded by Mr. Hartmann, to appoint David Sordi to the Lighting Committee. Motion unanimously carried.

Mr. Drinkhall made a motion, seconded by Ms. Sell, to appoint Steven Porter to the Garage Committee. Motion unanimously carried.

PETER RATTAY TRUSTEE OF THE PETER RATTAY REVOCABLE TRUST OF 2001 – FULL SITE PLAN REVIEW CONTINUED (PID 202-182 & 186) FILE #FR09-02

Mark Lucy of White Mountain Survey and Robert Carey, Attorney for Peter Rattay, appeared before the Board. Peter and Laurel Rattay were in attendance. Peter Malia, Town Attorney, was in attendance. This is an application to consider additional parking areas, a new tent garden patio, a new wedding garden patio and associated infrastructure. This application was accepted as complete on March 12, 2009.

Mr. Lucy gave a brief overview of the project. Mr. Irving stated that the zoning issues were resolved at the last ZBA meeting so there is nothing to preclude the Board from proceeding with the application. Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment regarding the site plan; there was no comment.

Mr. Porter read the waiver request for §123-20.F/§131-67.C.8.a/§123-27; §123-20.F/§131-67.C.8.f.; §123-20.G; §123-21.A; §123-28; §123-29.A.2 & A.3; and §123-29.D.8. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to grant the waiver request for §123-**

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20.F/§131-67.C.8.a/§123-27; §123-20.F/§131-67.C.8.f; §123-20.G; §123-21.A; §123-28; §123-29.A.2 & A.3; and §123-29.D.8. Mr. Porter asked for Board comment; Ms. Sell asked why §123-21. E regarding the ADA parking space was eliminated. Mr. Irving stated that they added an ADA parking space.

Mr. Porter asked for public comment pertaining to the waivers; Bob Schor stated that he, his wife, Marni Madnick, and their three young children live behind the Stonehurst Manor. Mr. Schor stated that as far as the waivers are concerned he has two questions; there is no waiver requested for the lighting which is in excess height wise of what is required. Mr. Schor stated that their concern, which he thought they would get to eventually with Peter and Laurel, but they have since they've been there put up a couple of lights on the back of the screened in veranda that are aimed towards them. Mr. Schor stated that they shine on their home.

Mr. Schor stated that there are other ones on the other side, on the motel side, that are high also and not shielded from their property. Mr. Schor stated that he knows that some of you have concerns about lighting when they shine on your own houses. Mr. Schor stated that it would be nice to have that shielded and not in our direction. Mr. Schor stated it is a residential district. Mr. Schor stated that he is not sure if they need a waiver for that.

Mr. Schor stated that the second thing is the features located in the buffer area. Mr. Schor stated this is a little odd because of the nature of the way the business came about; they have pushed out in the direction towards the residential district on the side where the dumpsters are, adding movement on that side. Mr. Schor stated that is where they park their work vehicles, their snow plows and the trash truck is always coming back in there. Mr. Schor stated that wasn't really pushed back that far when they purchased their house in 2003.

Mr. Schor stated that he doesn't know how many of you have been in Whitaker Woods or down the Stonehurst Manor trail, but you can see that there has been fill or garden stuff that has been accumulating there, but you can see that the trees have been buried. Mr. Schor stated that it seems inappropriate that they get to push out towards the residential district and use the buffer for those activities to him.

Mr. Schor stated that he is confused what they are fencing when it comes to dumpsters on the plan because if it is what's up there right now it does not screen the dumpsters from view or the public who comes down that trail. Mr. Schor stated that we cannot buffer because his property is lower than theirs. Mr. Schor stated that we are going to be looking at that for six months of the year when the leaves are off the trees and it goes right over to where his kids play.

Mr. Schor stated that he is not sure if they've had bear problems lately, but he knows another local restaurant has. Mr. Schor stated that it doesn't seem necessarily right to them that they push out in that direction because he doesn't think that has been there as much, the garage wasn't even there when the approval was done for the subdivision. Mr. Schor stated that he was going to leave it at that and thanked the Board.

Ms. Sell stated that there is no waiver for lighting. Mr. Drinkhall stated that he doesn't see how any of the items brought up really effect the waivers that were read. Mr. Drinkhall stated that he would like to take care of these first. Mr. Porter asked for any other public comment on the waivers; there was none. **Motion unanimously carried.**

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Mr. Porter asked for Board comment; there was none. Mr. Porter asked for public comment and requested that comments be straight to the point; Mr. Schor stated that he would try to do the best he could, but this has been a while that we've had an opportunity to speak about this. Mr. Schor stated that he is not sure if everybody was here at the Board meeting when his wife spoke, but to refresh your memory in that were talking since 2003, the amplifying, the DJ's and music and it has been increasing.

Mr. Schor read the following from a transcript of the March 12, 2009 Planning Board meeting, "We have three little kids at home and I work full-time as a Doctor here in the Valley. I know you all probably work full-time and work hard for your free time and your free time is precious. My free time in the summer if they're having 10 to 12 weddings, it is every single weekend June, July and August. Three months straight every single Saturday there is a wedding taking place and yet it stops by 7:00 at night, but that is the time my kids go inside to bed. We use the outside of our property during those hours that the weddings are going on and it's like your neighbor was having a party in their backyard every single weekend of the summer with a DJ playing. That is what it is like." Mr. Schor stated that he just wanted to refresh the Board's memory on that.

Mr. Schor stated as you know that recently we were before the Zoning Board of Adjustment appealing an Administrative Decision and that matter is not fully done as we have options with that. Mr. Schor stated regardless of that situation, it is important to us how our fellow residents elected members of the Planning Board and the Zoning Board of Adjustment is not an elected Board, but you are all elected and you live here just like we do so he did want to go over that with you.

Mr. Schor stated that he just wanted to know if by asking you if your neighbors were hosting a private outdoor event on their back lawn do you think it was a serious nuisance; on their back lawn between your home and their house less than 300-feet away with a live band or DJ and plenty of alcoholic beverages for up to 150 or so cheering guests, would you call it a nuisance. Mr. Schor stated we didn't and we wouldn't, probably just a onetime event, right.

Mr. Schor asked do you complain, no, we didn't. Mr. Schor stated if these same neighbors were having two or three of these parties during nice summer weekends when you hope to relax and enjoy your own home with your own family do you consider it a nuisance. Mr. Schor stated, well, maybe. Mr. Schor stated that the novelty wears off and it really does start to take its toll on us and the enjoyment of your own property. Mr. Schor asked do you complain, well, we didn't contrary to what some people believe that when we were looking to past reference we weren't complaining about two or so Stonehurst parties that we had experienced at that time; we were referring to the January 13, 2006 letter to Mr. [Earl] Sires.

Mr. Schor stated that our mentions of Stonehurst events at that time were specifically to point out that our family was already being subjected to considerable noise, two or so tent parties, and that further development supporting outdoor commercial uses and activities in proximity to our home could result in unconfined noise becoming a serious nuisance to our family. Mr. Schor stated that was back in January 2006, but that was not a complaint about two or three weddings that our neighbors were having. Mr. Schor stated that we didn't complain, they were otherwise good neighbors, it wasn't much to put up with, otherwise good neighbors and you'd probably all agree with that.

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Mr. Schor asked what if these neighbors started to cut into their front lawn area to pave 50 or so more parking spaces and construct a large patio. Mr. Schor asked would you be concerned, would you do anything about it. Mr. Schor stated they wondered what was going on, but the new developments by themselves wouldn't necessarily be any concern to us, so, no, we didn't do anything about it.

Mr. Schor asked what if you then saw for the first time a brochure specifically offering your neighbor's property as a wedding center featuring the brand new front patio structure for outdoor wedding ceremonies and the option, only an option, to use the tent for wedding receptions, would you be concerned; would you do anything about it. Mr. Schor stated that they became a little concerned with more tent parties, but we figured if somehow these tent parties became a bigger problem we could just talk to the neighbors, who after all were approachable and seemed friendly enough, we could get some relief right.

Mr. Schor stated what if the following spring these same neighbors ripped out their back lawn, the one between your home and their house, and filled it with cement creating a permanent concrete tent platform. Mr. Schor asked would you be concerned now, would you do anything about it. Mr. Schor stated that they did become concerned, concerned about the possibility of more and louder tent parties to come, so they contacted these neighbors explaining that the noise from these tent parties already did negatively impact their family. Mr. Schor stated that was back in the beginning of May 2007.

Mr. Schor stated that they would continue to be as polite as they were in their August 2, 2007 letter to Mr. [James] Yeager that further communication from the Stonehurst was not forthcoming. Mr. Schor stated in the prior two years, 2005 and 2006, the Stonehurst has since represented that they had three of these tent parties, but by the end of July 2007 they had already been subjected to five of these tent parties at a significantly louder level. Mr. Schor stated that they learned this year that their speakers are aimed at their family.

Mr. Schor stated that they bought their house in 2003. Mr. Schor stated that the woman who used to live in it, Connie Watson, left all the proceeds from the sale of her house and her estate to a charitable fund that still gives to this Town today. Mr. Schor stated the Trustee of her estate at settlement said Connie would be happy to know that a family is living in her house. Mr. Schor stated that he doesn't think she would be happy with this. Mr. Schor stated that Connie Davis [Watson] during the last 10 years of her life, she died in 2002 which would be about 1992, didn't leave her house; she would go onto the porch once in a while from his understanding that was the extent of it.

Mr. Schor stated 1994 is the first license we see on record for the NH Liquor Commission regarding outdoor tent parties. Mr. Schor stated there wasn't anything before that so he is not sure what was going on in the prior years. Mr. Schor stated there is a lot of information circulating around, Chairman Porter, for instance, remembers listening to weddings in the sixties. Mr. Schor stated as far as we know there were two personal uses of the property by the owners with their son which was in the fifties and then there was one in the 1970's, which may be the one you [Mr. Porter] recollected, but he does not know.

Mr. Porter stated that he lived there in the sixties. Mr. Schor stated that he would be curious if you [Mr. Porter] is pretty sure he was listening to wedding music with amplified music from a wedding for maybe the owner, in the sixties it was still Adrian Mitchell [?], who did play the accordion and he would play it on the screened in veranda, but he's not sure. Mr. Schor stated that he knows the neighbors did enjoy that, but it is not the same as a live band for DJ.

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Mr. Schor stated that he doesn't know if you're [Mr. Porter] positive that was a wedding or not; memory does funny things. Mr. Porter stated having been born and raised in the valley he has seen more changes in the 50 years he has grown up here than you'll [Mr. Schor] see the rest of your life. Mr. Porter stated don't question his memory when it comes to what he's seen and not seen. Mr. Porter stated that he takes offense to that.

Mr. Schor stated that he is just not sure. Mr. Porter stated he does not believe what he said at the February meeting even really pertains to this part of the meeting as it is. Mr. Porter asked Mr. Schor to keep his comments pertaining to the site plan; if Mr. Schor has a concern, he has no problem, but don't drag him into this. Mr. Schor stated that he is just pointing out that there is a lot of good will and historical nods that those things have been going on, but he is not 100% that amplified music from live bands and DJs for 150 partiers with alcoholic beverages existed outside.

Mr. Schor stated that he would leave it at that that this has been one of those things that by virtue of being in a residential neighborhood has been able to slowly progress with the elderliness of the neighbors. Mr. Schor showed a picture to the Board and stated that this is like what a residential neighborhood looks like; it can accommodate wedding ceremonies outside on a grass lawn under a gazebo, this is between our house and their house and this is where the concrete platform tent is right now. Mr. Schor stated that's a residential neighborhood.

Mr. Schor stated in fact the Zoning Ordinance in the Town, and he knows zoning is separate, but he would like to concede for a second, that they made a tactical error by not calling the tent a sign because then he thinks they would have been successful in getting it tossed out. Mr. Porter asked what the argument for a serious nuisance is. Mr. Schor stated his argument for a serious nuisance is exactly what we told you, the Zoning Ordinance is applicable because it is the word of the people in this Town. Mr. Porter stated that does not fall into our purview. Mr. Porter stated whatever took place at the Zoning Board of Adjustment meeting does not enter into this meeting.

Mr. Porter stated what he is asking for is what is his argument defining the nuisance pertaining to this site plan review; if he cannot give one then he will close public comment and put it back in the Board's hand. Mr. Schor stated with all due respect the argument that nuisance is a nuisance, if our noise expert references the State of New York or the State of Massachusetts, they are referencing something, he is referencing our Zoning Ordinance and he believes he is permitted to do that. Mr. Porter stated not at the Planning Board meeting; that is a whole different entity.

Mr. Schor stated that this does not have to do with their Appeal from Administrative Decision; this is just quoting from the Zoning Ordinance because it inherently defines that this use is a nuisance. Mr. Porter stated that he believes that statement is something for the Court to decide and we are going to stay out of that. Mr. Schor stated that he believes it is guidance for our residences that should be familiar with our Zoning Ordinance and he believes this is relevant guidance. Mr. Schor stated that if he quoted why it was a nuisance from our sound report that quotes from New York and Massachusetts and relies on the Department of Environmental Services, he can certainly make that argument, but don't believe it is the most relevant argument to use here.

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Mr. Porter thanked Mr. Schor for his comments and asked if there were any others here who would like to speak; there was none. Mr. Porter closed public comment. Mr. Porter asked for Board comment; Ms. Sell stated that this is a matter for the Courts; she appreciates his comments and understands the situation.

Mr. Irving asked if the Board would like to entertain a motion to ascertain whether or not this site plan constitutes a serious nuisance. Mr. Drinkhall answered in the affirmative. Ms. Sell stated that she did not want to address that. Mr. Irving stated that the Board should probably make a decision of whether it is or not based on §123-39. Mr. Hartmann asked for clarification. Mr. Irving stated there is a section in the regulations regarding serious nuisance. Mr. Irving stated that the abutter raised concerns and has discussed with the Board what he considers to be a serious nuisance; it is now up to the Board to determine whether or not there is a serious nuisance.

Mr. Sordi stated we are only talking about a serious nuisance for the physical changes, not for the use of the property. Mr. Irving read §123-39. Mr. Sordi stated this is purely for design and not for use as under the purview of the Zoning Board. Mr. Irving stated that the use was an issue addressed by the Zoning Board. **Ms. Sell made a motion to not address this tonight. There was no second.**

Mr. Irving stated if the Board is not inclined to make a motion to define that this is a serious nuisance then you won't have a motion or a second and you go on. Mr. Drinkhall asked wouldn't it be wise to determine that first. Mr. Malia asked if you're talking about the nuisance provision in the site plan review which is §123-39. Mr. Drinkhall answered in the affirmative.

Mr. Malia stated that he doesn't think it is a bad idea to take a vote on whether or not you think this site plan review application qualifies as a nuisance under §123-39. Mr. Malia stated if a majority of you think it does then you can talk about possible conditions you can impose on the applicant to minimize the nuisance; and if a majority of you vote that it is not a nuisance under §123-39 then you can move on. Mr. Malia stated in any event, you will have addressed it and eliminate the possibility of Superior Court remanding it to you to do later.

Mr. Drinkhall made a motion, seconded by Mr. Porter, to find this to be a nuisance under §123-39. Mr. Hartmann asked if this is strictly on site plan and nothing to do with usage at all. Mr. Porter answered in the affirmative. **Motion defeated with Ms. Sell and Mr. Hartmann voting in the affirmative and Mr. Sordi, Mr. Drinkhall and Mr. Porter voting in the negative.**

Mr. Drinkhall made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan Review for Peter Rattay Trustee of Peter Rattay Revocable Trust of 2001 conditionally upon North Conway Water Precinct approval; revising waivers granted table as necessary; a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on October 22, 2009. Motion unanimously carried.

OTHER BUSINESS CONTINUED

August 13, 2009 Planning Board meeting: Mr. Drinkhall made a motion, seconded by Mr. Hartmann, to cancel the August 13, 2009 Planning Board meeting. Motion unanimously carried.

Meeting adjourned at 9:30 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Holly L. Meserve".

Holly L. Meserve
Planning Assistant