

**CONWAY PLANNING BOARD**  
**MINUTES**  
**JULY 28, 2011**

**PAGES**

1	Review and Acceptance of Minutes
	<ul style="list-style-type: none"> <li>• July 14, 2011 – As Written</li> </ul>
1	Other Business
	<ul style="list-style-type: none"> <li>• William Glover (PID 288.31.21 &amp; 31.23) – Conditional Approval expiring (File #S09-03)</li> <li>• Mount Washington Valley Economic Council (PID 262-86.2) – Conditional Approval Expiring (File #S09-09)</li> </ul>
2	The Nelson-Bergman Group, LLC (PID 258-68.26, 68.27 & 68.28) – Boundary Line Adjustment (File #S11-02)
	<ul style="list-style-type: none"> <li>• Conditionally Approved</li> </ul>
2	KVB Associates LP/Faith Knowles (PID 202-20) – Full
Site	Plan Review (File #FR11-03)
	<ul style="list-style-type: none"> <li>• Conditionally Approved</li> </ul>
3	Katherine Brassill/Adventure Suites (PID 202-14) – Full Site Plan Review (File #FR11-04)
	<ul style="list-style-type: none"> <li>• Conditionally Approved</li> </ul>
6	Other Business continued
	<ul style="list-style-type: none"> <li>• Committee Reports</li> </ul>

CONWAY PLANNING BOARD

MINUTES

JULY 28, 2011

A meeting of the Conway Planning Board was held on Thursday, July 14, 2011 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Mary Carey Seavey; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Scott Lees; Kevin Flanagan; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Tobin made a motion, seconded by Ms. Sell, to approve the Minutes of July 14, 2011 as written. Motion unanimously carried.**

**Ms. Sell made a motion, seconded by Ms. Tobin, to take the agenda out of order. Motion unanimously carried.**

**OTHER BUSINESS**

**William Glover (PID 288-31.21 & 31.23) – Conditional Approval expiring (File #S09-03):**

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Ms. Smith stated the applicant decided to construct the road instead of submitting bonding. Ms. Smith stated that most of the road work has been done, but it is not quite complete. **Ms. Sell made a motion, seconded by Ms. Tobin, to extend the conditional approval for William Glover until November 17, 2011. Motion unanimously carried.**

**Mount Washington Valley Economic Council (PID 262-86.2) – Conditional Approval expiring (File #S09-09):**

Jac Cuddy of Mount Washington Valley Economic Council appeared before the Board. Mr. Cuddy stated we have met all the conditions except for the bonding and at this point, it is a matter of timing. Mr. Cuddy stated that the project went out to bid at the beginning of the month, which included the bond.

Mr. Cuddy stated that is the only condition left and they had a hard time achieving this because of the value. Mr. Cuddy stated that they have received a grant and a matching fund and we are also working with a manufacturer that will hopefully be constructing a new building. **Ms. Sell made a motion, seconded by Mr. Flanagan, to extend the conditional approval for the Mount Washington Valley Economic Council until July 26, 2012. Motion unanimously carried.**

CONWAY PLANNING BOARD – JULY 28, 2011

**THE NELSON-BERGMAN GROUP, LLC (PID 258-68.26, 68.27 AND 68.28) –  
BOUNDARY LINE ADJUSTMENT (FILE #S11-02)**

Dimitri Savchick appeared before the Board. This is an application to exchange land between PID 258-68.26 and PID 258-68.27 and PID 258-68.27 and PID 258-68.28 to facilitate the location of the driveway on PID 258-68.28 on Pemigewasset Drive, Conway. Mr. Savchick stated the boundary line adjustment is necessary to move the driveway so the grades will be in line with town specifications. Mr. Savchick stated that we need to gain elevation so we moved it up the slope on that road. **Ms. Tobin made a motion, seconded by Ms. Sell, to accept the application of The Nelson-Bergman Group for a boundary line adjustment review as complete. Motion unanimously carried.**

Mr. Porter asked for public comment; there was none. **Ms. Tobin made a motion, seconded by Ms. Sell, to conditionally approve the boundary line adjustment for The Nelson-Bergman Group conditionally upon Town Engineer Approval; Center Conway Fire Chief Approval; indicating revised NHDES subdivision approval number on plan; four copies of revised plans; submitting a Mylar; a performance guarantee for all on and off site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on October 27, 2011. Motion unanimously carried.**

**KVB ASSOCIATES LP/FAITH KNOWLES (PID 202-20) – FULL SITE PLAN REVIEW  
(FILE #FR11-03)**

Doug Heller of H.E. Bergeron Engineers and Faith Knowles appeared before the Board. This is an application to construct a 7,140 square foot tennis court with associated grading and drainage at 3548 White Mountain Highway, North Conway. Mr. Heller stated that the applicant has been granted three variances from the Conway Zoning Board of Adjustment. Mr. Heller stated it is intended to be a private tennis court to be used by the owner and those in which she permits. **Ms. Tobin made a motion, seconded by Ms. Sell, to accept the application of KVB Associates LP/Faith Knowles for a Full Site Plan review as complete. Motion unanimously carried.**

Ms. Sell asked about the waiver for parking. Mr. Heller stated that Ms. Knowles has an easement on the water precinct land. Mr. Flanagan asked if it would be viewable from Route 16. Mr. Heller answered in the negative. Mr. Porter asked for public comment; there was none.

Mr. Irving read the waiver requests for §123-20.F; §123-20.G; §123-21.E; §123-22; §123-29.A.2 & A.3; and §123-36. **Ms. Tobin made a motion, seconded by Ms. Sell, to approve the waiver requests for 123-20.F; §123-20.G; §123-21.E; §123-22; §123-29.A.2 & A.3; and §123-36. Motion unanimously carried.**

**Ms. Sell made a motion, seconded by Ms. Tobin, to conditionally approve the Full Site Plan for KVB Associates/Faith Knowles conditionally upon a performance guarantee for drainage, erosion control and a street tree; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on October 27, 2011. Motion unanimously carried.**

**KATHERINE BRASSILL/ADVENTURE SUITES (PID 202-14) – FULL SITE PLAN REVIEW (FILE #FR11-04)**

Mark Lucy of White Mountain Survey appeared before the Board. Alan Doucette was in attendance. This is an application to construct 500 square feet of additional living space to each of the five existing hotel units; add a Manager's Quarters; add decks and landscaping; and add two virtual/seasonal outdoor lodging units at 3440 White Mountain Highway, North Conway (PID 202-14). Mr. Doucette was filming the meeting.

Mr. Lucy stated that the seasonal outdoor lodging units (SOLU) could include igloos, tepees, yurts, tents, and a hot air balloon basket under a tent. **Mr. Flanagan made a motion, seconded by Ms. Seavey, to accept the application of Katherine Brassill for a Full Site Plan review as complete. Motion unanimously carried.**

Ms. Sell asked what happens from season to season; would like to see something concrete before we allow this use; perhaps every time you change the SOLU it should come back before the Board. Mr. Irving stated that the Fire Chief and Building Inspector will be inspecting each unit before a certificate of occupancy is issued. Mr. Irving stated that the Board could request a note to the plan that any SOLU that has not been approved on July 28, 2011 would have to obtain an approval from the Board pursuant to §123-4.A.5.

Mr. Irving stated a note could be added to the plan that the structures would have to obtain a certificate of occupancy from the Town to make sure they meet all life safety codes. Mr. Flanagan asked if they are going to be used overnight. Mr. Lucy answered in the affirmative. Mr. Flanagan asked about restrooms. Mr. Lucy stated there are bathroom facilities in the existing maintenance facility. Mr. Hartman asked if there is a limit to the units. Mr. Irving stated they are requesting two units. Mr. Irving asked if each will be comprised as one structure. Mr. Lucy answered affirmative.

Mr. Hartmann stated that the area is extremely large and asked if there could be a limit as he would be more comfortable with an established platform. Mr. Hartmann stated it is a storage shed and it would now be used for restroom facilities. Mr. Irving stated that the current application refers to it as a maintenance building; the use is changing by virtue of the site plan. Mr. Irving stated the Board could establish a maximum floor area. Mr. Hartmann stated that he would be more comfortable with that. Mr. Lucy stated that he could do that.

Mr. Irving asked if the applicant has researched the size. Mr. Lucy stated that they would need to meet codes, have two means of egress and be designed by a PE. Ms. Sell stated there will be no water, sewer or electric to the SOLU's and asked if there would be shower facilities. Mr. Lucy answered in the affirmative and stated restroom facilities include toilet, sink and shower. Ms. Sell stated she would like to clarify the size of the location. Mr. Lucy suggested 32' x 32' and limiting it to 1,000 square feet.

Mr. Irving asked what the largest suite in the building is. Mr. Doucette answered 650 square feet. Mr. Lees stated he's concerned with patrons getting to the bathroom from the SOLU with decency. Mr. Lees asked if there would be a walkway. Mr. Lees stated there is a school right behind this property. Mr. Lees asked how does one use judgment when using the bathroom. Mr. Lucy stated that is a bit outside site plan review. Mr. Porter stated that is outside our purview.

CONWAY PLANNING BOARD – JULY 28, 2011

Mr. Hartmann stated that he has an issue with 1,000 square feet. Mr. Hartmann asked what the intended occupancy of these units is. Mr. Irving asked Mr. Lucy if he or his client has done any research into the size that you would be using. Mr. Lucy asked Mr. Doucette what is the diameter of the igloos you have done for your own use in the past. Mr. Doucette answered 20' x 20'. Mr. Irving suggested a 500 square feet maximum area. Mr. Hartmann stated that they could come back to us if they did come up with another idea.

Ms. Sell asked what about the parking with the additional SOLU. Mr. Lucy referred to sheet 2; parking calculations. Ms. Sell asked about electricity and drinking water. Mr. Lucy stated the Fire Chief and the Building Inspector will be inspecting and if required they will be provided. Mr. Lucy stated that they cannot be occupied without the Fire Chief's and the Building Inspectors approval. Ms. Sell asked if there would be a hot air balloon. Mr. Lucy answered in the negative and stated that it would not be suspended in the air by a hot air balloon.

Mr. Irving asked if the Board wanted a height restriction. Mr. Porter stated we already have a height restriction. Mr. Irving stated that we have a 55-foot structure height. Mr. Flanagan asked if there was a height in mind. Mr. Lucy stated that the tepee can be no more than 20-feet in height. Mr. Irving suggested a height of 25-feet.

Mr. Irving read a waiver request for §123-20.F/§131-67.C.8.f. **Ms. Tobin made a motion, seconded by Ms. Sell, to approve the waiver request for §123-20.F/§131-67.C.8.f. Motion unanimously carried.**

Mr. Irving read a waiver request for §123-20.G. **Ms. Tobin made a motion, seconded by Ms. Sell, to approve the waiver request for §123-20.G. Motion unanimously carried.**

Mr. Irving read a waiver request for §123-26.5. **Ms. Seavey made a motion, seconded by Ms. Tobin, to approve the waiver request for §123-26.5.** Mr. Hartmann asked if he has looked into any decorative lighting that could be used that is dark sky compliant. Mr. Lucy answered in the negative. Ms. Seavey asked why we would be entertaining a waiver when it has already been approved. Mr. Irving stated the reason is because in any site plan review, the regulation states that they are to comply; even existing developed sites. Ms. Sell stated she would like to see the lighting comply with the new regulation. **Motion defeated with Ms. Sell, Ms. Tobin, Mr. Hartmann and Mr. Porter voting in the negative and Mr. Lees, Mr. Flanagan and Ms. Seavey voting in the affirmative.**

Mr. Irving read a waiver request for §123-29.A.2 and A.3. **Ms. Tobin made a motion, seconded by Ms. Sell, to approve the waiver request for §123-29.A.2 and A.3.** Mr. Hartmann asked if this is for the entire property. Mr. Irving answered in the affirmative. **Motion unanimously carried.**

Mr. Irving read a waiver request for §123-29.D.8. **Ms. Tobin made a motion, seconded by Ms. Sell, to approve the waiver request for §123-29.D.8. Motion unanimously carried.**

Mr. Irving read a waiver request for §123-30.A.3. **Ms. Tobin made a motion, seconded by Ms. Sell, to approve the waiver request for §123-30.A.3.** Mr. Lees asked about the SOLU's. Mr. Porter stated that they are seasonal structures. Mr. Lees stated we just made them upgrade

CONWAY PLANNING BOARD – JULY 28, 2011

lighting. Mr. Lees asked if they would have to conform. Mr. Irving stated that there will be no electricity. Mr. Lees asked if they will be lighting up the SOLU's. Mr. Irving stated that it would need to be on the plan. Mr. Irving asked if they would be lighting the SOLU's. Mr. Lucy answered in the negative. **Motion carried with Mr. Hartmann voting in the negative.**

Ms. Sell asked if they could provide photographs with what is intended. Mr. Lucy answered in the negative. Ms. Sell asked why. Mr. Lucy stated that they are not constructed. Mr. Lucy stated it will be inspected by the Fire Chief and the Code Enforcement Officer. Ms. Sell asked if the Board needed more information. Mr. Hartmann stated that we have already addressed size; after that they would have to come back to us. Mr. Hartmann stated windows and safety would fall under life safety codes; there is a limit of what we can impose.

**Ms. Tobin made a motion, seconded by Ms. Sell, to find that the Architectural standards do not apply to the SOLU's. Motion unanimously carried.**

Mr. Porter asked for public comment; Juliet Fleischer asked if there would be any limit to the occupancy. Ms. Fleischer stated that the portion from the North would definitely be visible from the road and hope that it would be aesthetically pleasing. Mr. Irving asked what the maximum occupancy of your suites is. Mr. Doucette answered usually up to four; largest family suite sleeps six. Ms. Sell stated that she has been in one of their suites with up to 15 people. Mr. Irving stated the difficulty is enforcement of whom, but the Certificate of Occupancy can limit the amount of people. Mr. Doucette stated that we have a very strong family atmosphere. Mr. Hartmann asked if we have a definition for temporary. Mr. Hartmann suggested six months. Mr. Lucy stated that the applicant has withdrawn the idea for a hot air balloon basket under a tent.

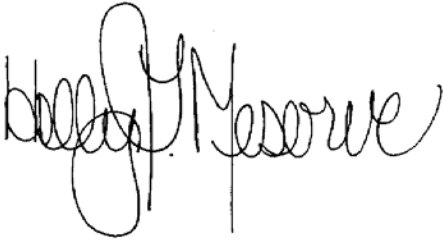
**Ms. Tobin made a motion, seconded by Ms. Sell, to conditionally approve the Full Site Plan for Katherine Brassill conditionally upon submitting a revised NHDOT driveway permit and indicating approval number on plan; North Conway Fire Chief Approval; Town Engineer Approval; locating the underground utilities to the maintenance building on the plan; adding a note to the plan that "The Seasonal Outdoor Lodging Units (SOLUs) approved under this application include: igloos, yurts, tents and teepees"; adding a note to the plan that "An approval from the Planning Board pursuant to §123-4.A.5 must be secured prior to installation, construction or occupancy of any form of SOLU not listed above"; adding a note to the plan that "The maximum ground coverage or floor area of a SOLU shall not exceed 500 square feet"; adding a note to the plan that "The maximum height of a SOLU shall not exceed 25' feet"; adding a note to the plan that "The occupancy of a SOLU shall not exceed 6 persons"; adding a note to the plan that "SOLUs shall be removed, replaced or relocated at least every 6 months"; adding a note to the plan that "A Certificate of Occupancy must be secured prior to occupying any SOLU that has been installed, constructed, replaced or relocated"; submitting a lighting plan and supporting documentation that demonstrates compliance with §123-26.5; submitting four copies of revised plans (three to remain with the Town); submitting 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 27, 2011. Motion unanimously carried.**

**OTHER BUSINESS CONTINUED**

**Committee Reports:** There were none.

Meeting adjourned at 9:05 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large initial "H" and "M".

Holly L. Meserve  
Planning Assistant