

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 11, 2021

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A meeting of the Conway Planning Board was held on Thursday, February 11, 2021 beginning at 7:01 pm at the Conway Village Fire Department, 97 Main Street, Conway, NH. Those present were: Chair, Steven Hartmann; Vice Chair, Benjamin Colbath; Bill Barbin; Earl Sires; Ailie Byers; Alternate, Steven Steiner; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve. Town Engineer, Paul DegliAngeli, was in attendance.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Barbin made a motion, seconded by Ms. Byers, to approve the Minutes of January 28, 2021 as written. Motion carried unanimously.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Hartmann made a motion, seconded by Mr. Colbath, to appoint Steven Steiner as a voting member. Motion carried unanimously.

VIEWPOINT NORTH CONWAY, LLC (FILE #FR21-01) – FULL SITE PLAN REVIEW (PID 202-168)

Josh McAllister of HEB Engineers appeared before the Board. This is an application to demolish the existing motel and site features and construct a 105,836 square foot, 4-story, 105-room hotel with associated infrastructure. **Mr. Colbath made a motion, seconded by Ms. Byers, to accept the application of Viewpoint North Conway, LLC for a full site plan review as complete. Motion carried unanimously.**

Mr. McAllister reviewed the plans. Mr. Hartmann asked for Board comment; Mr. Sires stated there is a lot of community concern regarding this project, and he shares those concerns. Mr. Sires stated this will have a significant impact not only on the surrounding residential properties, but also to the tax base and to the visitors in the area. Mr. Sires stated it will likely have an impact on traffic flow.

Mr. Sires stated when he thinks about the community and the communities' feelings about projects, he looks at the Master Plan. Mr. Sires stated the Master Plan is there to guide us on what the community wants in different areas of Conway; and the scale of this project violates the intent of the Master Plan for the Intervale area. Mr. Sires stated there is a section that specifically pertains to North Conway in the Master Plan in Land Use Guidance [read].

Mr. Sires stated any reasonable assessment would show this is vastly out of scale with what is in this area. Mr. Sires stated this will bring a fundamental change to the Intervale area. Mr. Sires stated approving this building would change the interpretation of the Master Plan, and create a new precedent of what would constitute the buildings in this area. Mr. Sires stated this is a significant overdevelopment in this area.

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Mr. Sires stated this represents a massive change for the people who live in that area, and he would like to see a bigger buffer. Mr. Sires stated the Board can increase the buffer pursuant to §110-29.A.(6) to up to 50-feet.

Mr. Sires asked about a traffic study. Mr. Sires stated there are a lot of people who cross from the scenic vista to get ice cream; it is a high-speed area. Mr. Sires stated crosswalks are needed in this area to this project. Mr. Sires stated if there is a vehicular impact, then we need to see if any improvements are needed to be done by the developer.

Mr. Sires stated this is an appealing area; the Green Hills and Cranmore Mountain are visible from the Scenic Vista. Mr. Sires stated he believes a view study is necessary. Mr. Sires stated with all those unknown impacts, he would need to see results of those studies before voting in order to make an informed decision. Mr. Sires stated if this development was reduced in scale to keep with some of the surrounding buildings that would mitigate a lot of his concerns.

Mr. McAllister asked what the correlation between the Master Plan and the ordinances that we have to adhere to as designers is; what is the governing rule set that we work with. Mr. Irving stated the Master Plan is a guidance document, the applicable regulations are the Zoning Ordinance and the Site Plan Review regulations.

Mr. McAllister stated in regards to a traffic impact study, if the NHDOT believes there is a direct coalition between increased vehicular traffic to the proposed development from the existing development they would have had us be part of a traffic impact study. Mr. McAllister stated this hotel is in an area of Route 16 that is already equipped with a turning lane. Mr. McAllister stated NHDOT does take a strong eye toward vehicular traffic patterns and impacts and is not shy in asking for that information.

Mr. McAllister stated in this circumstance we applied for and was granted a driveway permit for access onto Route 16; therefore, NHDOT deemed there was no need for a traffic study for the different magnitude from the motel to a hotel. Mr. McAllister stated the other road is a Town road which the Town Engineer is responsible for, and we have submitted our plans for his review.

Mr. McAllister stated in regard to a View Shed study, we are providing a building that meets the height, setback and architectural requirements as outlined in the Town of Conway Site Plan Review regulations. Mr. McAllister stated the study would provide some information, but when it comes to the regulations that they as designers are required to meet and the Board is required to vote upon, we are meeting those regulations with this design.

Mr. McAllister stated if there are major concerns like this then we should be taking correlation between the Master Plan and our regulations because we are two different organizations that are bound by these regulations that we are trying to adhere to. Mr. McAllister stated the Board has to vote upon plans that show they meet the regulations.

Mr. Steiner stated he is also a member of the Zoning Board of Adjustment and he does not believe that this building belongs in that part of the neighborhood, and he is not going to support this; this does not belong in our community in this location.

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Mr. Colbath stated he thinks this is a brazen design and a slap in the face of the community. Mr. Colbath stated the standards are met, but it was not designed in the spirit of the Master Plan. Mr. McAllister stated he is wondering at what point in time the application being reviewed is based on its merits within the ordinance that the Board is required to adhere to. Mr. McAllister stated if the Board votes against this project are you voting against feelings or are you voting against the facts that it doesn't meet the requirements of the design.

Mr. McAllister stated he believes that the Planning Board's responsibility is to look at the application based on the merits of the requirements that we are required to adhere to and then provide a vote on that. Mr. McAllister stated it meets the requirements of the ordinances; it may not meet the pallet of the Planning Board members here or the people in the room, but is it against the ordinances that we are required to meet. Mr. McAllister stated it meets all zoning requirements and we meet all site plan review regulations with the exception of two minor waivers that are not even for what we are discussing here.

Mr. McAllister stated he is working within the context of the regulations that we adhere to from the design standpoint; we have regulations in this community to allow developers to work within the context of what our community says is acceptable development. Mr. McAllister stated we may not like it, but this application presents something that within our community meets our definition of acceptable development.

Mr. Barbin asked if the Board could vote their consciences with discretion over the laws and ordinances or, are we supposed to be voting on whether it meets the ordinance. Mr. Irving stated when he reviews a site plan application on the Board's behalf and provides a staff report, he reviews it and determines whether or not it complies with the regulations.

Mr. Barbin asked if we as Planning Board members have the discretion within our scope to decide that we don't find something tasteful, palatable, or that it doesn't fit the community even if it meets the criteria of the ordinance. Mr. Irving stated as Planning Board members you get to vote their consciences, or however you choose; but, the real answer to your question is, that depends on what the judge says. Mr. Steiner stated he is supposed to be looking out for the taxpayers and that is what he is doing tonight.

Mr. Hartmann asked for public comment; Courtney Wrigley of Neighbor's Row stated we are not technically abutters, but we are residents of the Intervale neighborhood. Ms. Wrigley stated she wants to stress that Intervale is a neighborhood; we are a mixed commercial residential area, but we are a neighborhood. Ms. Wrigley stated this is a monstrosity that changes the feel of the Intervale neighborhood.

Ms. Wrigley stated we know some sort of development is going to have to happen, and we hope it is going to be a beautiful, well-designed motel adding to that neighborhood. Ms. Wrigley stated hopefully adding some sidewalks and crosswalks, and maybe work with the railroad to get a new stop so people from Intervale can go into Town. Ms. Wrigley stated there is a huge traffic problem on that section of Route 16 heading into town.

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Ms. Wrigley stated there are ways to be really forward thinking in this Town, this development is not going away. Ms. Wrigley stated beautiful destinations around the country that we compete with are not beautiful and interesting to live at as residents and come visit as visitors by accident. Ms. Wrigley stated they are well designed, but we need to be giving designers the right perimeters to follow. Ms. Wrigley asked that the Board not vote to approve this; we are paying attention, and we are really worried.

James Wrigley asked what the height restriction is. Mr. Irving stated the structure height restriction is 55-feet from lowest point of existing or proposed grade, and the building height is 45-feet to the top of a flat roof structure or to the mean gable height of a sloped roof structure. Mr. Irving stated this particular application has the peak of the roof at very near 55-feet, and the mean gable height is a little over 43-feet.

Mike Specht stated he lives in and is the President of the condominiums east of this development, and he is representing the whole Association. Mr. Specht stated they have a tremendous number of concerns and Mr. Sires hit upon almost all of them with the traffic, pedestrian traffic, noise, lights, and building height that far exceeds anything else in this area.

Mr. Specht stated this destroys the Mount Washington Valley Ski Touring trail as the parking lot goes right over the top of it. Mr. Specht stated he is not sure how that could be reworked to connect the existing trail from Whitaker Woods to the other side of the highway. Mr. Specht stated we feel this is completely out of character with the area, it is out of character for why any of us bought our condominiums and that they can build to interfere with our views.

Mr. Specht stated they may have met the letter of the law, but they completely ignored the surrounding area and the needs of the residents who live in the area. Mr. Specht stated a building more in scale with what is there would probably be fine. Mr. Specht stated even though the parking seems to meet the ordinance, he finds it hard to believe there is enough for 105 rooms plus the staff. Mr. Specht stated they are concerned with snow storage and run-off, and the privacy between their development and this development is completely inadequate.

Mr. Specht stated that he understands that it may meet the regulations, but it ignores the character of this area. Mr. Specht stated it is across from the scenic overlook, which is a big draw for a lot of people; no one wants to look back from the scenic overlook and see this monstrosity. Mr. Specht stated we are hoping that the Board votes their consciences, and pays attention to the abutters and what this Town really wants; this does not seem to be it.

Bryant Etheridge of Dinsmore Road stated it is really a residential area; there are a lot of houses in that vicinity that are not readily seen from the proposed site. Mr. Etheridge stated there is a noise ordinance being proposed for the residential area and how do you have a four-story building with a roof-top lounge. Mr. Etheridge stated he doesn't see how those two things can be reconciled.

Mr. Etheridge stated he believes this is the most dangerous intersection in Conway, making a left from Intervale Crossroads south onto Route 16. Mr. Etheridge stated with this development they are going to be making a right hand turn out of the parking lot onto Route 16 adding to the complexity and confusion of this traffic situation.

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Victoria Laracy stated she understands that this development complies with the regulations, but it doesn't fit in with the character of the community. Ms. Laracy stated there is a concern over the desires of what the community wants it to be, and she thought that was supposed to be the purpose of the Master Plan. Ms. Laracy stated if there are discrepancies between the ordinances and the Master Plan then we should be looking at that together as a community.

Jenny Labudde stated she lives in the Mountain View Estate Condominiums and she is an obstetrician in Town; she moved to that part of town specifically because it is easier to navigate at night than the more built-up southern part of Town. Ms. Labudde stated she is concerned with the impact traffic will have on that area.

Ms. Labudde stated the speed limit in that area is 40 mph, but it changes from 55 mph right before the scenic overlook; and with people entering and exiting the scenic vista from two locations directly across from people entering and exiting from a hotel this size she does not know how a traffic study was not requested. Ms. Labudde stated she thinks it is going to be extremely dangerous and have an impact on surrounding properties.

Suzanne Anderson stated the bus route to John Fuller goes through all the roads that would crisscross this site, there are kids who will be waiting for the bus; this is a residential area, not a commercial area. Ms. Anderson stated we have traffic issues in the Valley, but adding this additional property would create chaos for the young families who are trying to enjoy this area.

Eliza Grant stated she lives behind the 1785 Inn and she agrees with everyone, and this will add to the traffic, which is the biggest concern; traffic is backed up out of Town beyond the 1785 during the holiday weekends. Ms. Grant stated it is already an insane traffic crisis and this project is only going to impact it.

Cort Hanson stated he represents Mount Washington Valley Ski Touring and they have had use of the property for over 30 years as a ski trail; we are a public/private non-profit and we basically bring recreation and support the Nordic ski programs in the Mount Washington Valley. Mr. Hanson stated we are asking as part of the design that we be able to maintain an easement for use of the property seasonally during the winter months.

Mr. Hanson stated the use of this property was supported for years by John Cannell, he was a great supporter of community recreation; and continued use of the property would be something John Cannell would appreciate. Mr. McAllister stated we have been communicating back and forth about slight plan modifications that would allow for that ski trail to continue being used, the owners of the property are willing to accommodate a long-term agreement of some sort for that ski trail to be maintained.

Mr. McAllister stated the trail will continue being used, we are asking that it not be part of a conditional approval that an easement be placed, but we in good faith will modify the plan to show it and commit in this forum that we will work with the MWV Ski Touring Foundation.

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Mr. Irving stated he did have a discussion with the Town Engineer and he is going to be requiring a traffic study to address any issues that may be related to the proposed driveway on Intervale Crossroads as well as the impact on Intervale Crossroads/Route 16 intersection. Mr. Irving stated that particular traffic study may extend into Route 16 as well, but he will leave that up to the Town Engineer.

Mr. McAllister stated his concern is he does not have a set of regulations to work to. Mr. McAllister stated he can provide a traffic study to the Town Engineer, but the other comments provide him with no guidance as to what he is designing to; he is not designing to the ordinance anymore, he is designing to a Master Plan. Mr. McAllister asked what he is designing to; it has to be something that has measurable tangible solutions for him to meet.

Mr. Sires stated the Board is allowed to request a 50-foot buffer. Ms. Byers stated she would like to see the non-easement easement for the MWV Ski Touring Foundation on the plan. Mr. McAllister stated that would be included.

The Board discussed reducing the building height. Mr. McAllister stated what number works; the Board is arbitrarily choosing. Mr. Colbath stated he does not think it is arbitrary based on the verbiage of the Master Plan. Mr. Colbath stated if you were to average the heights of the buildings coming into town from Intervale, as it states, and found a happy medium based on your project of what the average height is around there, that is not arbitrary to him. Mr. Colbath stated that is closer to the standings of the Master Plan.

Mr. Hartmann asked if that gives Mr. McAllister a tangible thing to work with. Mr. McAllister answered in the affirmative. Ms. Byers asked what the distance from his current project that the Board would want to use as the reference points for the heights is. Mr. McAllister stated he would argue that we should use buildings located within the Highway Commercial District; the buildings in the back are in the Residential Agricultural District. Mr. McAllister stated this is in the Highway Commercial District; it is zoned exactly the same as the strip.

Mr. McAllister stated he has to consult with his client, he cannot make these decisions. Mr. McAllister stated he does not know how they will react being asked to go outside of a published regulation by a Board that is supposed to be governing that. Mr. Hartmann stated he understands his request regarding building height is nothing more than a request and he has no legal grounds to stand on.

Mr. Sires stated with the new noise ordinance proposed, the roof top activity might conflict with that. Mr. Sires stated what he would need to see in order to have enough information to make a decision is a comprehensive traffic study that factors in pedestrian impact, and a view study. Mr. McAllister asked who will be providing the scope of the view shed study; what perimeters are we working with.

Mr. Sires stated what about impact of the view from the condominium development, Intervale Crossroads and the scenic vista. Mr. McAllister stated we can take a look at that, but what are the conclusions and who decides what an appropriate conclusion is; what becomes the acceptable answer, there is no definition of what is an acceptable answer is.

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Mr. McAllister asked how he provides an answer as it is not going to be palatable to everyone; it is not going to be a one-story motel. Mr. Irving read §110-39 regarding nuisances. Mr. Irving read §110-29.A.(6) regarding buffers.

Mr. Irving asked what the nuisance that the proposed development would create is. Mr. Barbin asked if the Board could be the complainants. Mr. Irving stated unless the Board can find someone else.

Ms. Byers made a motion, seconded by Mr. Hartmann, to have the buffer along the southern and eastern bounds of the proposed development be increased to 50-feet. Motion carried unanimously.

Mr. McAllister stated the 50-foot buffer is going to restrict his development area, but he doesn't know what he is developing to with respect to building heights so he doesn't know the number of rooms there is going to be, not knowing the number of rooms tells him he doesn't know the traffic impact so he cannot do the traffic impact study. Mr. McAllister stated he really cannot do anything without the additional information.

Mr. Irving stated we have a set of regulations and if the Board wants the applicant to do something that is not consistent with those regulations, he does not know a reasonable legitimate mechanism by which the Board can satisfy that. Mr. Hartmann stated as far as regulations go, there is something to work with, the 50-foot setback and a traffic impact study; beyond that there is nothing on the table. Mr. Irving asked if those are the two things the Board wants the applicant to address. Mr. Sires stated a view impact study would be valuable. Mr. Hartmann stated a view impact study seems arbitrary, there are no regulations to back it up.

Mr. Hartmann stated the Board is not happy with the height of the building, and if we bring up the nuisance clause, we can address the height of the building. Mr. Sires stated he thinks everyone would be happier with it if it was more in scale with the surrounding buildings. Mr. McAllister stated if every building in this area is two-stories and the ordinance allows for up to four, it is really restricting the ability to develop on that property.

Mr. McAllister stated the owners have development rights and they have regulations to work with, and now were getting to an area that is getting tricky for all of us here to navigate. Mr. McAllister stated that the view is going to be very restrictive to the development of this property, but it is a challenge to work within alternate regulations, especially when people buy land with a set of rules in place.

Mr. Irving stated if the Board wants to develop something that indicates there is a nuisance that the ordinance does not create then there is a burden on the Board to come up with and define what that nuisance is; then the Board has to look at what the mitigation is relative to the development. Mr. McAllister stated if the Board makes a statement that there is a nuisance on building height, can this be used by every abutter in the future. Mr. McAllister stated this is in the Highway Commercial District, and the Board is defining their building height as a nuisance.

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Mr. Barbin stated he is not comfortable being the complainants in this situation. Mr. Hartmann stated he is not comfortable with it either. Mr. Barbin asked if this makes us more liable if the property owners seek to litigate. Mr. Irving stated anytime anybody doesn't follow the rules they are opening themselves up to litigation. Mr. Barbin asked if we should be the ones to be the complainant or should the complainant be complaining. Mr. Irving stated the way it is worded would lead one to infer that it is somebody else that is complaining to the Board providing the Board with documentation and demonstrating the nuisance, and then the Board takes action.

Mr. Colbath stated in referencing the Master Plan, with the proximity to the town line it directly seems to violate the spirit of that; if it was in the middle of town, it doesn't fall into the Master Plan at all. Mr. Colbath stated it is very easy to separate, it is 250-feet from the town line and it certainly becomes a nuisance when it is in direct violation of the Master Plan.

Mr. Hartmann asked for public comment; Brian Ethridge stated if you need a written statement that lays out a case as to why this constitutes a nuisance, he could do that. Mr. Ethridge stated nuisance is a relatively vague term and when you get a non-precedent support from the community saying essentially that this is a nuisance then you've met the criteria of it being a nuisance. Mr. Etheridge stated if there is no greater clarity in regulations than you've indicated, then clearly by community standards it constitutes a nuisance.

Mr. Irving read §110-39, nuisances. Mr. McAllister asked if the Board would need to accept the facts that are presented to them and then provide direction to the designer. Mr. Irving answered in the affirmative and would have to see what the mitigation would have on the application.

Mr. Hartmann made a motion, seconded by Mr. Steiner, having given instruction to the applicant to submit a traffic impact study and to amend the site plan to provide a 50-foot buffer along the eastern and southern bounds continue the consideration of this application and public hearing until February 25, 2021. Motion carried unanimously.

LP GAS EQUIPMENT, INC. (FILE #FR21-02) – FULL SITE PLAN REVIEW (PID 260-93)

Dan Lucchetti of HEB Engineers appeared before the Board. This is an application to demolish the existing office building/barn; to construct a 2,528 square foot office building and a 5,500 square foot maintenance building with associated infrastructure; and expand the distillate storage building with no proposed increase in distillate storage capacity.

Mr. Colbath made a motion, seconded by Mr. Barbin, to accept the application of LP Gas Equipment, Inc. for a full site plan review as complete. Motion carried unanimously.

Mr. Lucchetti reviewed the application. Mr. Hartmann asked for Board comment; there was none.

Mr. Hartmann asked for public comment; Brian Wiggin read the attached email. Mr. Wiggin asked when we are going to wake up to save our buildings; we've got to work together. Mr. Wiggin stated we are not going to have any homesteads left; is history important to any of you.

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Peter Mongeau stated he is the President of and is representing the Robinwood Association; there is an HOA which is serviced by the property and it is arguable of who it belongs to. Mr. Mongeau stated the exact terms and conditions of the rights-of-ways and who owns what part of the property and who is conveying rights from whom to whom, are not clear. Mr. Mongeau stated the one thing that is clear is that Robinhood Association has responsibility and has a perpetual right-of-way over the property, and the property owner has rights for trucking and also some obligations to maintain that part of the land.

Mr. Mongeau stated Robinwood is a neighborhood and we have one entrance and one exit, and there are mutual rights-of-ways established. Mr. Mongeau stated when you look at trucking, this is a gravel road. Mr. Mongeau stated when this was first established there was a small oil company; over the course of the years, they are no longer there and Eastern has had a much more increase in presence.

Mr. Mongeau stated their concern is there is no definition of what constitutes trucking, and with the expansion we can see an increase in traffic. Mr. Mongeau stated they would like to know how many trucks, how often, what their gross vehicle weight is going to be, and the hours of operation. Mr. Mongeau stated we have no idea what the traffic level is going to be. Mr. Mongeau stated we don't have any limits identifying exactly what constitutes this easement for this conveyance of trucking. Mr. Mongeau stated he doesn't believe the original planners meant for it to be unlimited.

Mr. Mongeau stated their first concern is that it is unclear who owns what and who is obligated to who, there is some understanding that there is some overlapping interest; and their second concern is there is no quantification of the trucking level they envisioned here, there is no guidance, and there are no agreements. Mr. Mongeau stated their third concern is there is one entrance and one exit; if there is any accident or an oil spill, we are stuck. Mr. Mongeau stated we have no means to get out in the case of an emergency.

Ricky Grever stated he is an officer of the Association; he is concerned with safety. Mr. Grever stated he thinks it is a nice design, but we need to make sure we are being good neighbors. Mr. Grever stated we have seen their traffic increase, and they are pushing back the buffer zone to their shared property line. Mr. Grever stated his concerns are hours of operation, how many trucks in the maintenance facility, and what noise will be generated, and will lights continue to shine into their house.

Chet Walden, who lives in Robinwood Acres, stated he is concerned if there is an oil spill his well is gone and that is a big deal.

Mr. Lucchetti stated in regard to the ownership of Robinwood Road there are two separate parcels, one being on the south side of the railroad tracks and one being on the north. Mr. Lucchetti stated the subdivision was established in 1976 and the roads on the north side of the tracks were under an easement for all the homeowners. Mr. Lucchetti stated on the south side the easement was granted to the subject parcel.

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Mr. Lucchetti stated in 1988 the ownership of the roads on the north side was granted to the Association and on the south side the ownership was granted to the subject parcel which is now LP Gas Equipment.

Seth Burnell of HEB Engineers appeared before the Board and stated he is the surveyor of record for this project. Mr. Burnell stated the fee ownership of the road, that crosses Eastern Propane's property, lies with Eastern Propane, and there is an easement for all of the lot owners in the Robinwood Acres subdivision. Mr. Mongeau stated it would be good at some point to have it clearly defined as to who has responsibility to what part of the road.

Mr. Burnell stated the original covenants and restrictions specify that should Eastern Propane, formerly Ken and Shirley Jones, utilize that road for trucking they shall be responsible for maintenance of that portion up to the railroad tracks; the Association has easement rights over everything. Mr. Burnell stated the Association has fee ownership of the road north of the railroad tracks and Eastern Propane has ownership of the portion of the road south of the railroad tracks.

Mr. Irving asked the responsibility for maintaining the road from Route 302 to the tracks lies with who. Mr. Burnell stated the 1976 covenants indicates Eastern Propane would be responsible for maintenance; he doesn't know if that is taken to mean their share of the maintenance or all of it.

Mr. Irving asked if this development is proposing improvements to the road and, if so, how close to the tracks. Mr. Lucchetti stated there are no improvements proposed to Robinwood Road; there are two driveway connections to it. Mr. Irving stated the driveways coming onto Robinwood Road are going to be paved. Mr. Lucchetti stated that is correct. Mr. Irving asked if there is a gap in the pavement from their driveway to Route 302. Mr. Lucchetti stated they will be paved to the existing gravel of Robinwood Road.

Mr. Hartmann asked what the estimated increase in traffic is. Josh Sandahl, Operations Manager, stated there are two delivery trucks working out of there. Mr. Hartmann asked how many times they go in during the day. Mr. Sandall answered one time in the middle of the day. Mr. Sandahl stated they operate two peddle trucks out of there on a daily basis.

Mr. Hartmann asked what the capacity of bulk storage there is. Mr. Sandahl answered 40,000 gallons. Mr. Hartmann asked what is proposed for storage. Tom Mossman stated they are adding to the structure, but not the capacity. There was discussion regarding paving the road; Mr. Mossman stated the road would be paved from Route 302 to the railroad tracks.

Mr. Irving stated it has been clarified by Mr. Burnell that it is not a road right-of-way, it is an easement over a piece of property. Mr. Irving stated if it was a road, he would have asked the Town Engineer if it needed to be brought up to town road standards; if it is a driveway, it definitely needs to be paved by these regulations.

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Mr. Irving asked is this going to become a road and is that going to be the clarification that you might achieve with the Robinwood Association, or are you just going to clarify the easement and put in a paved driveway that is going to be serving the Robinwood subdivision as well as the subject property. After a brief discussion, it was determined that it would be a driveway. Mr. Irving stated the next iteration of plans will be showing that the driveway is going to be paved from Route 302 to the tracks. Mr. Mossman answered in the affirmative.

Mr. Grever stated they are proposing a maintenance facility which would increase the amount of traffic.

Ken Rancourt asked if the North Conway facility is moved to Center Conway how much added increase does that imply, and with the 30 homes in Robinwood he would think that the town would be concerned with allowing access to trucks which might be causing problems that we are not aware of. Mr. Rancourt asked if it is important for the town to consider adding something at the junction of Route 302 that could possibly compromise their exit.

Mr. DegliAngeli stated this is going to be a paved road so that improves the existing situation. Mr. DegliAngeli stated in terms in volume, the number of trips is not going to impact that. Mr. Mongeau asked if there is some connectivity if they decide to put in 100 trucks a day.

Mr. Irving stated they're expanding the distillate building; this Board is not approving any increase in the amount of distillate storage. Mr. Irving stated the storage of hazardous materials, which this distillate would be, is not a permitted use in this district. Mr. Irving stated they have a legally existing non-conforming use, the storage of that material. Mr. Irving stated they cannot increase the amount of distillate storage without a variance or an appeal to the Zoning Board of Adjustment to increase that; the ZBA has not yet received, nor entertained or made a decision on any such application.

Mr. Colbath asked if the barn is a timber frame barn, and if they looked into someone taking it down and using it somewhere else. Mr. Lucchetti stated they looked into it, and both structures were assessed. Mr. Sandahl stated they reached out to Scott Campbell, located in Fryeburg, who removes timber frame buildings and reconstructs them. Mr. Sandahl stated he toured the buildings; the barn was of no interest to him and the house he was somewhat interested in, but his time frame was 2 years out before he could get to it.

Mr. Mossman stated they looked at reusing the house, it has been a long time since anyone has given these buildings any care, it is pretty run down; there have been lots of changes not consistent with any historical status.

Mr. Lucchetti read waiver requests for §110-20.C.; §110-20.G.; §110-29.D.8.; and §110-30. **Mr. Hartmann made a motion, seconded by Mr. Steiner, to grant the waiver requests for §110-20.C.; §110-20.G.; §110-29.D.8.; and §110-30.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

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Mr. Steiner made a motion, seconded by Ms. Byers, to conditionally approve the full site plan for LP Gas Equipment, Inc. conditionally upon Town Engineer approval; \$200 for Inspection Fees; submitting a performance guarantee for all on-site improvements; submitting a performance guarantee for all off-site improvements; when the conditions have been met the plans can be signed out-of-session; and this conditional approval will expire on February 10, 2022. Motion carried unanimously.

FAIRWAY NOMINEE TRUST (FILE #S21-01) – 2-LOT SUBDIVISION REVIEW (PID 246-56)

Kevin Solli of Solli Engineering appeared before the Board. This is an application to subdivide 10.44 acres into two-lots. **Mr. Steiner made a motion, seconded by Ms. Byers, to accept the application of Fairway Nominee Trust for a 2-lot subdivision review as complete. Motion carried unanimously.**

Mr. Irving stated there are some outstanding issues particularly in respect to access and infrastructure. Mr. Irving stated he will be recommending continuing the application to address the Town Engineer and North Conway Water Precinct requirements.

Mr. Solli reviewed the project. Mr. Hartmann asked for Board comment; Mr. Colbath stated as far as leaving the lot you would only be able to go in a North bound direction; you would have to go all the way to the Village to turn around to go south. Mr. Solli stated this application does not generate traffic so that would be addressed in future site plan review applications.

Mr. Hartmann asked for public comment; Roy Tilsley, Attorney representing North Conway Grand Hotel, stated we share the concerns expressed by staff in terms of the proposed egress and access to the lot. Mr. Tilsley stated we have concerns on what it would do to our property across the North-South Road, particularly Common Court connector. Mr. Tilsley asked if this is access only. Mr. Solli answered in the affirmative.

Mr. Tilsley stated from their perspective Common Court connector is pretty much a failed intersection. Mr. Tilsley stated we are concerned with increased traffic in this area. Mr. Colbath stated there will be no increase in traffic by subdividing the land. Mr. Tilsley stated this access is going to be approved on a subdivision plan; we don't think it is as simple as we are just subdividing the lots. Mr. Tilsley stated they have concerns based on the amount of traffic; it is difficult to get out of their property from Common Court onto the North-South Road. Mr. Tilsley stated they would like to see more information, as suggested by Town staff, before there is any approval.

Mr. Irving stated one of the issues and concerns regarding the subdivision is that there is no formal approval for a driveway for the parent lot. Mr. Irving stated in the Zoning Ordinance in order for frontage to qualify it must have access privileges to the road that it is claiming frontage on. Mr. Irving stated there is no driveway permitted at this time, what is there is a remnant from the previous development of the North-South Road itself. Mr. Irving stated this subdivision is proposing that both lots will only have ingress and egress access to Hemlock, and only ingress on North-South Road.

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Mr. DegliAngeli stated we have a single lot that does not have a permitted driveway, but does have a single right of access to the North-South Road. Mr. DegliAngeli stated that the lot as it sits now was created when the State of New Hampshire took it by eminent domain, which left one point of access. Mr. DegliAngeli stated now we are being asked to approve a subdivision with an in only on North-South Road and an ingress and egress onto Hemlock Lane. Mr. DegliAngeli stated when this subdivision is recorded it needs to be clear that there is the one access off of North-South Road that services both lots; that the Town is not going to give additional accesses off the North-South Road.

Mr. DegliAngeli stated we have not seen a design for the ingress, but they've indicated they will show us a design during the site plan review application. Mr. DegliAngeli stated at that time we can discuss the potential problems of having an in and out on Hemlock Lane as it exists now. Mr. DegliAngeli stated since they have to have these access points and they need to have infrastructure to create the subdivision we may discuss a bonding requirement. Mr. DegliAngeli stated if this Board approves this subdivision tonight it is approved with one access shared by two lots and there will be no more accesses given, and that access is for in only, there will be no egress onto the North-South Road.

Mr. DegliAngeli stated at peak time that intersection, Common Court connector leaving and entering North-South Road, is a level service of F. Mr. DegliAngeli stated separate from that there is a separate development going on, Market Basket, which will be creating a roundabout. Mr. DegliAngeli stated Common Court and Common Court Connector are not private roads, they are not owned by the hotel, those are Town Roads, and that Common Court Connector as it exists today will be different once the roundabout is built, which was a condition of the Market Basket approval.

Mr. DegliAngeli stated the roundabout on the North-South Road will be to the North of this property. Mr. DegliAngeli stated if they decide they still want a shared access but want it at the roundabout, that's possible, but it is one access point for these two lots, or for however many lots if it is further subdivided, to the North-South Road. Mr. DegliAngeli stated they cannot exit out because to date no one has demonstrated how they handle those traffic movements; they have not been able to mitigate that.

Mr. DegliAngeli stated they are trying to set it up so they can develop the next lot, and at that time the Town is going to require a traffic study because the one that we have has different access points than the one they are proposing. Mr. DegliAngeli stated what the applicant is requesting is a subdivision with a shared access and it is in only from the North-South Road.

Mr. Hartmann asked if this lot has one access no matter how many times it is subdivided. Mr. Irving answered in the affirmative and stated they only have rights to one point of access. Mr. Solli stated Tractor Supply generates 14 trips leaving in an hour; this is the exact kind of use you want on the North-South Road because you want to minimize the trips generated on the North-South Road. Mr. Solli stated when a site plan review application is submitted it will likely be proposing to have a right out on North-South Road. Mr. Solli stated the trips associated with Tractor Supply don't create an impact, and our traffic study is going to demonstrate there is no impact to mitigate with the minimal traffic generated by their proposal.

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Mr. Hartmann asked if they do move the single-point of access would they have to do another boundary line adjustment or can the two lots be connected by a common driveway. Mr. DegliAngeli stated they can be connected with a shared driveway; when they submit a site plan for lot A they will have to show access to lot B.

Mr. DegliAngeli stated if they want to have access to the roundabout, but want to keep the other access to just come in, it was done for Wal-Mart, which is potentially workable, but it would have to go to the Board of Selectmen as well as the Planning Board. Mr. DegliAngeli stated the Board of Selectmen control the roads and driveways are issued by them.

Mr. DegliAngeli stated we have a fundamental difference of opinion in that they want an egress out onto North-South Road; we will require traffic studies and if we disagree, we may have a third-party peer reviewer. Mr. DegliAngeli stated it has a low number of trips, he agrees with that, but while a controlled intersection functioning at a level of service of A or B will not be impacted by less than 30 trips an hour, an intersection functioning at a level of service of F will be impacted by 15 trips an hour. Mr. DegliAngeli stated that could be an issue when the traffic study, that we don't have yet because we don't have a site plan application, is reviewed.

Mr. Irving read waiver request for §130-36.A. **Ms. Byers made a motion, seconded by Mr. Colbath, to grant the waiver request for §130-36.A.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Hartmann made a motion, seconded by Mr. Steiner, to conditionally approve the 2-lot subdivision for Fairway Nominee Trust conditionally upon Town Engineer approval; North Conway Fire Chief approval; North Conway Water Precinct water and sewer approval; adding a note to the plan indicating that “The point of access shown off North-South Road is the only point of access off North-South Road to be shared by both lots. There is no egress permitted onto the North-South Road. Both lots shall share access and egress to Hemlock Lane”; providing easements for the shared access; recording proposed easements and adding book and page of each easement to the plan; consolidating all plan sheets in a plan set, numbering plan sheets consecutively and adding a supplemental plan list with latest revision date to plan sheet to be recorded; submitting four copies of revised plans with original stamps and signatures; submitting a Mylar for recording; submitting a \$25 check made payable to the Carroll County Registry of Deeds; submitting a performance guarantee for all on-site improvements; submitting a performance guarantee for all off-site improvements; when the conditions have been met the plans can be signed out-of-session; and this conditional approval will expire on February 10, 2022. Motion carried unanimously.

OTHER BUSINESS

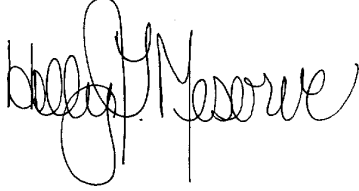
Stephen Gleason and Melissa Jameson (PID 214-87.5) – Request for Concurrent Site Plan and Subdivision Review: Mr. Steiner made a motion, seconded by Ms. Byers, to grant the request by Stephen Gleason and Melissa Jameson for a concurrent site plan and subdivision review. Motion carried unanimously.

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Memorial Hospital of North Conway (File #FR20-09) – Conditional Approval expiring (PID 215-60): The conditions were met, and the plans were signed.

Meeting adjourned at 10:22 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, looped initial "H".

Holly L. Meserve
Planning Assistant



The Destruction of Another Historical Property in the Town of Conway.

Brian Wiggin <brian1950@yahoo.com>

Wed, Feb 10, 2021 at 6:08 PM

To: "tirving@conwaynh.org" <tirving@conwaynh.org>, Brian Wiggin <brian1950@yahoo.com>, Kenneth Rancourt <janeandken@roadrunner.com>, Bob Cottrell <chinook1618@gmail.com>, Tom Eastman <tom@conwaydailysun.com>, Earl Sires <esires@conwaynh.org>, Maureen Seavey <fredandmoe8@hotmail.com>, Gary Macdonald <gmac22@gmail.com>, Ted Hounsell <tedhounsell@gmail.com>, Conway Historical Society <conwayhistory@myfairpoint.net>, David Haine <drhaine@gmail.com>, Mark Hounsell <processandcourier@gmail.com>, Judy Williams <kwasikw@roadrunner.com>, Jill Reynolds <jill@gibsoncenter.org>, Jim Arnold <jamesarnold36@myfairpoint.net>, Joseph Kenney <joseph.kenney@nh.gov>, Joe Phillips <phillips.joseph.m@gmail.com>, "Mt. Washington Valley Chamber of Commerce" <janice@mtwashingtonvalley.org>, Kathy Somerville <kdsomer@gmail.com>, Terry Leavitt <terry@conwaydailysun.com>, Truman LaFrance <trumanh@aol.com>, Len Whitmore <pumpkin76@roadrunner.com>, David Lloyd <musicalmessenger777@yahoo.com>, Raylene Newbury <rnewbury@roadrunner.com>, Phillips Joseph M -FS <josephmphilips@fs.fed.us>, Tim Goodson <tsg7950@yahoo.com>, Donna West <donnajeawest@gmail.com>, Virginia Potter <steveandginny@yahoo.com>, "p_mrrill@yahoo.com" <p_mrrill@yahoo.com>, Sally Smith <sl_smith@sau9.org>, Howard West <p51mustang@roadrunner.com>

Dear Mr. Irving:

Would you be so kind as to read the following before or during the discussion of the razing of the Centre property? It would be greatly appreciated and I thank you!

Watch out folks! The wrecking ball is at it again. This time the victim is the oldest governmental and perhaps the most important historical structure in the Town of Conway. When will this nonsense end? When will we say "enough is enough?" What structures will be next? : The White Steeple Methodist Church in Conway? The Gibson House in North Conway? The Redstone Hotel of quarry lore?

The building of concern tonight held Conway's very first town meetings long before we had a Town Hall. Before this, in 1767, the meetings were held in the home of John Webster, innholder in Chester and in 1768, at the home of Hannah Osgood in Concord; she was an innholder. The next two meetings were held in Portsmouth according to the Bible of Local History, The History of Carroll County, written by Georgia Drew Merrill, (Page 823) The first and many subsequent meetings were held at the home of Captain Joshua Heath's home. He was one of, if not the first innkeeper in Conway. Extracts from Proprietors' Records and Annals from Town Records verify this.

Topics discussed in this historic landmark included twelve pounds of lawful money to support the preaching of the gospel; to appoint a place for public worship; to build a pound between Joshua Heath's and Ebenezer Burbank's house and that "indgen corn or grain or flax or peeeas shall be excepted in the lue of cash for taxes if brought to the town treasury by the first day of Jenny next."

Our forefathers all congregated there to formulate our Town of Conway. - names we all recognize such as Eastman, Osgood ,Harriman, Page,Dolloff, Farrington, Walker and Merrill. What would they think of the destruction of the home?

It is likely too late, but is there any possibility that the LP Gas Company could build just one of their structures and renovate the historical structure such as has been successful with Dr. Smith's home at the Four Corners and with the Precinct Building by the Historical Society just out back of us? It certainly would be appreciated by so many in the Valley as The Conway Sun recently demonstrated in its teletalk question. As to the right of way question and the close proximity of the home to the road, the road could be easily moved south or to the right as there is a vacant lot where the Irish property used to stand. I am sure that the ghost who plays the piano at night would approve. Yes, there is a well-documented spirit as well in the home. Just ask old Reliable Oil employees. May there also be a spirit to initiate programs and processes to save what few buildings of historical importance remain in our dear town.

Sincerely,
Brian P. Wiggin (co-chair of Conway's 250th and Vice -President of the Historical Society)