

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 9, 2021

PAGES

- | | |
|----|---|
| 1 | Appointment of Alternate Member |
| 1 | Meeting Time Frame |
| 1 | Review and Acceptance of Minutes <ul style="list-style-type: none">• August 26, 2021 – Adopted as Written |
| 1 | Evergreens on the Saco Owners' Association/EJ Poliquin Corp./Edward J. Poliquin, Jr./Evergreens on the Saco Development Corp. (File #S21-12) – Unit Subdivision Review (PID 265-161.3) <ul style="list-style-type: none">• Conditionally Approved |
| 2 | William and Sharon Lydon (File #S21-13) – Two-Unit Subdivision Review (PID 272-30) <ul style="list-style-type: none">• Conditionally Approved |
| 3 | View Point North Conway, LLC (File #FR21-01) – Full Site Plan Review Continued (PID 202-168) <ul style="list-style-type: none">• Continued to September 23, 2021 |
| 14 | Other Business <ul style="list-style-type: none">• Sally Marr (PID 240-25) – To allow a kennel (File #NA21-02) – moved to September 23, 2021 |

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 9, 2021

A meeting of the Conway Planning Board was held on Thursday, September 9, 2021 beginning at 7:00 pm at the Conway Parks & Recreation Department, Marshall Gymnasium, at 176 Main Street, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen's Representative, Steven Porter; Secretary, Sarah Frechette; Bill Barbin; Eliza Grant; Erik Corbett; Planning Consultant, Will Haskell of Gorrill-Palmer; Town Engineer, Paul DegliAngeli; and Planning Assistant, Holly Whitelaw. Alternates Steven Hartmann and Ted Phillips were in attendance. Peter Malia, Town Counsel of Hastings Law Firm, was in attendance.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Colbath appointed Steve Hartmann as a voting member

MEETING TIME FRAME

Mr. Porter made a motion, seconded by Ms. Frechette, that the meeting would not exceed 9:00 ~~10:00~~ pm. Motion carried with Ms. Grant abstaining from voting.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Hartmann, to approve the Minutes of August 26, 2021 as written. Motion carried with Mr. Hartmann abstaining from voting.

EVERGREENS ON THE SACO OWNERS' ASSOCIATION/EJ POLIQUIN CORP./ EDWARD J. POLIQUIN, JR./EVERGREENS ON THE SACO DEVELOPMENT CORP. (FILE #S21-12) – UNIT SUBDIVISION REVIEW (PID 265-161.3)

Mark Lucy of White Mountain Survey and Engineering appeared before the Board. Ed Poliquin was in attendance. This is an application to amend an existing subdivision approval (File #S04-17) to change units 16 and 17 from a duplex to single units. Mr. Lucy gave an overview of the project.

Mr. Porter made a motion, seconded by Mr. Colbath, to accept the application of Evergreens on the Saco Owners' Association/ EJ Poliquin Corp./Edward J. Poliquin, Jr./Evergreens on the Saco Development Corp. for a unit subdivision review as complete. Motion carried unanimously.

Mr. Colbath asked for Board comment; there was none. Mr. Colbath asked for public comment; Ken Kiel of 4 Kimberly Way stated he abuts the backside of these units. Mr. Kiel stated he has been a homeowner for nearly 12 years and it has always been wooded behind him. Mr. Kiel stated he cannot believe that a duplex is going to be equal to two single family homes.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. Kiel stated there are trees between each home, so there is privacy; the trees in this area are very old trees, there are no young trees. Mr. Kiel stated there is only going to be open space and no buffer, and we will lose the serenity that we have. Mr. Kiel stated there will be two separate septic tanks; this property has been wooded and a shame to turn into something other than wooded.

Mr. Lucy stated there is no increase in the number of units proposed; the duplex is being split into individual units. Mr. Colbath asked if this would be an increase in the demand on septic and water. Mr. Lucy answered in the negative and stated it would be the same.

Daniel Ryan of 15 Adelaide Way stated he is across the street from this and one of the units is being moved closer to him which will affect his serenity; instead of looking into the woods, he will be looking into another building site. Bob DiPace stated every time Mr. Poliquin does a change it is a benefit, there are plenty of trees in there. Mr. DiPace stated some have taken it upon themselves to cut trees when they were told not to. Mr. DiPace stated this change is a great thing.

Mr. Colbath asked for Board comment; Ms. Grant asked if these lots are going to abide by the same greenspace and tree requirement as the others. Mr. Lucy answered in the affirmative and referred to the plan purpose statement on the plan.

Mr. Colbath made a motion, seconded by Mr. Hartmann, to conditionally approve the unit subdivision for Evergreens on the Saco Owners' Association/EJ Poliquin Corp./Edward J. Poliquin, Jr./Evergreens on the Saco Development Corp. conditionally upon Town Engineer approval; Conway Village Fire District water and sewer approval; adding a note to the plan "A Town of Conway driveway permit must be obtained prior to the issuance of a building permit"; 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 for the LCHIP fee; a performance guarantee for all on-site improvements; 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 December 9, 2021. Motion carried unanimously.

WILLIAM AND SHARON LYDON (FILE #S21-13) – TWO-UNIT SUBDIVISION REVIEW (PID 272-30)

Loralie Gerard of Horizons Engineering appeared before the Board. This is an application to create two residential units. Ms. Gerard reviewed the application with the Board. **Mr. Porter made a motion, seconded by Mr. Colbath, to accept the application of William and Sharon Lydon for a two-unit subdivision review as complete. Motion carried unanimously.**

Mr. Colbath asked for Board comment; there was none.

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

Mr. Colbath asked for public comment; there was none.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. Colbath made a motion, seconded by Ms. Frechette, to conditionally approve the two-unit subdivision for William and Sharon Lydon conditionally upon Town Engineer approval; Center Conway Fire Chief approval; NHDES Subdivision approval and indicate approval number on plan; NHDES Septic approval and indicate approval number on plan; revising note 9 to designate that the two units will share a new septic system; four copies of revised plans; submitting a Mylar for recording; a performance guarantee for all on-site improvements [if necessary]; a performance guarantee for all off-site improvements [if necessary]; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 9, 2021. Motion carried unanimously.

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

Josh McAllister of HEB Engineers and John Ratigan of Donahue, Tucker & Ciandella appeared before the Board. Ms. Grant stepped down at this time. Mr. Colbath appointed Ted Phillips as a voting member. This is an application to demolish the existing motel and site features and construct a 59,412 ~~105,836~~ square foot, 3-story ~~4-story~~, 98 ~~105~~-room hotel with associated infrastructure. This application was accepted as complete on February 11, 2021.

Mr. Colbath stated on February 11, 2021, Viewpoint came in for a full Site Plan Review and their application was accepted as complete by the Planning Board. Mr. Colbath stated the Planning Board also approved a motion to increase the buffer along the southern and eastern boundaries to 50 feet pursuant to §110-29.A(6) of the Conway Site Plan Review Regulations.

Mr. Colbath stated the meeting was then continued to February 25th with instruction for the applicant to submit a traffic study and amend the site plan to show the 50-foot buffer. Mr. Colbath stated on February 25, 2021, Attorney Tilsley presented a Nuisance Complaint pursuant to §110-39, and Viewpoint requested a continuance to March 25th.

Mr. Colbath stated on March 25, 2021, Viewpoint, through Mr. McAllister, described their proposal for a 105,836 SF, 4-story, 105 room hotel. Mr. Colbath stated after a lengthy discussion the Planning Board agreed to rescind without prejudice the 50-foot buffer imposed on February 11th and continue the meeting to August 26th so that the applicant could revise their plans in an effort to address the abutters' complaints. Mr. Colbath stated if the applicant was able to satisfy the Nuisance Complaint, then it could be withdrawn.

Mr. Colbath stated the applicant's revised plans show a 3-story building with 59,412 SF and 98 rooms; the ground floor restaurant has been eliminated and the rooftop lounge has been designated as "guests only." Mr. Colbath stated the revised plans have not resulted in the abutters withdrawing their Nuisance Complaint.

Mr. Colbath stated before the Planning Board considers the Nuisance Complaint, he would suggest that we first give the applicant an opportunity to explain the revised plans, and after Planning Board questions are answered and the public has been given an opportunity to comment on the revised plans, the Planning Board could then address the Nuisance Complaint.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. McAllister stated the current proposal as presented was reviewed with the abutters concerns of the original plan; concerns outlined were building height and size are disproportionately larger than surrounding buildings, the project is not compatible with the neighborhood, nor does it align with the town's Master Plan, it will cause noise and light pollution, increased levels of traffic and will negatively impact pedestrian safety, putting children in harm's way, will obstruct views and will have adverse effects on residential property values.

Mr. McAllister stated a subsequent Nuisance Complaint came in right before the last meeting; it indicated with 98 rooms, this project will bring increased levels of traffic and will negatively impact traffic safety and pedestrian safety, the scale of this project will cause undue noise and light pollution negatively impacting the abutters, that the project is not in line with neighborhood and the building height will obstruct views of neighboring properties of the Scenic Vista, and will have adverse impacts on residential property values. Mr. McAllister stated those are the complaints outlined in the two complaints the town has received.

Mr. McAllister stated the design revisions associated with traffic movements and safety volumes as well as pedestrians, HEB in conjunction with VHB Engineers conducted a traffic impact analysis on May 14th. Mr. McAllister stated this traffic impact analysis was conducted in accordance with Mr. DegliAngeli, standard of care for engineering practices, and done in accordance with the requirements of AASTO and ITE traffic engineer practices.

Mr. McAllister stated the increased traffic associated with the hotel use from the existing hotel will have minimal impact on traffic patterns on Route 16 and Intervale Crossroads. Mr. McAllister stated the findings that were presented were reviewed by NHDOT and the Town of Conway. Mr. McAllister stated HEB conducted an all-season safe stopping site survey to ensure the proposed driveway met the minimum requirements for safe stopping site distance. Mr. McAllister stated this was conducted in accordance with NHDOT protocols and reviewed and approved by engineers with the Town of Conway and NHDOT.

Mr. McAllister stated HEB met with the Town Engineer on site to review potential upgrades to Intervale Crossroads, particularly focused on pedestrian improvements, however, the geometry of Intervale Crossroads and the commercial property across the road did not allow for adequate locations for crosswalks or sidewalks. Mr. McAllister stated our driveway access remains on Route 16 and Intervale Crossroads; there are two driveway accesses that have had a traffic impact study, and been reviewed and approved by third party engineers.

Mr. McAllister stated other design revisions made were building height; there are two different measures in the Town of Conway. Mr. McAllister stated there is overall structure height which is the peak of the building as it pertains from the lowest grade; the other is the height of the building as measured to the mean gable.

Mr. McAllister stated the previous application presented 4-½ story center structure and a four-story wing structure on either side; the center structure has been reduced and each wing structure were reduced by a full story. Mr. McAllister stated as the Town of Conway ordinance calculates height, the center structure has been reduced from 54-½-feet to 51½-feet. Mr. McAllister stated the allowed structure height is 55-feet, and we are below that.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. McAllister stated the building height was reduced from 43-feet to 39-½-feet; the allowed building height in the Town of Conway is 45-feet. Mr. McAllister stated the actual building height of the wings, the wing ridge line, was reduced by 8-feet; the wing that runs parallel to Intervale Crossroads and the wing that runs parallel to Route 16, the ridge line of those, have been reduced by 8-feet total.

Mr. McAllister stated with the revisions to building height and consolidation of interior facilities, the southernmost wing of the original proposal was removed reducing the overall footprint of the property. Mr. McAllister stated that was where the ground floor guest-only restaurant was proposed and that has been removed from consideration. Mr. McAllister stated the design revision also reduces the intensity of use; with the reduction of the building the total number of rooms was reduced from 105 rooms to 98 rooms thus reducing the amount of traffic.

Mr. McAllister stated the redesign has revisions for buffering from adjacent properties, as the driveway on Intervale Crossroads has been shifted towards Route 16; with this shift the number of cars parked along the eastern property line has been reduced from 18 to 14. Mr. McAllister stated additionally included in this area is a 6-foot-high stockade fence to alleviate potential glare into the abutting back yards from the parking lot.

Mr. McAllister stated to accommodate MWV Ski Touring trail on the southern property line the driveway has been shifted to the north to provide more space than the original layout; this is to the satisfaction of the MWV Ski Touring and with this application a dedicated easement to ensure its continued use.

Mr. McAllister stated items outlined on the plan but not necessarily addressed in the changes are the restaurant and its public use; since the beginning of this project, it has been presented as a restaurant and lounge not open to the public. Mr. McAllister stated since the original presentation these features have been consolidated to the upper stories of the hotel; there is no longer a ground floor restaurant. Mr. McAllister stated the owners have developed a plan to ensure that this amenity as well as other amenities are for guest use only. Mr. McAllister read a letter from Paritosh Patel of View Point North Conway, LLC signed 8/26/21 [in file].

Mr. McAllister stated alignment with the Master Plan is a concern outlined in the nuisance complaint; the Master Plan is a guidance document and not a document governing design criteria for site plan review. Mr. McAllister stated in regard to noise pollution, the Town of Conway has a new noise ordinance that this property just like every other property will be subject to adhering to and is not specifically regulated by this Planning Board.

Mr. McAllister stated in regard to light pollution, this project is designed in accordance with the site plan requirements of 0.0 foot candle light shed at all property lines. Mr. McAllister stated in regard to adverse impact to property values, while the design criteria does not address nor is it in the Planning Board purview, it can be hard to determine the impact revising a property from a dilapidated motel to a high-end hotel; this is not in the purview of this Board.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. McAllister stated the design revisions were all made to accommodate the concerns both outlined at the meetings and outlined in both of the nuisance complaints. Mr. McAllister stated we have accommodated as best we can with abutter concerns without any design criteria to work with, we were asked to make it closer to the abutter's concerns; we have done that.

Mr. Colbath asked for Board comment; Mr. Corbett stated the parking spaces are accessed with a room card and asked if that means a gate. Mr. McAllister stated the entire parking lot for the hotel will be valet parking. Mr. Hartmann asked if the restaurant is run by an outside company or the hotel. Mr. McAllister stated the hotel will be staffing the restaurant; it is an internal restaurant that will be branded to the hotel. Mr. Colbath asked if the buffer on the east and south side are still at the minimum of 10-feet. Mr. McAllister answered in the affirmative and stated all buffers meet the Town requirement.

Mr. Colbath asked for public comment; Roy Tilsley of Berstein Shur stated he is here on behalf of Michael Grant, a neighbor to the project, who submitted the nuisance application. Mr. Tilsley stated he submitted a letter [in file] earlier this week to the Board detailing a number of areas where they feel the plan is deficient in meeting the Town's regulations. Mr. Tilsley stated the Town regulations for parking for a hotel require 1.1 parking spaces per room, for a restaurant 1 parking space per every 3 seats, and for a lounge 1 parking space per every 2 seats. Mr. Tilsley stated the applicant has only provided parking for the hotel use only of 98 rooms.

Mr. Tilsley stated the applicant has not provided parking spaces for the restaurant or the lounge use. Mr. Tilsley stated 1.1 parking spaces in Conway is basically one space per each room, as no one is taking an Uber, a Taxi or public transportation from the Airport. Mr. Tilsley stated one employee for every 10 rooms; when that hotel is full there will be about 98 guest cars and 10 employee cars. Mr. Tilsley stated those ten employees are filling the basic hotel function. Mr. Tilsley stated in addition this hotel is going to have a restaurant and a lounge, and we have no idea how big the restaurant and lounge is; that has not been disclosed.

Mr. Tilsley stated he does not believe it is a breakfast nook like the Hampton Inn; looking at the plans it looks like a pretty significant space. Mr. Tilsley stated he does not know the square footage, and none of us can calculate how much parking would be required for that restaurant and lounge. Mr. Tilsley stated he is skeptical of the ability of the hotel to truly operate the restaurant and lounge in a way that is limited to hotel guests only. Mr. Tilsley stated this is not going to be easy for the Town to enforce.

Mr. Tilsley stated assuming they can pull it off and there are no outside guests, that restaurant and lounge is going to have employees. Mr. Tilsley stated it is going to have cooks, waiters, hosts, management, bartenders, bus staff, dishwashers; those employees are not included for the 10 employees under the Town's 1.1 parking calculation. Mr. Tilsley stated this applicant should disclose the square footage of the restaurant and lounge, they should do a parking calculation as to what the requirements are, and perhaps if they think their private nature of the restaurant justifies a waiver from some of those requirements, they can seek a waiver if necessary.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. Tilsley stated for them to indicate that they only need 108 parking spaces and they have no spaces for restaurant employees to park is just not consistent with the Town's ordinance; it does not meet the regulations as there will be no places for people to park, and unless this application is modified to disclose the restaurant area and spaces and the parking calculation included or waived, this application should be denied. Mr. Tilsley stated the main issue on compliance is the parking issue; we all need to know what this restaurant and lounge consists of and there needs to be some parking provided for it.

Mr. McAllister stated the restaurant is an amenity to the guests. Mr. McAllister stated he has other projects that he has presented to this Board with amenities for guests that are only for guest use, that are not parked. Mr. McAllister stated the people in the building are accounted for under the parking calculation that the Town of Conway puts in their regulations. Mr. McAllister stated this is similar to a pool or an arcade; we are presenting this lounge/restaurant as an amenity for the guests that are there, and this Board has not required us to park amenities to guests on site previously.

Mr. McAllister stated as for the square footage and seats, he does not have that off hand; we also don't have the square footage of the rooms done. Mr. McAllister stated the first step is to obtain land use approvals in hand before starting to spend significant money on the architectural designs. Mr. McAllister stated there is not going to be more than 98 seats; this is an interior design issue that is not usually the purview of the Board.

Mr. Colbath stated comparing a restaurant to a pool is a little unbalanced. Mr. McAllister stated it is a conversation regarding amenities. Mr. Colbath asked if it is a full-sized commercial kitchen. Mr. McAllister stated it will have a commercial kitchen, it will serve food. Mr. Colbath stated that will require a lot more staff than a pool. Mr. McAllister stated it is an amenity and the Town of Conway does not account for additional staff in their calculation. Mr. McAllister asked for some design guidance, which he asked for at the March 25th meeting but did not get any. Mr. McAllister stated we are designing to the Town of Conway regulations and in a way that every other application that has come before this Board. Mr. McAllister stated we ask that we be treated just like this Board has every other application.

Mr. Porter stated the restaurant seems to be a concern, and is a concern for him. Mr. Porter stated there is no guarantee down the road that the restaurant does not become open to the public, which creates a problem. Mr. Porter stated the Red Jacket has done it, they were guests only and then opened to the public; granted they had enough parking. Mr. Porter stated this particular site does not have that option. Mr. Porter stated he expressed concern with the restaurant at this facility and he still has that concern.

Mr. Ratigan stated the concern can be creatively addressed through a condition of approval, and if there is a violation of a condition of approval the Town has the authority to address that immediately. Mr. McAllister stated there is a note on the plan that the restaurant is not open to public use; should it be considered for public use, additional site plan review would be required. Mr. McAllister stated there is not enough parking for the restaurant to be open that is by design; this is not the same as the Red Jacket where they had the capacity.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. McAllister stated if they try to open this restaurant to the public there will be major issues with the hotel guests that is why it is not open to the public. Mr. McAllister stated the View Point project is not the Red Jacket project; it is not the same developers and do not operate the same way. Mr. McAllister stated this project right now is a restaurant for guest use only; they have provided a letter on how they are going to mandate that. Mr. McAllister stated they would not be able to accommodate their own hotel guests if they try to open the restaurant to the public.

Mr. Porter stated when operating a kitchen parking for staff needs to be provided; there is barely enough for parking for the guests. Mr. Porter stated he is skeptical to think that ten people are going to manage this 98-room hotel. Mr. McAllister asked how many parking spaces beyond the ones that are required for a hotel plus amenities the Board would like to see for a project like this. Mr. Porter stated take the hotel at the former Fandangle's site; how many people are they planning to park and they plan to have a restaurant open to the public. Mr. McAllister stated this restaurant is not open to the public.

Mr. Colbath stated part of the problem is not knowing the size or the scale of the restaurant; that would greatly determine the number of staff the restaurant would need and how many additional spots needed. Mr. Colbath stated he feels he is really taking advantage of a grey area calling the restaurant an amenity. Mr. Colbath stated you don't pay for a pool when you go to a hotel, but you pay for dinner when you go to this restaurant. Mr. McAllister stated it is an amenity provided for the guests only. Mr. McAllister stated he is hearing that the concern is not parking for the restaurant it's parking for the staff members of the restaurant.

Mr. Colbath agreed and stated if there are not going to be enough spaces in this lot, where is the staff going to park. Mr. Colbath stated the next closest spot is the public parking across the street, and if they are parking across the street how are they getting across Route 16. Mr. Colbath stated part of site plan review under purpose is to provide public safety; there are no sidewalks or crosswalks here.

Mr. McAllister stated his clients were willing to upgrade Intervale Crossroads, but with conversations with both the Town of Conway's engineer and the NHDOT access engineers because there is not safe landing locations that are Town owned or NHDOT owned, which would be sidewalks on both roads with a crosswalk location that can land in both places that are ADA compliant, both on Route 16 and Intervale Crossroads, that the liability of those unsafe landing zones goes to the owners of the right-of-way.

Mr. McAllister stated he and Mr. DegliAngeli reviewed possible location for sidewalks on Intervale Crossroads extending past this property's driveway and a crosswalk location over to Cannell's Country Store; because of the layout of Cannell's Country Store Plaza and the parking that exists on the other side, there is not enough right-of-way or locations to provide safe town owned infrastructure to allow for the crossing of pedestrians to those locations.

Mr. DegliAngeli stated that is accurate; we could not permit the layout of the Plaza today. Mr. DegliAngeli stated the applicant's frontage is basically all open to the Plaza; there is driveway and parking, and parking essentially comes right of the street. Mr. DegliAngeli stated without cooperation from that property to reconfigure and lose parking spaces there is no place to put sidewalks there; without sidewalks we cannot meet the standards for a crosswalk.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. Colbath asked about crossing Route 16. Mr. DegliAngeli stated Route 16 is different as there is some curbing and defined entrances, but the State was not keen on that because it is a mid-block crosswalk; there is no signalized intersection, there is a curve and people are traveling in excess of the posted speed limit so they did not look favorably upon that idea. Mr. DegliAngeli stated they also did not look favorably on that idea when they renovated the Scenic Vista; it was discussed then.

Mr. Hartmann stated there is no way to put public access crosswalks, but did anyone approach Cannell's if they would be willing to give up land to put access in. Mr. McAllister answered in the negative.

Mr. McAllister stated the restaurant is 1,600 square feet with 92 seats, and the lounge that overlooks the Scenic Vista has 20 bar stools. Mr. Colbath asked if it will be serving breakfast, lunch and dinner. Mr. McAllister stated it is a full-service restaurant. Mr. Colbath asked if the traffic study was based on a hotel. Mr. McAllister stated the traffic analysis was for a 115-room hotel. Mr. Colbath stated it did not take into consideration the restaurant. Mr. McAllister stated there is no traffic generated by the restaurant as the restaurant is for hotel guests only.

Mr. Colbath asked if it would change the peak use of the driveway based on someone might be eating early and then going out on the Town. Mr. McAllister answered in the negative and stated it is looked at as a hotel with amenities including restaurants. Mr. Colbath stated it doesn't change the number of trips. Mr. McAllister stated if it is not open to the public, it does not.

Mr. Colbath asked for further public comment; Steve Gallace asked for an example of how high this building is going to be. Mr. McAllister stated most of the hotels in Conway are creeping up on the building height that is the height you are looking at.

Jennifer Grise, a Nurse Practitioner, stated for the healthcare community here we have grave concern with not only the public safely crossing Route 16, but also for employees who find it increasingly difficult to find affordable housing here and working at this hotel. Ms. Grise stated we want to ensure there is adequate parking. Ms. Grise stated we want our visitors to be safe; we would hate to see another catastrophe on Route 16 that we have seen so many times with high-speed traffic.

Janice Spinney stated she has mixed emotions as Valley Independent Pharmacy could benefit from the traffic of such a huge hotel, on the other hand she is a 30-year resident of 16A and Lower Bartlett community. Ms. Spinney stated she chose this spot for a pharmacy because it was away from the retail jungle; it was in the neighborhood. Ms. Spinney stated on the Friday before, she counted over 50 people recreating between 9 and noon; Intervale is a favorite area for exercising, every season of the year. Ms. Spinney stated that is not a small amount of people in that amount of time.

Ms. Spinney stated the villages of Kearsarge and Intervale are quaint; they have absorbed small and medium commercial businesses into the fabric and the makeup of the neighborhoods. Ms. Spinney stated there are no large hotel developments even remotely as large as the one in the mixed commercial residential zone in this area of Conway.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Ms. Spinney stated this project is obtrusive to the neighborhoods of Intervale and Kearsarge that it will change the community and negatively impact the nature and peace of our community. Ms. Spinney stated currently there is a balance with neighbors and businesses.

Ms. Spinney stated for most of the year during peak summer, as in all communities, we deal with increased traffic loads. Ms. Spinney stated residents of this community know how hard it is to take a left-hand turn onto Route 16/302 from any of the three intersections including Intervale Crossroads, Hurricane Mountain Road and Route 16A. Ms. Spinney stated this hotel will cause excessive load and she does not understand how this hotel did not cause traffic impacts.

Ms. Spinney stated her side of Cannell's parking has parallel parking on Intervale Crossroads and no sidewalks; it is already a dangerous place to walk and pull-out into the road. Ms. Spinney stated this particular intersection will be significantly impacted; a traffic light or a roundabout would take away from the natural aesthetic of the beautiful overlook. Ms. Spinney stated the hotel will change the character of our neighborhood that will forever be lost like the ancient tree that will not survive the bulldozers.

Ms. Spinney stated there was a grand hotel there once, but it was appropriate for the time of ski trains and the early automobile outings of the day; but, does the Valley really need 90 more rooms. Ms. Spinney stated her other objection to this development and permitting is why Planning Boards of the towns of the Mount Washington Valley continue to approve hotels, motels and vacation home developments or rooms for vacations while perpetrating urban sprawl and barely addressing workforce housing.

Ms. Spinney stated we don't have housing for working class workforce families; there is no transitional housing for the ever-growing homeless populations in our community, or the home insecure of our Valley. Ms. Spinney stated each time corporate development is approved for vacationers it is hard for us to swallow for those of us who are dealing with families without appropriate housing. Ms. Spinney asked is this or any other out-of-state developer going to help with this issue, and how does approving this hotel help the situation with the people who already live here.

Ms. Spinney stated Valley voters must stand up and compel our Towns to place a moratorium on further hotel/motel development until the housing situation for local community families is solved; workforce housing must be a priority. Ms. Spinney stated there is a staffing crisis; who is going to staff this luxury hotel. Ms. Spinney stated maybe these hotels could do some workforce housing. Ms. Spinney stated the symbol of this argument has become a beautiful oak tree, a grand tree of life that represents our families, our way of life and our need to survive, healthy and happy. Ms. Spinney stated the needs of many need to outweigh the need of one, a developer who bought access to our million-dollar view.

Brian Eldridge, resident of Intervale on Dinsmore Road, stated they have discovered as part of their research that there are two intersections in the town rated D/F that do not have any mitigation measures in place; one is East Conway/Route 302 the other is Intervale Crossroad/Route 16. Mr. Eldridge stated the first of those two is slighted for a major reconstruction to address the very legitimate safety concerns. Mr. Eldridge stated second, by contrast, is headed for a major redevelopment of an immediately adjacent lot that is going to generate traffic.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. Eldridge stated the question is why does one intersection rated D/F receive one treatment, the safety concerns there are being addressed when the other they just made worse. Mr. Eldridge stated if this development is approved it will only open the door for further development in Intervale only making it a worse situation.

Mr. Eldridge stated the lot size of the Red Jacket is 23.76 acres as opposed to 3.6 acres. Mr. Eldridge stated they don't have any plan in place should the restaurant change and become open to the public. Mr. Eldridge stated the Red Jacket on the other hand has acres upon acres to expand its parking to accommodate a change in the restaurant; the Red Jacket does not provide precedent for treating the restaurant as an amenity.

Mr. Eldridge stated in regard to the 400-foot safe site distance, a few of them went out onto the site to the proposed driveway and looked south; he was skeptical that it would meet the 400-foot safe site distance requirement, but he believes it does. Mr. Eldridge stated, but there is a huge caveat to that, he does not think it will be there in the winter because you are looking around a bend with snow piled up. Mr. Eldridge stated the bend is out into the road, so someone looking south from that driveway trying to make a left- or right-hand turn onto Route 16 is going to be looking around that bend with the snow piled up.

Mr. Eldridge stated there is no evidence in the traffic study that supports their claim that there is all-weather safe site distance available; there is one in the summer, but not in the winter. Mr. Eldridge stated it is hard for him to believe that it rises to the level that it ought to meet to satisfy safety requirements.

Mr. McAllister stated the intersection at East Conway Road/Eastman Road are both state owned, and he cannot speak upon why the State has focused on that intersection versus the Intervale Crossroads/Route 16 intersection. Mr. DegliAngeli stated we are focusing on the East Conway Road/Eastman Road intersection because of the accident history.

Mr. McAllister stated the Red Jacket had space to increase the parking, we do not. Mr. McAllister stated they discussed with NHDOT the requirements for conducting an all-season safe site stopping distance study; we met the safe site stopping distance. Mr. McAllister stated the State accounts for the location of where the driveway is, the height of the vehicle when it pulls out of the driveway, and the height of the vehicles they are looking for when they are pulling out of the driveway. Mr. McAllister stated they submitted that study to NHDOT and they agreed with the findings; we meet the all-season safe site stopping distance.

Frank Masciulli submitted and reviewed a handout [in file] with the Board. Mr. DegliAngeli stated no one is disputing the volume of the intersection, what the Town has followed for all these years is does the development have an impact and the peak times for the development don't coincide with the peak times for the traffic at the intersection. Mr. DegliAngeli stated his job is to see if they are using accurate numbers, to see whether they are following ITE, to see if they are using the correct seasonal adjustments which vary around the State.

Mr. DegliAngeli stated we have our own traffic counters in addition to the stations that the State uses. Mr. DegliAngeli stated we found that their study conformed to all the usual and standard practices, conformed to ITE requirements and conformed to NHDOT requirements.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Mr. DegliAngeli stated if the Board, after public comment, is persuaded we could always go out to a third-party reviewer; the Town usually reserves that for when we do find irregularities or we do feel they didn't follow the standards. Mr. DegliAngeli stated in this case we did not call for a third-party review because it looked complete and accurate to us and the NHDOT.

Jeffrey Shutak stated he wants to tell a story of a tree, a lone grand maple that has stood watch over the Intervale community for well over 150 years. Mr. Shutak stated a tree that has witnessed Native Americans, farmers, horseback riders, carriages going to the White Mountains. Mr. Shutak stated a tree that has witnessed our fighting men and women leaving to fight in two world wars and numerous conflicts around the world. Mr. Shutak stated the tree witnessed the return of Chief Joseph Laurent in 1884 when he started a trading post and seasonal camp at a sacred site in the Intervale.

Mr. Shutak stated the large wooden hotel burnt to the ground in the 1920's yet the tree survived that fire as well as record snow and ice storms and below zero temperatures. Mr. Shutak stated now that tree is facing its greatest obstacle, an enemy that seeks to destroy what has taken nature over 150 years to create; that enemy is man-kind. Mr. Shutak stated if this hotel is built this tree with be no more.

Mr. Shutak stated he listened to over 400 passerby's who asked what can be done to save the tree; regrettably, there is nothing the people in the valley can do to save this tree. Mr. Shutak stated there is only one group who can save this tree for future generations, the men and women in front of him have the power to save it; he urges, begs, the Board to spare this tree. Mr. Shutak read §110-2 and stated let's show them that we are willing to take a principal stand, one that this Board has the legal and moral authority to take to preserve the character of our community.

Tony Simone stated he has been in the Valley for over 50 years; he was a small developer and when he first came to the Valley a wise man said to him know your neighbors, they will make you successful or they will make your life miserable. Mr. Simone stated the owner needs to know his neighbors; the people here tonight are his neighbors. Mr. Simone stated this is a lousy project.

A women who did not give her name read a poem regarding the tree. Nancy Goyette, an abutter to the property, stated we are not pleased with the 10-foot buffer; as far as we can tell there was no effort to make that buffer larger, and we want the 50-foot buffer back. Ms. Goyette stated we want an attractive divider between the properties; one similar that exists between us and the post office on the other side of the complex. Ms. Goyette stated we asked for a fence because we wanted to prevent hotel users from crossing into our properties, and for sound and light dampening mitigation.

Ms. Goyette stated instead what we got was a six-foot stockade fence, and the site plan calls for the snow to be plowed up against the fence. Ms. Goyette stated the landscape is on the hotel side, so we don't get any of the benefit of the landscaping; this is not a satisfactory solution. Ms. Goyette stated we asked that the hotel be keeping with the neighborhood, with that we meant keeping within the size of the neighborhood, this neighborhood does not have that tall of a building. Ms. Goyette stated 40-feet would be the maximum; we think are condominiums are about 30-feet high.

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

Ms. Goyette stated she is appalled that the Board is considering approving a project that dumps all the additional pedestrian and automobile usage onto Intervale Crossroads when it has been said several times that Intervale Crossroads cannot be fixed. Ms. Goyette stated we need safe access to our homes, dumping more on that intersection does not accomplish that.

Ms. Goyette stated if approved this would be the only hotel on the intersection of Route 16 and a major residential road; that deserves special consideration. Ms. Goyette stated there are six places where one can currently make a left-turn on Intervale Crossroads between the new driveway, our driveways and the driveways that exist at Cannell's and that does not include the seven spaces that back directly out onto Intervale Crossroads.

Ms. Goyette stated to essentially put all that additional usage on top of that is mind boggling to her and ask the Planning Board to find a way to solve this problem. Ms. Goyette stated they would like an aesthetic buffer that is aesthetic to the people on the hotel side as well as our side; we are not interested in a stockade fence with snow piled on top of it.

Stephanie Madden, an abutter, stated the cross-country trail is a valuable amenity; she has a season pass to this network. Ms. Madden stated she enjoys accessing this network from her back door and watching the steady stream of users from her kitchen window. Ms. Madden stated the current plans for the View Point project shows a section of the trail being used for snow storage; this will likely result in a change of using and grooming the trail. Ms. Madden stated to clear piles of snow and groom the trail a larger groomer, which there is only one, will need to be used; this can be time consuming as well as increasing the wear and tear on the groomer.

Ms. Madden stated the resulting salt and sand from the parking lot snow will now be groomed into the trail and could cause damage to the equipment, and if the pile becomes too large and too difficult to clear the trail network will be disrupted. Ms. Madden stated this will greatly affect a Valley amenity and have a negative impact on the Chocolate Festival which is the largest fundraiser for the MWV Ski Touring and Snowshoe Foundation.

Ms. Madden stated her request is that the Planning Board carefully review View Point's plans and consider its impact on the Valley amenities; people travel to Mount Washington Valley to see the mountains and experience outdoor recreation. Ms. Madden stated she humbly hopes this piece of our valley recreation is not suffered to the hands of overdevelopment. Mr. McAllister stated snow storage is not proposed in the easement area.

Courtney Wrigley of Neighbor's Row stated this is a harmonious mixed commercial residential neighborhood; her and her young family are the ones in the strollers going to the ice cream place. Ms. Wrigley stated she has watched as families trying to across Route 16 where one side of traffic stops and the other side does not. Ms. Wrigley stated this is a crazy place to consider just saying we have done the study and we are just going to move ahead. Ms. Wrigley asked that the Board to consider asking NHDOT to take a closer look at the safety and impact for our neighborhood.

Ms. Wrigley stated the Planning Board's regulations really do sit to promote the harmonious and aesthetic pleasing development of the Town to ensure harmony of these neighborhoods and to protect the natural beauty of the Town while enhancing the quality of life for its residences. Ms. Wrigley stated we are not saying no, we are saying can you mitigate this project to fit in

**Adopted: September 23, 2021 – As Amended
CONWAY PLANNING BOARD – SEPTEMBER 9, 2021**

aesthetically harmoniously with that commercial and residential area that actually works for our neighborhood; there is a solution and the proposal on the table right now is not it.

Ms. Wrigley stated if the 50-foot buffer needs to be reinstated the Board graciously gave them to redesign and bring down the height, then she asks the Board to re-impose that 50-foot buffer. Ms. Wrigley stated she asks that the Board ask for that special review from NHDOT as well. Ms. Wrigley stated going from the 55- to 51-foot height is not a redesign that really listened to the fit of the neighbors.

Ms. Wrigley stated there are landowners' rights, we understand this; this is going to be the biggest hotel, the biggest building in our neighborhood, but there are ways and powers for the Planning Board to listen to the Town's people to stand up to it, to move slowly, carefully, cautiously, and not just push this through because they are ready to have development this fall. Ms. Wrigley stated this is the future of the Intervale neighborhood, the future of Conway in this area, and of the Mount Washington Valley.

Mr. Shutak stated §110-2 says to protect and preserve significant natural and man-made features, including large trees; this is 100-foot high, if that is not a large tree then he doesn't know what is. Mr. Ratigan stated private property owners own their trees, and the only exception to that is if it is a scenic road and there are regulations for establishing that; none of the adjacent roads to this project are scenic roads. Mr. Ratigan stated what they are urging the Board to do to protect this tree is basically taking away his client's property rights, which violates the federal constitution and the state constitution and is inverse condemnation.

Mr. Porter made a motion, seconded by Mr. Barbin, to continue the public hearing for Viewpoint North Conway, LLC until September 23, 2021 at 6:00 pm at the Marshall Gymnasium. Motion carried unanimously.

OTHER BUSINESS

Sally Marr (PID 240-25) – To allow a kennel (File #NA21-02): This was moved to the September 23, 2021 Planning Board meeting.

Meeting adjourned at 9:17 pm.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant