

CONWAY PLANNING BOARD

MINUTES

JULY 11, 2002

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CONWAY PLANNING BOARD

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A meeting of the Conway Planning Board was held on Thursday, July 11, 2002 beginning at 7:04 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Vice Chair, Robert Drinkhall; Secretary, Conrad Briggs; Brian Glynn; Martha Tobin; David Robinson; Alternate, Cesare Macchionni; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Glynn made a motion, seconded by Mr. Robinson, to approve the Minutes of June 27, 2002 as written. Motion unanimously carried.

Ms. Duane and Mr. O'Brien joined the meeting at this time.

**FRAM REAL ESTATE – FULL SITE PLAN REVIEW CONTINUED (PID 235-33)
FILE #FR02-06**

Stephen LaFrance of Provan and Lauber appeared before the Board. Mr. Irving stated that there has been a significant reduction of trees; 139 to 47. Mr. Irving stated that Paul DegliAngeli, Town Engineer, is satisfied with the plans. Mr. Irving stated that the only outstanding items are if the board is satisfied with the landscaping changes and the waiver for underground utilities.

Ms. Duane suggested discussing landscaping. Mr. LaFrance stated that the Board determined at the last meeting that the number of required trees was excessive. Mr. Irving stated that the traffic islands have been removed and any trees that would have softened the parking lot have also been removed. Ms. Duane stated that it was not the Board's intention to have the landscaped islands removed.

Mr. LaFrance stated that it is two separate issues in regard to the islands and the landscaping in the islands. Ms. Duane stated that the Board was in favor of not requiring islands parallel to Route 16, but the Board wanted to keep the islands and the end of the aisles.

Mr. Briggs stated that he does not think the proposed ash trees will survive at this elevation. Mr. Briggs stated that he thinks a landscaper needs to do the landscaping plan. Ms. Duane stated that they wanted to protect the mountain views and a landscape architect to make sure it flowed because this is a high, visible site. Mr. LaFrance stated that there are ornamental trees being proposed and the applicant didn't see any regulations that required a landscape architect to provide the landscaping plan.

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Ms. Duane stated that the ordinance requires a substantial amount of trees, which the Board is looking to reduce. Ms. Duane stated that it would have been an advantage for both to have a landscape architect to do the landscaping plan. Mr. LaFrance stated that he has been instructed by their client not to hire a landscape architect. After a brief discussion, it was determined that it is not who does it, but how it is done.

Ms. Duane stated that there is a concern regarding the ash trees. It was determined that the ash trees would be changed to paper birch trees. Mr. Irving stated that the applicant needs to make sure the birch tree is salt tolerant.

Ms. Duane stated suggested discussing the islands. Mr. LaFrance stated that the removal of the islands facilitates snow removal. Ms. Duane polled the Board regarding the reduction of the islands: Mr. O'Brien stated that it looked good; Mr. Briggs stated that he would like to see them back on the plans; Mr. Glynn stated that the islands will help traffic flow; Mr. Robinson stated that the ones close to Echo Acres are too large; Mr. Macchionni stated that they need to be on the plans as it helps to control the traffic; Mr. Drinkhall stated that the islands are needed; and Ms. Duane stated that the islands are needed. Mr. LaFrance stated then they are back to the original proposal for the islands. Mr. Irving stated that the trees proposed for the original islands need to also be placed back on the plans.

Mr. Robinson asked if the proposed connecting drive is paved. Mr. Irving stated that some of it is existing pavement that will remain, but it won't be paved for approximately 25 feet. Mr. Robinson asked what is the intention for the railroad field road. Mr. Irving stated that he is not sure what the railroad would use that road for, but it would be up to the railroad owner to negotiate with the landowner.

Ms. Duane stated on page 9 of 14 the internally lit signs need to be removed from the architectural drawings. Mr. Irving stated that the electric to the rear utility buildings needs to be underground. Ms. Duane asked on page 9 of 14 what is POP that is located in one of the windows. Mr. LaFrance stated that he did not know, but he would check. Mr. Irving stated that this approval does not approve any signage.

Ms. Duane suggested looking at the architectural elevations for the existing buildings. Mr. LaFrance stated that the drawings are conceptual. Mr. Irving stated that any changes to the architectural drawings might be done under a field change if they are minor in nature, but they may have to come to the Board if the field change is not minor. Mr. Irving stated if the changes to the architectural drawings take them out of compliance another application would be necessary. Mr. Irving stated that the applicant has formally waived the 65-day deadline.

Ms. Duane read the requirements to grant a waiver. Ms. Duane read the waiver request for Article 123-20.C. **Mr. Briggs made a motion, seconded by Mr. Glynn, to grant the waiver request for Article 123-20.C.** Mr. Irving stated that the ordinance only allows one driveway and the applicant is requesting two driveways. Mr. Irving stated

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that staff has no issue with the waiver request. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-22.D. Mr. Irving stated that there should be a condition that this waiver is granted with the islands as proposed on June 13, 2002 be replaced. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waiver request for Article 123-22.D. with the condition that the islands as proposed on June 13, 2002 be replaced on the plans. Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 123-27 and 131-67.C.8.a. Mr. Irving stated that Mr. DegliAngeli is okay with the waiver request. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to grant the waiver request for Articles 123-27 and 131-67.C.8.a. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-29.D.7. Ms. Duane asked if by granting this waiver if they will still be required to retain the islands and the trees. Mr. Irving answered in the affirmative. **Ms. Tobin made a motion, seconded by Mr. Glynn, to approve the waiver request for Article 123-29.D.7. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-29.D.8. **Mr. Glynn made a motion, seconded by Ms. Tobin, to grant the waiver for Article 123-29.D.8. Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-30.A.3. Mr. Irving asked if this is specific to the Dunkin Donuts building. Mr. LaFrance answered in the affirmative. **Mr. Robinson made a motion, seconded by Mr. Glynn, to grant the waiver request for Article 123-29.D.8. Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 123-30 & 123-31. Mr. Irving stated that he would recommend putting estimated location and then if changed it would be an acceptable field change. Mr. LaFrance stated that this is for the Phase II and Phase III buildings. Ms. Duane agreed. **Mr. LaFrance withdrew the waiver request for Articles 123-30 and 123-31.**

Ms. Duane read a waiver for Chapter 131, Section 10, Table 2. Mr. Irving stated that staff concurs and Mr. DegliAngeli supports the waiver. **Ms. Tobin made a motion, seconded by Mr. Glynn, to grant the waiver for Chapter 131, Section 10, Table 2. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-29.D.1. Mr. Irving suggested postponing until the Board has a chance to see a revised plan. Mr. LaFrance stated that they are changing the ash trees to paper birches; putting the trees back in the islands; and along the west side of the property add red maples.

Ms. Duane read a waiver request for Article 123-22.D. Ms. Duane stated that this is for the complete removal of all islands. Ms. Duane asked if the applicant wanted to withdraw this waiver request. Mr. LaFrance asked that the Board vote on the waiver request. **Mr. Glynn made a motion, seconded by Ms. Tobin, to grant the waiver**

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request for Article 123-22.D. Motion defeated with Ms. Duane, Mr. Drinkhall, Mr. Briggs, Mr. Glynn, Ms. Tobin and Mr. Robinson voting in the negative.

Mr. Briggs made a motion, seconded by Ms. Tobin, to continue the application for Fram Real Estate until August 22, 2002. Motion unanimously carried.

RIVER RUN CO. – MINOR SITE PLAN REVIEW (PID 218-39) FILE #MR02-02

Joe Berry, owner, and Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Ms. Duane asked if the application was complete. Mr. Irving answered in the affirmative. **Mr. Briggs made a motion, seconded by Ms. Tobin, to accept the application of the River Run Co. for a minor site plan review as complete. Motion unanimously carried.**

Mr. Allen explained the application. Mr. Irving stated that the eastern property line needs to be resolved. Mr. Irving stated that the property line and the easement line for the driveway might be backwards. Mr. Allen stated that he agrees that the lines need to be switched. Ms. Duane asked why not make all three properties one lot of record. Mr. Berry stated that it would be difficult to sell one. Mr. Irving stated that they would not be able to subdivide the properties again.

Ms. Duane asked if there were any questions. Mr. Glynn asked about the parking. Mr. Irving stated that the applicant is requesting a waiver for the parking standards. Mr. Irving stated that he did ask the applicant to look at reconfiguring the parking lots, but they were not confident in changing it. Mr. Irving stated that they should move the handicap parking space so the access aisle is not in the driveway.

Mr. Irving reviewed documents submitted by Mr. Allen and stated that the cross-easement for the driveway is resolved. Ms. Duane read a waiver request for Article 123-6.A. for greenspace. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to grant the waiver request for Article 123-6.A. for greenspace. Motion unanimously carried.**

Ms. Duane read a waiver request for Articles 123-6.A. contours, soil types and building elevations; 123-20.F.; 123-20.I.; 123-21.A.; 123-27.; 123-28; 123-29.A.2.; 123-29.A.3.; 123-29.B.1.; and 123-20.A.3. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles 123-6.A. contours, soil types and building elevations; 123-20.F.; 123-20.I.; 123-21.A.; 123-27.; 123-28; 123-29.A.2.; 123-29.A.3.; 123-29.B.1.; and 123-20.A.3.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

Mr. Briggs made a motion, seconded by Ms. Tobin, to conditionally approve the minor site plan review for the River Run Co. conditionally upon amending the eastern property line; move and re-label handicap parking space and access aisle; a performance guarantee for 50% of all site improvements and 100% of all landscaping; when the conditions have been met, the plans can be signed out-of-

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session; and this conditional approval will expire on August 22, 2002. Motion unanimously carried.

**TOM & C REALTY, LLC – FULL SITE PLAN REVIEW (PID 243-24 & 244-7)
FILE #FR02-02**

Curt Burke, owner, and Doug Burnell and David Frothingham of H.E. Bergeron Civil Engineers appeared before the Board. Ms. Duane asked if the application was complete. Mr. Irving answered in the affirmative. **Ms. Tobin made a motion, seconded by Mr. Briggs, to accept the application of Tom & C Realty, LLC for a Full Site Plan review as complete. Motion unanimously carried.**

Mr. Burnell explained the application. Ms. Duane stated that the note regarding storage trailers that was approved on the previous plan should be put on this plan. Ms. Tobin asked if they are allowed to have residential housing. Mr. Irving stated that the Industrial-2 district allows for a caretaker's quarters. Mr. Irving stated that he has no issues with this application.

Mr. Frothingham stated that the lighting plan is being amended to change the delay lights to standard floodlights and to add two lights at the end of the units in Phases V and VI. Mr. Frothingham stated that they removed the proposed ash tree from the plans because there is an existing 26" pine already there.

Ms. Duane read waiver requests for Articles 123-20.G.; 123-20.I.; 123-29.D.8; 123-31; and 131-32. **Mr. Briggs made a motion, seconded by Ms. Tobin, to grant the waiver requests for Articles 123-20.G.; 123-20.I.; 123-29.D.8; 123-31; and 131-32.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Mr. Glynn, to conditionally approve the full site plan for Tom & C Realty, LLC conditionally upon merging lots 243-24 and 244-7 to be one lot of record; amending the lighting plan as follows: change delay lights to standard flood lights and add two lights at the end of the units in Phases V and VI; remove proposed ash street tree; indicate that the electric between buildings will be underground; add a note to the plans regarding staging yard to remain until completion of project; a performance guarantee for 50% of all site improvements and 100% of all landscaping; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on July 11, 2005. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

OTHER BUSINESS

St. Johnsbury Realty Trust/Willow Place (PID 235-40): Nick Castel appeared before the Board and explained a proposed project for mixed-use of residential/retail/restaurant project at the Willow Place Mall.

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Conway Village Fire District Park: Mr. Irving stated that they are developing a park in Conway Village and have asked to be on the agenda to present the project in accordance with RSA 674:54. The Board agreed to meet with the CVFD on August 8, 2002.

Scenic Vista: The Board asked when the State was going to return with revised plans for the Scenic Vista project. Mr. Irving indicated that he would contact the State and determine when they would be back before the Board.

Housing Committee: Ms. Duane stated that the committee is at a point that they have a few questions for legal counsel. **Ms. Tobin made a motion, seconded by Mr. Glynn, to allow Ms. Duane to request legal advise for the housing committee. Motion unanimously carried.**

Mr. Briggs made a motion, seconded by Mr. Drinkhall, to elect Ed Poliquin, Ed Bergeron, Luigi Bartolomeo, Charles Greenhalgh and Jeana Hale to the housing committee. Motion unanimously carried.

Joint Board of Selectmen and Planning Board Meeting: The Board agreed to setup a joint meeting with the Board of Selectmen for a Thursday evening.

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

July 11, 2001

Jun-10-02 08:18P

P.01

June 11, 2002

Thomas B. Irving
Planning Director
Town of Conway
PO Box 70
Center Conway, NH 03813

Tom -
do requested -
(06/20/02)

Re: *Willow Place Outlet Center*

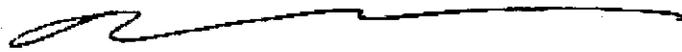
Dear Tom:

This is to request that you schedule me for an informal discussion with the Planning Board on the next available opening.

The purpose of this request is to discuss a new development plan as to the above referenced property, including, but not limited to, a 'mixed use' plan which may include residential apartments and proposed new 'pad site' locations.

As indicated in our recent meeting, I look forward to working with you to this end.

Very truly yours,



St. Johnsbury Realty Trust
Nick C. Castel, Trustee
PO Box 900
Center Conway, NH 03813
Phone 447-6869
Fax 447-6870