

CONWAY PLANNING BOARD

MINUTES

JUNE 9, 2005

A meeting of the Conway Planning Board was held on Thursday, June 9, 2005 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Conrad Briggs; Secretary, Martha Tobin; Sheila Duane; Steven Porter; Russell Henderson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Duane made a motion, seconded by Mr. Porter, to approve the Minutes of May 26, 2005 as written. Motion unanimously carried.

ROCK DEVELOPMENT, LLC – FULL SITE PLAN REVIEW (PID 235-78) FILE #FR05-11

Rob Barsamian and Roger Williams of OVP Management, Inc., Roy Smith of BSC Engineering and John Kerekes, Architect, of McCarthy Kerekes, Inc. appeared before the Board. This is an application to construct a 132,972 square foot home improvement center with associated parking, utilities and landscaping. **Mr. Martin made a motion, seconded by Ms. Duane, to accept the application of Rock Development, LLC as substantially complete. Motion unanimously carried.**

Mr. Barsamian gave an overview of the proposed project. Mr. Barsamian stated that they had made a commitment to the Village of North Conway abutter to provide a 50-foot buffer from their property; however, they have been able to provide a 70-foot buffer. Mr. Smith gave an overview of project in regard to engineering. Mr. Williams gave an overview of road improvements. The Board had a concern with the connector road off the North-South Road and the driveway into Settlers Green not aligning. Mr. Williams stated that he would look into the possibility of the two roads aligning.

Mr. Kerekes reviewed the architectural elevations. Mr. Kerekes stated there is a higher wall that screens the roof top mechanicals from the Village of North Conway development. Mr. Drinkhall stated instead of the security mesh could there be a higher wall and than rod iron. Mr. Kerekes stated that he could explore that option. Mr. Drinkhall stated that the orange color is not indicative to New England architecture. Ms. Duane stated that she liked how the Home Depot in Littleton fit in nicely for the area. Mr. Kerekes stated that he did the building in Littleton and could provide those elevations. Mr. Henderson stated that he would like to see the peak roofs higher to break up the roofline.

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Mr. Drinkhall asked for public comment; Nanci Neenan, an abutter on Puddin Pond Road, asked if the landscaping would screen the store from her point of view. Mr. Smith reviewed the proposed landscaping. Ms. Neenan asked if the existing trees would be removed. Mr. Smith stated with the proposed retaining wall some trees would need to be removed. Mr. Smith stated that they would try to keep as many trees as possible, but there would be some disturbance.

Ms. Neenan asked if the traffic study considered Puddin Pond Road. Mr. Williams answered in the negative. Ms. Neenan stated people get lost and turn around in her driveway. Ms. Neenan stated during the peak times there is overflow parking from Settler's Green on McMillan Lane. Mr. Barsamian stated that one of the improvements is curbing and sidewalks along McMillan Lane, which would prevent that parking. Ms. Neenan stated that she is concerned with the insufficient parking at Settler's Green. There was a concern of who owned Pudding Pond Road. Mr. Irving stated that Rock Development owns Puddin Pond Hill from McMillan Lane to the State owned property.

Ben Gutowski stated that he is concerned with the number of parking spaces being waived. Mr. Gutowski stated that 665 parking spaces are required and the applicant is providing 591. Mr. Gutowski asked how snow storage would be handled. Mr. Smith stated the applicant would be using the retention and detention ponds to store snow and when they are full the snow would be removed from the site. Mr. Gutowski asked the number of trailers being proposed. Mr. Smith answered trailers are not being proposed.

Kenneth Vance read the attached statement. Mr. Drinkhall closed public comment.

Mr. Irving suggested continuing the application. Mr. Barsamian asked the Board to address the waivers. Mr. Barsamian stated that they have agreed on a location for a connecting drive with Joseph Sullivan if they should develop the back portion of their property. Mr. Irving stated that the applicant should show the location of a connecting drive to the Sullivan property on the plan and then a waiver would not be necessary. Mr. Barsamian agreed.

Mr. Henderson stated that he did hear some concern from the public and would like some time to review the waivers. Mr. Porter stated that the concern was over Settler's Green parking not Home Depot parking. Mr. Briggs stated that if there is not enough parking no one would be getting hurt other than Home Depot. Mr. Briggs stated that he would like to see a little more green and a little less pavement. Mr. Martin stated with the empty parking lot at Staples there should be enough parking.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the substitution request for §123-21.A. **Ms. Duane made a motion, seconded by Mr. Briggs, to grant the substitution request for §123-21.A.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Martin asked if irrigation was proposed. Mr. Williams answered in the affirmative. Mr. Irving stated that the utility plan must show the irrigation.

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Mr. Drinkhall read the waiver request for §123-29.A.2. & A.3. **Mr. Porter made a motion, seconded by Ms. Duane, to grant the waiver request for §123-29.A.2. & A.3.** Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Martin abstaining from voting.**

Ms. Duane made a motion, seconded by Ms. Tobin, to continue the site plan review for Rock Development, LLC until June 23, 2005. Motion unanimously carried.

**TRAFFORD'S RV – FULL SITE PLAN REIVEW CONTINUED (PID 260-48)
FILE #FR05-09**

This is an application to redevelop an existing auto salvage yard into an RV sales and service facility by constructing an 80'x200' sales office and maintenance building, moving the 40'x50' garage to the back of the lot, and using the remainder of the lot for RV storage. The Board accepted this application as complete on April 28, 2005.

Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Mr. Porter, to continue the Full Site Plan Review for Trafford's RV until June 23, 2005. Motion unanimously carried.**

THOMAS FADDEN – FULL SITE PLAN REVIEW (PID 253-12) FILE #FR05-12

Ronald Briggs of Briggs Land Surveying appeared before the Board. This is an application to create an outdoor industrial parking/storage area. **Ms. Duane made a motion, seconded by Mr. Henderson, to accept the application of Thomas Fadden as complete. Motion unanimously carried.** Mr. Briggs stated that this application was before the Board previously, but the NHDOT wanted this lot to share a driveway with PID 253-13.

Mr. Henderson stated that he would like to address the waivers separately in order to address the waiver for paving the driveway. Mr. Drinkhall asked for public comment; Wanda Snow stated that she is quite disappointed in the Town, as it has taken ten years for this property to get to this Board. Ms. Snow stated that she is upset that the 50-foot setback is not being met. Ms. Snow stated that the topsoil has been removed and the utilities are not underground. Ms. Snow stated that she is upset that it has taken this long.

Ms. Snow stated that she has pictures of the property from ten years ago and ones that were taken today. Ms. Snow stated there are drainage issues at the end of the driveway and she is really disappointed in the site in general with the action being so slow and so poor of all parties involved.

Mr. Henderson stated that he would like to see a condition requiring fencing between the applicant's property and the neighbor's property starting approximately 25-feet in and 150-feet in length. Mr. Drinkhall asked what Ms. Snow would like to see. Ms. Snow

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stated she doesn't have a problem where the driveway is located. Mr. Irving stated that the setback is for structures the buffer is for vegetation.

Ms. Duane stated since a fence deteriorates maybe a hedge would work better. Ms. Snow stated that she would prefer to see a hedge. Ms. Duane suggested the hedge be planted close to the property line. Mr. Briggs stated that the NHDOT would only permit the driveway in the existing location. Mr. Martin stated that he concurs with the green buffer rather than a fence. Ms. Snow asked about drainage with a paved driveway. Mr. Irving stated that the Town Engineer would review the project again. Mr. Briggs requested a continuance so he could confer with his client.

Mr. Briggs made a motion, seconded by Ms. Duane, to continue the full site plan for Thomas Fadden until June 23, 2005. Motion unanimously carried.

KGI MOUNTAIN VALLEY MALL, LLC – FULL SITE PLAN REVIEW (PID 246-38) FILE #FR05-10

Randy Cooper of Cooper, Deans & Cargill appeared before the Board. This is an application for the redevelopment of the Mountain Valley Mall property resulting in five buildings on the site for a total of 272,000 square feet of commercial floor area at 32 Mountain Valley Boulevard and was accepted as sufficiently complete on May 12, 2005.

Andy Rocket and Kevin Letch of KGI Mountain Valley Mall, LLC; Maureen McGlone of H.E. Bergeron Engineers; Peter Hedrich of Gorrill-Palmer Consulting Engineers, Inc.; Ira Baline, Architect, of Bergmeyer Associates; Todd Morey of Lowe's; and Lisa Roth, Landscaper, of Brown, Richardson, Rowe, were in the audience.

Mr. Cooper stated that the plans showed a light at the North-South Road, but has since been removed. Mr. Hederick reviewed the proposed traffic patterns/improvements on North-South Road and Mountain Valley Boulevard. Mr. Henderson asked if the traffic study included anticipated high school traffic. Mr. Hederick answered in the affirmative.

Mr. Porter stated that he has a problem with no left hand turns out of Mountain Valley Boulevard onto North-South Road. Ms. Duane stated she could see people making the right hand turn and then turning around in the next business. Mr. Briggs stated that he agrees with Mr. Porter. Ms. Duane stated the road patterns need to be laid out better and suggested reviewing architecture this evening. Mr. Irving stated that is why from the beginning he mentioned to the applicant to work with the Town Engineer and NHDOT to determine the best road design and then bring it to the Board. Mr. Drinkhall concurred with the Mr. Irving.

Ms. Duane stated that she is not comfortable with waiving trees with two additional restaurant pads being proposed in wooded areas. Ms. Duane stated that this property is like a rotary and it is important that the center of the rotary looks as nice as we can possibly make it. Mr. Porter stated there is an intersection that the applicant is not sure what to do with and then there is a restaurant pad proposed at that same intersection.

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Ms. Roth reviewed the proposed landscaping around the Lowe's building. The Board agreed to a berm against the Lowe's building and have it continue past the building. Mr. Briggs asked if irrigation is proposed. Mr. Cooper answered in the affirmative. Mr. Henderson asked how many years would it take the trees to grow in order to cover the building. Ms. Roth answered approximately six years.

Ms. Duane stated that she is not sure the purpose of the tower on the JC Penney building. Mr. Baline stated that it offers a new symbol for the site and a focal point. Ms. Duane stated that there is no continuity going from the old section to the corporate Lowe's structure. Ms. Duane stated that the three different structures might be competing with each other. Mr. Baline stated that they are different animals. Ms. Duane stated that she would like to see more continuity. Mr. Baline stated that they would review the concern.

Mr. Martin stated in the view from Route 16 to JC Penney, what are the height of the trees. Mr. Baline stated the trees exist in that area. Mr. Martin stated with the relocation of the power lines half of those trees would be removed. Mr. Baline stated that they would have to look in to that. Mr. Henderson stated it should be redesigned when the power lines have been relocated. Mr. Henderson asked for a view of the JC Penney building from the south as the buffer is going to be reduced.

Mr. Henderson stated that the roof top mechanicals must be shielded. Mr. Baline stated that the roof top units would be staying in the same location and would remain as existing. Mr. Irving read the regulation regarding roof top mechanicals. Ms. Duane stated that Settler's Green has done a nice job in shielding roof top mechanicals. Mr. Morey reviewed the Lowe's building.

Mr. Drinkhall asked for public comment; Beth Campbell stated there are currently post office boxes in the mall and asked if they would be removed. Mr. Cooper stated that he did not know, but he would find out. Wally Campbell stated that the Green Granite Hotel had a problem approximately eight years ago with traffic disturbing their guests and they added screening by planting evergreens. Mr. Campbell stated with an entrance to this mall on both sides something with some more trees on it might be advantageous and look nice.

Derek Lick stated landscaping and architecture is not our concern, however, his client is concerned with the number of parking spaces. Mr. Lick stated that the parking as proposed is fundamentally flawed and simply does not work for this site. Mr. Lick stated that the applicant is using data that is old and should be using current information. Mr. Lick stated that the cinema has 890 seats and had 154,000 visits last year. Mr. Lick stated that his client has hired Rick Chellman to review the parking calculations.

Mr. Chellman appeared before the Board and submitted a copy of his report. Mr. Briggs stated that doesn't see where the movie theatre-parking problem is the Board's problem. Mr. Lick stated that the applicant is requesting an alternative-parking standard and it must meet the needs of the site. Mr. Chellman reviewed his parking study and stated the site is

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over developed. Mr. Chellman stated there is a disconnect and the application before the Board is fundamentally flawed.

Mr. Gutowski stated the Board needs to protect the Town from over development. Mr. Gutowski stated that he constructed his site to regulation and hopes the Board would be consistent, but the Board should not be granting a waiver for 36% of the parking. Mr. Gutowski stated the Board needs to keep the competitive playing field fair no matter who the applicant is big or small looking for consistency and fairness. Mr. Cooper stated that his client would take Mr. Chellman's study under advisement, but they did use the study in the regulation. Mr. Cooper stated what is going on between the applicant and the movie theatre is a separate issue.

Mr. Campbell stated that a waiver for 36% of the parking is ridiculous. Mr. Irving stated that the ordinance states that these substitutions might be suitable. Mr. Chellman stated that the 1987 document is referenced, however, there are many uses and home improvement did not exist. Mr. Chellman stated what they used is a shopping center, plus the publication also stated that it should not be used to determine the size of the parking lots.

Mr. Morey stated that he would review some of the traffic studies and actual counts on similar size stores. Mr. Lick stated that this is a landlord/tenant issue and they would work on that, however, the Board should consider if this is an adequate substitution. Mr. Drinkhall closed public comment.

Ms. Duane made a motion, seconded by Ms. Tobin, to continue the full site plan review for KGI Mountain Valley Mall, LLC until July 14, 2005. Motion carried with Mr. Martin not voting [he had stepped away from the table].

**JAMES AND LINDA DIGIANDOMENICO – 15-UNIT SUBDIVISION
CONTINUED (PID 262-64) FILE #S04-27**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. This is an application to create 15 single-family dwelling units on 26 acres. This application was accepted as substantially complete on December 9, 2004.

Mr. Drinkhall read the waiver request for §131-66. **Ms. Duane made a motion, seconded by Ms. Tobin, to grant the waiver request for §131-66.** Mr. Drinkhall asked for public comment; there was no one in the audience. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the subdivision for James and Linda Digiandomenico conditionally upon obtaining Town Engineer Approval of plans and specifications for pump station; adding waivers granted to the plan to be recorded; adding the NHDES Subdivision Approval Number to plan to be recorded; submitting supplemental review fees; submitting a Mylar; a performance guarantee for all site improvements; when the

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conditions have been met, the plans can be signed out-of-session; and with expiration date of September 8, 2005. Motion unanimously carried.

OTHER BUSINESS

Jay Patel/Wingate Inn (PID 230-1) – Extension of Conditional Approval: Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approval for Jay Patel/Wingate Inn until September 8, 2005. Motion unanimously carried.

Daniel Forrester – Lot Merger (PID 278-4&5): Mr. Martin made a motion, seconded by Mr. Porter, to grant the lot merger for Daniel Forrester to combine lots PID 278-4 and 278-5. Motion unanimously carried.

Meeting adjourned at 10: 50 pm.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary