

CONWAY PLANNING BOARD

MINUTES

JULY 27, 2006

A meeting of the Conway Planning Board was held on Thursday, July 27, 2006 beginning at 7:03 pm at the Conway Town Office in Center Conway, NH. Those present were: Chairman, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Russell Henderson; Secretary, Steven Porter; Hud Kellogg; Sean McFeeley; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Martin made a motion, seconded by Mr. Kellogg, to approve the Minutes of July 13, 2006 as written. Motion carried with Mr. Henderson abstaining from voting.

MRM REAL ESTATE DEVELOPMENT, LLC/SHAW'S REALTY CO. – FULL SITE PLAN REVIEW (PID 246-19 & 20) FILE #FR06-06

Mark Lucy of White Mountain Survey Company and Roger Williams of SC Lookout appeared before the Board. This is an application to construct 14,400 square feet of retail on PID 246-19 and construct 46,322 square feet of retail space in two buildings, a 44-seat coffee shop in a third building, and a fourth building with an observation tower and 362 square feet for a Chamber of Commerce booth on PID 246-20. **Mr. Porter made a motion, seconded by Mr. Henderson, to accept the application of MRM Real Estate Development, LLC and Shaw's Realty Company for a full site plan review as complete. Motion unanimously carried.**

Mr. Irving stated that this application addresses two lots of record and it is the applicant's intention to maintain the two lots as separate entities. Mr. Irving stated that staff has no objection to the requested waivers.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for §123-20.F. & 131-67.C.8.b; and §123-20.F., 123-29.A.4. & 131-67.C.8.c. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver for §123-20.F. & 131-67.C.8.b.; and §123-20.F., 123-29.A.4. & 131-67.C.8.c.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Henderson stated building C has too much glazing in the center of the building and it does not have the New England Style. Mr. Henderson stated that he would like to see the two wings broken up a bit more. Mr. Porter stated that he agrees with Mr. Henderson in regard to the glazing. Mr. Martin asked what would Mr. Henderson propose to break them up. Mr. Henderson suggested gables or raise the roof height.

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The Board asked to review Building A. Mr. Porter asked why the applicant went with an airport design. Mr. Williams stated that he thinks the applicant was trying to copy the Orvis building. Mr. Martin asked if it was a key piece of the building and if the Board was missing something. Mr. Williams stated not on building A, but it is on Building C. Mr. Irving asked if the reason is for window signage. Mr. Williams stated that he doesn't think signage played any part in the architecture. Mr. Irving asked if Mr. Williams would be willing to add a note on the plan in regard to window signage. Mr. Williams answered in the affirmative.

Mr. Irving stated that any plans that indicate signage needs to be removed [Sheet A1-1]. It was discovered that the applicant did not have colored renderings of Building B and would provide those renderings at the next meeting. Mr. Porter asked what is the purpose of the tower. Mr. Williams stated that it was meant to be an attraction to see the mountains and the Chamber of Commerce will be right there. Mr. Williams stated that the applicant did apply to the Zoning Board of Adjustment to maintain the height of the existing hopper for the tower, but it was denied. Mr. Kellogg stated that he wishes the height was still there. Mr. Williams stated that it might be something that the applicant would pursue at a later date.

Mr. Henderson asked if the tower elevation on Sheet A1.4 shown for Building B was a separate structure. Mr. Williams answered in the negative. Mr. Henderson asked what is backlit translucent glazing. Mr. Williams stated that he thinks it means that it is to look like a window with lighting behind it. Mr. Henderson stated it might look better if it had windowpanes, but he is not sure. Mr. Porter asked if the construction would be phased and, if so, how soon would the landscaping be planted. Mr. Williams stated that the Route 302 entrance and Buildings B, C & D would be ongoing at the same time. Mr. Williams stated that the site would be 90% landscaped once the tower is started.

Mr. Irving stated that for this site to function properly all accesses would need to be constructed. Mr. Irving stated that all landscaping is required to be installed for the one-year clock to start, however, if the season prevents planting, the Town would allow planting to take place in the spring. Mr. Irving asked if the plantings along Route 16 would be planted prior to occupancy. Mr. Williams answered in the affirmative.

Mr. Martin stated the applicant's past performances on their landscaping has been right up there and he doesn't think their will be a problem. Mr. Martin asked if the property slopes in the back. Mr. Lucy answered in the affirmative. Mr. Martin asked if the green area at the back of the property is behind a retaining wall. Mr. Lucy stated that at some points the wall is 20-feet tall, but there is very little land west of the wall that is in the greenspace calculations.

Mr. Henderson asked what is the building siding. Mr. Williams stated hardy plank is a cement board, made to look like vinyl siding. Mr. Henderson asked if the applicant could provide a sample of the hardy panel stucco siding. Mr. Williams agreed.

Mr. Drinkhall asked for public comment; Steve from the camping area asked if the retaining wall would be located past the existing slope. Mr. Lucy stated there are areas of

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the walls base that would sit further west than the toe of the existing wall. Steve asked if any trees are going to cut. Mr. Lucy stated that there would be no trees cut within 50 feet of the wetland and that he would provide a sample of the wall.

Mr. Henderson made a motion, seconded by Mr. McFeeley, to continue the Full Site Plan review for MRM Real Estate Development, LLC/Shaw's Realty Company until August 10, 2006. Motion unanimously carried.

JOHN NELSON, JR – SUBDIVISION REVIEW CONTINUED (PID 258-68) FILE #S06-16

This is an application to subdivide 340± acres into 40-lots. This application was accepted as complete on June 22, 2006. Mr. Irving stated that the applicant has requested a continuance. **Mr. Kellogg made a motion, seconded by Mr. Martin, to continue the subdivision review for John Nelson, Jr. until August 10, 2006. Motion unanimously carried.**

OTHER BUSINESS

Robert and Cecile Nason – Conceptual Review (PID 251-149): Jim Rines of White Mountain Survey Company appeared before the Board. Jeff Moore and Jack Day were in attendance. Mr. Rines stated that the applicant has two non-conforming lots and they would like to do a boundary line adjustment resulting in two lots with one of the lots being more conforming and neither of the lots being more non-conforming. Mr. Rines stated that this would cure a flood insurance problem with a bathhouse and he believes the proposal meets §147-14.4.

Mr. Rines stated that the building on the newly adjusted lot line, which is a bathhouse, would be conforming to setbacks. Mr. Rines stated that the entire campground is serviced by new septic systems and serviced by municipal water. Mr. Rines stated that the applicant is willing to covenant that the lots could not be sold separately. Mr. Rines stated the applicant wanted to see if the Board thinks this is a reasonable approach before surveying the land.

Mr. Irving stated that the applicant has submitted a zoning permit and have demonstrated that they meet the zoning ordinance requirements. Mr. Irving stated there would not be any changes to structures and the proposed boundary lines would not create any setback problems.

Mr. Irving stated there would be a number of waiver requests for not showing existing features that would not change. Mr. Irving stated that the applicant is seeing if the Board would favorably consider such an application. Mr. Kellogg asked how many campsites are approved. Mr. Rines answered 124. Mr. Henderson stated the he has no issue with the concept and it should be indicated that they can never be conveyed separately. Mr. Rines stated that the applicant is willing to consent to that. The Board unanimously agreed.

Lebach Realty Trust – Modification of Conditional Approval (PID 272-52) File

#S06-14: Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. Mr. Tafuto stated that the applicant would like to modify the existing surety requirement to include surety for off-site infrastructure, surety for on-site erosion control and rehabilitation should the applicant fail to complete the on-site infrastructure and prior to final approval the recording of the subdivision, surety for any uncompleted infrastructure, on-site and off-site, and all landscaping.

Mr. Tafuto stated that the applicant would like to construct the road and then sell lots and he has worked out details with Mr. Irving and Paul DegliAngeli. Mr. Martin asked even with this change would the Town have a representative inspecting the roads. Mr. Irving answered in the affirmative.

Mr. Porter made a motion, seconded by Mr. Henderson, to amend the conditional approval for Lebach Realty Trust [File #S06-14] that prior to final approval of the subdivision on-site infrastructure should be complete to the satisfaction of the Town, prior to commencement of construction all off-site bonding and landscaping for on-site should be submitted to the town, and no lot shall be sold prior to final approval of the subdivision plan. Mr. Tafuto asked if the existing house could be sold. Mr. Irving answered in the negative and stated that it would still be one lot of record, which the house is a part of, until the subdivision plan is recorded. **Motion unanimously carried.**

Robert Hanson - §123-4.A.5. (PID 253-25) File #NA06-08: Robert Hanson appeared before the Board. Mr. Hanson stated that he would like to construct a 14' x 24' office addition to the existing structure.

Mr. Martin made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 14' x 24' office addition is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

The Memorial Hospital – Field Change (PID 215-61) File #FR06-03: Jay Poulin of H.E. Bergeron Engineers and Gary Poquette and David Fitch of Memorial Hospital appeared before the Board. Mr. Poulin stated that the applicant would like to remove the exit drive from the plans due to budget constraints. Mr. Poulin stated that there would be no other changes to the plans.

Mr. Irving stated that the Police Chief has responded and he has concerns with this change. Mr. Irving stated NHDOT also needs to revisit the driveway permit in regard to this expansion and drainage. Mr. Irving stated that the plans indicate an additional 19,500 square feet of floor space with 3,000 square feet being for storage. Mr. Irving stated that this would have an impact on the loading of the intersection. Mr. Irving stated the ITE trip generation indicates peak demands for week day morning peak hour is 3.6

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trips per 1,000 square feet of gross area resulting in 58 trips per hour; and for week day afternoon peak hour 4.36 trips per 1,000 square feet of gross area resulting in 70 trips per hour. Mr. Irving stated that a traffic study would be a good idea and he believes one has been done for NHDOT.

Mr. Poulin stated with the addition, one additional doctor is coming from off-site; the rest is a consolidation of offices through out the existing structure. Mr. Poulin stated that they are combining medical offices in a central location and expanding internal departments. Mr. Poulin stated that this was discussed with NHDOT and they are fully aware of what is happening. Mr. Porter stated that the latest proposal was updating a situation that hasn't had work done to it in a number of years. Mr. Porter stated that he does not think it was prudent on your part to tell NHDOT that you were doing a field change and not check with the Town first. Mr. Porter stated that he understands budgets are tight, but to not do those upgrades would be detrimental. Mr. Kellogg stated that he was surprised the applicant changed their minds mid-stream and he cannot support not having that exit constructed per plans.

Mr. Martin stated that the conditional approval was granted based on that driveway and cannot believe the applicant did not see the emphasis the Planning Board put on that driveway. Mr. Martin stated that a Full Site Plan review should be necessary as the driveway entrance was a key piece of the puzzle and to come back here to say that you've made that decision; it should be a Full Site Plan Review or nothing. Mr. Porter stated the reason for part of the approval was the driveway. Mr. Porter stated that this is a volunteer Board and he has put a lot of energy into this and takes it extremely personal. Mr. Porter stated this is not how it's done and it should be required to have a full site plan review.

Mr. Irving stated that the applicant would have to reapply for a driveway permit for the expansion without the driveway improvements. Mr. Irving stated at this time they can still remove the curbing and install the driveway as conditionally approved, however, if the applicant waits until the topcoat is installed, NHDOT's policy is that they will not permit cutting into the road for five years. Mr. Irving stated that the hospital is growing hope they keep growing, but they should not wait until it's too late to construct the driveway.

Mr. Poquette stated it is embarrassing to hear this type of reaction; he knows the Board reviewed the parking but missed the emphasis on the access and if he had any indication that the driveway was an important part of the project he certainly wouldn't haven't removed. Mr. Poquette stated that he certainly missed the emphasis on the driveway and he apologizes for that.

Mr. Drinkhall polled the Board. Mr. McFeeley stated that he wants the driveway improved as shown on the original plan. Mr. Kellogg and Mr. Henderson agreed. Mr. Porter asked if it could be a one-way entrance and have the exit being around the back and out the service drive. Mr. Fitch stated with the amount of large vehicles that would be coming through the main parking lot along with the ambulances it just wouldn't be practical. Mr. Porter, Mr. Martin and Mr. Drinkhall agreed with Mr. McFeeley.

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Mr. Fitch asked if the NHDOT accepts the traffic count and finds that the existing driveway is suitable and allowed by State; where does that put Memorial Hospital with the Planning Board should they resubmit without the updated driveway. Mr. Irving stated he is not an attorney, however, the Planning Board still has the right to enforce its regulations. Mr. Irving stated that the applicant should also keep in mind that the conditional approval involved a number of waivers.

Mr. Martin made a motion, seconded by Mr. Porter, that the removal of the exit drive is an acceptable field change. Motion unanimously defeated.

Peaked Mountain (PID 219-303) – Extension of Conditional Approval (File #S05-11): Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approval for Peaked Mountain until November 16, 2006. Motion unanimously carried.

Curt Burke (PID 202-138) – Extension of Conditional Approval (File #S06-06): Mr. Martin made a motion, seconded by Mr. Kellogg, to extend the conditional approval for Curt Burke until October 26, 2006. Motion unanimously carried.

Citizen Design Review Committee update: Mr. Drinkhall gave the Board an update on the Citizen Design Review committee in regard to funding for a traffic study, the start of construction for the southern section in 2007-2008 and an entrance at Mt. Cranmore.

Mr. McFeeley asked since the traffic has been down would the traffic study take that in to consideration. Mr. Martin stated that their formula takes into consideration fuel prices and other factors.

Meeting adjourned at 8:28 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant