

CONWAY PLANNING BOARD

MINUTES

AUGUST 10, 2006

A meeting of the Conway Planning Board was held on Thursday, August 10, 2006 beginning at 7:06 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Secretary, Steven Porter; Martha Tobin; Hud Kellogg; Sean McFeeley; Town Engineer, Paul DegliAngeli; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Martin made a motion, seconded by Mr. McFeeley, to approve the Minutes of July 27, 2006 as written. Motion carried with Ms. Tobin abstaining from voting.

MICHAEL DIODATI/DIODATI REALTY TRUST – CONCURRENT FULL SITE PAN AND 7-UNIT SUBDIVISION (PID 218-69) FILE #FR06-07 & S06-18

Doug Burnell of H.E. Bergeron Engineers appeared before the Board. This is an application to convert and subdivide existing buildings to seven residential units. **Mr. Martin made a motion, seconded by Mr. Porter, to accept the application of Michael Diodati/Diodati Realty Trust for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for §123-22.B. & 123-38, §123-29.A.2. & A.4, §123-29.A.3 and §131-43, Article VI & 131-66. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-22.B. & 123-38, §123-29.A.2. & A.4, §123-29.A.3, and §131-43, Article VI & 131-66.** Mr. Drinkhall asked for Board comment; there was none.

Mr. Drinkhall asked for public comment; Myles Waltz stated that he was concerned with the drainage onto his property. Mr. Burnell stated there is a low spot that is on Dr. Waltz's property. Mr. DegliAngeli stated that the Town has subcontracted engineering reviews so he has not reviewed this application and asked if any drainage structures or catch basins were proposed. Mr. Burnell answered in the affirmative. Mr. DegliAngeli stated the applicant is changing the existing topography so this low spot should drain to the basin in the parking lot.

Wayne Clinton reviewed the plans. Mr. Porter asked the potential monthly rent. Mr. Burnell stated that he doesn't know. **Motion unanimously carried.** Mr. Drinkhall asked for further public comment; there was none.

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Mr. Porter made a motion, seconded by Mr. Martin, to continue the Concurrent Site Plan and Subdivision Review for Michael Diodati/Diodati Realty Trust until August 24, 2006. Motion unanimously carried.

ELIAS BURR NYBERG – 2-LOT SUBDIVISION REVIEW CONTINUED (PID 291-3) FILE #S06-08

This is an application to subdivide 5.05 acres into two lots on Eaton Road. This application was accepted as complete on March 9, 2006. Mr. DegliAngeli stated that the applicant has withdrawn the application.

THE KENNETT COMPANY – SUBDIVISION REVIEW CONTINUED (PID 279-2 & 291-30 & 34) – FILE #S06-13

This is an application to subdivide 735 ± acres into 22 single family lots with associated right-of-way and common open space, one PUD lot with seven units and the remainder being phase II undeveloped land for a total of 24 lots on Dollof Hill Road, Modock Hill Road and Allard Hill Road. This application was accepted as complete on May 11, 2006.

Mr. DegliAngeli stated that the applicant has requested a continuance. **Mr. Martin made a motion, seconded by Mr. Porter, to continue the Subdivision Review for The Kennett Company until August 24, 2006. Motion unanimously carried.**

HAMLIN GREENE/THE DRUKER COMPANY, LTD/SCENIC RAILROAD REALTY, LLC – CONCURRENT SITE PLAN AND SUBDIVISION CONTINUED (PID 246-23, 24 & 24.001) FILE #FR06-04 & S06-12

This is an application to convey 4.945 acres from PID 246-23 to PID 246-24, create a right-of-way, amend the two-unit subdivision, demolish 49,962 square feet and construct a 68,874 square foot Stop & Shop Supermarket with associated parking and infrastructure at 1584 White Mountain Highway. This application was accepted as complete on May 11, 2006.

Mr. DegliAngeli stated that the applicant has requested a continuance. **Mr. Martin made a motion, seconded by Mr. Porter, to continue the Concurrent Site Plan and Subdivision Review for Hamlin Greene/The Druker Company, LTD/Scenic Railroad Realty, LLC until August 24, 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. DegliAngeli stated that the applicant has requested a continuance. **Mr. Martin made a motion, seconded by Mr. Porter, to continue the subdivision review for John Nelson, Jr. until August 24, 2006. Motion unanimously carried.**

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

Mark Lucy of White Mountain Survey Company, Rob Barsamian, owner, 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. This application was accepted as complete on July 27, 2006.

Mr. DegliAngeli stated that the engineering review has been completed and the deficiencies are minor technical issues and could be a condition of approval.

Mr. Barsamian stated we have combined dormers of round roofs, flat roofs, timbers, towers and columns with a variety of materials. Mr. Barsamian stated that they did not want this project to be another Settlers Green. Mr. Barsamian stated that they wanted a timeless property and not look like every other dormer you see down the strip. Mr. Barsamian stated that one of the challenges as well as an opportunity was to change the gateway. Mr. Barsamian stated that the sites have 2,000 feet of total road frontage and they wanted to tell a story with the architecture and not set it back like a strip mall.

Mr. Barsamian stated that they did not want to see a lot of asphalt and tried to break the buildings up a bit and look more like a market place center. Mr. Barsamian stated that they had to look at who they wanted to lease these buildings to and balance it with the Town regulations. Mr. Barsamian stated that they did not want to construct another outlet center.

Mr. Barsamian stated that they wanted to step up the retail and make this site a little more local everyday type of shopping plaza. Mr. Martin asked on the arch portion of the building is it a piece of glass that can be seen through. Mr. Barsamian answered in the affirmative. Mr. McFeeley stated that he is concerned with the shape of the arch on Building A, as it doesn't fit in with the New England style. Mr. Barsamian stated that an arch is just an element that may not be traditional in style, but they wanted something a little different. Mr. Barsamian stated that it is being brought back with the materials.

Mr. McFeeley stated the arch just doesn't fit in with the rest of the architecture. Mr. Porter stated that he agrees Mr. McFeeley, but if the arch were located in the middle of the roof with a gables at both ends it would look better. Mr. Porter stated that he is not convinced that it is a New England style. Mr. Barsamian stated that he thinks it is a New England style.

Mr. Kellogg stated that he does not like the arched roof, but he does like the tower. Mr. Drinkhall stated that he would have to agree with Mr. Porter regarding the two gable ends. Mr. Drinkhall stated that the arched roof just doesn't look right. Mr. Drinkhall stated that the comments around Town are that it just doesn't look right. Mr. Martin asked if a full arched roof could be incorporated into the middle with gables at either end.

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Mr. Barsamian stated from a construction, drainage and maintenance standpoint it made more sense to us to have it at the end.

Mr. Drinkhall read a letter from Mark Hounsell. Cindy Briggs stated that she is concerned with the arched roof and thought it would be better if it followed all the way through. Ms. Briggs stated that she is concerned with the tower, but for the most part she likes what she sees. Mr. Barsamian stated that he believes they have met the architectural regulations and what is being discussed is subjective. Mr. Barsamian stated that the Board has certain criteria's that the applicant has followed and now were talking taste. Mr. Barsamian stated that they respect the Board's opinions, but they have hired professionals to design buildings that keep with the Town regulations.

Mr. Porter stated that he is not completely sold on building C. Mr. Porter stated that the applicant has met the criteria's, but this Board has to make a decision that the townspeople will accept what will be there for many years. Mr. Barsamian stated that he feels strongly about the architecture and he feels the applicant has followed all the regulations. Mr. Barsamian stated that their buildings have always been tasteful and done the right way. Mr. Drinkhall polled the Board to see if they were satisfied with the other buildings and the only hold up was the arched roof on Building A. Mr. McFeeley, Mr. Kellogg, Mr. Martin, Ms. Tobin and Mr. Drinkhall agreed and Mr. Porter disagreed.

Ms. Meserve asked the Board regarding the window signage note that was supposed to be on the plan. Mr. Barsamian stated that he was not willing to add a note regarding window signage to the plan. Mr. DegliAngeli stated that the Board is concerned with the large amount of glass. Mr. Drinkhall stated if the glassed arched roof is gone, then the window signage concern is gone. Mr. Barsamian stated that the site has a rather large, grandfathered sign; this is not the type of tenant that is going to blast signs all over the windows.

Mr. Drinkhall polled the Board to see if a note regarding window signage was necessary. Mr. McFeeley stated that he is concerned with the use of signs in that center and he agrees that any good retailer would not plaster their store with signs, however, he does not want to take a gamble. Mr. Kellogg agreed with Mr. McFeeley. Mr. Martin stated that he doesn't believe it is our place to make that call. Mr. Porter agreed with Mr. Martin. Ms. Tobin stated that signage is not under this Board's jurisdiction. Mr. Drinkhall stated still concerned but understand Mr. Barsamian's point. The consensus of the Board was to not require a note on the plan regarding window signage.

Mr. Martin made a motion, seconded by Ms. Tobin, to conditionally approve the Full Site Plan for MRM Real Estate/Shaw's Realty Company conditionally upon North Conway Fire Chief Approval; Town Engineer Approval; NHDES Site Specific Approval and indicate approval number on the plan; NHDOT Driveway permit and indicate approval number on the plan; revise sheet numbering; revise Waivers Granted note on plan; remove signage referred to as tenant on Sheet A1-1; Submit revised Architectural Elevations for Building A; a performance guarantee for all site improvements; when the conditions have been met, the plans must be

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signed in-session; and this conditional approval will expire on November 16, 2006.
Motion carried with Mr. Porter voting in the negative.

OTHER BUSINESS

Lebach Realty Trust – Extension of Conditional Approval (PID 272-52) File #S06-14: Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approval for Lebach Realty Trust until December 13, 2007. Motion unanimously carried.

MB Tractor (PID 265-147) - §123-4.A.5: Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Porter made a motion, seconded by Ms. Tobin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that sales and service of tractors and related equipment 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. Motion unanimously carried.

Meeting adjourned at 8:40 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant