

**CONWAY PLANNING BOARD**

**MINUTES**

**JUNE 28, 2012**

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CONWAY PLANNING BOARD

MINUTES

JUNE 28, 2012

A meeting of the Conway Planning Board was held on Thursday, June 28, 2012 beginning at 7:01 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Kevin Flanagan; Eric Porter; Alternate, Raymond Shakir; Alternate, Larry Martin; Planning Director, Thomas Irving and Recording Secretary, Karen Hallowell.

**APPOINTMENT OF ALTERNATE MEMBERS**

Mr. Porter appointed Mr. Shakir as a voting member.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Tobin made a motion, seconded by Ms. Sell, to approve the Minutes of June 14, 2012 as written. Motion carried 6-0-1 with Mr. Shakir abstaining.**

Planning Board Alternate member, Lawrence Martin, joined the meeting at 7:03 p.m.

**OTHER BUSINESS**

**Jeffrey and Joan Green (PID 265-50) - §123-4.A.5 (File #NA12-10):** This is a request to allow a solar array at 20 Washington Street. Mr. Irving stated the Applicant is requesting this Board consider this an insignificant change relative to the existing development and that site plan review would not be required. Mr. Irving next distributed photos for the Board's review.

Ms. Sell questioned if the abutters had been notified. Mr. Irving advised that is not applicable to this request as there has been no formal application; however this was posted on the notice of the meeting.

**Ms. Tobin made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the solar array 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. Hartman asked how tall the panels are. Mr. Green advised they are 10' tall if stood straight up. Mr. Shakir questioned if they are similar to the panels at the Conway Daily Sun. Mr. Green advised they are similar but not the same. The Conway Daily Sun Panels are European and the panels they will be using are American. Mr. Green next reviewed photos of the panels with the Board. Mr. Martin questioned which direction the panels will face. Mr. Green advised south. Mr. Martin questioned if this is toward Main Street so there is no direct abutter apartments affected. Mr. Green advised there are no shading issues. **The Motion carried unanimously.**

**WALMART REAL ESTATE BUSINESS TRUST (CARROLL COUNTY LEASING AND STATE OF NH) (PID 246-62, 246-61 & 235-55) – FULL SITE PLAN REVIEW (FILE #FR12-06)**

John Sokul, Jr of Hinckley, Allen and Snyder, and Steve DeCoursey of Bohler Engineering appeared before the Board. This is an application to construct a 52,994 square foot retail expansion to the existing Walmart.

Mr. Sokul advised they are here to discuss the proposed addition to the existing Walmart located on the North-South Road. The addition would be to the north of the existing store and would require acquiring the Chick's Lumber property and, also, they are buying just shy of an acre from the State of New Hampshire to the east or rear of the store.

Mr. Sokul next reviewed they are proposing to eliminate the entrance on the Chick's Lumber site and, also eliminate the existing Walmart entrance. The entrances would be and replaced with a roundabout and they also propose adding a smaller right hand entrance on North-South Road. They prepared this proposal due to recommendations received from the Town Planner and Town Engineer and they understand the sensitivity of traffic flow on North-South Road. Mr. Sokul next advised this has also been submitted to a consultant for a comprehensive traffic report; however, the review is not yet complete.

**Ms. Sell made a motion, seconded by Ms. Tobin, to accept the application of Walmart Real Estate Business Trust as significantly complete. Motion carried unanimously.**

Mr. Irving next stated he wanted the Board to understand that, as Mr. Sokul indicated, the Town Engineer is still reviewing with our consulting engineers the transportation aspects of this site so that he would not recommend that this Board entertain any formal motions this evening regarding the requested waivers as the site layout may change after the initial reviews and we want to make sure that what you are considering in the waivers is actually what is being proposed. The Board agreed.

Steve DeCoursey next presented and reviewed the existing and proposed layouts with the Board. Mr. DeCoursey reviewed proposed parking, accesses to the site, utilities, water and sewer and stormwater management. Mr. DeCoursey next advised they have submitted a landscape plan to the town with an 800 planting range. They will be seeking a waiver as to the size of some of the plants. Mr. DeCoursey advised they will have a landscape person here in the future to discuss this proposal as well. Mr. DeCoursey next advised they have submitted a lighting plan as well and feels that it complies with town regulations. It is also it is Dark Sky certified. Mr. DeCoursey next advised they have submitted proposed architectural elevations to the town and that they will also have an Architect coming before the Board in the future to discuss same and answer any questions.

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Ms. Sell next advised she had questions regarding the proposed entrances, Hemlock Lane, and the roundabouts. Mr. DeCoursey advised that these are questions that could be with discussed by the traffic engineer when he appears before the Board.

Mr. Irving advised he had a brief discussion with the Town Engineer after some initial feedback from the consulting engineer that is doing the peer review on this and they both agree they have issues with the outbound lane on Route 302 and they will be discussing this with the applicant's designers. They also had concerns with the in-only lane off of the North-South Road as it crosses an area that is a required berm that was necessary to shield the building from view from the North-South Road. They are going to propose that both the roundabout and the in-only on North-South Road be moved slightly northward keeping in mind there is another roundabout about another quarter mile up the road. They want to make sure that they don't encumber that other roundabout or cause issues with Hemlock Lane. They are also looking at rerouting Hemlock Lane to join into the proposed roundabout and there may also be some changes to the drainage designs. Mr. Irving advised these are the concerns in concept that they have at this point in time. Mr. Irving next advised that they have concluded that a roundabout at North-South Road and Route 302 would not provide any benefit.

Mr. Martin commented that he does not feel a right only exit on Route 302/Eastman Road would work and he would not vote for a waiver for same. Mr. Porter agreed and added this would cause traffic problems and they need to keep the entrances all on North-South Road. Mr. Shakir questioned if the Route 302/Eastman Road entrance they are proposing is for westbound traffic only. Mr. DeCoursey responded in the affirmative.

Mr. Porter next commented that he has been approached by the public about the fact that we have a lot of RV's in this area and inquired as to whether Walmart could install a dumping station for RV use. Mr. Porter also reviewed that the town does have an ordinance concerning no overnight RV parking. Mr. Porter stated that with regard to the dumping station, this is something that he hoped they may take into consideration down the road as Walmart does a lot of camping business.

Mr. Martin stated that he remembers when Walmart first came to town with promises that they are good for the area, they would make improvements, etc. He also remembers when Walmart initiated a legal action with the Town to have their taxes reduced on their property, at a time when everyday people everywhere are struggling to pay their taxes, and Walmart won. Mr. Martin stated he would have a problem granting waivers to let them build a building and then Walmart come in again in the future and ask for another reduction of their taxes. Ms. Sell agreed.

Mr. Porter asked about a waiver requested for the overhead utilities and he would like some clarification on this for himself and for the public. Mr. DeCoursey advised there is an existing overhead power line and they are working with NHEC to get them redesigned. Walmart had asked that the lines be put underground but were told by NHEC they could not put them underground. Mr. DeCoursey next stated they are now asking for the overhead transmission

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lines to be moved. Mr. Martin commented the reasons NHEC cannot put the lines underground is due to the voltage levels and, also, that it would be a maintenance issue and a costly venture.

At 7:32 pm Mr. Porter opened the meeting for public comments and questions. Daymond Steer of the Conway Daily Sun questioned if they have any studies of construction from a regular to a Super Walmart and if there are traffic impacts. Also what is the difference between a regular and super Walmart. Mr. DeCoursey stated that he hasn't studied the traffic affects but an engineer could quantify same. Also, the difference between a standard and Super Walmart is that a Super Walmart has a full grocery component to it instead of just general merchandise.

There were no further public comments at this time and Mr. Porter closed the public comment period at 7:33 p.m.

Mr. Irving next suggested that if the Board has anything to put on the applicants radar, this would be a good opportunity to state same.

Ms. Tobin stated she would like to avoid dancing about the greenspace issue like the last time Walmart was before the Board. Mr. Porter requested Mr. Irving to discuss the waivers Walmart is asking regarding landscaping. Mr. Irving advised that at this point they are asking that this Board accept the landscaping plan they are proposing in lieu of the town standards. They are asking for a waiver on the size of the plantings. They are asking for the plantings to be smaller and this is so that the plants can grow. Mr. Irving further reviewed that he is recommending this Board not address any waivers tonight as there may be other things that could impact or affect the planting schedule.

Mr. Porter stated that with regard to landscaping, this Board tries to promote greenspace. He asked that the applicant please look at other properties, i.e., KGI, etc, and make it as attractive and eye appealing as they can to the customer when coming into the site. Also, hide it as best they can so it is not a distraction and this would be beneficial to all. Also, on Route 302, we don't need to see the lawn and garden center from the road. The trees should be taller. This would make it more appealing. Also, if we are looking at smaller trees, this does not suit anyone for another 10 years or so. Mr. Sokul commented that some of the trees they are proposing for the rear of the store would shield the store from the possible proposed bypass which may be in about ten years. Mr. Porter stated that, at this point, we are looking a Route 302 as a priority and we do not know if we will ever see the bypass. Mr. Porter next requested that the applicant also take the berm into consideration. You want this to be an eye appealing site. Mr. Porter next made reference to the Walmart in Gorham and stated he feels this is an eye appealing store. Mr. Porter further added that where this site is commercial retail and there is a lot of pavement we need to think of eye aesthetics, greenspace and the future.

Ms. Sell stated that she echoes Mr. Porter on his comments regarding landscaping and so forth. Also, she would not be in favor of granting any waivers for landscaping. Ms. Sell further added that she would also ask the applicant to please take into consideration the Town of Conway's architectural guidelines and to keep the materials within our rules.

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Mr. Sokul stated they plan to design and landscape the property to make it as eye appealing as possible. Mr. Sokul further added that one thing they are challenged by is how the town interprets its own regulations regarding disturbed area and they are trying to get everything on the site they can. Mr. Sokul stated he hears the Board loud and clear concerning making the property appealing.

Mr. Martin reiterated his earlier comments regarding the abatement applied for by Walmart and added that he hopes that this does not happen again in the near future.

Mr. Martin next stated that he was a strong proponent of the last roundabout that was installed and that we met a lot of flack about this but it worked out well. Mr. Martin next added that something he is seeing is people stopping in the roundabouts and he would hope to see signs for no stopping in the roundabout. He feels this needs to get out to the public. Mr. Sokul advised he would mention this to the traffic engineer. Further, he has noticed that roundabouts are now more prevalent in the State and that people are getting used to them.

Mr. Shakir stated he agrees with Mr. Martin in that the roundabout put in does work well; however, he has a gut feeling this second one will not work as well. Mr. Shakir stated he feels the second roundabout proposed is in too close of a proximity to the present roundabout and will cause confusion and backups or bottle necks. These are almost back to back and he thinks that less than a quarter mile apart is too close together. He feels if we continue on this path, it is a mistake. Mr. Porter pointed out that we need to let the engineers figure this issue out.

Mr. Porter opened the meeting back up to public comments.

Charlene Brown advised that she was a Planning Board member previously for three years. When she was on the Board they did put in architectural guidelines. Further, even though you have a large building, you need to have multiple roof lines so the building does not look like one big box building and stays within the architectural character of North Conway. Ms. Brown stated that she does not want to see the area to look like South Portland. Ms. Brown next stated she would like to commend Walmart for the lovely job they did on the landscaping when they came in before the Board previously. Ms. Brown next added that she feels that smaller trees may have a better chance to acclimate to the climate but that they also need to be cared for and the right species need to be chosen.

Daymond Steer asked for clarification on the utilities. Mr. Irving indicated that the existing electrical lines cross the site over the area of the proposed expansion. The Applicant has conferred with the utility company and the utility company advised they will not put them underground and so they are asking for a waiver to allow them to be moved.

Mr. Porter closed public comment at 7:51 pm.

Ms. Sell moved, seconded by Ms. Tobin, to continue this application and public hearing to the meeting of July 26, 2012. The motion carried unanimously.

Ms. Sell stepped away from the meeting at this time.

**OTHER BUSINESS (continued from earlier in the meeting)**

**James and Linda Digiandomenico (PID 262-64) – Conditional approval expiring (File #S11-06):** Mr. Irving stated that the applicant has not met the conditions of the conditional approval and they are not requesting a continuance. **Ms. Tobin. made a motion, seconded by Mr. Porter, to deny without prejudice the application of James and Linda Digiandomenico. Motion carried 6-0-0.**

Ms. Sell rejoined the meeting at 7:54 p.m.

**Committee Reports:** There are none.

Ms. Sell moved, seconded by Mr. Hartmann, to adjourn the meeting at 7:55 p.m.

Respectfully submitted,



Karen J. Hallowell  
Recording Secretary