

**CONWAY PLANNING BOARD**

**MINUTES**

**SEPTEMBER 13, 2012**

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**CONWAY PLANNING BOARD**

**MINUTES**

**SEPTEMBER 13, 2012**

A meeting of the Conway Planning Board was held on Thursday, September 13, 2012 beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Mary Seavey; Steve Hartmann; Kevin Flanagan; Eric Porter; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Flanagan made a motion, seconded by Ms. Seavey, to approve the Minutes of August 23, 2012 as written. Motion unanimously carried.**

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

John Sokul, Jr of Hinckley, Allen and Snyder and Jeffrey Dirk appeared before the Board. This is an application to construct a 52,994 square foot retail expansion to the existing Wal-Mart. This hearing was continued from June 28, 2012, July 26, 2012, and August 23, 2012.

Mr. Sokul stated that they were hoping for a final sign off from the Town Engineer, but he wanted the NHDOT to sign off first. Mr. Dirk submitted a revised concept plan for traffic improvements. Mr. Dirk stated the revised plan reflects comments from the Town Engineer as well as the Town's consultant. Mr. Dirk reviewed the changes.

Mr. Porter asked for questions or comments from the Board; Mr. Hartmann stated there seems to be a lot of parking spaces. Mr. Hartmann stated that the roundabout looks hideous. Mr. Porter asked how the roundabout was going to impact the Bike Shop and NH aluminum as far as getting onto the North South Road. Mr. Dirk stated it will be a significant improvement as it will actually slow traffic down giving them equal opportunity to get out on to the North South Road. Mr. Dirk stated that you have to stop today on Hemlock Lane. Mr. Dirk stated that the driveways onto Hemlock Lane will be maintained and where the Bike Shop is there is no change and there is not a median so they will be able to make a left or right turn onto the North South Road.

Mr. Porter asked for public comment; Tom Eastman of the Conway Daily Sun asked the distance between the existing roundabout and the proposed roundabout. Mr. Dirk answered approximately 800 to 1000 feet. Bill Lehmann stated that he has an equity stake in the Bike Shop building as he holds the mortgage and he is concerned with bike safety. Mr. Dirk stated there is a 10-foot wide pedestrian/bike path adjacent to but separate from the travel way and then there is a bike path that runs parallel with the North South Road. Mr. Lehmann asked if there will be shrubs by the Hemlock Lane entrance. Mr. Dirk stated that portion of land will become

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Town property and we are proposing to loam and seed. Mr. Dirk stated the land owned by Wal-Mart by the Hemlock intersection he believes has a detention basin and is a storm water area.

Bob deFeyter stated that he looked at the file this morning and there was no information on the revised plans so there will have to be another meeting. Mr. Dirk stated that these were completed this morning. Mr. deFeyter stated that the larger issue is with traffic here.

Mr. deFeyter stated if you review the Master Plan it talks about the bypass as the method to move around the town; however, the problem is with the issue, if two years ago in 2010, if the highway corridor district was in fact removed. Mr. deFeyter stated that the issue comes down to the fact that it probably was not worded correctly and did not remove the bypass corridor overlay district. Mr. deFeyter stated that it removed the protective district from where it never existed and in fact the protective district is still in effect.

Mr. deFeyter stated that he was on the Planning Board when they developed the highway corridor district and he understands it quite well. Mr. deFeyter stated that there was a concern that it would become another strip so the district was passed to protect it. Mr. deFeyter stated if we continue to pretend that it is not there then we jeopardize the bypass in the future. Mr. deFeyter stated that the Town Engineer has told him that the traffic in this area is a delicate balance and he would agree with him; the town is going to have to make a decision in what direction it wants to go.

Mr. deFeyter stated that the Master Plan also talks about the local road and that it is a scenic byway; the North South Road and the bypass run parallel until Puddin Pond and that protective buffer also protected the North South Road. Mr. deFeyter stated if the district is still in effect then Wal-Mart cannot build what they are proposing. Mr. deFeyter stated that we need to look to the future and are we going to need the bypass and if so we need to protect the protective corridor district. Mr. deFeyter referred to articles written by Bill Altenburg and Bill Marvel.

Catherine Woodall stated that she is the former chairman of the Planning Board and she was chair when the article passed. Ms. Woodall read the 1999 article. Ms. Woodall stated that there is an issue with RSA 675:4, section 5. Ms. Woodall stated that the 2010 article wanted to repeal the 1999 article, but it was amended instead, so it does not take away the special corridor highway district corridor district.

Bayard Kennett stated that he was one of the original petitioners for the removal and he is sorry to keep beating this horse, but the Board is receiving incorrect information and slanted information. Mr. Kennett stated that it was voted by the Town's people to remove the bypass corridor district and was done legally; it was written by the Town's Attorney and reviewed by the petitioner's attorney. Mr. Kennett stated that Mr. Altenburg is a planner, not an attorney and Mr. Marvel is a columnist and not an attorney. Mr. Kennett stated that this was voted by the town's people and is now part of the zoning ordinance and is totally legal.

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Jay of Hannaford stated that the applicant was proposing a roundabout on Eastman Road and asked the State's opinion. Mr. Dirk stated the Town Engineer and the Town's independent consultant have agreed that that roundabout at that intersection is not appropriate. Mr. Dirk stated that he does not believe the State will embrace it, but they are still waiting to hear.

Mr. Irving stated that we have received a letter from NH COOP regarding the overhead utilities that do not service the property. Mr. Sokul stated the property is bisected by two sets of overhead transmission lines, one installed in 1950 and the other installed in the 1990's. Mr. Sokul stated that this is part of an 8-mile network and we are proposing one set of poles shifted slightly to the north. Mr. Sokul stated there will be one line of poles instead of two separate lines of poles. Mr. Sokul stated that all the utilities servicing Wal-Mart will be underground and the two overhead lines on the Chick's property will be removed and put underground.

Mr. Porter read the waiver request for §123-28. **Mr. Hartmann made a motion, seconded by Mr. Flanagan, to grant the waiver for §123-28. Motion unanimously carried.**

**Mr. Flanagan made a motion, seconded by Mr. Hartmann, to continue the Full Site Plan for Wal-Mart until September 27, 2012. Motion unanimously carried.**

**OTHER BUSINESS**

**Christine Gregory (PID 280-43.1) – Conditional Approval Expiring (File #S12-04):** Mr. Irving stated that the applicant has withdrawn the application. **Mr. Hartmann made a motion, seconded by Mr. Porter, to acknowledge the withdrawal of the application. Motion unanimously carried.**

**C & C Thibodeau Properties (PID 277-138) – Conditional Approval Expiring (File #FR12-05 & #S12-03):** Burr Phillips of Civil Solutions appeared before the Board. Mr. Phillips stated that the owner is negotiating a large contract and it will not happen this year. **Mr. Hartmann made a motion, seconded by Ms. Seavey, to extend the conditional approval for C & C Thibodeau Properties until September 12, 2013. Motion unanimously carried.**

**Committee Reports:** There was none.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,



Holly L. Meserve  
Recording Secretary