

**CONWAY PLANNING BOARD**

**MINUTES**

**FEBRUARY 27, 2014**

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**CONWAY PLANNING BOARD**

**MINUTES**

**FEBRUARY 27, 2014**

A meeting of the Conway Planning Board was held on Thursday, February 27, 2014 beginning at 7:04 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Carl Thibodeau; Vice Chair, Steven Hartmann; Secretary, Martha Tobin; Kevin Flanagan; Eric Porter; Ray Shakir; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Tobin made a motion, seconded by Mr. Thibodeau, to approve the Minutes of January 23, 2014 as written. Motion carried with Mr. Hartmann abstaining from voting.**

**1675 WMH LLC AND SETTLERS' R2 INC – CONCURRENT FULL SITE PLAN AND BOUNDARY LINE ADJUSTMENT REVIEW (PID 235-86 & 89) FILE #FR14-01 & S14-03**

Jim Rines of White Mountain Survey and Engineering and Roger Williams, Construction Manager, appeared before the Board. This is an application to convey 19,842 square feet of land to PID 235-89 (Settlers') from PID 235-86 (1675 WMH) and construct **44 42** additional parking spaces on PID 235-89 (Settlers') and associated infrastructure improvements on both sites.

Mr. Rines stated that they would be constructing 42 new parking spaces, not 44; the total number of parking spaces being provided when fully constructed is 269 which is 5 more than the substitution requires. Mr. Rines stated that there will not be any new lighting and actually reducing it by removing one pole. Mr. Rines stated that there is not a change to the retail use on PID 235-89.

**Mr. Flanagan made a motion, seconded by Ms. Tobin, to accept the application of 1675 WMH LLC and Settlers' R2 Inc for a Concurrent Full Site Plan and Boundary Line Review as complete. Motion unanimously carried.**

Mr. Shakir asked what the justification for removing the one light pole is. Mr. Rines stated it is in a new travel lane. Mr. Rines stated that this proposal would change the use on PID 235-86 to a 100-seat school. Mr. Rines stated there is no change in lighting on PID 235-86.

Mr. Hartmann asked if the 1675 property [PID 235-86] wanted to go back to retail what parking spaces would be required. Mr. Williams answered 90 parking spaces. Mr. Hartmann stated that they are proposing 35 parking spaces would be a concern to him. Mr. Irving stated that they would have to meet the parking standard for retail, so they would have to request a waiver or a substitution through a new application.

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**CONWAY PLANNING BOARD – FEBRUARY 27, 2014**

Mr. Porter asked for public comment; Christopher Aslin of Bernstein Shur representing Bellevue Properties stated that they don't particularly oppose, but they do have concerns. Mr. Aslin stated there is litigation between the two property owners regarding parking and the roadways and there is a dispute with the easement on the hotel property as well. Mr. Aslin stated they are delighted with the additional parking, however, this is just one piece of this puzzle and unsure what this will do to the bigger puzzle.

Mr. Aslin stated that they are concerned with the 4 parking spaces per 1,000 square feet rather than the 5 parking spaces per 1,000 square feet. Mr. Aslin stated this is a different standard than what has been applied previously and not sure this new standard will increase the burden on the hotel lot rather than decrease it.

Mr. Aslin stated that Settlers' Green's 1998 approval was based on this shared analysis that they believe is incorrect; this does not reflect the easement rights and this proposal may have an effect on that. Mr. Aslin stated that we are also concerned with what effect it may have in regard to traffic. Mr. Aslin stated there is no outlet off Settlers' R2 property to Route 16. Mr. Aslin stated that this will open up cutting through the school property; so this may have an effect on the traffic patterns on the bigger development.

Mr. Aslin stated that we also have questions regarding safety and flow onto the school lot; it is unclear if there is a pick up and drop off zone and whether or not there are busses. Mr. Aslin stated that we have concerns with the use of the alternative parking standard for this parcel as they are using §123-21.A.2A. Mr. Aslin stated that Gordon Lee is here this evening with opinions of the appropriateness of the standard requested tonight.

Gordon Lee stated he is a Certified Planner who is representing Bellevue properties. Mr. Lee stated that he is concerned with the alternative parking standard. Mr. Lee stated that it is the Board's discretion to accept a number of different ways and with general shopping centers it is appropriate to accept the less than 5 parking spaces per 1,000 square feet, but with how Settlers' is used it is not a standard shopping center it is an outlet.

Mr. Lee stated that people on vacation go shopping and stay longer than a normal shopping center so there is a higher accumulation of parking demand. Mr. Lee stated if you look at shopping centers that they look at in determining these standards they are urban or big box centers or big box anchor shopping centers they are not outlet centers.

Mr. Lee stated at the Merrimack Premium Outlets the developer was required to provide 5.5 parking spaces per 1,000 square feet; however, he does recognize that this is a 450,000 square foot facility and Settlers' Green is a 250,000 square foot facility. Mr. Lee stated that he would respectfully request that the formulation of this parking requirements study is not appropriate to apply to this site and our concern as representing the abutters is that any overflow during peak periods will result on the hotel property.

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Mr. Lee stated that they applaud the additional parking but want to be careful of this Board accepting the 4 parking spaces per 1,000 square feet as an appropriate standard. Mr. Lee stated Settlers' R2 as it stands is a non-conforming lot and this brings it into more conformity, but still does not meet the need. Mr. Lee stated that he is curious as to how congested the school site will be with traffic and there is no outdoor space for recess or outdoor activities and that is a mistake.

Mr. Aslin submitted a copy of his letter dated February 26, 2014 to the Board. Mr. Hartmann asked if they are changing their parking calculations from the previous approval. Mr. Irving stated they are not increasing the demand for parking on R2, but they are increasing the number of parking spaces. Mr. Hartmann asked what parking standard they are using now on R2.

Derek Lick of Sulloway & Hollis representing the applicant stated R2 was previously approved with lot R1 and together they were approved with a shared parking formula; under the shared parking formula when you look at the retail use the peak demand is 4 parking spaces for 1,000 square feet. Mr. Lick stated that the point of this application is to separate R2 from R1 and have R2 stand alone with its parking.

Mr. Hartmann asked if we approve this are we changing the parking standards. Mr. Lick stated in respect to R2, yes, but it will stand alone; R2 has to use parking on R1 to meet the code, but this will change that so it will be able to stand alone. Mr. Irving stated the existing circumstances on R2 burdens the parking on R1, so this will lessen the burden on R1. Mr. Lick stated by providing 42 additional spaces right next to the retail.

Mr. Thibodeau stated whether the parking was shared the standard was 4 parking spaces per 1,000 square feet and now we are deleting the shared and still using the 4 parking spaces per 1,000 square feet; not changing the standard. Mr. Steve Porter stated by the town standards what would be required. Mr. Irving stated 330 parking spaces, but the substitution requires 264 parking spaces and they are providing 269 parking spaces

Mr. Steve Porter stated by observation can say the only time you see the parking areas full is through Christmas time and rainy days in the summer. Mr. Steve Porter stated there are more than an adequate number of parking spaces in that development. Mr. Steve Porter stated that Settlers' is helping themselves by adding more parking spaces; this is a step in the right direction and will be more beneficial down the road. Mr. Steve Porter stated that Merrimack is a different ball game with a whole different people mass. Mr. Steve Porter stated that he doesn't see an impact or concern with access.

Mr. Aslin stated that there is a misconception in the change in the parking standard; they are not changing the 4 parking spaces per 1,000 square feet, but R1 and R2 were approved with the entirety of the lots having a right to park on the hotel lot. Mr. Aslin stated there is a dispute in what the easement shows. Mr. Aslin stated that they are trying to separate R2 and their position is to have R1 to only burden the hotel property. Mr. Aslin stated they are trying to express concern with prior approvals that this Board made as it doesn't reflect the whole picture.

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Mr. Williams stated that this helps the situation by freeing up spaces on R1. Mr. Shakir stated that they can play volleyball except for a couple of times a year, don't see what the argument is with increasing the parking spaces. Mr. Shakir stated it is adequate the way it is; don't know where the dispute is. Mr. Steve Porter closed public comment at 7:50 pm.

Mr. Porter read an alternate parking standard request. **Mr. Thibodeau made a motion, seconded by Mr. Hartmann, to accept the alternative parking standard. Motion unanimously carried.**

Mr. Porter read a waiver request for §123-20.F/§131-67.C.8.f. **Ms. Tobin made a motion, seconded by Mr. Steve Porter, to grant the waiver request for §123-20.F/§131-67.C.8.f.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read a waiver request for §123-20.G & H. **Ms. Tobin made a motion, seconded by Mr. Flanagan, to grant the waiver request for §123-20.G & H.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read a waiver request for §123-26. **Mr. Thibodeau made a motion, seconded by Mr. Steve Porter, to grant the waiver request for §123-26.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read a waiver request for §123-29.A.2, A.3 & A.4 (PID 235-89). **Ms. Tobin made a motion, seconded by Mr. Thibodeau, to grant the waiver request for §123-29.A.2, A.3 & A.4 (PID 235-89).** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Porter read a waiver request for §123-29.A.2, A.3 & A.4 (PID 235-86). **Mr. Thibodeau made a motion, seconded by Mr. Steve Porter, to grant the waiver request for §123-29.A.2, A.3 & A.4 (PID 235-86).** Mr. Porter asked for Board comment; Mr. Steve Porter asked if the roadway behind the 1675 WMH property was being removed. Mr. Williams stated that it will have a gravel base, but it would be loamed and seeded. **Motion unanimously carried.**

**Mr. Flanagan made a motion, seconded by Mr. Eric Porter, to conditionally approve the Concurrent Full Site Plan and Boundary Line Adjustment for 1675 WMH, LLC and Settlers' R2, Inc conditionally upon Town Engineer approval; a NHDOT Driveway permit and indicate permit number on plan; a recorded cross-easement for driveways between PID 235-90 & 92 and indicate book and page on plan; revise waivers granted table as necessary; submit four revised plan sets; submit a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 25, 2014. Motion unanimously carried.**

**PUBLIC HEARING – TREE REMOVAL ON A SCENIC ROAD – RSA 231:158**

This is a public hearing for the removal of trees along designated scenic roads Baird Hill Road, Crown Hill Road, Davis Hill Road, Greeley Road, Gulf Road, Potter Road and West Side Road to facilitate utility services. The public hearing opened at 8:12 pm. Bob Berner, Arborist for Public Service of NH, appeared before the Board.

Mr. Shakir asked what the policy is. Mr. Berner stated that they notify every property owner via mail and if the property owner refuses we cannot trim. Mr. Shakir asked if the property owner is liable if they say no. Mr. Berner answered in the negative and stated if the tree or limbs on their property is responsible for a power outage they will remove it without the property owner's permission in order to restore power. Mr. Porter asked for public comment; there was none.

**Mr. Flanagan made a motion, seconded by Mr. Eric Porter, to approve the proposed tree removal and trimming that is within its jurisdiction pursuant to RSA 231:158. Motion unanimously carried.**

**OTHER BUSINESS**

**CMR Properties LLC – Request for Concurrent Site Plan and Subdivision Review (PID 214-84):** Ms. Tobin made a motion, seconded by Mr. Flanagan, to grant the request of CMR Properties LLC for a Concurrent Site Plan and Subdivision Review. Motion unanimously carried.

**Committee Reports:**

**Sign Advisory Committee:** The next meeting is March 20, 2014 at 6:30 pm.

Meeting adjourned at 8:15 pm.

Respectfully submitted,



Holly L. Meserve  
Recording Secretary



Public Service  
of New Hampshire

60 W. Pennacook Street, Manchester, NH 03101

Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000

The Northeast Utilities System

RECEIVED

JAN 22 2014

TOWN OF CONWAY

January 13, 2014

Planning Board  
Town of Conway  
1634 East Main Street  
Center Conway, NH 03813

Dear Planning Board Members:

This letter is to inform the Town of Conway that Public Service of New Hampshire is planning to trim and remove trees and brush adjacent to and beneath some of its power lines within the town. This work is necessary to insure the safe distribution of power and to improve the reliability of electric service for our customers

According to PSNH records, Baird Hill Road, Davis Hill Road, Gulf Road, Potter Road, and West Side Road been designated as scenic roads by the Town. Please consider this letter a request from PSNH for a public hearing for the trimming and removal of trees and brush along this road within the proposed work area pursuant to RSA 231:158. Please inform this office of the time and place of said meeting so that we may have a representative present. A map highlighting the area to be trimmed is enclosed.

PSNH specifications call for the removal of brush and limbs 6" in diameter which are located within eight feet to the side, ten feet below or fifteen above conductors. Larger trees or limbs which present a threat to PSNH lines or other equipment because of decay or other defect will be removed on a case by case basis. A list of failure prone trees identified for removal by PSNH has been included. All trees are marked with a blue/white checkered ribbon. I am available to conduct a "walk-down" of all locations where trees have been identified for removal, if necessary.



**Public Service  
of New Hampshire**

60 W. Pennacook Street, Manchester, NH 03101

Public Service Company of New Hampshire  
P.O. Box 330  
Manchester, NH 03105-0330  
(603) 669-4000

The Northeast Utilities System

All work will be performed in accordance with accepted arboricultural standards. PSNH has contracted with Asplundh Tree Expert to perform the actual clearing of trees. PSNH requires that our clearing contractor contact each landowner where trees are to be trimmed or removed prior to commencement of work on that property. Individual concerns will be addressed at this time.

All brush and limbs cut on roadside locations will be chipped. In wooded, undeveloped locations, these chips may be dispersed into the woods taking care not to allow chips to accumulate in piles or in ditches. Near developed land, the chips will be blown into a truck and disposed of off site. The chips make good mulch and are often given to nearby property owners for landscaping purposes. If a central dumping location could be arranged, PSNH would be happy to make any unclaimed chips available to the Town at no cost. Brush and limbs cut on inaccessible lines will be stacked to the side of the right-of way and cut low to the ground. All wood will be left on site unless otherwise directed by the landowner.

Work is scheduled to begin in the near future.

If you have any questions or comments, please feel free to contact me at the above address, by telephone at 603-634-3469 or by e-mail at [Robert.Berner@nu.com](mailto:Robert.Berner@nu.com).

Thank you for your concern and assistance.

Respectfully,

Robert J. Berner  
Eastern Region Arborist  
Public Service Co. of N.H.

PSNH Hazard Trees on Scenic Roads

Town of Conway

<u>Road</u>	<u>Pole Number</u>	<u>Tree</u>	<u>Diameter</u>
1048 Gulf Rd	557/2 – 3	Dead Oak	16”
873 Gulf Rd	557/8 – 9	Dead Maple	13”
700 Gulf Rd	557/15 – 16	Dead Oak	20”
7 Baird Hill Rd	555/1 – 2	Dead Maple	14”
353 Potter Rd	551A/13 – 14	2 Dead White Birches	10”, 11”
397 Potter Rd	551A/16 – 17	Dead White Birch	16”
615 Potter Rd	551A/24 – 25	Dead Maple	16”
615 Potter Rd	551A/25 – 26	Dead Ash	18”
635 Potter Rd	551A/29 – 30	Dead White Birch	17”





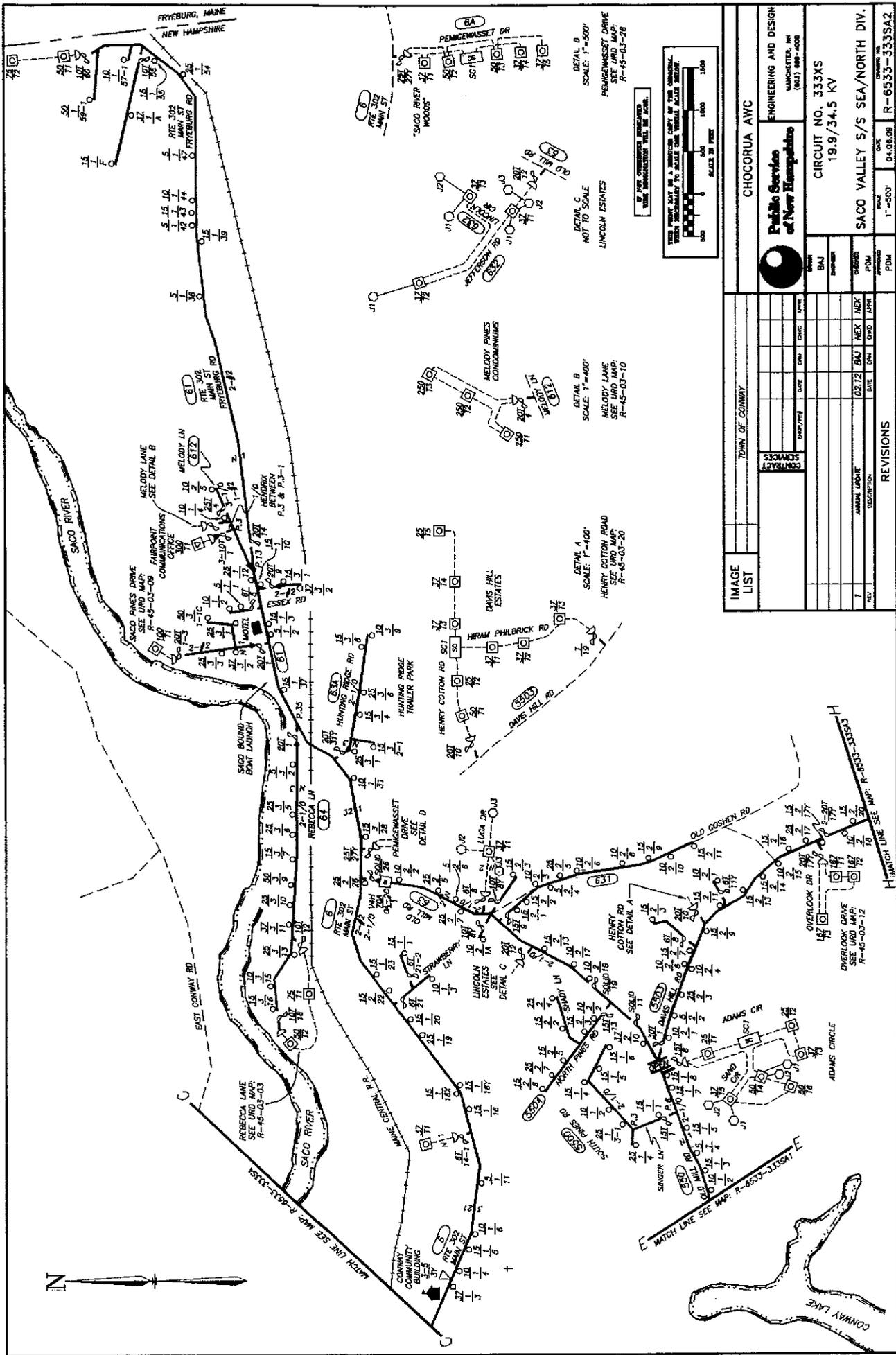


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CHOCORUA AWC <b>Public Services of New Hampshire</b> ENGINEERING AND DESIGN MANCHESTER, NH (603) 889-4000 CIRCUIT NO. 333XS 19.9/34.5 KV SACO VALLEY S/S SEA/NORTH DIV.					
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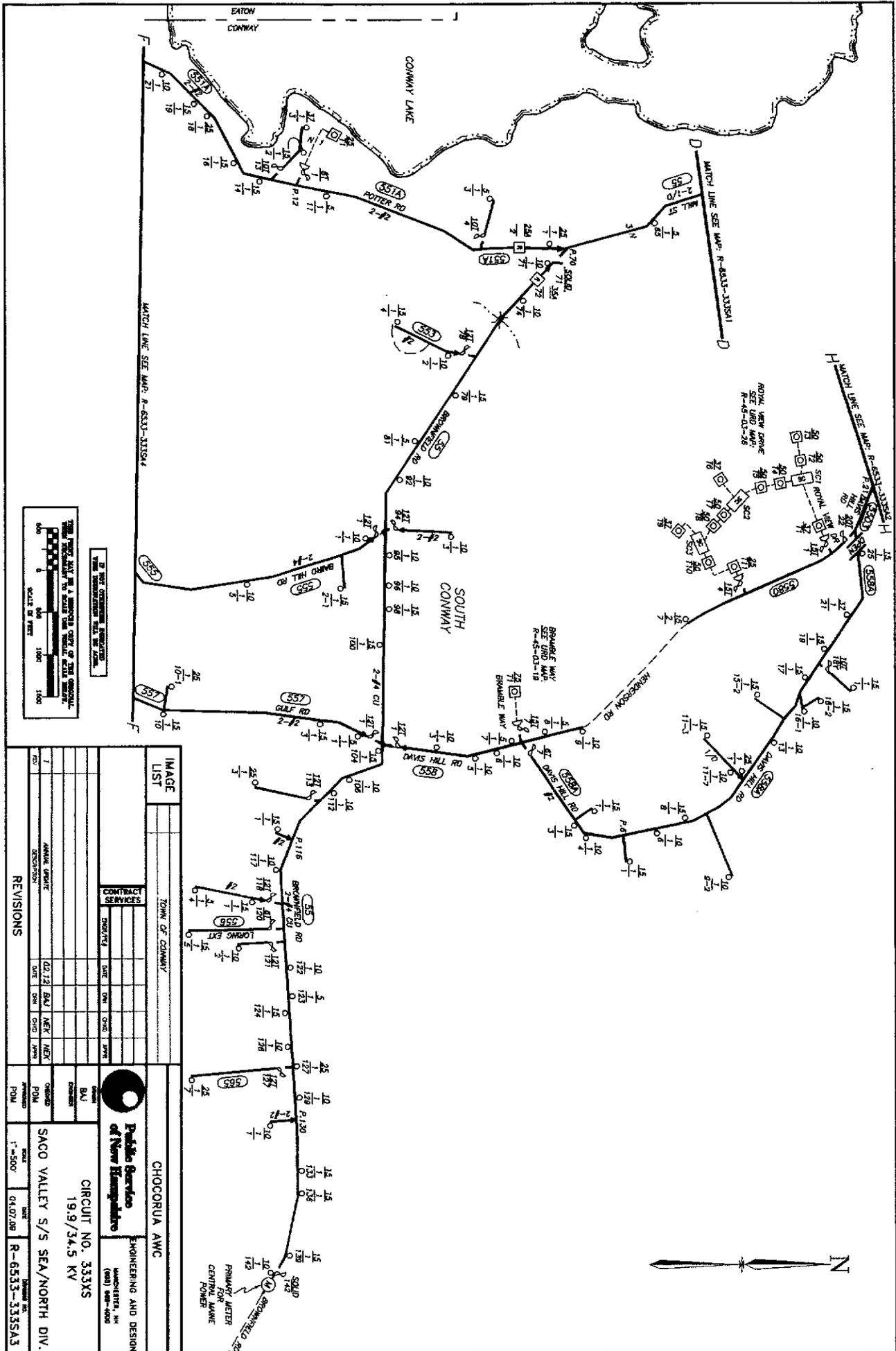


IMAGE LIST		TOWN OF CONWAY	
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**Public Service of New Hampshire**  
**CHOCORUA AWC**  
 ENGINEERING AND DESIGN  
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 SACO VALLEY S/S SEA/NORTH DIV.  
 R-6533-333SA3



