

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 27, 2018

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Adopted: October 11, 2018 – Adopted as Written

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A meeting of the Conway Planning Board was held on Thursday, September 27, 2018 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Michael Fougere; Raymond Shakir; Steven Steiner; Benjamin Colbath; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Fougere, to approve the Minutes of September 13, 2018 as written. Motion carried with Mr. Steiner and Mr. Colbath abstaining from voting.

MEMORIAL HOSPITAL – FULL SITE PLAN REVIEW (PID 215-61) FILE #FR18-07

This is an application to construct a 5,100 square foot/11-space parking lot at 3073 White Mountain Highway, North Conway. Mr. Irving stated there have been substantive changes to the plan that require re-noticing. **Mr. Porter made a motion, seconded by Mr. Steiner, to defer the application of Memorial Hospital for a full site plan review until October 11, 2018. Motion unanimously carried.**

THE ROCK DEVELOPMENT, LLC/BARNES DEVELOPMENT, LLC/1675 WMH, LLC/SETTLERS' R2, INC/13 GREEN STREET PROPERTIES, LLC/ TOWN OF CONWAY – CONCURRENT FULL SITE PLAN AND BOUNDARY LINE ADJUSTMENT REVIEW (PID 235-78.01, 82, 85, 89, 90 & 92) FILE #FR18-05 & #S18-09

Mark Lucy of White Mountain Survey and Engineering appeared before the Board. Stephen Le, Architect with Prellwitz, Chilinski Associates; Emily Leighton, Traffic Engineer with Gorrill-Palmer; Derek Lick, Attorney with Sulloway & Hollis; and Keith Wehmeyer, Dot Seybold, Lisa Green, and Rob Barsamian of OVP Management were in attendance. Thomas Holmes, Town Manager, and Paul DegliAngeli, Public Works Director, were in attendance.

This is an application for a series of boundary line adjustments to create three parcels and the elimination of McMillan Lane (pursuant to 2017 Warrant Article 27) to be replaced by the extension of Barnes Road to Common Court; and to construct an additional 74,491 square feet of retail space, business service establishment and personal service establishment with associated infrastructure at Barnes Road, 110 Barnes Road, 1675 White Mountain Highway, 25 Settlers Green Drive, McMillan Lane and 24 McMillan Lane, North Conway.

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Mr. Lucy gave an overview of the project and reviewed the lands involved. Mr. Lucy stated by vote of Town Meeting in 2017 McMillan Lane was to be abandoned, but not until an alternate route was provided off of Barnes Road. Mr. Porter stated that it is not to be abandoned until an alternate route is complete and opened. Mr. Lucy agreed. Mr. Lucy stated that Building O would be business/personal service, and Building P would be a grocery store.

Mr. Porter made a motion, seconded by Mr. Steiner, to accept the application of The Rock Development, LLC/Barnes Development, LLC/1675 WMH, LLC/Setters' R2, Inc/13 Green Street Properties, LLC/Town of Conway for a concurrent full site plan and boundary line adjustment review as substantially complete. Motion carried unanimously.

Mr. Hartmann asked for Board comment; Mr. Shakir asked about the Home Depot entrance and how it was going to be affected. Mr. Lucy stated there would only be a minor change to the Home Depot driveway. Mr. Hartmann asked if the snowmobile trail on the Home Depot property would be affected. Mr. Lucy stated it would not be affected by this proposal. Mr. Lucy stated there is no formal easement; where they ride today he supposes they will be able to ride this winter.

Mr. Steiner stated the building looks like it belongs on Route 1 in Danvers, Massachusetts. Mr. Steiner stated there is a landscaping waiver, he hopes there is enough coverage in the back where there are deliveries. Mr. Lucy referred to sheet 21 and stated there is a list of suitable types of trees for this area. Mr. Irving asked if specific species are called out on the plan or is just a symbol indicated representing a tree will be planted. Mr. Lucy answered symbols and stated that the tree to be planted must come from the approved list.

Mr. Irving stated he believes Mr. Steiner would like to see a combination of trees so it will provide screening year-round; should call out specific trees on the plan. Mr. Lucy agreed and stated that could be done. Mr. Porter stated there should be a nice combination of a hardwood softwood mix.

Mr. Porter asked for an overview of the grocery store elevations. Mr. Porter stated dealing with a site that you are going to see 360 degrees he is concerned with the back of the property. Mr. Porter stated we want to keep the aesthetic beauty of the Mount Washington Valley. Mr. Shakir stated he thinks the building looks very nice on all four sides, his concern is the after effects and what is going to prevent the hodgepodge of grocery store activities such as the dumpsters, the storage areas and other areas that support such activity; garbage overflowing, and containers not properly maintained.

Mr. Shakir stated the back of the building should be maintained as well as the front of the building. Mr. Lucy asked if Mr. Shakir meant once construction is complete and the building is in operation. Mr. Shakir answered in the affirmative and stated if the activity in the back does not support the aesthetics it will look like a junk yard. Mr. Lucy stated the dumpsters and the loading docks, which there are five bays, are all screened and covered.

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Mr. Steiner stated it looks like a building on Route 1 in Danvers, Massachusetts. Mr. Steiner stated the new street side development is nice, people do not want that. Mr. Lucy asked if it is the store or the architecture that people don't want. Mr. Steiner answered the architecture, people want the store.

Mr. Le submitted color renderings of the exterior elevations to the Board and reviewed the architecture. Mr. Le stated they wanted to keep the building low to be able to see the natural beauty in the area while also meeting the tenants needs. Mr. Le stated they tried to make a big box feel small by creating two different entrances, introducing a lot of trim, a lot of pedestrian height and provide window canopies to feel like you're walking into a small building rather than a large building. Mr. Le stated they also wanted to fit into the existing architectural style.

Mr. Fougere stated he wanted to move back to Barnes Road and asked if the new access road would be open and usable before McMillan Lane is closed. Mr. Irving stated staff is going to recommend conditions of approval that will ensure several things happen in accordance with the Town warrant article and specifically that the new roadway is complete and open to the public before McMillan Lane is closed; and prior to the issuance of a certificate of occupancy all offsite improvements have been completed.

Mr. Hartmann stated he doesn't see anything that shows the backside of the building in the packet that was handed out. Mr. Hartmann stated there is a lot of blank space. Mr. Hartmann stated the rest of the building looks good, it is just that one wall that has nothing. Mr. Hartmann stated he knows that loading docks are hard to deal with, but can anything aesthetically be done to break up the roof line too. Mr. Hartmann stated the lower roof line doesn't distract the natural view, but is there something to break up the roof line. Mr. Le stated that loading docks are located on that wall so there is not one straight line.

Mr. Shakir asked how the service vehicles will access the back of the site. Mr. Lucy stated the site has been designed to meet the WB67 template which is for the largest tractor trailer allowed on the roads in New Hampshire. Mr. Lucy stated these trucks can go around the building as well as North Conway Fire Department's ladder truck. Mr. Shakir asked if there is some sort of access road from the main road, maybe some kind of spur, to the back of the building. Mr. Lucy showed how vehicles will access the back of the building.

Mr. Shakir asked do you have to go by the front of the building to get to the back of the building. Mr. Lucy answered in the negative, and stated the layout is also for fire protection. Mr. Shakir stated his concern is for routine maintenance in the back of the building and that these vehicles don't have to traverse the front of the building. Mr. Lucy stated that is possible.

Mr. Colbath stated there is a waiver request for site lighting. Mr. Colbath stated there is a lot of parking and there is a lot of building; what is the light pollution. Mr. Lucy stated there are two lighting waiver requests; one is to allow light to spill between properties, and one is to limit the lighting study to the new developed area. Mr. Colbath asked what is considered the new development area, does it include the existing StreetSide development. Mr. Lucy stated just the two new buildings. Mr. Lucy referred to sheet 29. Mr. Lucy stated all OVP facilities are Dark Sky approved fixtures with LED bulbs.

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Mr. Steiner asked if sewer comes up Barnes Road. Mr. Lucy referred to sheet 16. Mr. Steiner stated that Mr. Holmes has stated that the State of New Hampshire still owns property above Pudding Pond. Mr. Holmes agreed. Mr. Steiner asked if sewer would be available. Mr. Lucy referred to note #15 and stated there is a proposed sewer stub headed north up Puddin Pond Drive.

Mr. Steiner stated he would like to hear about the traffic. Mr. Lucy stated the developer and his design team held a scoping meeting with NHDOT, which Mr. DegliAngeli attended. Mr. Lucy stated the scope of the traffic impact determined at that scoping meeting the area of study is from Eagle's Way all the way through the existing roundabouts on the North-South Road to the Common Court connector and extended west on Route 302 to Route 16 and north on Route 16 through the Settlers' Green Drive intersection.

Mr. Lucy stated improvements include the synchronization of all of those lights. Mr. Lucy stated the on-ground study was completed from the scoping meeting, and the NHDOT had Gorrill-Palmer consider trips from as far east as Windham, Maine and as far north as Gorham, New Hampshire.

Mr. Lucy stated that the Traffic Analysis Impact Study is 700+ pages and was submitted to the NHDOT District 3 several months ago. Mr. Lucy stated we just received the review back from NHDOT yesterday and there is a short list of comments. Mr. Lucy stated the bottom line is the traffic study shows no improvements needed at the Barnes Road/Route 16 intersection and the developer is proposing a roundabout in the approximate location of the existing Common Court connector. Mr. Lucy stated with the extension of Barnes Road and bringing it directly opposite of the hotel drive, there is not one point of access and the traffic engineers took that into account.

Mr. Hartmann asked for public comment; Roy Tilsley of Bernstein Shur stated he is here on behalf of Bellevue Properties, Inc. Mr. Tilsley stated Doug Cohen of the North Conway Grand Hotel is present this evening. Mr. Tilsley stated they have several concerns primarily parking and traffic. Mr. Tilsley stated they are required to provide 967 parking spaces, but they are requesting a waiver to only provide 801 parking spaces based on the Urban Land Institute Parking Analysis. Mr. Tilsley stated under §110-43.2 there is not significant information for the Board to grant that waiver request.

Mr. Tilsley stated we have some concerns with how the applicant has done the calculations, the application and the plan indicate that the calculation is done on 10% of restaurant space, and they have calculated the grocery store as not restaurant space even though it will have a café with seating and should be included in the calculations.

Mr. Tilsley stated that stated building O is not being represented as restaurant and should be restricted. Mr. Tilsley stated on PID 235-89, Settlers' R2, they indicate that there is currently no restaurant on that site, however, the MET Coffee Shop is located on that site and it should be revised. Mr. Tilsley referred to the 1982 *ULI - Parking Requirements for Shopping Centers*. Mr. Tilsley stated that PID 235-85 is subject to a parking easement for Merlino's Steakhouse and that parking has not been factored into this calculation and needs to be.

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Mr. Tilsley stated the number of existing easements in place that allows shared parking does not apply to all of the lots, and we believe there is not an existing easement that building O has shared parking with the hotel. Mr. Tilsley stated the other main concern is traffic, especially the internal traffic on the site; this Board should review internal traffic to make sure it is moving safely. Mr. Tilsley stated NHDOT might not care, but this Board should.

Mr. Tilsley asked how the relocation of McMillan Lane will affect traffic patterns; there is a lot going on here. Mr. Tilsley stated there needs to be some studies to see if this site can accommodate internal traffic flow with the discontinuance of McMillan Lane. Mr. Tilsley stated there has been some talk about a curb cut onto the North-South Road from the Barnes Road extension, and we hope that does not happen.

Mr. Tilsley stated when this area is expanding and the use of the roads are more intense, as a public Town road you know that these roads are going to be maintained. Mr. Tilsley stated his client depends on the use of these roads, and there should be a condition that all these roads become public. Mr. Tilsley stated if McMillan Lane is discontinued, and as an abutter that uses a public way that they have a right to use, they would request internal traffic studies.

Mr. Steiner stated even if they are short on parking how is it going to affect the hotel. Mr. Tilsley stated we have shared parking with them, and more pressure on parking will have more people parking on the hotel lot, and if there is not enough parking on site they are parking somewhere else which causes problems with the internal traffic flow. Mr. Tilsley stated we have very real concerns that as this property is more intensely developed that there is not enough parking for those developments.

Mr. Shakir stated there is parking all over the place, and in his personal experience he has yet to see even three-quarters of the parking used. Mr. Shakir stated he thinks the requirements are overstated, and he does not see the need for all of this parking even in the most crowded part of the years, but that is his personal opinion. Mr. Tilsley stated then the requirement should be changed, not waived; this is a big development. Mr. Shakir stated the required parking spaces for the facilities that are mandated are not full.

Mr. Lucy stated we have not ignored anything, we had Mr. Wehmeyer go through the development to inventory the eating facilities, and there was not more than 10%. Mr. Lucy stated the extension of Barnes Road to the North-South Road is not approved by the Town yet. Mr. Lucy stated in regard to the Merlino's parking, none of these properties share parking with the hotel. Mr. Lucy stated an internal traffic flow study was done by Gorrill-Palmer. Mr. Lucy stated we have not ignored anything.

Mr. Porter stated at the vote of the taxpayers pertaining to McMillan Lane, these were not brought up as concerns at town meeting. Mr. Colbath stated it seems the road as proposed would better serve the hotel. Mr. Hartmann stated McMillan Lane is not the purview of this Board, that was a town vote. Mr. Colbath stated he thinks it will work very well.

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Mr. Lick stated he represents Settler's Green and we are in year eleven of lawsuits by the hotel. Mr. Lick stated we were particularly careful addressing traffic, and won on parking in the Courts. Mr. Lick stated the only reason he is standing now is because the hotel raised a concern about traffic. Mr. Lick stated we had Gorrill-Palmer go above and beyond and review all traffic to the hotel by the realignment, and there is no discernable impact to traffic problems at the hotel entrance.

Mr. Lick stated we wanted to handle our own parking and believe we have vast parking fields that sit empty. Mr. Lick submitted an *Evaluation of Traffic Impacts to North Conway Grand Hotel Settlers Green Expansion – Conway, New Hampshire* dated September 25, 2018 to the Board and a copy was given to Mr. Tilsley.

Larry Garland representing the MWV Trails Association stated he has no position on Market Basket or if the site gets developed, he is interested in pedestrian access. Mr. Garland asked if a pedestrian or cyclist is trying to get to the supermarket from Barnes Road how would they do it. Mr. Lucy stated there is a contiguous sidewalk loop from the Barnes Road/Route 16 intersection to the Settlers' Green Drive/Route 16 intersection.

Mr. Garland stated he is concerned with trucks having access all around the building, it will be difficult for a pedestrian to access the entrance of the building without crossing over a travel way. Mr. Lucy stated delivery vehicles could circle the building, but he is not sure if they will; same as a fire truck. Mr. Garland asked if the service drive would be used by shoppers in their private vehicles. Mr. Lucy stated they could.

Larry Garland asked about pedestrian traffic. Mr. Irving stated he would recommend people going to the store follow the public sidewalks. Mr. Irving stated NHDOT is making improvements to Route 16 all the time. Mr. Garland stated there is a strong desire to facilitate pedestrian access. Mr. Lucy stated the Master Plan encourages bicycle lanes and there is a 5-foot bike lane on either side of the Barnes Road extension.

Mr. Garland asked if there has been any thought on how a pedestrians or bicyclists could get to the North-South Road and to a dedicated corridor that doesn't enter into the parking area divided from the parking aspect. Mr. Garland stated we on the Trails Association have been looking at different ways to access commercial developments, which is sited in several points in the Master Plan, if there could be a better integration for neighborhood pathways.

Mr. Hartman stated there is no trail system with the exception of the snowmobile trail in this vicinity. Mr. Garland stated the Master Plan encourages the coordination of existing and future trails. Mr. Garland stated the Trails Association has discussed and considered conceptually trails along and just to the east of Barnes Road, on land owned by the State, and a feeder trail on the west side of the North-South Road.

Mr. Garland stated he would like to see a path along the North-South Road, as well as a connection to these developments and that connection would require a better accommodation to cross Barnes Road.

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Mr. Hartmann asked Mr. Garland if the Trails Association has land access rights at this point. Mr. Garland answered in the affirmative and stated on the State-owned land. Mr. Irving stated he would suggest they provide their plans to the Planning Board to change the Master Plan for an accommodation for a crossing on Barnes Road in the future. Mr. Irving asked if they know a location. Mr. Garland showed a location for a pedestrian connection.

Nanci Neenan stated she has a right-of-way to a section of Barnes Road and she is concerned with traffic issues on Pudding Pond Drive as there are residential properties there. Ms. Neenan stated that she would be meeting with the developers to discuss her concerns.

There being no further public comment, Mr. Hartmann closed public comment.

Mr. Irving read a waiver request for §110-26. **Mr. Porter made a motion, seconded by Mr. Steiner, to grant the waiver for §110-26.** Mr. Hartmann asked for Board comment; Mr. Hartmann asked if the site would be lit all night. Mr. Lucy stated he is not sure. Mr. Hartmann stated he doesn't see that every exterior light needs to be on at 2 am and it would knock the light pollution down if they were off when closed. Mr. Lucy stated he would pass that along.

Mr. Porter stated grocery stores usually have night crews. Mr. Colbath suggested coming down on the luminaries as a good faith effort. Mr. Lucy stated he would pass along the Board's concern, and maybe they could be shut off or brought to a lower level. Mr. Irving stated this waiver is the lighting analysis to limit the focus area of the study. **Motion carried unanimously.**

Mr. Irving read a waiver request for §110-26.4. **Mr. Porter made a motion, seconded by Mr. Colbath, to grant the waiver for §110-26.4.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Irving read a waiver request for §110-29.A.(4). **Mr. Porter made a motion, seconded by Mr. Steiner, to grant the waiver for §110-29.A.(4).** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

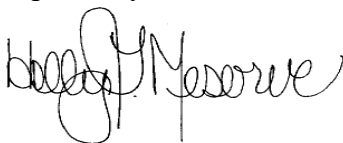
Mr. Steiner made a motion, seconded by Mr. Colbath, to continue the concurrent full site plan and boundary line adjustment review for The Rock Development, LLC/Barnes Development, LLC/1675 WMH, LLC/Setters' R2, Inc/13 Green Street Properties, LLC/Town of Conway until October 25, 2018. Motion carried unanimously.

OTHER BUSINESS

There was no Other Business.

Meeting adjourned at 8:53 pm.

Respectfully submitted,



Holly L. Meserve, Recording Secretary