

**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 22, 2021**

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**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 22, 2021**

A meeting of the Conway Planning Board was held on Thursday, April 22, 2021 beginning at 7:00 pm at the Conway Town Office in Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen's Representative, Steven Porter; Vice Chair, Ailie Byers; Secretary, Sarah Frechette; Bill Barbin; Eliza Grant; Erik Corbett; Planning Director, Thomas Irving; and Planning Assistant, Holly Whitelaw (via FaceTime).

**ELECTION OF OFFICERS**

**Mr. Porter nominated, seconded by Ms. Frechette, Mr. Colbath as Chair. Motion carried with Mr. Colbath abstaining from voting.**

**Mr. Porter nominated, seconded by Mr. Colbath, Ms. Byers as Vice Chair. Motion carried with Ms. Byers abstaining from voting.**

**Mr. Porter nominated, seconded by Ms. Byers, Ms. Frechette as Secretary. Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Frechette, to appoint Steven Hartmann as an alternate for one-year. Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Byers, to appoint Ted Phillips as alternate for one-year. Motion carried unanimously.**

Mr. Irving stated Steven Steiner has expressed interest in being appointed as an alternate. There was no motion.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Byers made a motion, seconded by Mr. Porter, to approve the Minutes of April 8, 2021 as written. Motion carried with Mr. Barbin, Ms. Grant and Mr. Corbett abstaining from voting.**

**MICHAEL AND NANCY LEAVITT (FILE #S21-06) – BOUNDARY LINE ADJUSTMENT REVIEW (PID 260-27 & 28)**

Loralie Gerard of Horizons Engineering appeared before the Board. This is an application to convey 0.09 of an acre to PID 260-28 from PID 260-27 and to convey 0.11 of an acre to PID 260-27 to PID 260-28. Ms. Gerard gave an overview. **Mr. Porter made a motion, seconded by Ms. Frechette, to accept the application of Michael and Nancy Leavitt for a boundary line adjustment review as complete. Motion carried unanimously.**

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Mr. Colbath asked for Board comment; there was none. Mr. Colbath asked for public comment; there was none.

Ms. Gerard read a waiver request for §130-37.1.A. **Mr. Porter made a motion, seconded by Ms. Byers, to grant the waiver request for §130-37.1.A.** Mr. asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Byers, to conditionally approve the boundary line adjustment for Michael and Nancy Leavitt conditionally upon Conway Police Chief approval; NHDES Subdivision approval and indicate approval number on plan or confirm that NHDES Subdivision approval is not required; four copies of revised plans with original stamps and signatures; a Mylar for recording; submitting a \$25 check made payable to Carroll County Registry of Deeds for the LCHIP fee; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 12, 2021. Motion carried unanimously.**

**RICHARD E. GIRARDIN REVOCABLE TRUST AND LAURIE J. HARRIGAN REVOCABLE TRUST (FILE #S21-07) – BOUNDARY LINE ADJUSTMENT REVIEW (PID 231-117.1, 117.2 & 118)**

Loralie Gerard of Horizons Engineering appeared before the Board. This is an application to convey 17,222 square feet of land to PID 231-118 (Girardin/Harrigan) from PID 231-117.1 (Girardin); to convey 61,541 square feet of land to PID 231-117.1 (Girardin) from PID 231-118 (Girardin/Harrigan); and to convey 32,339 square feet of land to PID 231-117.2 (Girardin) from PID 231-118 (Girardin/Harrigan).

Ms. Gerard gave an overview and stated the shed that was over the property line was removed yesterday. **Mr. Porter made a motion, seconded by Mr. Barbin, to accept the application of Richard E. Girardin Revocable Trust and Laurie J. Harrigan Revocable Trust for a boundary line adjustment review as complete. Motion carried unanimously.**

Mr. Colbath asked for Board comment; there was none. Mr. Colbath asked for public comment; there was none. Ms. Gerard read a waiver request for §130-37.1.A. **Mr. Porter made a motion, seconded by Ms. Byers, to grant the waiver request for §130-37.1.A.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Mr. Barbin, to conditionally approve the boundary line adjustment for Richard E. Girardin Revocable Trust and Laurie J. Harrigan Revocable Trust conditionally upon North Conway Fire Chief approval; Conway Police Chief approval; NHDES Subdivision approval and indicate approval number on plan; four copies of revised plans with original stamps and signatures; a Mylar for recording; submitting a \$25 check made payable to Carroll County Registry of Deeds for the LCHIP fee; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 12, 2021. Motion carried unanimously.**

**WILMARK I, LLC (FILE #FR21-06) – FULL SITE PLAN REVIEW (PID 245, 3, 4, 5, 5.01 & 6)**

Dan Lucchetti of HEB Engineers and Chris Weiss of Wilmark I, LLC appeared before the Board. This is an application to construct a 5,000 square foot garage and 34,800 square feet of floor area in six self-storage buildings with associated infrastructure. Mr. Lucchetti gave an overview. **Mr. Porter made a motion, seconded by Ms. Frechette, to accept the application of Wilmark I, LLC for a full site plan review as complete. Motion carried unanimously.**

Mr. Colbath asked for Board comment; there was none. Mr. Colbath asked for public comment; Wayne MacDonald stated he is the abutter to the north and asked about landscaping and lighting. Mr. Lucchetti stated the trees that exist on the boundary line are proposed to remain as well as additional plantings; there are 16 trees proposed to be planted on that boundary for screening.

Mr. Lucchetti stated all of the lighting has been designed to stay on the subject property and not spill onto the abutter's property. Mr. MacDonald asked how high the trees are going to be. Mr. Lucchetti stated the adolescent height is approximately 10-feet; they are required by the Board so if they die or are cut or fall down, they will have to be replaced.

Mr. Colbath asked if there is a good mix of conifers and deciduous in there for a year-round buffer. Mr. Lucchetti stated there are some existing spruce trees right along the buffer and there are oak trees proposed along that boundary line.

Mr. Porter stated he knows this is a commercially zoned area, but there are residential properties and what was there before is totally different than what is being proposed. Mr. Porter asked if buffer area could be added. Mr. Lucchetti stated the site is laid out so everything is hugging to the southern side, the Crest Chevrolet side, and the buffer on the North is as large as they can provide given the development. Mr. Lucchetti stated they could explore additional screening.

Mr. Porter asked about phasing out one of the storage units. Mr. Weiss stated he would rather pursue looking at providing additional screening. Mr. Porter asked if Mr. MacDonald was okay with that. Mr. MacDonald stated as long as they plant the vegetation there and the arborvitae trees are high enough. Mr. MacDonald asked if the lights would be on all night. Mr. Weiss stated the ones in the front and the rear are more than likely would be; the ones on the side they are exploring motion sensors.

Mr. Colbath asked if there would be access to the site 24-7. Mr. Weiss answered in the affirmative. Mr. Colbath asked if there could be hours put on this so there won't be garage doors slamming by their bedroom windows. Mr. Weiss stated it is customary to the industry.

Mr. MacDonald asked how high the storage units are going to be. Mr. Lucchetti answered 12-foot 4 ½ inches on that side. Mr. Colbath asked if that was board and batten siding. Mr. Lucchetti stated on the front façade, on the side is normal metal construction. Mr. Porter asked if facing Mr. MacDonald's house could be a different type of siding. Mr. Weiss stated they are providing screening; he would be happy to visit additional screening. Mr. MacDonald stated right now they have cut all the trees down so he is looking at their back parking lot with lights shining into the kitchen and bedroom. Mr. Lucchetti reviewed the landscaping.

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Mr. Irving stated if the Board is concerned with year-round screening, traffic and lights it might be worthy to provide a stockade fence along that property line. Mr. Porter asked Mr. MacDonald if that would work for him. Mr. MacDonald agreed. Mr. Weiss agreed to the stockade fence.

Mr. Lucchetti read a waiver request for §110-20.F./§130-66.C.8.(f). Mr. Irving stated it is the Board's usual and customary practice along this stretch of highway to require curbing, however, we do work with the State in the design. Mr. Irving stated there usually is a tip-down curb that will truncate at the edge of the current travel way.

Mr. Irving stated in this particular case there is already an island with some remnants of the existing curbing; the Town Engineer does not support this waiver and rather require a tip-down curb. Mr. Irving stated we typically work with NHDOT to ensure the design is acceptable to them. Mr. Irving stated he would suggest that the applicant revise the driveway curb per the Town Engineer requirements and the Town Engineer could come to some sort of agreement with the State on that.

Mr. Irving stated this is what we have done on previous applications along this road way; Liberty Leathers, Hill's RV, the new used car dealership next to Sear's and Sear's. Mr. Lucchetti asked if it would be from the off-set of the road into the property. Mr. Irving stated it would start at the 25-foot setback line along the radius of the driveway curb with the tip-down getting to zero at the outer edge of the existing curbing on both sides. Mr. Lucchetti withdrew the waiver request.

Mr. Porter stated he had concern with the waiver for outdoor display of goods. Mr. Lucchetti stated the outdoor display of goods is to maintain the existing use of the commercial vehicles that are displayed from Crest Chevrolet that encroaches onto this property. Mr. Lucchetti stated the intent of that waiver is to allow Crest Chevrolet to operate as it does today without impacting their operations. Mr. Porter stated are you thinking of putting new cars in front of the storage units as a potential growth area. Mr. Weiss answered in the negative and stated they are separate businesses to him.

Mr. Irving stated one of the waivers is to permit some asphalt to remain within the southern buffer along that property line which is where Crest Chevrolet is currently displaying vehicles; that is the area of focus for the waiver for the outdoor display and it is also the area of focus for the encroachment within the buffer. Mr. Irving stated to mitigate this impact the applicant has provided at least a 30-foot buffer to the north; so, the spirit and intent of the ordinance is still being preserved if not enhanced.

Mr. Lucchetti read a waiver request for §110-20.F./§130-66.C.(8).(i); §110-20.G.; §110-26; §110-29.A.; §110-29.D.8.; §110-30.; and §110-41. **Mr. Porter made a motion, seconded by Mr. Barbin, to grant the waiver request for §110-20.F./§130-66.C.(8).(i); §110-20.G.; 110-26; §110-29.A.; §110-29.D.8.; §110-30.; and §110-41.** Mr. asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Frechette, to grant the parking substitution. Motion carried unanimously.**

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John Colbath asked if the garage was going to be used for public storage. Mr. Weiss stated it would be used for Crest Chevrolet and him personally.

**Mr. Porter made a motion, seconded by Ms. Byers, to conditionally approve the full site plan for Wilmark I, LLC conditionally upon Town Engineer approval; Redstone Fire Chief approval; NHDOT Driveway Permit and indicate permit number on plan; NHDES Septic approval and indicate approval number on plan; revising the driveway curbing per Town Engineer requirements; adding a stockade fence along the northern property line; revising the landscaping along the frontage to show the red oak trees are salt-tolerant trees; submitting four copies of revised plans with original stamps and signatures; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 28, 2022. Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Byers, to approve the lot merger for Wilmark I, LLC. Motion carried unanimously.**

#### **OTHER BUSINESS**

**CMR Properties, LLC (PID 214-84.1) – Request for a Concurrent Site Plan and Subdivision Review: Ms. Byers made a motion, seconded by Mr. Porter, to grant the request for CMR Properties, LLC for a concurrent site plan and subdivision review. Motion carried with Mr. Corbett abstaining from voting.**

**Fairway Nominee Trust/New England Retail Properties (File #FR21-05): Mr. Irving stated they have requested, this is atypical and this Board has never done it before, that the Board continue their application from the currently proposed May 13<sup>th</sup> meeting to May 27<sup>th</sup> to afford them more time and to afford Town Staff more time to review their revisions to their proposed development.**

Mr. Irving stated this normally occurs at the actual meeting it was continued to so that all abutters are aware that the Board is taking some sort of action with it. Mr. Irving stated he inquired with the Town Attorney and the Town Attorney stated the Board could certainly do that even though you don't normally do that. Mr. Irving stated the consequence is that the application will have to be re-noticed so all the abutters know that it has been moved.

Mr. Irving stated it is up to the Board whether they want to do that and certainly your purview to go either way. Mr. Irving stated if the Board agrees to continue the meeting from May 13<sup>th</sup> to May 27<sup>th</sup> it be with the requirement that all revised materials be submitted on or before May 4, 2021 so we have sufficient time to review them.

Mr. Porter asked if the cost of the re-noticing is passed onto the applicant or is that on the shoulder of the Town. Mr. Irving stated we would pass that along to the applicant.

**Mr. Porter made a motion, seconded by Ms. Grant, to continue Fairway Nominee Trust/New England Retail Properties from May 13, 2021 to May 27, 2021 with a condition that all revised materials be submitted to the Town on or before May 4, 2021 and all re-noticing costs to borne by the applicant. Motion carried unanimously.**

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Meeting adjourned at 7:56 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly L. Whitelaw". The signature is written in a cursive style with a large, stylized initial "H".

Holly L. Whitelaw  
Planning Assistant