

CONWAY PLANNING BOARD

MINUTES

MAY 13, 2021

PAGES

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|---|---|
| 1 | Review and Acceptance of Minutes <ul style="list-style-type: none">• April 22, 2021 – Adopted as Written |
| 1 | Sally Marr (File #S21-08) – Boundary Line Adjustment Review (PID 240-24 & 25) |
| 1 | Mary Jane DiGregorio/GSSG New Hampshire, LLC (File #FR21-07 & #S21-09) – Concurrent Site Plan and 2-Lot and Unit Subdivision (PID 259-104) <ul style="list-style-type: none">• Conditionally Approved |
| 4 | Fairway Nominee Trust/New England Retail Properties (File #FR21-05) – Full Site Plan Review Continued (PID 246-56) <ul style="list-style-type: none">• Continued until May 27, 2021 |
| 4 | Other Business <ul style="list-style-type: none">• Lee Ann Realty, Inc./Fletcher Moffett and Laura Denis (PID 218-100) – Food Truck (File #NA21-01)• Alternate Member• Master Plan |

CONWAY PLANNING BOARD

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A meeting of the Conway Planning Board was held on Thursday, May 13, 2021 beginning at 7:01 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 Meserve. Alternates, Steven Hartmann and Ted Phillips were in attendance.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Byers made a motion, seconded by Ms. Frechette, to approve the Minutes of April 22, 2021 as written. Motion carried unanimously.

SALLY MARR (FILE #S21-08) – BOUNDARY LINE ADJUSTMENT REVIEW (PID 240-24 & 25).

Andy Fisher of Ammonoosuc Survey Company appeared before the Board. This is an application to convey 6.1 acres to PID 240-24 from PID 240-25. Mr. Fisher reviewed the application. **Mr. Porter made a motion, seconded by Ms. Frechette, to accept the application of Sally Marr 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. Byers made a motion, seconded by Mr. Colbath, to conditionally approve the boundary line adjustment for Sally Marr conditionally upon NHDOT Driveway permits and indicating permit numbers on plan; submitting four copies of revised plans with original stamps and signatures; submitting a Mylar for recording; submitting a \$25 check made payable to the 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.

MARYJANE DIGREGORIO/GSSG NEW HAMPSHIRE, LLC (FILE #FR21-07 & #S21-09) – CONCURRENT SITE PLAN AND 2-LOT AND UNIT SUBDIVISION (PID 259-104)

Michael Redding representing GSSG New Hampshire and Adam Sandahl of CMA Engineers appeared before the Board. Michael DiGregorio was in attendance. This is an application to subdivide ±40 acres into two-lots and create a unit subdivision to install a 1MV solar array. Mr. Redding gave an overview of the project. **Mr. Porter made a motion, seconded by Ms. Frechette, to accept the concurrent site plan and subdivision application for MaryJane DiGregorio/ GSSG New Hampshire, LLC as complete. Motion carried unanimously.**

**Adopted: May 27, 2021 – As Amended
CONWAY PLANNING BOARD – MAY 13, 2021**

Mr. Redding reviewed the project. Mr. Redding that there were concerns from the abutters at the Zoning Board of Adjustment meeting; the view of the array and the impact of that on the residential community that abuts it. Mr. Redding stated they wanted to make sure they assured the abutters we feel we have right sized this project by putting it in the back of the lot. Mr. Redding stated a 50-foot buffer is required, but they have provided a 100-foot buffer; they wanted to maximize as much of the existing vegetation as best they could.

Mr. Redding submitted several pictures and reviewed them with the Board. Mr. Colbath asked for Board comment; Mr. Chandler asked what is there now. Mr. Redding answered early growth forest with a mix of hemlock. Mr. Colbath asked if this was cleared once prior. Mr. DiGregorio stated about ten years ago. Mr. Corbett asked if the green mesh on the fence would impact the animals. Mr. Redding answered in the negative and stated it would not go to the ground.

Mr. Colbath asked what type of glare comes off this. Mr. Redding stated when panels were first coming out, they didn't have the technology that they have today. Mr. Redding stated there are two causes of glare; the glass and the type of framing used. Mr. Redding stated an anti-glare is put into the glass now and the framing has a galvanized finish which has no ability to reflect. Mr. Redding stated they have had multiple installations throughout New England and all have to go through an FAA review to make sure there is no issue; all projects have passed for glare safety.

Mr. Colbath asked for public comment; Shawn Bergeron stated he is a significant proponent of solar projects including this one. Mr. Bergeron stated it was noted that arborvitae is being used as a screen and asked how significant is that screen. Mr. Redding stated they will be placed five-feet on center in a zig zag pattern. Mr. Bergeron stated there is nothing that deer like to eat more than arborvitae and suggested they choose another specie. Mr. Redding stated they recognize that issue, the arborvitae on the existing lot doesn't seem to be affected by deer. Mr. Redding suggested putting juniper or some other planting along the bottom that would deter them, but willing to put a statement on the plan the buffer will be maintained.

Mr. Colbath asked how often do crews go into the lot to do tree maintenance. Mr. Redding answered maybe five years to catch some of the quick growing trees, but it is very minimal. Mr. Redding stated most of the maintenance is inside to manage the grass; mowing happens late spring and then early fall.

Gail Palladino, who is located at the end of North Pines Road, asked how close this project is to her property. Mr. Redding stated it is quite a way from her property and there is a wetland in between that they are not impacting; approximately 300-feet. Ms. Palladino asked if the area is going to be thinner than what she sees now. Mr. Redding stated he walked that area and he could not see any homes or any visibility of daylighting, but there will be an area that is cleared so it will probably look brighter through the trees.

Jim McAllister, with his wife, Donna McAllister, of 47 Jefferson Road, stated they are opposed to it as they feel it will affect the value of their property and the view out their backyard. Mr. McAllister stated he suspects they will see more than what the pictures show as the pictures were probably taken at ground level.

Adopted: May 27, 2021 – As Amended
CONWAY PLANNING BOARD – MAY 13, 2021

Ms. McAllister stated we purchased the house to be in a residential area, not in a commercial area. Ms. McAllister stated it was stated by Mr. DiGregorio two years ago that he wouldn't put it in a residential area because he would not want to be next to it; she has a copy of the article.

Mr. Redding stated there is going to be this new light that is going to be visible and there are going to be gaps in the existing vegetation; the fence or the peak of a solar panel will be visible, there is no way that can be avoided. Mr. Redding stated when the leaves are on the trees it will make it nearly invisible, it is the winter time that they are concerned about. Mr. Redding stated putting the privacy fencing on the eastern side, using the 100-foot buffer, and letting the trees continue to grow will provide a fairly substantial buffer for the residences.

Mr. Colbath asked what a project like this does for property values. Mr. Redding stated New Hampshire has not entered into any of the studies on property values, and the reasoning being is New Hampshire is late to the game for solar as we know it. Mr. Redding stated there are a couple of good studies that support our situation, and it was found that when they polled the different Assessor's asking if they had decreased the value, a majority of them had never decreased the value.

Mr. Redding stated a couple even stated that they found it a benefit because it was not a loud subdivision, it is not a loud business and it doesn't increase traffic. Mr. Redding stated it had a fairly broad opinion of solar, and it concluded that when solar was out of site, visibility minimized, then there was no real impact to property values.

Mr. Colbath asked why not move it over to the west. Mr. Redding stated there is a floodplain that FEMA has established that we cannot cross. Ms. Byers asked if there were any studies on market values. Mr. Redding stated the University of Texas did a study where it was found that there were large homes being sold right next to solar farms and the price of those were not significantly different, maybe 1%, compared to something that was around the corner and not in the visibility of a solar project at all.

Mr. Colbath asked about the trees being planted for a vacant lot that is significantly further away, but not between the lots with houses on it; why not more plantings on the side. Mr. Redding stated the existing vegetation there is substantial, where by the vacant lot it is still scrubby low-lying brush; for some reason that area has not grown back.

Chery Greer of 84 Jefferson Road stated unless they are maintained arborvitaes don't do well in this area and she would suggest a different type of evergreen. Ms. Greer stated her concern is that she is sitting a little bit higher and she can see where it was clear cut. Mr. Redding stated he did see some gapping and that is why they are supplementing the fencing with some mesh to provide the cover during the winter time.

Mr. Redding stated there is already some substantial vegetation there that blocks the view of the house. After a brief discussion, Mr. Redding agreed to plant ten 8 to 10-foot trees to be placed once the construction is in place designed to block views.

Adopted: May 27, 2021 – As Amended
CONWAY PLANNING BOARD – MAY 13, 2021

Al Hannon stated there is a corner stake at the back of his lot and from that stake out there are no trees, so the trees they are talking about are on his property already. Mr. Hannon stated they cannot clear those so that gives him a visual of this whole thing in his back yard and down one side is all going to be open. Mr. Hannon stated he doesn't like this whole idea; he purchased residential property and it is now becoming a commercial deal. There was a brief discussion regarding the driveways which were determined to be approved by the NHDOT.

Mr. Irving asked the location of the proposed 10 white spruce trees, 10-feet in height. Mr. Redding located the proposed trees on the plan. Mr. Chandler asked if there will be any security cameras or lighting. Mr. Redding stated there would be no lighting, but there will be security cameras. Ms. Palladino asked how many panels. Mr. Redding answered approximately 3,465 panels. Ms. Byers asked what is the maintenance schedule. Mr. Redding answered once a quarter.

Ted Phillips asked what happens to the panels once the life of them is done, what happens to the whole project. Mr. Redding stated we enter into an agreement with the land owner where after a 30-year lease if the landowner decides to no longer lease to us, we are then required to fully restore the site to a vegetated condition.

Mr. Sandahl read waiver requests for §110-6.A., green space calculations; §110-6.A., large trees identified; §110-6.B.2.; §110-20.E. & §130-66.C.(8); §110-21; §110-28; §110-29. & §130-36.A.; and §130-36.A. **Mr. Porter made a motion, seconded by Mr. Barbin, to grant the waiver requests for §110-6.A., green space calculations; §110-6.A., large trees identified; §110-6.B.2.; §110-20.E. & §130-66.C.(8); §110-21; §110-28; §110-29. & §130-36.A.; and §130-36.A.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Ms. Byers, to conditionally approve the concurrent site plan and 2-lot and unit subdivision conditionally upon showing additional plantings on plan; Town Engineer approval; indicating NHDOT driveway permit number on plan; NHDES Alteration of Terrain permit and indicating permit number on plan; payment of supplemental review fees; revising page numbering as necessary; revising granted waivers table as necessary; submitting four copies of revised plans with original stamps and signatures; submitting a Mylar for recording; submitting \$600 for Inspection Fees; 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 May 12, 2022. Motion carried unanimously.

FAIRWAY NOMINEE TRUST/NEW ENGLAND RETAIL PROPERTIES (FILE #FR21-05) – FULL SITE PLAN REVIEW CONTINUED (PID 246-56)

The Board continued this application on April 22, 2021 to May 27, 2021.

OTHER BUSINESS

Lee Ann Realty, Inc./Fletcher Moffett and Laura Denis (PID 218-100) – Food Truck (File #NA21-01): Fletcher Moffett appeared before the Board. This is a request to allow a food truck at 14 Kearsarge Road, North Conway.

**Adopted: May 27, 2021 – As Amended
CONWAY PLANNING BOARD – MAY 13, 2021**

Mr. Moffett stated the truck fits within the setbacks; there are no proposed changes to the building or the land.

Mr. Porter asked why this was coming before the Board where food trucks in the past were granted temporary event permits. Mr. Irving stated this particular property had been subject to parking waivers, this is an increase intensity of use; normally where there is no substantial issue and there is sufficient on-site infrastructure it can be approved under §110-4.A.(4) at the staff level under non-applicable. Mr. Irving stated most that don't come before the Board get that approval or they get a special event permit for fourteen days.

Mr. Irving stated in this particular case they would like more than 14-days and because there is not sufficient parking on the site to address the existing facility it comes before the Board under §110-4.A.(5).

Ms. Byers asked if he anticipates a lot of his traffic is going to be walk-up traffic. Mr. Moffett stated he anticipates mostly walk-up, getting a lot of people from Frontside Grind. Mr. Moffett stated there will be no seating, but they can use Frontside Grind's porch. Mr. ~~Chandler~~ Corbett asked how long will it be there. Mr. Moffett stated the plans is through the summer and fall.

Mr. Colbath asked for public comment; Steve Hartmann stated he thought food trucks had a limited stay. Mr. Irving stated if they were applying for a temporary event permit then it would be limited to 14-days per calendar year. Mr. Hartmann asked if there is an ordinance that allows setting up a food truck in one permanent location for the year as long as the guidelines are met. Mr. Irving stated a food truck is allowed on a site full time provided that a site plan approval or a finding of not applicable under §110-4.A.(4) or §110-4.A.(5) is obtained.

Mr. Porter made a motion, seconded by Mr. Barbin, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, that this food truck to be located on site no later than November 1, 2021 is not subject to a 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. Motion carried unanimously.

Alternate Member: Mr. Colbath made a motion, seconded by Mr. Barbin, to appoint Steven Steiner as an alternate until next town meeting. Motion carried with Mr. Barbin, Ms. Grant and Mr. Colbath voting in the affirmative, Mr. Porter voting in the negative and Ms. Byers, Ms. Frechette and Mr. Corbett ~~Chandler~~ abstaining from voting.

Master Plan: Ms. Grant asked about discussing the Master Plan. The Board agreed to discuss the Master Plan under Other Business at the May 27, 2021 Planning Board meeting.

Meeting adjourned at 8:40 pm.

Respectfully Submitted,



Holly L. Whitelaw, Planning Assistant