

CONWAY PLANNING BOARD

MINUTES

JANUARY 20, 2000

A meeting of the Conway Planning Board was held on Thursday, January 20, 2000, beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Catherine Woodall; Selectmen's Representative, Gary Webster; Vice Chair, Sheila Duane; Stacy Sand; Robert deFeyter; John Waterman; Planning Director, Thomas Irving; Interim Town Planner, Paul King; and Recording Secretary, Holly Meserve.

Ms. Duane made a motion, seconded by Ms. Sand, to continue the Minutes of January 6, 2000. Motion unanimously carried.

Mark Lucy of White Mountain Survey and Roger Williams, Project Manager, appeared before the Board. Mr. Lucy stated that this property is the former Barnaby's Steak House. Mr. Lucy stated that this parcel is 20.33 acres with 3.1 acres in the Highway Commercial District. Mr. Lucy stated that the Residential/Agricultural district bisects this parcel. Mr. Lucy stated that the proposal is for a 34,200 square foot retail building. Mr. Lucy stated that 171 parking spaces are required and 171 parking spaces are being provided. Mr. Lucy stated that there is 84% green space. Mr. Lucy stated that 173 trees are required and 183 trees are being provided.

Mr. Lucy stated that there is no access onto Route 16 and there are two access points proposed off of Barnes Road. Mr. Lucy stated that one is limited to patron parking and the other is an employee and service access. Ms. Woodall asked if this application has been deemed accepted as complete. Mr. Irving read the stipulation. Mr. deFeyter stated that the time limitation starts from December 13, 2000, which means we are thirty days into the 65-day period. Mr. Irving answered in the affirmative.

Ms. Woodall asked for public comment; Nanci Neenan reviewed the plans. Ms. Neenan asked how large is the area from the back of the proposed building to Puddin Pond road. Mr. Lucy answered between 15 and 17 acres. Ms. Neenan asked the plans for the remaining land. Mr. Lucy stated that they are just developing what is shown on the plans. Ms. Neenan stated that they could come back. Mr. Lucy agreed. Mr. deFeyter stated that the back land is zoned residential. Mr. deFeyter stated that there is a proposal that has been brought forward by the Attorney for Rock Development to change that area to commercial. Mr. deFeyter stated that the Planning Board did not recommend that proposal, but it will be on the ballot in March, 2000.

Ms. Neenan stated that she is concerned that she was not noticed. After a brief discussion, it was determined that the previous owner was notified. Mr. King stated that the applicant has to follow State Statute and notice who the Town has listed as the owner. Mr. Webster asked if the items under not submitted could be clarified. Mr. King stated that items 1 and 2 have been submitted and items 3 and 4 have not been submitted. Mr. King stated that the applicant has also submitted an elevation plan. The Board reviewed the elevation plans. Mr. deFeyter stated that this is a different façade from before. Mr. Lucy agreed and stated that they wanted to incorporate the cupolas.

Mr. deFeyter stated that he would like clarification as to the plans and asked if these are the plans submitted to the Planning Board last summer. Mr. King stated that only one plan from last summer could be found. Mr. deFeyter asked if these are the same plans that went to the Zoning Board of Adjustment (ZBA). Mr. Irving stated that the applicant went before the ZBA and then came back to the Planning Board on August 19, 1999. Mr. King stated what went to the ZBA included three exhibits. Mr. deFeyter asked what size building went to the ZBA. Mr. King answered 33,800 square feet. Mr. deFeyter stated that this is not the same plan as this is for 34,200 square feet. Mr. deFeyter stated that these plans went to the ZBA and then

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to court. Mr. Lucy stated that these plans had a curb cut on Route 16 and the State wouldn't allow it. Mr. Lucy stated that this allowed for three more parking spaces. Mr. Lucy stated that these were submitted on August 19, 1999 and per the stipulation they should have been accepted. Mr. Irving stated that the stipulation states the plans deemed complete and on their merit are the ones denied August 19, 1999. Ms. Woodall stated that these are the plans that were denied on August 19, 1999. Mr. Lucy answered in the affirmative. Mr. deFeyter asked what the date stamp on them. Ms. Woodall answered August 4, 1999. Ms. Duane stated that that date is the day it was shipped from the survey company. Mr. King stated that he does not believe there is a date stamp from the Town on them. Mr. Lucy asked if Mr. deFeyter was insinuating that his company would back date a plan seven months. Mr. deFeyter stated that he did not know.

Ms. Duane asked if it was a question of 400 square feet. Mr. deFeyter stated that it is a question of do we have the right plans. Mr. King read the ZBA notice of decision. Mr. deFeyter stated that there are two issues, are these the same plans that went to the ZBA and are these the same plans that went to court. Mr. King stated that these are the plans that were here. Mr. deFeyter asked Mr. King if he is satisfied that these are the correct plans. Mr. King answered in the affirmative. Mr. deFeyter asked Mr. Lucy if he is satisfied that these are the correct plans. Mr. Lucy answered that he did not have to be, but yes he is.

Ms. Woodall asked if there were any questions regarding Article 123-21, driveways. Ms. Woodall asked what is the traffic impact. Mr. Lucy stated between August 4, 1999 when the plans were submitted and August 19, 1999 when the plans were denied we met with the Town Engineer, Paul DegliAngeli. Mr. Lucy stated that they reviewed striping of Barnes Road and with further review they came up with different striping. Mr. Lucy stated that he has not made any changes to the plan because of the stipulation. Mr. King referred to the Engineering Review and stated that the three items listed have been requested from the applicant. Ms. Woodall asked when the widening would take place. Mr. Lucy stated that it would be done as part of the construction or development of the site.

Mr. Webster stated that the Barnes Road project is on the warrant and asked if it is voted down if the applicant is prepared to cover the cost. Mr. Lucy answered in the affirmative. Ms. Sand asked how far along Barnes Road it would affect. Mr. Lucy stated that it would be curbed from the intersection past the service drive to the North. Mr. Lucy stated to the South the existing edge of pavement would be held and narrowed down after the patron entrance. Mr. Lucy stated that there would be two, eleven-foot travel lanes and two, five foot bike lanes. Ms. Woodall asked if the signal at the intersection of White Mountain Highway and Barnes Road would be turned on. Mr. Williams stated that it is up to the State. Mr. Williams stated that the Board of Selectmen has to request it to be turned on. Mr. Williams stated that they would prefer it to be turned on, but it would have to go to the State.

Mr. Webster stated that there would be some modifications to the lights if it is widened and asked if that expense has been discussed. Mr. Lucy answered in the affirmative and stated that this past spring the lights were repositioned as part of the State project. Ms. Sand asked if the reconstruction of Barnes Road would happen regardless of the Town vote. Mr. Lucy stated that it is a part of this site plan. Ms. Woodall asked about sidewalks. Mr. Lucy stated that the sidewalk on McMillan Lane ends behind LL Bean. Mr. Lucy stated that there were sidewalks on the May, 1999 plans, but Mr. DegliAngeli did not think we needed them with the bike lanes. Ms. Woodall stated that the Master Plan encourages sidewalks. Ms. Sand stated that she would prefer not to see a sidewalk across the entrance.

Ms. Woodall suggested a bike lane on one side and a sidewalk on the other. Mr. Williams stated that it is a part of the widening plan. Mr. deFeyter stated that he remembers talking to Mr. DegliAngeli and requesting sidewalks to McMillan Lane. Mr. Lucy stated that they have no objection to sidewalks, but they were removed on the recommendation of town staff that they were not needed with bike lanes. Mr. Webster stated that we are all in agreement that the sidewalks are necessary and we should send it back and have them look at it again. Mr. Webster stated that there are a lot of people who use the athletic club.

Mr. Lucy stated that this landowner has no objection with putting in sidewalks. Ms. Woodall asked if the Board agrees with the need for sidewalks. Ms. Sand stated that she agrees sidewalks are necessary, but not sure if it should go across the main entrance. Mr. Waterman, Mr. deFeyter and Mr. Webster all agreed that

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sidewalks are necessary and Ms. Duane stated that either way would be fine. Ms. Neenan asked why she is here. Ms. Woodall answered to express any concerns. Ms. Neenan stated that it seems all set. Ms. Sand stated if they meet the regulations the Board has to approve the application. Ms. Neenan asked why she was notified. Ms. Sand answered to express concerns, give input and ideas. Ms. Woodall stated by law if they meet the regulations we cannot deny them. Ms. Neenan stated that it seems done. Ms. Woodall stated that we have to review each regulation.

Ms. Woodall asked if there were any questions regarding parking. Ms. Woodall stated that 171 parking spaces are required and 171 parking spaces are proposed. Ms. Woodall asked if there would be landscaping in the aisles. Mr. Lucy answered in the affirmative. Ms. Woodall asked if there were any questions regarding the driveway. Mr. King stated that both the applicant and the NHDOT would like to see the driveways on Barnes Road and the applicant has submitted a waiver. Mr. deFeyter stated that he thought the NHDOT wasn't in favor of a curb cut on Route 16. Ms. Sand stated that it is good to have a separate service entrance from your public entrance. Mr. Webster stated that it is also encouraging traffic flow off Route 16.

Ms. Woodall asked if there were any questions regarding loading. Mr. King stated that the waiver request is independent from loading. Ms. Woodall stated that it is for two driveways and we should look at the loading because it has a curb cut. Ms. Woodall polled the Board to see if the waiver should be discussed at this time. Ms. Sand, Mr. Waterman, Ms. Duane and Mr. Webster all agreed to discuss the waiver. Mr. deFeyter stated that either way was fine. Ms. Woodall read the waiver request for Article 123-21.C. Mr. Waterman made a motion, seconded by Ms. Sand, to approve the waiver request for Article 123-21.C. Motion carried with Ms. Woodall abstaining from voting.

Ms. Woodall asked what size trucks will be using the loading area. Mr. Lucy answered 64-foot trucks. Mr. Waterman asked how many shipments there will be. Mr. Lucy stated that he can only speculate, but the driveway will be adequate. Ms. Woodall asked if snow would be stored in the infiltration basins in the front. Mr. Lucy stated it would be throughout the developed portion. Mr. Lucy stated that the required note on snow removal is on the plans. Ms. Woodall asked if there were any questions regarding pedestrian access; there was none. Ms. Woodall asked if there were any questions regarding lighting; they are shown on the plans. Mr. deFeyter asked if there were cut sheets for the lighting. Mr. King answered in the affirmative. Ms. Sand suggested lighting the loading area. Mr. Williams stated that that would make sense.

The Board and the applicant discussed a lighting policy that has been adopted by the Board of Selectmen and the applicant agreed to look at that policy. Ms. Woodall asked if there were any questions regarding drainage. Mr. Lucy reviewed the drainage. Ms. Woodall asked if there were any questions regarding utilities. Ms. Woodall asked if the utilities would be underground. Mr. Lucy answered in the affirmative. Ms. Woodall asked if there were any questions regarding landscaping. Mr. Lucy reviewed the buffer area. Ms. Woodall asked what is being counted as green space. Mr. Lucy answered the whole lot and stated west of the district boundary there is 25% green space. Mr. deFeyter asked if that takes the sidewalk into consideration. Mr. Lucy answered in the negative and asked how could it. Mr. Lucy stated that it would be a little less with sidewalks. Ms. Woodall stated that it would require a waiver. Mr. Lucy stated if the Board wants sidewalks then you are pushing it into non-compliance.

Mr. King stated that you cannot remove the bike lanes and if there is a sidewalk it would have to be located in the buffer. Mr. King asked if the Board would grant a waiver. Ms. Woodall asked if there would be bike lanes to the local North/South road. Mr. King answered that he did not know. Mr. Webster stated if the warrant article is not passed then they won't be constructed. Mr. deFeyter asked if it has bike lanes. Mr. Webster stated he would have to assume so based on the discussion. Mr. deFeyter asked if this should be tied with the other staff review. Mr. King asked if the Board would be inclined to grant a waiver for sidewalks within the buffer. Mr. Lucy stated that he doesn't think a waiver would be necessary because the regulations state that sidewalks can cross the buffer zone. Ms. Woodall asked how wide is the buffer zone. Mr. Lucy answered 25 feet from the right-of-way to the parking lot.

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Ms. Duane asked how the sidewalk would affect the drainage. Mr. Lucy stated that it would be five feet narrower which would require a couple of extra dry wells, but that can be dealt with. Mr. King stated that Mr. Lucy is correct about the buffer area. Ms. Woodall asked if there were any questions regarding trees. Ms. Woodall stated that 173 trees are required and 183 trees are proposed. Ms. Woodall asked if there were any questions regarding the architectural design. Mr. deFeyter stated that this looks much better from before and asked what it the base material. Mr. Williams answered split face block. Mr. Lucy stated that it is a concrete masonry unit. Mr. deFeyter stated that it is suppose to look like a natural material. Mr. Williams stated that it looks like stone. Mr. deFeyter asked if he could find out more information. Mr. Williams agreed.

Ms. Woodall stated that there are patron restrooms in the building, the dumpster is enclosed and there are six handicap parking spaces and a curbed ramp. Mr. deFeyter asked if there was going to be asphalt sidewalks in the front of the building. Ms. Duane stated that it is an existing sidewalk. Mr. Lucy stated if the State rebuilds and the material is concrete the applicant would match what is there. Ms. Woodall stated that the applicant has received fire chief approval, precinct approval and the State site-specific permit has been approved. Mr. deFeyter asked if the Town warrant doesn't pass does the applicant agree to the upgrades. Mr. Lucy stated that the applicant agrees to what is on the plans. Mr. deFeyter asked if it has been discussed on how to deal with the bonding or are we waiting until after the election. Mr. William stated that the intent is that we are doing that work no matter what and we would bond for that.

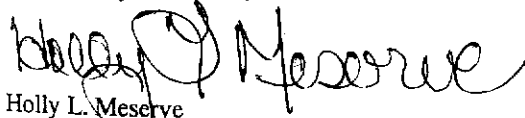
Ms. Sand made a motion, seconded by Ms. Duane, to continue the full site plan review for Zodiac, Inc. until February 3, 2000. Motion unanimously carried. Mr. King asked Mr. Lucy to check on the 65-day period in case the review is continued to February 17, 2000.

**Lot Merger – John Freeman Lowd And Susanne Noyes Lowd:** The Board signed a lot merger for John Freeman Lowd and Susanne Noyes Lowd to combine 1999 Tax Map 262, Parcels 35 and 35.01.

**Master Plan and Workshop:** Mr. deFeyter stated that Mr. Irving promised the Board a plan to update the Master Plan, which he has submitted to the Board. Mr. deFeyter stated that he would like to see the Board move forward on this. Mr. deFeyter stated that this is fine as a starting point and we should take the next step to get it moving. Mr. deFeyter stated that we need to take some of the Master Plan chapters and start working on them. Ms. Woodall stated that Mr. Irving has asked for a workshop. Mr. Irving stated that he would like to do some recruiting to find interested people in the public to participate. Mr. Irving stated that he would like to see the first workshop set up. The Board agreed to a workshop on February 10, 2000.

Meeting adjourned at 9:12 p.m.

Respectfully Submitted,

  
Holly L. Meserve  
Recording Secretary