

## CONWAY PLANNING BOARD

### MINUTES

MAY 12, 2005

A meeting of the Conway Planning Board was held on Thursday, May 12, 2005 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Conrad Briggs; Selectmen's Representative, Larry Martin; Martha Tobin; Sheila Duane; Steven Porter; Russell Henderson; Robert Drinkhall; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

#### REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of April 28, 2005 should be amended as follows: page 7, under Rock Development, paragraph 2, and line 6 should read, "...Henderson stated he is not opposed to the idea ~~however, the parking should remain~~. Motion...". **Ms. Duane made a motion, seconded by Ms. Tobin, to approve the Minutes of April 28, 2005 as amended. Motion unanimously carried.**

#### APPOINTMENT OF MEMBER

**Mr. Martin made a motion, seconded by Ms. Duane, to appoint Robert Drinkhall to serve one-year of Theodore Sares three-year term. Motion unanimously carried.** Mr. Martin swore in Mr. Drinkhall as a member.

#### ELECTION OF OFFICERS

**Ms. Duane made a motion, seconded by Mr. Martin, to nominate Mr. Drinkhall as Chair. Motion unanimously carried.**

**Ms. Duane made a motion, seconded by Mr. Martin, to nominate Mr. Briggs as Vice Chair. Motion unanimous carried.**

**Ms. Duane made a motion, seconded by Mr. Drinkhall, to nominate Ms. Tobin as Secretary. Motion unanimously carried.**

#### AUDUBON SOCIETY OF NH AND MRM REAL ESTATE DEVELOPMENT, LLC – BOUNDARY LINE ADJUSTMENT (PID 246-18 & 19) FILE #S05-12

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to add 3.96 acres to PID 246-18 from PID 246-19 on White Mountain Highway, North Conway. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of the Audubon Society of NH and MRM Real Estate Development, LLC for a boundary line adjustment as complete. Motion unanimously carried.**

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Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver requests for Articles 131-24.O. & 131-26.A.; 131-24.Q. & 25.O.; 131-24.T., U., & V. and 131-37.1.A. Mr. Briggs stated that he was surprised to see this land being developed commercially. Mr. Lucy stated that PID 246-19 is entirely within the Highway Commercial District. Mr. Drinkhall asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Martin, to grant the waivers for Articles 131-24.O. & 131-26.A.; 131-24.Q. & 25.O.; 131-24.T., U., & V. and 131-37.1.A. Motion unanimously carried.**

David Hogan, President of NH Audubon, stated that the intention all along for this site has been that there would be some sort of center there, which is what they promised the Dahl sisters. Mr. Hogan stated that the Audubon Society acquired the former White Mountain Oil property [PID 246-19] for access. Mr. Hogan stated that the Audubon Society sold the White Mountain Oil property due to debt. Mr. Hogan stated that the backside of the property has a high resource value and the front portion would be back before the Planning Board for the proposed center.

Mr. Drinkhall asked for public comment; Chester Lucy asked for an outline of what is proposed for the center. Mr. Hogan stated it would be an environmental center with office space for the Audubon Society, an interpretive area, a store and a lodge. Mr. Hogan stated that it would be a green building using wood from the property, having toilets that have low water usage and a heating system using wood pellets. Mr. Hogan stated that the white pines long Route 16 would remain. Mr. Hogan stated that they would not be competing with Tin Mountain, but complementing them.

Ms. Duane asked what is proposed for the former White Mountain Oil property. Mr. Hogan stated that an access would be maintained for the Audubon Society, but beyond that they are not sure at this time. Mr. Briggs stated that there was an agreement with the Town for snow storage. Mr. Hogan stated they have been working with the Town to find an alternative site for snow storage. Mr. Lucy asked if there would be any structures on the Dahl property. Mr. Hogan stated to construct a building on the Dahl property, permission would need to be obtained from the Dahl sister and they do not have that permission at this time.

**Ms. Duane made a motion, seconded by Ms. Tobin, to conditionally approve the boundary line adjustment conditionally upon obtaining North Conway Water Precinct approval; submitting a Mylar; a performance guarantee for landscaping; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on August 11, 2005. Motion unanimously carried.**

**RIVER VALLEY REALTY TRUST – 27-LOT SUBDIVISION CONTINUED (PID 263-1) FILE #S05-09**

Mr. Irving stated that the applicant has requested a continuance.

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**Ms. Duane made a motion, seconded by Mr. Martin, to continue the Subdivision Review for River Valley Realty Trust until May 26, 2005. Motion unanimously carried.**

**TRAFFORD'S RV – FULL SITE PLAN REVIEW CONTINUED (PID 260-48)  
FILE #FR05-09**

Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Mr. Porter, to continue the Full Site Plan Review for Trafford's RV until May 26, 2005. Motion unanimously carried.**

**JAMES AND LINDA DIGIANDOMENICO – 15-UNIT SUBDIVISION  
CONTINUED (PID 262-64) FILE #S04-27**

Mr. Irving stated that the applicant has requested a continuance. **Ms. Duane made a motion, seconded by Ms. Tobin, to continue the 15-Unit Subdivision for James and Linda Digiandomenico until May 26, 2005. Motion unanimously carried.**

**KGI MOUNTAIN VALLEY MALL, LLC – FULL SITE PLAN REVIEW (PID  
246-38) FILE #FR05-10**

Maureen McGlone of H.E. Bergeron Engineers and Randy Cooper of Cooper, Deans & Cargill appeared before the Board. This is an application for the redevelopment of the Mountain Valley Mall property resulting in five buildings on the site for a total of 272,000 square feet of commercial floor area at 32 Mountain Valley Boulevard.

**Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of KGI Mountain Valley Mall, LLC for a Full Site Plan Review as sufficiently complete. Motion carried with Mr. Henderson and Mr. Drinkhall voting in the negative.**

Mr. Irving read the letter from Mr. Cooper regarding the 65-day requirement and stated that there is no action required by the Board at this time. Mr. Cooper submitted binders and legal sized plan sets to the Board. Andy Rocket and Kevin Letch of KGI Mountain Valley Mall, LLC; Peter Hedrich of Gorrill-Palmer Consulting Engineers, Inc.; Robert Nichodemus, Architect, and Ira Baline, Architect, of Bergmeyer Associates; Todd Morey of Lowe's; and Lisa Roth, Landscaper, of Brown, Richardson, Rowe, were in the audience.

Mr. Irving stated that the applicant would need to submit more detailed plans including road design, architecture, landscaping and utilities. Mr. Briggs stated there are a lot of waivers and thinks the Board will have trouble with the outdoor display space and the architecture of the buildings. Mr. Briggs stated that architecture is a major problem. Mr. Drinkhall concurred with Mr. Briggs. Mr. Martin stated that he would like to see three-dimensional views from Route 16 and the North-South Road. The Board agreed they would like to see four three-dimensional views, three from the North-South Road and one from Route 16.

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Mr. Drinkhall asked for public comment; Derek Lick, Representative for Cinema 7, stated that they are concerned with the number and location of parking spaces. Mr. Lick stated that they are concerned with the turning radius of a tractor-trailer truck into the proposed JC Penney loading dock. Mr. Lick stated that a fire exit for the movie theater exits into the proposed loading dock for JC Penney.

Mr. Lick stated that the plans incorrectly indicated the size of the Lowe's building, however, he understands that that was not the case. Mr. Lick stated that they are concerned with the greenspace calculations; the wetland issue; the lighting plan; if any old government permits have been applied for; and if the Board performs a site visit that the public be able to attend.

Mr. Drinkhall stated the different uses have different peak times in regard to the parking. Mr. Lick stated that the peak hour is the weekend when Lowe's is usually busy as well. Mr. Irving stated that the owners should try to work with their own tenants. Mr. Cooper stated that they would address those issues.

Wally Campbell of Fandangle's Restaurant stated through the course of a winter there could be 200 spaces filled with snow. Mr. Campbell stated in year pasts who was on the Board depended on what went and what stayed. Mr. Campbell stated that he hopes that the issues being addressed are something that is going to be seen in the future. Mr. Campbell stated Settler's Green was required to construct a berm on Route 16, then Applebee's came along and the berm disappeared. Mr. Drinkhall stated there is a note on the plan that within 48 hours, snow is to be removed from the site.

Ray stated that it appears that most of the concerns are the aesthetics, traffic control and landscaping. Mr. Ray asked if there has been any consideration or is there any restriction to a berm along the North-South Road. Mr. Drinkhall stated that one of the concerns is the view from North-South Road. Mr. Irving stated that the concern with any vertical changes to the topography would be how it would affect drainage. Mr. Henderson stated that he would agree to a berm and would like to see a berm in the front. Mr. Henderson stated that he thinks the proposal in general is overdeveloped.

Ron Russell of Airport Pines stated that he would like to see the Board pay attention to public safety and asked if there are any changes proposed to Mountain Valley Boulevard. Mr. Russell stated currently vehicles drive from Wylie Court to Mountain Valley Boulevard even though it is not a road. Mr. Cooper asked if Airport Pines would be willing to allow the developer to construct a fence on the common land. Mr. Russell stated Airport Pines would welcome that.

Ira Baline, Architect, of Bergmeyer Associates gave an overview of the proposed facades. Mr. Henderson stated [in regard to the Hannaford Building] that the proposal would primarily be painted concrete block, which is not allowed in the regulations. Mr. Henderson stated that the proposal is not New England style and the continuous roofline

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needs to be broken up. Mr. Drinkhall stated what is proposed is stucco. Mr. Baline stated it is a sand paint. Mr. Drinkhall stated that this does not reflect New England style.

Ms. Duane asked if the area where the building is being torn down was being replaced with a mural. Mr. Baline answered in the affirmative. Ms. Duane stated that the mural would not last the test of time. Mr. Baline stated that it would need to be maintained. Mr. Porter stated that the applicant should provide elevations for all four sides of the existing buildings. Mr. Ray stated that he thinks the paint is ridiculous and the applicant could plant some inexpensive plants along that wall. Mr. Drinkhall asked if the removal of the JC Penney building would expose any roof top mechanicals. Mr. Baline stated that he would have to look into it.

Todd Warren of Lowe's gave an overview of the Lowe's building elevations. Lisa Roth, Landscaper, of Brown, Richardson, and Rowe gave an overview of the landscaping. Mr. Irving asked if irrigation was proposed. Ms. Roth answered in the negative. Mr. Irving stated that Wal-Mart had to install irrigation, as they couldn't keep the trees alive.

**Mr. Briggs made a motion, seconded by Ms. Tobin, to continue the Full Site Plan for KGI Mountain Valley Mall, LLC until June 9, 2005. Motion unanimously carried.** Mr. Cooper stated that the applicant would like to discuss the North-South Road entrance at the next meeting.

#### **OTHER BUSINESS**

**Mt. Washington Observatory (PID 218-55) - §123-4.A.(5)**: Randy Cooper of Cooper, Deans & Cargill and Will Abbott of the Mt. Washington Observatory appeared before the Board. Mr. Abbott stated that they would like to discuss the Planning Board vote on April 14, 2005 denying a seasonally placed snow tractor with a footprint of 8.5' x 13' on the front lawn of their property. Mr. Abbott stated that the snow tractor is an interactive piece of the museum. Mr. Abbott stated they would prefer not to have the snow tractor in the parking lot as if children fall off they would be falling onto asphalt rather than grass. Mr. Abbott stated that they also have a deficiency in parking.

Ms. Duane stated she did not realize it was going to be an interactive piece. Mr. Martin stated that it shouldn't be an interactive piece due to safety. Mr. Cooper stated that there are safety concerns that need to be addressed to make it an interactive piece. Mr. Henderson asked if this would be a permanent structure or would it move periodically. Mr. Abbott stated that it is intended to stay in one place, but be placed there in the spring and leave in the fall. Mr. Porter stated that it would be an eyesore and one more thing to clutter up the road.

Mr. Martin stated the problem is with greenspace and what happened with the outdoor display at Northern Extremes [PID 235-33]. Mr. Martin stated that he would be more in favor of giving up a parking space with grass as Northern Extremes could have said that the snow machines were interactive to their business. Ms. Duane stated that this is a museum and it is educational.

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Mr. Briggs stated that he agrees with Mr. Martin. Ms. Duane stated she doesn't see ripping up pavement to add greenspace that is going to be parked on seasonally. Mr. Martin stated that he sees it as an advertisement. Mr. Henderson stated that he agrees with Mr. Martin. Mr. Henderson stated that it may not be a precedent, but it starts a trend. Mr. Porter stated that it is an eyesore and a liability with kids close to traffic.

**Mr. Martin made a motion, seconded by Ms. Duane, to reconsider the motion of April 14, 2005. Motion unanimously carried. Mr. Martin made a motion, seconded by Ms. Duane, to allow the display of a snow cat in the front of the building. Motion defeated with Mr. Briggs, Mr. Martin, Ms. Tobin, Mr. Porter and Mr. Henderson voting in the negative and Ms. Duane and Mr. Drinkhall voting in the affirmative.**

**Citizen Design Review Committee Representative:** Mr. Briggs stated with the resignation of Ted Sares, the Board needs a representative on the Citizen Design Review Committee. **Ms. Duane made a motion, seconded by Ms. Tobin, to nominate Mr. Drinkhall as the Planning Board representative on the Citizen Design Review Committee. Motion unanimously carried.**

**Capital Improvements Program (CIP) Committee:** The Board discussed the establishment of a Capital Improvements Committee as adopted at Town Meeting. Mr. Irving requested that the Board provide a proposal outlining the structure and staff report requests. Mr. Irving stated that we do not have sufficient staff to provide for minutes, however, staff would archive the minutes prepared by the committee and facilitate public notice for committee meetings if the minutes and meeting schedule were given to staff in a timely manner. Ms. Tobin agreed to take the minutes.

Mr. Irving indicated that there is a C.I. Program handbook that would be available to the Board and urged the Board to review the handbook prior to proceeding with the CIP.

**Jeanne and Anthony Franchi/Philip McDonnell/Patricia Franchi – Meadow Green Realty Trust II – 30-Unit Subdivision (PID 219-303) File #S05-11 – Reconsideration of Waiver for Article 131-67.C.5:** Mr. Briggs stepped down at this time. Mr. Martin stated that he would like to reconsider the requested waiver. **Mr. Martin made a motion, seconded by Mr. Porter, to reconsider the motion for Article 131-67.C.5.** Mr. Martin stated after reviewed Article 131-67.C.5. he realized he made a decision on incorrect information. **Motion unanimous carried.** Mr. Irving stated he would inform the applicant's agent.

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary