

CONWAY PLANNING BOARD

MINUTES

AUGUST 25, 2005

A meeting of the Conway Planning Board was held on Thursday, August 25, 2005 beginning at 7:06 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Secretary, Conrad Briggs; Sheila Duane; Steven Porter; Russell Henderson; Public Works Director, Paul DegliAngeli; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of August 11, 2005 should be amended as follows: page 5, third paragraph under KGI Mountain Valley Mall, should read, "...as represented in Exhibit 1 [in HEB letter dated 08/03/05 regarding KGI – Mountain Valley Mall parking], the 1987 ITE...". **Ms. Duane made a motion, seconded by Mr. Briggs, to accept the Minutes of August 11, 2005 as amended. Motion carried with Mr. Martin abstaining from voting.**

JEANNE AND ANTHONY FRANCHI/PHILIP MCDONNELL/PATRICIA FRANCHI – MEADOW GREEN REALTY TRUST II – 30-UNIT SUBDIVISION CONTINUED (PID 219-303) FILE #S05-11

Doug Burnell of H.E. Bergeron appeared before the Board. This is an application for a 30-unit subdivision. This application was accepted as substantially complete on April 28, 2005. Mr. Burnell requested a continuance. **Ms. Duane made a motion, seconded by Mr. Porter, to continue the subdivision review for Jeanne And Anthony Franchi/Philip Mcdonnell/Patricia Franchi – Meadow Green Realty Trust II until October 13, 2005. Motion unanimously carried.**

JOSEPH, III AND LISA QUERCI – CONCURRENT FULL SITE PLAN AND SUBDIVISION REVIEW (PID 218-101) FILE #FR05-16 & S05-17

Doug Burnell of H.E. Bergeron appeared before the Board. This is an application to convert the former Sedler's Antiques from retail and two residential units to a 3-unit residential condominium. **Ms. Duane made a motion, seconded by Mr. Briggs, to accept the application of Joseph, III and Lisa Querci for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for Articles 123-20.F/131-67.C.8.d. **Ms. Duane made a motion, seconded by Mr. Martin to grant the waiver for Articles 123-20.F/131-67.C.8.d.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

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Mr. Drinkhall read the waiver request for Articles 123-22.B & 123-38. **Mr. Martin made a motion, seconded by Ms. Duane, to grant the waiver for Articles 123-22.B & 123-38.** Mr. Martin asked how does this meet the criteria to grant a waiver. Mr. DegliAngeli stated he is not sure what the Board looks at when reviewing gravel parking lots, but gravel is not appropriate for high intensity or high volume use. Mr. DegliAngeli stated that pavement does not seem applicable for a low intensity use; however, a paved apron would be necessary.

Ms. Duane stated this property abuts an apartment complex to the back. Mr. DegliAngeli stated it is a 2-unit building that abuts the back of this property. Ms. Duane stated that this is not a high volume use. Mr. Martin stated that the Board made another applicant pave the driveway to the parking lot to prevent dust. Mr. DegliAngeli stated that the previous applicant was using the property for logging trucks. Mr. Briggs stated that the parking lot should be paved.

Mr. Drinkhall asked for public comment; there was none. Mr. Burnell stated that the existing parking is gravel. Mr. Porter asked how much further is it from the paved apron to the gravel parking. Mr. Burnell answered 40-feet. Mr. Querci stated that he did not have a problem with paving the driveway. The Board agreed to amend the motion that the driveway is to be paved to the parking lot. **Motion carried with Mr. Henderson voting in the negative to the amended waiver.**

Mr. Drinkhall read a waiver request for Article 123-28. **Mr. Martin made a motion, seconded by Ms. Duane, to grant the wavier for Article 123-28.** Mr. Drinkhall stated that unless it would create a hazard the utilities should be underground. Mr. Martin stated that there are several conduits now on the pole and it would create a problem. Mr. DegliAngeli stated it would not be practical on that pole. Mr. Martin agreed. Mr. Russell asked how many conduits could there be on a pole. Mr. Martin answered three safely. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for Articles 123-29.A.2, A.3 & A.4. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver for Articles 123-29.A.2, A.3 & A.4.** Mr. Martin asked if the encroachment already exists. Mr. Burnell answered in the affirmative. Mr. Henderson stated where this is a redevelopment there is some way to reduce the encroachment. Mr. Henderson suggested moving the handicap space to the west, which would allow removal of the gravel from the buffer to the east. Mr. Burnell stated if a handicap ramp were necessary it would be able to fit if the handicap space remains where it is proposed, but if the handicap space were moved a ramp would not fit. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.**

Mr. Drinkhall read Article 123-29.B. **Mr. Porter made a motion, seconded by Ms. Duane, to grant the waiver for Article 123-29.B.** Mr. Henderson stated would there be an increase in greenspace with the removal of the exterior stairs. Mr. Burnell reviewed the calculations and determined it would still be less than 25% greenspace. **Motion carried with Mr. Henderson voting in the negative.**

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Ms. Duane stated that the architectural drawings are beautiful. Mr. Drinkhall asked for public comment; there was none.

Ms. Duane made a motion, seconded by Mr. Porter, to conditionally approve the concurrent site plan and subdivision for Joseph, III and Lisa Querci conditionally upon North Conway Fire Chief Approval; removing the secondary access to the second floor from the plans; extend driveway pavement to gravel parking lot; the Engineer signing sheet 3; adding §123-42.C. note to the plan; indicate North Conway Fire on sheet 2 in note #1; submit Mylar's; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 8, 2005. Motion carried with Mr. Henderson voting in the negative.

MARGUERITE FRIARY – 4-LOT SUBDIVISION (PID 283-22) FILE #S05-18

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 37 acres into 4-lots. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Marguerite Friary for a subdivision review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver requests for Articles 131-24.O. & 131-26.A. **Ms. Duane made a motion, seconded by Mr. Martin, to grant the waiver for Articles 131-24.O. & 131-26.A.** Mr. Henderson asked if the well is encroaching into the wetland. Ms. Smith stated the well is not in the wetland, but the protective radius includes the wetland. Mr. Drinkhall asked for public comment; Dick Klement asked about the wetlands. Ms. Smith reviewed the wetlands in relation to his lot. Mr. Klement asked if any of the lots could be further subdivided. Ms. Smith answered in the affirmative. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Briggs, to approve the 4-lot subdivision for Marguerite Friary. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.** The plans were signed.

JAMES AND PATRICIA NEUNDORF AND KATRINA JONES – BOUNDARY LINE ADJUSTMENT (PID 231-16 & 17) FILE #S05-19

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to equally exchange 2,191 square feet between the two parcels. **Ms. Duane made a motion, seconded by Mr. Briggs, to accept the application of James and Patricia Neundorf and Katrina Jones for a subdivision review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver request for Articles 131-24.K., N., O., T, U. & 26.A. **Mr. Briggs made a motion, seconded by Ms. Duane, to grant the waiver request for Articles 131-24.K., N., O., T, U. & 26.A.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

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Mr. Martin made a motion, seconded by Ms. Duane, to approve the boundary line adjustment application for James and Patricia Neundorf and Katrina Jones. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.** The plans were signed.

BRADFORD & MARGARET MORRILL/STEPHEN, OLGA & BRUCE DAVID MORRILL – BOUNDARY LINE ADJUSTMENT (PID 260-57 & 58) FILE #S05-20

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to add 8.34 acres to PID 260-57 from PID 260-58. **Ms. Duane made a motion, seconded by Mr. Briggs, to accept the application of Bradford & Margaret Morrill/Stephen, Olga & Bruce David Morrill as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver request for Articles 131-24, 25 & 29. **Ms. Duane made a motion, seconded by Mr. Porter, to grant the waiver request for Articles 131-24, 25 & 29.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Ms. Duane, to approve the boundary line adjustment for Bradford & Margaret Morrill/Stephen, Olga & Bruce David Morrill. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.** The plans were signed.

PLR REAL ESTATE DEVELOPMENT, LLC – FULL SITE PLAN REVIEW (PID 246-21) FILE #FR05-17

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to amend File #FR03-11 to revise previously approved parking layout and change the use from 20,400 square feet of retail space to 17,502 square feet of retail space and 2,940 square feet of business service establishment. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of PLR Real Estate Development, LLC for a full site plan review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver requests for Articles 123-20.C.; 123-20.F/131-67.C.8.b.; and 123-20.F/131-67.C.8.c./123-29.A.4. **Ms. Duane made a motion, seconded by Mr. Martin, to grant the waiver request for Articles 123-20.C.; 123-20.F/131-67.C.8.b.; and 123-20.F/131-67.C.8.c./123-29.A.4.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Henderson asked if the square footage of the proposed building was changing from the first approval. Mr. Lucy answered in the negative and stated it is the same footprint. Mr. Henderson asked if greenspace has been affected. Mr. Lucy answered in the negative. Mr. Drinkhall asked for public comment; there was none.

Mr. Martin made a motion, seconded by Mr. Henderson, to conditionally approve the full site plan for PLR Real Estate Development, LLC conditionally upon NHDES Site

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Specific approval; submitting a Mylar; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on December 8, 2005. Motion unanimously carried.

ROCK DEVELOPMENT, LLC – FULL SITE PLAN REVIEW CONTINUED (PID 235-78) FILE #FR05-11

Rob Barsamian and Roger Williams of OVP Management, Inc. appeared before the Board. This is an application to construct a 132,972 square foot home improvement center with associated parking, utilities and landscaping. This application was accepted as complete on June 9, 2005.

Ms. Duane asked if Mr. DegliAngeli could explain the road upgrades. Mr. DegliAngeli stated if the traffic study indicates that the roundabouts are a solution then the developer is willing to construct that option. Mr. DegliAngeli stated the first roundabout is proposed on the North-South Road in the vicinity south of the existing Common Court connector and the second roundabout would be at Mountain Valley Boulevard and North-South Road.

Mr. DegliAngeli stated that the reconstruction of the signalized intersection at 302 and North-South Road would be necessary. Mr. DegliAngeli stated there is also a problem with traffic leaving Wal-Mart and closing the access to the Mountain Valley Mall in that vicinity would be necessary. Mr. DegliAngeli stated that an additional lane on Route 16 at Barnes Road and reconstructing Barnes Road and Macmillan Lane would be necessary. Mr. DegliAngeli stated that the approach to Common Court and its connector would have to be revised to suit the location of the roundabout.

Ms. Duane stated the already failed intersection is a concern to her and if the mall does end up in litigation that would prevent them from constructing their upgrades the Town would have a road with half of the solution constructed on an already failed intersection. Mr. DegliAngeli stated a conditional approval would mean that this applicant is done with this Board, but there would be technical items that would need to be resolved. Mr. DegliAngeli stated that this application would be treated as if there was no application for the redevelopment of the mall. Mr. DegliAngeli stated that all necessary traffic improvements would have to be done to grant final approval. Ms. Duane stated that this applicant would not be able to construct only the Barnes Road improvements and one roundabout. Mr. DegliAngeli agreed and stated to allow this development to move forward all improvements would have to be constructed.

Mr. Briggs stated KGI might have to deal with a lawsuit, but it would have to do with the Cinemas in regard to parking, which has nothing to do with this Board. Ms. Duane stated that she wanted to make sure the concerns of the people were address and that we are not backing traffic up. Mr. DegliAngeli stated if the Board chose to grant a conditional approval the improvements required by the applicant would be, but not limited to, Route 302, Mountain Valley Boulevard and North-South Road, Common Court, Macmillan Lane and Barnes Road;

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however, he is an agent of the Board of Selectmen and it would be the Board of Selectmen to determine the off-site improvements.

Mr. Barsamian stated that their project would meet their mitigation. Mr. Barsamian stated that the main source of egress is onto Barnes Road and stated that they are caught in the pickle as there is a problem on the North-South Road, however, they can mitigate their problem. Mr. Barsamian stated that they suggested the roundabouts and brought it to the table and they would do what the Town asks them to do. Mr. Barsamian stated they are willing to contribute their share.

Mr. Drinkhall read the waiver requests for Articles 123-20.C. and 123-20.F/131-67.C.8.b. **Ms. Duane made a motion, seconded by Mr. Martin, to grant the waiver requests for Articles 123-20.C. and 123-20.F/131-67.C.8.b.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the full site plan for Rock Development, LLC conditionally upon Town Engineer approval of off-site improvements; indicate NHDES Site Specific approval number on plan; NHDOT Driveway permit and indicating approval number on plan; submitting Mylar's; 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 December 8, 2005. Mr. Henderson asked about roof top mechanicals. Mr. Barsamian stated that it is our concern as well and they would address it if it were a problem. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.**

OTHER BUSINESS

River Valley Realty Trust – Extension of Conditional Approval (PID 263-1) File #S05-09: Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for River Valley Realty Trust until November 17, 2005. Motion unanimously carried.

David Weyandt – Lot Merger (PID 290-7 & 8): Ms. Duane made a motion, seconded by Mr. Briggs, to approve the lot merger for David Weyandt to merger PID 290-7 & 8. Motion unanimously carried. The lot merger was signed.

Meeting adjourned at 8:53 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary