

CONWAY PLANNING BOARD

MINUTES

JULY 26, 2012

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CONWAY PLANNING BOARD

MINUTES

JULY 26, 2012

A meeting of the Conway Planning Board was held on Thursday, July 26, 2012 beginning at 7:01 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Steve Hartmann; Kevin Flanagan; Eric Porter; Alternate, Raymond Shakir; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBERS

Mr. Porter appointed Mr. Shakir as a voting member.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Hartmann made a motion, seconded by Mr. Porter, to approve the Minutes of July 12, 2012 as written. Motion carried with Mr. Hartmann abstaining from voting.

MARY JANE DIGREGORIO – BOUNDARY LINE ADJUSTMENT AND 2-LOT SUBDIVISION (PID 259-103 & 104) FILE #S12-07

Scott Frankiewicz of Brown Engineering & Surveying and Mary Jane DiGregorio appeared before the Board. This is an application to subdivide 74.84 acres into 3-lots. **Mr. Porter made a motion, seconded by Mr. Flanagan, to accept the application of Mary Jane DiGregorio for a boundary line adjustment and 2-lot subdivision review as complete. Motion unanimously carried.**

Mr. Hartmann asked about the street tree waiver. Mr. Frankiewicz stated that the lot to the west has a majority of its frontage in the wetland and the wetland will not be touched. Mr. Frankiewicz stated that the lot toward the east has 170' feet of frontage and has approximately 15 trees and the existing house has extensive landscaping. Mr. Hartmann asked the regulation. Mr. Irving stated one tree is required for every 60-feet of frontage; but this property has been the same for many years.

Mr. Porter asked for public comment; Marty Basch stated that he lives on North Pines Road and asked how many homes might there be in this development over time and where will they get water from. Ms. DiGregorio stated she is only interested in selling the smaller lot; there are no other plans.

Mr. Irving read waiver requests for §131-37.1.A.1 and §131-67.C.8.h. **Mr. Hartmann made a motion, seconded by Mr. Flanagan, to grant the waivers for §131-37.1.A.1 and §131-67.C.8.h.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

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Mr. Porter made a motion, seconded by Mr. Flanagan, to conditionally approve the Boundary Line Adjustment and 2-Lot Subdivision conditionally upon addressing the deficiency list dated July 18, 2012; adding waivers granted to the plan; submitting a Mylar; submitting four sets of revised plans; submitting 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 October 25, 2012. Motion unanimously carried.

FANDANGLE’S LTD – FULL SITE PLAN REVIEW (PID 246-42) FILE #FR12-08

Steve Long of Opechee Construction appeared before the Board. This is an application to construct a 3-story, 77 unit hotel and a 5,060 square foot, 133-seat restaurant. **Mr. Porter made a motion, seconded by Mr. Flanagan, to accept the application of Fandangle’s LTD for a Full Site Plan review as complete. Motion unanimously carried.**

Mr. Long stated that the driveway is proposed in the existing location, but the in portion of the driveway is 30-feet wide to allow for tractor trailers to turn into the site. Mr. Long stated a connecting drive to the bank and the car wash do not make sense; however, they are providing a connecting drive to the mall property so if the mall property ever comes back to the Board they can connect to us.

Mr. Irving stated that the Board is not approving any signage on the architectural renderings; they will have to comply with the zoning ordinance. Mr. Irving stated that staff does not have an objection to the requested waivers, but would suggest the Board pay close attention to the landscaping.

Mr. Shakir stated if his next statements are not under this Board’s purview then he just needs to be told. Mr. Shakir stated he doesn’t think anyone on this Board is as pro-business as he is, but he thinks another hotel is needed like a hole in the head. Mr. Shakir asked why they feel it is appropriate for another hotel and rumor has it that it will be a Mexican restaurant; we have about five already, so why another Mexican restaurant and not something that would complement the area. Mr. Porter stated that we cannot single out any applicant, we take it plan by plan and it is unfair to ask; need to be looking at the site as an individual. Mr. Shakir stated fair enough.

Mr. Irving stated that these types of uses are allowed in that district and we don’t have anything to limit the quantity of hotel rooms or restaurant seats and we do not regulate the type of restaurant. Mr. Irving stated that they could answer the question, but they are not obligated to. Mr. Shakir stated that he is not disputing that they are allowed, just a personal curiosity.

Jonathan Patel stated that he does take the comments seriously and there have been rumors that it is a Mexican restaurant, but it is not final yet; nothing set in stone at this time. Mr. Patel stated that the brand of restaurant is not in Conway; there are four other Mexican restaurants, but they might not give you the flavor as the other has. Mr. Patel stated in regard to the hotel, we understand there are a few rooms in Conway, but there is a lack of quality rooms and we are bringing quality. Mr. Irving asked what hotel chain. Mr. Patel answered Fairfield.

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Mr. Hartmann asked the total width of the driveway. Mr. Long answered 58-feet. Mr. Irving stated 36-feet is the maximum. Mr. Porter asked if there is an island in front of the driveway. Mr. Long answered in the negative. Mr. Hartmann stated in regard to the connecting drive how many parking spaces would be lost. Mr. Long answered six. Mr. Hartmann asked why not connect to the other properties. Mr. Long answered circulation and connecting to the mall property can get you to the North-South Road.

Mr. Hartmann stated you are asking for a waiver of 50% of the trees and part of the reason is because they would block the sign. Mr. Long stated that they are willing to add more trees, but would have to decrease the spacing. Mr. Shakir stated there is a tradeoff between parking and trees. Mr. Irving stated by reserving an area on the east end of the property they would have to reduce the number of hotel rooms or restaurant seats to meet the parking demands if the connection takes place.

Mr. Porter asked why it is not possible to connect to the bank. Mr. Long stated the bank would lose approximately 6 to 8 parking spaces. Mr. Porter asked if they have approached the bank. Mr. Long answered in the negative and stated that it just doesn't seem to make sense. Mr. Porter stated he has a hard time accepting a reduction of 50% of the trees; they are the gateway into the Mount Washington Valley. Mr. Flanagan stated that the building might be too big for the lot.

Mr. Porter asked for public comment; Beth Campbell stated it would not be safe to connect to the bank property; it is a very dangerous entrance and should not be encouraging people to use it. Ms. Campbell stated in regard to the width of the entrance it is also for safety.

Bob deFeyter stated that he is concerned with the density with what is proposed. Mr. deFeyter stated this is a much larger development than what was on the site originally. Mr. deFeyter stated that the Planning Board has taken the position that they want to see orderly and continued growth and the Town Engineer feels there is a delicate balance in that area, but the real question to consider is how you are going to deal with the extended development and the impact on traffic.

Mr. Long stated as part of the driveway application they were required to do traffic counts and submit a traffic study. Mr. Long stated that the study shows that the contribution of these uses to these intersections is minimal; the increase will be 2% of the total traffic through these intersections, and the fluctuations day to day is 15%; it is very minimal. Ms. Campbell stated there was only a restaurant, but once municipal water and sewer was installed the site could support this type of development.

Bob Gillis, owner of the Car Wash owner, stated Route 16 is wide and snow ends up in front of those properties and then gets pushed further back by the sidewalk plows making it difficult to exit these businesses. Mr. Gillis stated in regard to connecting to the bank it would be a nightmare. Mr. Gillis asked when the changes to the water lines and the electrical lines would be discussed. Mr. Gillis stated that it is an enormous building right up on the road and he would suggest moving the building back, even 30-feet, as it is a gateway to the Town. Mr. Gillis suggested having some of the parking on the KGI property; if you're adding pavement to

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pavement doesn't think it necessary for a 30-foot buffer. Mr. Irving stated those are valid points; maybe the Board would consider increasing the buffer along the front of a highway for snow storage.

Mr. Irving stated that the utilities are changing. Mr. Long stated there are two existing overhead lines across Route 16 would be removed and the utilities to their site and the Car Wash site would be from the back of the property underground.

Mr. Shakir suggested constructing a landscape berm on the southwest corner of the property. Mr. Hartmann stated 50% reduction in trees is way too much and stated that they needed to come up with something. Mr. Long stated that they could provide smaller trees. Mr. Hartmann stated he would be agreeable to smaller trees. Mark Woglom of Opechee Construction stated that they did not set out to see what they didn't have to do; they wanted to have a good landscaping plan. Mr. Woglom stated that they would enhance it and demonstrate a good landscaping plan.

Mr. Woglom stated in regard to the connection to the bank, the overall flow should work from both properties and hotel users are not likely to be using local banks; it would just be another short cut for locals. Mr. Woglom stated that it makes sense to connect to the back where hotel guests would use the shopping mall. Mr. Irving stated the Board in the past has time to time added a pedestrian access should the bank in the future redevelop.

Mr. deFeyter stated in regard to the connector, the Board can only require something on the site plan; they cannot require the bank to connect. Mr. deFeyter stated that the purpose of showing a connecting access is so in the future if it comes to site plan it might make more sense to have a connection. Mr. deFeyter stated all you would be doing is putting in a provision for a connecting drive.

Mr. Porter made a motion, seconded by Mr. Hartmann, to continue the site plan review for Fandangle's LTD until August 23, 2012 with new information to be submitted by the end of business August 10, 2012. Motion unanimously carried.

WALMART REAL ESTATE BUSINESS TRUST (CARROLL COUNTY LEASING AND STATE OF NH) - (PID 246-62, 246-61 & 235-55) – FULL SITE PLAN REVIEW CONTINUED ((FILE #FR12-06)

John Sokul, Jr of Hinckley, Allen and Snyder and Ellen Foster of BRR Architects, Jeffrey Dirk of Vanasse & Associates and Bill Goebel of Bohler Engineering appeared before the Board. This is an application to construct a 52,994 square foot retail expansion to the existing Wal-Mart. This hearing was continued from June 28, 2012.

Mr. Irving stated that the applicant is going to give an update on their progress, but they are still working on the issues. Mr. Dirk stated that he reviewed with the Town Engineer and the Town's consultant the design of the offsite improvements and the access to the project. Mr. Dirk stated the redesign has not been reviewed with the Town Engineer and the site plan still needs to catch up with the new proposed offsite improvements.

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Mr. Dirk submitted a package to the Board. Mr. Dirk stated all of these figures are from the traffic study itself and the major development is the 100,000 square feet that would have access off the fourth leg of the existing roundabout.

Mr. Dirk stated that they needed to put in a traffic control; either a signal or another roundabout. Mr. Dirk stated that we traffic moving slowly, but moving. Mr. Dirk reviewed the flow in and out of the property. Mr. Dirk stated that Wal-Mart's peak traffic numbers are November and December and the Town's peak traffic numbers are July. Mr. Dirk stated that they conducted traffic counts last week and the numbers in the traffic study are extremely high; they are redoing the traffic projections based on the actual traffic volumes.

Mr. Dirk review the concept improvement plan; west bound entrance only from Route 302 which will extend the median east of Eagle's Way; they will retain the right turn only entrance from the North-South Road; and relocate Hemlock Lane to have it enter onto the new roundabout. Mr. Dirk stated that they would keep the bike lane, have two lanes, and keep the sidewalk. Mr. Dirk stated that they need to redo the traffic study and the site plan will catch up with the new plans.

Mr. Dirk stated that they designed a roundabout at the Eagles Way North-South Road signalized intersection, but there is just too much traffic and in their opinion it would not work. Mr. Dirk stated that it would probably stay as a signalized intersection with some improvements.

Mr. Hartmann asked in regard to the roundabout proposal, he is not against it, but why are you moving it further to the north closer to the other traffic circle. Mr. Dirk stated it may be shifted; and it is better to have a public way enter a roundabout rather than a private drive. Mr. Hartmann asked is there a distance that should be between two roundabouts. Mr. Dirk stated it is usually 400-500 feet; if you are looking at two signals that is your spacing. Mr. Hartmann stated if people use it correctly it works; and he thinks it is the only answer to get in and out of Wal-Mart, but there should be a maximum distance between the two. Mr. Dirk stated that they would also be reviewing the existing roundabout to make it flow better. Mr. Hartmann stated that the existing bike lanes do not work.

Mr. Shakir stated at the last meeting the distance between the two was about ¼ of a mile and he thinks that is really close; and personally he cannot see the existing roundabout being able to adequately serve the commercial parcels. Mr. Dirk stated when they are developed the existing roundabout needs to look like the one that they are proposing at Wal-Mart and they are proposing to provide an updated design for the existing roundabout.

Mr. Flanagan asked what the existing radius is. Mr. Dirk stated that the existing roundabout would fit right into the proposed roundabout. Mr. Porter asked for public comment; Damon Steer, of the Conway Daily Sun, asked if the applicant is willing to do the work on the existing roundabout. Mr. Dirk stated that they would bring it up to current standards with signs and marking and provide a design.

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Bob deFeyter stated on page 4 of the traffic study, the assumption is there are no other projects other than 100,000 square feet of retail; he couldn't find consideration of other projects. Mr. deFeyter stated that there are 600 acres of developable space on Eagle's Way. Mr. deFeyter stated the numbers on page 54 don't seem realistic. Mr. deFeyter stated the assumption is based on a 10 year plan there are no other developments other than the 100,000 square feet on the North-South Road, but this Board is in the process of reviewing a hotel and restaurant and will be reviewing an 80,000 square foot Market Basket. Mr. deFeyter stated he doesn't believe anything can deal with this type of expansion other than a bypass.

Mr. deFeyter stated there is a corridor bypass and then there is a district and there is controversy on whether the district still exists. Mr. deFeyter stated in his opinion it still exists. Mr. deFeyter submitted an article in the Conway Daily Sun dated May 28, 2010. Mr. deFeyter stated there is no choice but to have a bypass and the corridor district to protect it.

Bayard Kennett stated he represents the Kennett Company and they own the land south of Wal-Mart and that abuts Eagle's Way. Mr. Kennett stated there are only 50 acres zoned commercially. Mr. Kennett stated that he was the one to submit the petition to remove the overlay district. Mr. Kennett stated that he has discussed with the Town and the Town's Attorney and the opinion of the Town's Attorney is that the language was correct and has removed the land from the bypass zoning.

Mr. Shakir stated he believes there are two transmission lines, 36KV~~B~~ and 115KV~~B~~, and he believes the gentlemen that addressed the Board had touched upon burying the lines. Mr. Shakir reported the findings of his research and stated, if they desire, it is economically feasible to bury the lines.

Mr. Hartman asked Mr. Shakir if the oil filled cable is eliminated what would the site look like. Mr. Shakir stated two vaults for transmission to go from overhead to underground. Mr. Hartmann asked if it would create an eye sore. Mr. Shakir stated that would all be eliminated. Mr. Sokul stated as far as the overhead transmission lines they do not own or control those lines and they have tried to work with the utility company. Mr. Sokul stated that the utility company will leave their lines above ground, but we are putting our lines underground.

Mr. Hartmann stated the Town is slowly trying to get rid of overhead utility lines and he would like to see a letter from the utility company stating that they will not put those lines underground. Mr. Sokul stated he would speak with the company, but he does believe the 115KB lines are exempt from a Town's control. Mr. Sokul provided the Board with a Court Case; PSNH vs. Town of Hampton, No. 79-322 dated January 31, 1980.

Ellen Foster reviewed the proposed Wal-Mart architectural drawings. The Board's concern was the side along Eastman Road. Mr. Porter asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Hartman, to continue the Full Site Plan for Wal-Mart until September 13, 2012 with new information to be submitted by end of business on August 31, 2012. Motion unanimously carried.

OTHER BUSINESS


Federal Spice Corp/Moat Smokehouse Restaurant (PID 202-11) – Conceptual

Consultation: This was withdrawn.

Committee Reports: There was none.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

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

Holly L. Meserve
Recording Secretary