

CONWAY PLANNING BOARD

MINUTES

AUGUST 23, 2012

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CONWAY PLANNING BOARD

MINUTES

AUGUST 23, 2012

A meeting of the Conway Planning Board was held on Thursday, August 23, 2012 beginning at 7:06 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Mary Seavey; Steve Hartmann; Kevin Flanagan; Eric Porter; Alternate, Raymond Shakir; Public Works Director, Paul DegliAngeli; and Recording Secretary, Karen Hallowell.

Not Present: Martha Tobin, Patricia Sell and Larry Martin. Also, there was no videographer present from Valley Vision.

APPOINTMENT OF ALTERNATE MEMBERS

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

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Flanagan made a motion, seconded by Mr. Shakir, to approve the Minutes of August 9, 2012 as written. The motion carried 5-0-1 with Ms. Seavey abstaining.

RESIDENCES AT SACO RIVER, LLC – FULL SITE PLAN REVIEW (PID 246-23) FILE #FR12-09

Mark Lucy of White Mountain Survey and Engineering and Roger Williams, Construction Manager of OVP, Inc., appeared before the Board. This is an application to construct an 80,000 square foot retail space and associated infrastructure.

Mr. Lucy advised they are proposing to build and 80,500 square foot building for retail space with a café on this 17.4 acre site. The required parking for what they are proposing is 413 spaces and they propose to provide 447 parking spaces. The parking would be located north and east of the proposed building. The proposed green space is 44%. The total trees required are 560. They have identified and inventoried 208 qualifying trees on the property and they will plant an additional 352 trees for a total of 560 as required.

Mr. Lucy next stated that the regulation requires connecting drives to adjoining commercial lots. They are proposing a connecting drive to the Saco River Campground, an adjoining drive the Northway Plaza to the north and, also, an emergency connecting drive to the Jones lot.

Mr. Lucy next advised they are only requesting two waivers. One has to do with the width of the entrance drive. Also the entrance drive has been reviewed and authorized by the NHDOT. He believes both waiver requests are reasonable and justifiable.

Mr. Shakir moved, seconded by Mr. Hartmann, that the modifications proposed as part of this application to PID 246-22, PID 246-24 and 246-21.002 are insignificant relative to the existing developments and that pursuant to the provision of §123-4.A.5 a site plan review will not be required. The motion carried unanimously.

Mr. Hartmann made a motion, seconded by Ms. Seavey, to accept the application of Residences at the Saco River, LLC for a Full Site Plan Review as complete. Motion carried unanimously.

Mr. Lucy asked that the two motions just made be withdrawn and restated in the reverse order as he felt that they may be null and void in the order they were made.

Ms. Seavey moved, seconded by Mr. Hartmann, to withdraw the motion to accept the application of Residences at the Saco River, LLC for a Full Site Plan Review as complete. The motion to withdraw the motion carried unanimously.

Mr. Hartmann moved, seconded by Ms. Seavey, to withdraw the motion that the modifications proposed as part of this application to PID 246-22, PID 246-24 and 246-21.002 are insignificant relative to the existing developments and that pursuant to the provision of §123-4.A.5 a site plan review will not be required. The motion to withdraw the motion carried unanimously.

The motions were next restated.

Mr. Hartmann made a motion, seconded by Ms. Seavey, to accept the application of Residences at the Saco River, LLC for a Full Site Plan Review as complete. Motion carried unanimously.

Mr. Hartmann moved, seconded by Ms. Seavey, that the modifications proposed as part of this application to PID 246-22, PID 246-24 and 246-21.002 are insignificant relative to the existing developments and that pursuant to the provision of §123-4.A.5 a site plan review will not be required. The motion carried unanimously.

Steve Hartmann asked for further explanation of the driveway. Mr. Lucy explained there is a strip of land from the Saco River Camping Area that runs to the east and has frontage on White Mountain Highway where the sign is located. Therefore Settlers Crossing is technically not a connecting site. The applicant believes they have provided the required connecting drives to the adjoining commercial properties which are Saco River Camping, Northway Plaza, and the so-called Jones lot.

Steve Hartmann questioned if there is a separate parcel that separates Settlers Crossing and, if so, who owns same. Mr. Lucy advised that he believes it is owned by the Hurst Family Trust.

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Steve Porter questioned how wide the land is. Mr. Lucy stated it is more than 5 to 8 feet and that it widens out enough for the sign that is presently located at the highway.

Steve Hartmann next asked about the driveway. Mr. Lucy explained it is the same driveway into the campground and then the campground road turns left but the road to the proposed site continues on. This is the site formally known as the drive in site. Mr. Hartmann questioned who owns the driveway. Mr. DegliAngeli advised the applicant owns the driveway. Mr. Hartmann asked if the campground has an easement to access their property. Mr. Lucy responded in the affirmative.

Steve Porter next questioned if there was previously a connecting drive easement to access the entrance into the new retail space as well as Saco River camping. Mr. Lucy stated that after careful research of the property, in 2003 there was a note shown stating to the effect that if surrounding property owners could agree that area would be reserved if the surrounding property owners could ultimately agree on providing an access. Then, with the following site plan review in 2005 this was removed. So the Settlers Crossing most current approval makes no reference to that connecting drive.

Steve Porter stated that it may not make a reference on the plans, but the last time Settlers Crossing was before was the Board --was the Board even made aware of that prior arrangement regarding access to that road was taken off the plans. He believes that it was not presented because it would have probably been an issue for him and he would have questioned same then. Nothing was mentioned about the connecting drives in 2005 or he would have questioned it. Mr. Williams stated the second time they were here in 2005 for Settlers Crossing, the plans were changed from retail to 200 square feet of surface and it added a drive through and some one way areas because of the congestion. Mr. Porter stated that he went through the minutes and found no mention of this and this is where his concern is. We were under the assumption this was still in the works. For whatever reason, you are saying this is not being held because of a small parcel which alleviates you from having to follow through in that particular location.

Steve Porter next stated that he would like to reiterate that he thinks a connecting drive from all those sites at Settlers Crossing's location makes more sense and, it makes more sense for you to make it happen than to say that it can't happen.

Mr. Williams stated that Settlers Crossing site was originally bought from Shaw's. There is an agreement with Shaw's that was recorded with the deed that restricts that parcel from having any infrastructure, utilities, parking etc, that has anything to do with supermarkets or a store that sells food, etc. or irreparable damages would be caused. Mr. Porter stated this is where he was going with this and trying to understand. Mr. Williams stated there were a lot of other prospects for this building but this spot makes the most sense after looking at other properties. They tried putting in a residential development but this failed. Steve Porter stated they are asking the town to turn around and say that on that particular site we are going to take the town ordinances and we are going to agree with your lawyers that, and this is a legal technicality as far as he is concerned, we are not going to put a connecting drive on that site when it should have a connecting drive to that

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site. Mr. Williams stated they have tied in to all of the other abutters as per the town regulations. Mr. Porter stated that as far as he is concerned a five foot piece of land is just a technicality for the applicant to work out to make this all happens or you turn around and say it's not going to be a supermarket and it can happen. Mr. Williams disagreed with this statement. Mr. Porter stated the applicant just came out and said it is going to be a supermarket and we can't do that but if it's not going to be a supermarket we can do it. Mr. Williams stated they could provide if they have easements over other people's properties that is not an abutting property.

Mr. Hartmann questioned if they have a signed lease for the supermarket. Mr. Williams advised they do not have a signed lease. Mr. Hartmann stated it then takes the issue out of the discussion for him. You are telling us this might or might not be a supermarket. The whole if and why thing makes it way too open for him. Mr. Hartmann stated that he personally thinks a connecting drive would benefit all no matter what you have on that property. It will benefit Settlers Crossing, Northway Plaza, and ease congestion on White Mountain Highway in this area. It makes sense to not have another off street access road. Mr. Porter stated that he didn't think that this Board would be being unreasonable by asking for another access. Mr. Williams stated they feel they are meeting the law. To do the project this way, they can't make the connection. Mr. Porter stated you are adding congestion to an area that is already congested and he feels there should be a connecting drive as well and that this Board is not being unreasonable to ask for another access.

Mr. Lucy asked that the Board look again at the regulations regarding connecting driveways. He feels that by the letter and literal meaning of this regulation that this application is not required to provide the connecting drive. Mr. DegliAngeli stated that Mr. Irving has indicated that he believes what matters is the intent of the ordinance and while you are entitled to your view of what it says, he believed the intent is to provide connections to adjacent properties. He believes it may be applicable here although it is the Board's decision.

Ms. Seavey stated she understands why the regulations are in place, but doesn't think there will be traffic impact the way the drive exists. She doesn't see the impact on traffic and feels it makes no difference if there is a connecting drive.

There was next further brief discussion on the waiver request and where it would be located. Mr. Lucy pointed to an area on the drawing near the highway.

Mr. Porter asked for any other comments from Board; there were none.

Mr. Porter asked for public comment; Dot Seybold of OVP Management stated she is surprised that the Chair of the Planning Board would be looking to hold this up over this particular issue as the use would be less than 50% for that property and given that development in the community has come to a standstill in the last five years. Right now the property is generating \$17,000 and they, as a company, try to find the best retailers, build the best building they can, and take care of them the best possible way. It is not easy to find retailers in this economy. When Roger Williams says this is a really good project for this property and it meets the criteria he is correct

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and this also will provide retail for North Conway. They know as well as anyone the impact on traffic. Also, right now the \$17,000 for this development will be \$250,000 in tax revenue for the town and in her opinion this is a very minor piece of all this Board has to do.

Steven Porter stated that we are all well aware of what Settlers/OVP puts into this community. This Board does not look at tax impact or the economic situation and he takes offense to these comments. This Board looks at each site and looks at the impact and sees what needs to get done. What we are talking about is a simple little access. Mr. Porter further added that we have to look at the long term effect of what this development will do for the valley. We have regulations and we need to look at the overall situation that will benefit the entire town.

There were no further public comments and Mr. Porter closed the public comment period.

Mr. Shakir stated that, similar to Lowe's and Home Depot, he would suggest that no matter how this is developed, it is never going to see 400 plus cars in the parking lot. He would suggest removing some of the parking requirements and put in green area instead of asphalt. Mr. DegliAngeli questioned if Mr. Lucy used the town's requirements or another method to calculate parking. Mr. Lucy advised he used town code. Mr. Lucy further stated he agrees with Mr. Shakir and there may be some parking spaces never used. Mr. DegliAngeli discussed Hannaford's parking area and stated he also agrees with Mr. Shakir. Mr. DegliAngeli further added there may be alternative standards to look at for this matter. Mr. Lucy stated that with projects such as this, the anchor tenant has their own requirements as well. We would only be able to go down to 403 spaces and we are proposing 447. The additional spaces they are adding will essentially be employee parking.

Ms. Seavey questioned if this parking is based on the occupant and is it only one tenant. Mr. Williams advised that it is one tenant. Mr. Lucy stated the town code requires five spaces per 1,000 feet and one space per restaurant seat. If you add all this up it is 413 spaces.

Mr. Shakir questioned if the developers recommendation supersedes the Planning Board requirements. Mr. Lucy responded in the affirmative. Mr. Shakir questioned if we can override this amount. Mr. Porter responded in the negative. Mr. DegliAngeli explained the town code is the minimum number. We have not said that you can't go over minimum. We have, however, said in the past if you are under you must either meet the code or provide your rationale of why you shouldn't. Right now they are meeting the requirements of the ordinance and exceeding it by 30%.

Ms. Seavey questioned if the tenant would let the developer cut the number of spaces down. Mr. Lucy advised that the tenant has the same requirements as the town but we have a café as well and the code requirement for this is one space for 3 seats. One could argue that the café is assessorly to the use and reduce the parking. Mr. Hartmann questioned why 440 and not 413 as required by the town. Mr. Lucy stated they could do that if that is what this Board wants. Mr. Shakir stated that he feels we do not need all that asphalt. Mr. Williams stated that if you look

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at supermarkets around the holidays, the lots do require this kind of parking. Steve Porter stated the applicant is meeting the requirement and doing what the town regulations require.

Mr. Porter next questioned what they will do with snow in the winter. Mr. Lucy stated that the snow gets piled up in the parking lot. The contractors will come in with front end loaders and dump trucks and haul the snow off the lot. The plan identifies a snow storage area (Mr. Lucy motioned to a place on the drawing behind the store) and, also, there is a snowmobile trail behind the store as well and they were conscious of this and snow storage will not impede on this trail. Further, they wouldn't propose a snow storage area on greenspace and it will be on asphalt.

The Board next reviewed architectural plans for the proposed building. Mr. Lucy and Mr. Williams presented drawings of the proposed building and reviewed same with the Board. Mr. Porter questioned the exterior material. Mr. Williams advised that it is concrete clapboard with wood trim. Mr. Porter questioned what the blue portion of the building is. Mr. Williams advised this is metal roofing and it is an overhang. Mr. Porter stated he thought this was an awful lot of flat roof on the design. Mr. Lucy referred to the town regulations regarding roofs. Mr. Porter stated that in looking at the drawings he is not seeing pitched roofs to offset the flat roof. Mr. Hartmann stated that in his opinion the design is kind of plain. Mr. Porter suggested they tweak the outside to make it more eye appealing. Mr. Williams stated this is a different situation and the building is not right on Route 16 and, also, they have their tenant's considerations. Mr. Hartmann asked if this is tenant driven. Mr. Williams replied in the affirmative. Mr. Hartman next asked about windows. Mr. Williams reviewed the windows on the plan and advised there is more than 5% on every elevation. There was no further discussion on the architectural drawings.

Mr. Porter next reviewed the waiver requests.

Mr. Porter read a waiver request for §123-20.F/§131-67.C.8(b). Mr. Porter asked for Board comment. Mr. DegliAngeli stated that staff is in support of this waiver. Mr. DegliAngeli reviewed there is one lane in only with appropriate radius for the type of service vehicles that will come in this drive. There is a divided driveway and it has a median and then there is a left straight cross lining up with the access of the opposite side of the highway and a right turn only. The widths allocated to those various lanes are not excessive. Staff can support the waiver request.

Mr. Shakir asked what the minimum is without the waiver. Mr. DegliAngeli explained the driveway width changes as you get further down the driveway. Mr. Lucy next discussed widths for motorist safety. There next was a review and discussion of the design of the driveway including the lanes, turning and the width of the road. **Ms. Seavey made a motion, seconded by Mr. Hartmann, to grant the waiver request for §123-20.F/§131-67.C.8(b). The motion carried unanimously.**

Mr. Porter read a waiver request for §123-29.A.3. Mr. DegliAngeli pointed out the Board discussed this matter earlier in the meeting. You are in the buffer of an adjacent parking lot.

Mr. Porter next read the applicant's justification for the waiver request to the Board. **Mr. Flanagan made a motion, seconded by Ms. Seavey, to grant the waiver request for §123-29.A.3.** Mr. Porter asked for Board comment; Mr. Shakir questioned what is the requirement of the abutter and how much of the buffer is he encroaching. Mr. Lucy reviewed the encroachment area on the drawing. Mr. Lucy stated the encroachment is maybe three or four feet of encroachment. Mr. Shakir asked if they will still have a seven or eight foot buffer. Mr. Lucy replied in the affirmative. Mr. Shakir asked if there is no buffer on the side by the campground. Mr. Lucy advised there is no buffer on that side except for the sidewalk. **The motion carried 4-2-0 with Eric Porter, Kevin Flanagan, Ray Shakir and Mary Carey Seavey voting in the affirmative and Steven Hartmann and Steve Porter voting in the negative.**

Mr. DegliAngeli stated that if the Board and the applicant agree, the Board could conditionally approve this matter.

Mr. Porter read the following conditions of approval: To grant conditional approval for Residences at Saco River, LLC as per the following conditions: Resolve the Pending items in August 15, 2012 Planning Staff Report; Address any unresolved items listed on July 10, 2012 deficiency list; Revise plan to show connections to adjacent properties are to be constructed to the property line as part of this approval; Amend waivers granted note as necessary; Amend plans as prescribed by Planning Board; Payment of Supplemental Review Fees; Town Engineer Approval; NHDES Alteration of Terrain Approval and indicate approval # on plan; North Conway Fire Chief Approval; A performance guarantee for all on and off site improvements; When the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on December 13, 2012.

There was next further discussion regarding the condition for connections to adjacent properties. Mr. Porter stated a revised plan could show a connected driveway as part of the approval on the adjacent property. Mr. Porter asked if the Board was in agreement with this. Eric Porter asked if they are going to put in a connector. Mr. Lucy stated if they are they could put a curb cut on the left going into the Settlers Crossing property. Mr. DegliAngeli suggested that it may be better provided further west due to stacking. Mr. Shakir stated that if we were to adopt the curb cut where indicated it would make no sense if it ends up in a concrete wall. There was further discussion. Mr. Porter polled the Board on this matter. Eric Porter stated he agrees with the applicant and they don't need to connect. Kevin Flanagan, Ray Shakir and Mary Carey Seavey stated they agreed with Eric Porter. Steven Hartmann and Steve Porter stated they feel they should have a connector.

Mr. Porter next stated that with what is being said on the issue of connected driveway, he feels the Board can't give approval on this matter until Tom Irving reviews this matter and we should reconvene on September 27, 2012. There was a discussion on the time frame. Mr. Lucy asked if there is any reason why this Board can't just strike this condition. Mr. Porter stated he thinks this is an important matter and that it needs to wait until Tom Irving returns. He would like to have Mr. Irving's review. Mr. Lucy stated he feels we should move forward on this. Ms. Seavey stated that if there is a cut through there will be more traffic, etc. Mr. Flanagan pointed

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out that this Board was already polled on this issue and feels it is behind us now. Mr. Hartmann disagreed. Mr. Porter stated he still feels it is in the best interest of all to give Tom Irving ample time to research this matter. He thinks this is the prudent direction the Board should take at this time. Mr. Flanagan agreed as it would be a courtesy to Mr. Irving. There was further brief discussion.

Mr. DegliAngeli next reviewed that the Board also was looking at requiring a reduction in parking. Mr. Lucy stated he is okay with this if that is what it takes for conditional approval. There was next further discussion on the number of parking spaces. Mr. DegliAngeli reviewed that there is two different ways to calculate parking in this instance. Mr. DegliAngeli questioned if the developer needed time to talk to the tenant on this matter. Mr. Williams replied in the affirmative. Mr. DegliAngeli further suggested that this Board may want to hear from Tom Irving on this issue as well. Mr. Porter reiterated that he felt this matter should be continued to September 27 so that Mr. Irving can review the concerns of the Board.

Mr. Hartmann made a motion, seconded by Ms. Seavey, to continue the Full Site Plan Review for Residences at Saco River, LLC until September 27, 2012. The motion failed 2-4-0 with Steve Hartmann and Steve Porter voting in the affirmative and Eric Porter, Kevin Flanagan, Ray Shakir and Mary Carey Seavey voting in the negative.

Mr. Hartman made a motion, seconded by Mr. Shakir, to grant conditional approval for Residences at Saco River, LLC as per the following conditions: Resolve the Pending items in August 15, 2012 Planning Staff Report; Address any unresolved items listed on July 10, 2012 deficiency list; Revise plan to show connections to adjacent properties are to be constructed to the property line as part of this approval; Amend waivers granted note as necessary; Amend plans as prescribed by Planning Board; Payment of Supplemental Review Fees; Town Engineer Approval; NHDES Alteration of Terrain Approval and indicate approval # on plan; North Conway Fire Chief Approval; A performance guarantee for all on and off site improvements; When the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on December 13, 2012. Mr. Hartman pointed out that this leaves condition number 3 in as written. The Board agreed. The motion carried 4-2-0 with Eric Porter, Kevin Flanagan, Ray Shakir and Mary Seavey voting in the negative and Steven Hartman and Steven Porter voting in the negative. This conditional approval will expire December 13, 2012.

At 8:45 the Chairman called for a brief recess of the meeting. The Chair called the meeting back to order at 8:57 p.m.

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

Steve Long of Opechee Construction appeared before the Board. Mr. Long reviewed that he represents Fandangle's LTD and Conway Hospitality. This is an application to construct a 3-

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story, 77 unit hotel and a 5,060 square foot, 133-seat restaurant. **The application was accepted as complete on July 26, 2012.**

Mr. Long next reviewed the waivers the applicants are requesting. The first one is for the driveway with centerline offset of less than 200 feet. Mr. Long reviewed plans with the Board and indicated they have just about 100 feet. The State looked at this and they have approved this location and this is where the existing driveway was for Fandangle's.

The next waiver is regarding the driveway width as the applicant is asking for a wider drive. The State has approved a wider driveway. They would like two, twelve foot side turns in and out of the site with a four foot wide concrete island. This is required for trucks to make the turn into the site. Paul DegliAngeli and the State of NH have looked and this are okay with same.

Mr. Long advised the next waiver request also has to do with the connecting drives. At the last meeting we discussed the car wash and providing a connecting drive to that property. This makes no sense because of traffic flow on this property. They have shown access to KGI. Mr. Long stated that he sent plans to KGI showing the driveway but has not heard back from them. They are in the process of working with them. With regard to the bank they were asked to show access across from the entrance to the hotel. Mr. Long stated that to add more traffic through the bank just doesn't seem to make sense.

The next waiver request is for trees. There were not enough trees before and now they are proposing more trees where virtually the whole perimeter would have trees. Steve Porter asked the type of trees they are proposing. Mr. Long advised they are proposing arborvitaes, white hawthorns, locusts, pine, and crabapples. The landscaping architect has looked at all of this and some of the trees are smaller than required. Some of the trees don't fit the full size requirements. Mr. Hartmann asked how many trees. Mr. Long advised they are asking for a waiver of ten trees. In looking at the site there are not many more places to put them. Mr. Long further added they are adding a berm in front of the building as requested by this Board and this will have trees. Ms. Seavey questioned the type of trees that will be in the front. Mr. Long advised they will be honey locusts.

Mr. Long advised the next waiver they are asking for is for the street trees within 15 feet of the pavement. They didn't have this before because of the sign but they now will put them within 15 feet. However, they don't meet the requirement of the number of street trees they are proposing five street trees instead of seven.

Ms. Seavey stated with all of the trees up front –what about visibility from the driveway. Mr. Long stated the trees are further back from the end of the driveway when exiting.

There was next a discussion of connecting property. Mr. Hartmann asked about a connection with the car wash. Mr. Hartmann also asked about the cut off between Hannaford and the car wash and if this is a legitimate connector. Mr. DegliAngeli advised it is not. Mr. Hartmann questioned if we can put a proposal in that they are not required to do the car wash connection

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today but, if there is future development, this can be brought back into play. Steve Porter stated they would then have to come back to site plan review. Mr. Hartmann stated he wants to eliminate that today, and the two or three parking spaces, for a connecting driveway. Mr. DegliAngeli stated that the rationale is sound and this was discussed at the staff level. The applicant is providing a connection to the property line of the KGI property and, at such time they come in and want to do some changes, we are going to facilitate that connection. Simultaneously, we plan to facilitate a connection from there to the car wash as the way it is now it doesn't work well with the way that site circulates to come in from this property and it could be done but it seemed a better solution to go to the abutting property to the east where there is actually a travel lane, a circulatory road around the development. Mr. Hartmann explained he just didn't want to lose the opportunity for the future.

Mr. Hartmann next questioned if we grant the waiver for not connecting to the car wash today does this eliminate us from doing so in the future if the car wash property is developed. Bob Gillis stated he is the owner of the car wash and there is no connection to the mall and he has been fighting for one since 1985.

Mr. Hartmann next stated that if some other developer comes into the car wash property that we think is suitable for that drive then he doesn't want to make this mistake. There was further discussion. Mr. Hartmann clarified he wants to make sure that in the future that we can enforce the connectable drive.

Mr. Shakir asked about pedestrian access to the carwash for the future. Why not just make the pedestrian connection suitable to expansion in the future if necessary. There was further discussion regarding accesses to the car wash property. Mr. Porter advised they are asking for waiver and if you don't give it to them they have to provide access to the site. Steve Porter next read one of Mr. Irving's recommendations for conditional approval as follows: Revise Plan to show connections to adjacent properties are to be constructed to the property line as part of this approval.

Mr. DegliAngeli asked how accesses would affect the parking. Mr. Long advised they would lose two spaces. Mr. DegliAngeli next stated that you could record on the property an easement to facilitate that interconnect in the future or you could just build it today. However, he thinks the point is when it is redeveloped how is this going to go unless the applicant and the abutter find that it is mutually beneficial and want to lay that out as part of this design. There was further discussion as to whether the Board should require an easement etc. or not. **Mr. Hartmann moved seconded by Mr. Porter to accept the waiver as written.** Mr. Porter asked for Board comment; there were no comments. **Motion carried unanimously.**

Mr. Hartmann made a motion, seconded by Mr. Shakir, to grant the waiver for §123-20.F/§131-67.C.8.b. Mr. Porter asked for Board comment. There was review and discussion by the Board and Mr. DegliAngeli on driveway widths. **The motion carried unanimously.**

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Mr. Porter read the waiver request for §123-20.F/§131-67.C.8.i. **Mr. Hartmann made a motion, seconded by Mr. Shakir, to grant the waiver for §123-20.F/§131-67.C.8.i.** Mr. Porter asked for Board comment; there were not comments. **The motion carried unanimously.**

Mr. Porter read the waiver request for §123-20.G. **Mr. Flanagan made a motion, seconded by Mr. Hartman, to grant the waiver for §123-20.G.** Mr. Porter asked for Board comment; there were no comments. **The motion carried 5-1-0 with Mr. Hartmann opposed.**

Mr. Porter read the waiver request for §123-29.D.1. **Mr. Hartmann made a motion, seconded by Mr. Shakir, to grant the waiver for §123-29.D.1 as written.** Mr. Porter asked for Board comment; Mr. Hartmann stated he would like to thank the applicant for coming in with a more reasonable landscape plan. **Motion carried unanimously.**

Mr. Porter read the waiver request for §123-29.D.8. Mr. DegliAngeli advised that staff was questioning the reduction in size from the 3” caliper. Staff did not have any comment on the number of trees proposed to be planted. Mr. Porter advised there was discussion regarding this at the last meeting and they advised they would provide smaller trees in between the other trees. There was further discussion on the size of the plantings and the species. Ms. Seavey stated the proposed size of the plantings is an issue for her and she has concerns over the species as well. Ms. Seavey asked what the applicant is proposing to plant out front and how tall with they become. Mr. Long advised they will be planting 2.5 inch plantings and they grow to 15 feet. Ms. Seavey stated she is not comfortable with the smaller trees.

Mr. Hartmann made a motion, seconded by Mr. Shakir, to grant the waiver for §123-29.D.8 as written. Mr. Porter asked for Board comment; there were no further comments. **Motion carried 4-2-0 with Mary Seavey and Steven Hartmann opposed.** Mr. DegliAngeli clarified if the Board was relieving the applicant of the caliper requirement. The Board agreed.

Mr. Shakir next discussed the proposed berm. Mr. Shakir stated he would like to see the berm about four feet higher than proposed. Mr. Hartmann agreed. There was discussion. Mr. Long stated that it will look like a berm and if it is flat he will have them add to it to make sure it looks like a berm.

Mr. Porter next asked if the Board has questions about the architecture. Mr. Long presented a drawing of the proposed building. Mr. Long advised it will have a pitched roof and cement clapboard siding. There was a brief discussion on the materials. Mr. Long next advised the view presented is from Route 16. The drawing presented does not however reflect the trees that will be planted in front.

Mr. Porter asked for comments or questions; Sheila Duane questioned if the lower part of the building meets the requirement for 5% windows. Mr. Hartmann added that there does look like there is a lot of wall space on one side of the building. Mr. Long advised they meet the requirement and have 17% windows.

Ms. Duane next stated that it is not pleasing to look at from Route 16. Mr. Long stated that this is the way the building sits on the lot and also you will not see a lot of the building through the trees. Ms. Duane stated she feels there is a lot of wall and that they should add some flair. Mr. Long stated with regard to the wall space –they will also be adding signage. There was further review of the outside materials, look and angle of the rendering.

Ed Wagner, Sr., next spoke and stated he would like to know how the Board can vote on a waiver allowing them to put something up on another person's property without good cause as this will affect another person's property. What if the abutters want to sell the property? Mr. Hartmann stated we are following town code and if you are not happy with the code and want to change the code, this should be brought to the voters. Mr. Wagner next asked how the Board picked the number of 150 trees. Mr. DegliAngeli advised this was voted on by the Town. Mr. Wagner next asked why if the town says 150 trees, then why aren't they requiring 150 trees. Mr. Shakir stated that if the regulations require that we follow the code to the letter instead of as a guideline then you would not need this Board. You would just follow everything to the letter.

Mr. Porter next returned to the discussion of the building architecture. Mr. Porter recommended the applicant come to the next meeting with three dimensional pictures. He would like to see the drawings from three angles, from the north, south and in front of the proposed building. He would like to see the drawings with the building landscaped as proposed. Mr. Porter asked that the sign be left out of the drawings. Mr. Porter stated everyone, including the Board, can then see what this site will look like. Mr. Patel stated that if you are standing on Route 16 you will see trees. Mr. Hartmann agreed he would like to see pictures with mature landscaping of what is being planted. There was further discussion.

Ms. Seavey moved, seconded by Mr. Flanagan, that we hold off until we see the actual drawings. It was agreed that this applicant come back before this Board on September 27, 2011 with the drawings as requested. Mr. DegliAngeli clarified the applicant should come back with color renditions. Mr. Long asked for further direction on the views the Board would like to see. The Board agreed they would like to see a straight on view from Route 16, a view coming down the hill, and a view from the north side of Rt. 16. Mr. Long questioned if the only issue remaining on this matter is the architecture. Mr. Porter replied in the affirmative. **The motion carried.**

There was next further discussion of the angle of views from Route 16. Mr. Long stated he would like to know where the Board would like him to take the pictures from. The Board agreed 3 angles and taking pictures from standing at the corners of the property but from the other side of the street for the side views and one picture from Route 16.

Beth Campbell questioned what regulation the Board is referring to have the applicant show you the photos. Mr. Porter advised that the regulations have nothing to do with it and it is within this Board's purview to ask for the drawings. Mr. Porter further explained that it is easier to see what is being proposed with full landscaped pictures.

OTHER BUSINESS

Eastern Slope Inn Associates (PID 218-51.01) – conditional approval expiring (File #FR11-02): Sheila Duane appeared before the Board. The Board stated that the applicant has met the conditions of approval so there is no action required on this item.

Committee Reports: There was none.

Adjourn: At 10:27 p.m., Mr. Hartmann moved, seconded by Mr. Porter, to adjourn the meeting. The motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, reading "Karen J. Hallowell", with a long horizontal line extending to the right.

Karen Hallowell
Recording Secretary