

CONWAY PLANNING BOARD

MINUTES

OCTOBER 25, 2018

PAGES

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|---|--|
| 1 | Review and Acceptance of Minutes <ul style="list-style-type: none">• October 11, 2018 – Adopted as Written |
| 1 | The Rock Development, LLC/Barnes Development, LLC/
1675 WMH, LL/Settlers' R2, Inc./13 Green Street
Properties, LLC/Town of Conway – Concurrent Full Site
Plan and Boundary Line Adjustment Review
(PID 235-78.01, 82, 85, 89, 90 & 92)
FILE #FR18-05 & #S18-09 <ul style="list-style-type: none">• Continued until November 8, 2018 |
| 5 | Other Business <ul style="list-style-type: none">• Cheryl B. Pace Trust Agreement – Lot Merger (PID
202-91 & 92) |

CONWAY PLANNING BOARD

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OCTOBER 25, 2018

A meeting of the Conway Planning Board was held on Thursday, October 25, 2018 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Michael Fougere; Secretary, Sarah Verney; Raymond Shakir; Steven Steiner; Benjamin Colbath; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Colbath, to approve the Minutes of October 11, 2018 as written. Motion carried with Mr. Steiner and Mr. Shakir abstaining from voting.

THE ROCK DEVELOPMENT, LLC/BARNES DEVELOPMENT, LLC/1675 WMH, LLC/SETTERS' R2, INC/13 GREEN STREET PROPERTIES, LLC/ TOWN OF CONWAY CONTINUED – CONCURRENT FULL SITE PLAN AND BOUNDARY LINE ADJUSTMENT REVIEW 2-LOT SUBDIVISION REVIEW (PID 235-78.01, 82, 85, 89, 90 & 92) FILE #FR18-05 & #S18-09

Mark Lucy of White Mountain Survey and Engineering appeared before the Board. Derek Lick, Attorney with Sulloway & Hollis; and Keith Wehmeyer of OVP Management were in attendance. Thomas Holmes, Town Manager was in attendance.

This is an application for a series of boundary line adjustments to create three parcels and the elimination of McMillan Lane (pursuant to 2017 Warrant Article 27) to be replaced by the extension of Barnes Road to Common Court; and to construct an additional 74,491 square feet of retail space, business service establishment and personal service establishment with associated infrastructure at Barnes Road, 110 Barnes Road, 1675 White Mountain Highway, 25 Settlers Green Drive, McMillan Lane and 24 McMillan Lane, North Conway. This hearing was accepted as substantially complete on September 27, 2018.

Mr. Steiner stated that he is a realtor and he indicated at the last meeting that he was representing a client on an adjoining property, but there is nothing going on, he misspoke. Mr. Irving asked are you saying that you are not currently in negotiations with anybody regarding the abutting Pudding Hill properties, nor are you representing any one in such negotiations and therefore, you have no conflict of interest relative to this application. Mr. Steiner agreed and stated there is nothing going on.

Mr. Irving stated there were a number of comments and suggestions made at the last meeting and he believes many of these suggestions were heard and addressed in the current plans. Mr. Lucy agreed and stated there was a comment regarding the lighting which made us take another look at the lighting. Mr. Lucy referred to sheet 30 and stated the lighting engineer took the code to mean they needed to provide 4.4 lumens, however, after realizing that was not the case the lighting was able to be lowered to 3.6 lumens. Mr. Lucy stated it still meets the tenants liking and provides for an 18% drop in the lighting level. Mr. Colbath stated that is fantastic. Mr. Lucy stated also the lights do not need to be on all night long. Mr. Lucy stated the tenant requires 20% of the lights to be on through the night at or adjacent to the building for security. Mr. Lucy stated they do have the business running 24 hours a day, but the hours of operation are standard for the industry, so there is nothing unusual.

Adopted: November 8, 2018 – As Written
CONWAY PLANNING BOARD – OCTOBER 25, 2018

Mr. Lucy stated in regards to parking, they took a closer look. Mr. Lucy stated they had originally submitted a waiver and an alternative standard request, but they have withdrawn the waiver request. Mr. Lucy stated they do not need a waiver as they will rely upon the alternative standard. Mr. Lucy stated within the publication referenced on the alternative standard request it states if there are restaurants included in the mix and accounts for less than 5% of the gross leasable space then you treat them as if they were retail and no need to count seats. Mr. Lucy stated attached to the request is a photocopy of the publication cited in §110-21.A.(2)(a). Mr. Lucy read page 18 and stated they don't need to provide parking spaces for the restaurant area, but they are.

Mr. Lucy stated in regard to the building elevations he referred to sheet 33, the east elevation or the back of the store. Mr. Lucy stated there have been some noticeable differences in the building; the loading dock grooves have been lowered to avoid the monotony of the face of the building, a standing seam metal canopy has been added along the dock to screen walls and to add to the visual interest, and there are screened areas where there will be the type of activity at the back of the buildings and this will screen that activity. Mr. Lucy stated there will also be foliage and landscaping around it. Mr. Lucy stated he believes the architect has addressed the Board's concerns, the back of this building is almost as good looking as the front of some buildings.

Mr. Lucy stated the landscaping concerns centered around the back of the building and he referred to sheet 21. Mr. Lucy stated this is a new sheet added to the plan set; they have identified all of the trees around the building. Mr. Lucy stated they are proposing to plant 165 tree in the space between Common Court and the building. Mr. Lucy reviewed prospective views of the buildings with and without landscaping [the renderings were submitted for the record after the meeting].

Mr. Shakir asked what type of trees are around the loading dock. Mr. Lucy answered Norway Spruce, Blue Spruce, Douglas Fir, Black Pines, Maples, Paper Birch and Northern Red Oak to name a few. Mr. Shakir stated wouldn't that interfere with commerce with the trucks coming in and out. Mr. Shakir stated it seems to him that there is going to be a lot of tree trailer conversation there. Mr. Lucy stated the width of the maneuvering paved area will accommodate the largest tractor trailer allowed on the highway in the State of New Hampshire. Mr. Lucy stated will there be conflicts, possibly, but we are following the code. Mr. Shakir stated it seems there should be a more balanced approach considering the commercial aspect.

Mr. Porter stated he shouldn't worry about the drivers driving trucks, most are reliable. Mr. Porter stated our consideration is to mitigate the impact on the community. Mr. Porter stated this is what majority of the valley would like to see. Mr. Shakir stated he is not looking to get rid of trees, but it should have a more balanced approach considering this is a highly commercial segment. Mr. Porter stated he feels the balance has been met; it is our responsibility as a Board to make sure they have met the requirement.

Mr. Hartmann stated we asked them to screen the back of the building and now you are telling them they did it too well. Mr. Shakir stated it was never for a high density, look at what the function of the area is. Mr. Hartmann stated they have addressed a problem and they handled it well.

Mr. Lucy stated there are no more trees shown on the landscape architects plans than on the site plan, we have just identified the trees; there are no more trees than the code requires. Mr. Lucy stated there is at least 50-feet from the face of the curb on Barnes Road to the face of the curb in the loading area. Mr. Lucy stated they are not looking for a massive greenspace waiver at all, when you look at the properties together they have 25.1% greenspace.

Adopted: November 8, 2018 – As Written
CONWAY PLANNING BOARD – OCTOBER 25, 2018

Mr. Lucy stated they consulted with a local arborist, the evergreens will be planted at 8 feet in height and the deciduous trees will be a 3” caliber when planted. Mr. Lucy stated it will be 20 years for maturity. Mr. Porter stated even the day of planting deadens the impact. Mr. Lucy stated we asked the artist to prepare a graphic of the view 30 feet off the ground from the third floor of the North Conway Grand Hotel; one on the day of planting and one once they mature [the renderings were submitted for the record at the end of the meeting].

Mr. Lucy stated they took from last months meeting those four concerns from the Board; we have responded and addressed all of the Board’s points. Mr. Hartmann thanked Mr. Lucy and stated you dealt with them very well.

Mr. Hartmann asked for Board comments; Mr. Porter stated he is very happy you took our concerns and addressed them; looking at what you presented this will be an economic asset to the Valley and no impact visually moving forward. Mr. Fougere stated if the North Conway Grand Hotel planted some trees as well it would look just as nice. Mr. Irving stated there will be trees along the streets as part of the street design. Mr. Colbath thanked Mr. Lucy for addressing the lighting issue.

Mr. Hartmann asked for public comment; Ray Tilsley of Bernstein, Shur, Sawyer and Nelson representing Bellevue Properties, owner and operator of the North Conway Grand Hotel, submitted a letter to the Board dated October 25, 2018 [in the file] detailing some concerns. Mr. Tilsley stated they wanted a rendering of the back of the building, and if the renderings they reviewed earlier are part of the record they would like a copy. Mr. Tilsley stated he is happy to see that they were done, more trees is better than less trees.

Mr. Tilsley stated at the last meeting he raised an issue regarding internal traffic flow and they produced a Traffic Report from their traffic consultant, Gorrill Palmer. Mr. Tilsley stated we have reviewed their report with our traffic engineer, Robin Bousa, of VHB, Inc., and she has provided her points which is attached to the letter submitted to the Board this evening. Mr. Tilsley stated it is our understanding that the traffic counts were based on the May 2018 Market Basket traffic impact study which looks at trip generation using a 10% reduction in supermarket trips to account for internal shared trips with other retail uses within Settlers Green.

Mr. Tilsley stated this would be appropriate if on a public roadway system, but he does not think it is appropriate in this situation as the grocery store is on it’s on own site; we believe people are going to drive to this site and are not going to walk over from the other sites. Mr. Tilsley stated we believe the 10% should be added back into the mix; 10% reduction is significant on 650 vehicles during peak time.

Mr. Tilsley stated the proposed intersection of Barnes Road and Common Court will be located by the west entrance to the hotel. Mr. Tilsley stated the hotel driveways are indicated as the west is a one-way entrance and the east is an exit only, but they are both two-way entrance and exit. Mr. Tilsley stated it has a stop sign coming onto Common Court and the parking lot can serve either the hotel or Settlers Green.

Mr. Tilsley stated two-way traffic should be factored in. Mr. Tilsley stated this area now only gets hotel traffic, but will become a very busy intersection. Mr. Tilsley stated we think the design should be done acknowledging the two, two-way driveways and any improvements should address this. Mr. Tilsley stated they are concerned with hotel customers getting into a left-hand lane so they are not stuck in the traffic. Mr. Tilsley stated he would rely on the letter; he thanked the Board for their attention.

Adopted: November 8, 2018 – As Written
CONWAY PLANNING BOARD – OCTOBER 25, 2018

Mr. Lick stated we have not had an opportunity to review their traffic study as we only received it a few hours ago; our traffic engineers stand by their report and do not perceive the difficulties the hotel does. Mr. Lick stated no matter what happens the Town Engineer will have to sign off, so it should be left to the experts.

Nancy Neenan, resident at Puddin Hill, asked the Board to not issue final approvals until there is a satisfactory agreement between herself and Setters' Green in regard to the private road in which she lives. Ms. Neenan asked that final approvals be withheld until she has something in writing.

Mr. Irving stated the Town Engineer cannot support the right-of-way waiver at this time and asked that the Board wait to address it. Mr. Irving suggested continuing the public hearing until November 8, 2018. Mr. Lick stated the applicant has had all of the plans before the Town Engineer for months and asked the Board to not to hold this up on this minor condition. Mr. Tilsley stated if the Town Engineer comes back with a change and you have an approval the applicants would need to reapply; he thinks it is appropriate to wait to address the waiver.

Mr. Steiner made a motion, seconded by Mr. Fougere, to continue the public hearing until November 8, 2018. Motion carried unanimously.

Mr. Lucy stated in regard to the 10% trip generation reduction, the traffic engineer wanted to use a much higher percentage, we compromised at 10%. Mr. Lucy stated if we have had come in at 5% or 25% there probably would still have been some resistance. Mr. Lucy stated 650 trips seems like a big number, but that is 325 trips in and 325 trips out. Mr. Lucy stated their driveways are signed as entrance and exit; what was our traffic engineer supposed to think. Mr. Lucy stated that Ms. Neenan is correct, she has been speaking with Mr. Wehmeyer. Mr. Lucy stated there are two other properties off that private road; there was another concern last month that the design team is working on.

Mr. Lucy stated in January 2018 he met with Paul DegliAngeli and Tom Irving to discuss this project and it was Mr. DegliAngeli' suggestion for the Barnes Road extension right-of-way to be narrowed from 66 feet to 60 feet. Mr. Lucy stated he spoke with Mr. DegliAngeli at length yesterday, and he couldn't commit. Mr. Lucy stated he asked him to get something to you, but obviously he did not. Mr. Lucy stated the waiver was suggested by the Town's professional staff.

Mr. Irving stated he asked Mr. DegliAngeli if there would not be any substantive changes, and he could not commit to that today. Mr. Irving suggested giving him the opportunity to provide you with his comments. Mr. Lucy asked if Mr. DegliAngeli gave a time frame. Mr. Hartmann stated he is not comfortable rushing ahead until the Town Engineer puts his stamp of approval on it. Mr. Porter agreed and stated he would prefer to hold off until we hear from Mr. DegliAngeli. Mr. Colbath stated he is not trying to stifle the project, but he is not an engineer and he would like his review first.

Mr. Hartmann stated everyone seems comfortable with the issues and how they were addressed, but we don't want to move forward without the Town Engineer's review. Mr. Colbath stated and there is also Ms. Neenan's concern.

Mr. Irving read a waiver request for §110-29.B. **Mr. Porter made a motion, seconded by Mr. Steiner, to grant the waiver for §110-29.B.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Irving read a waiver request for §110-29.D.(1). **Mr. Steiner made a motion, seconded by Mr. Porter, to grant the waiver for §110-29.D.(1).** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Adopted: November 8, 2018 – As Written
CONWAY PLANNING BOARD – OCTOBER 25, 2018

Mr. Irving read a request for §110-21.A.(2)(a) for the use of Alternative Parking Standard. **Ms. Verney made a motion, seconded by Mr. Colbath, to grant the Alternative Parking Standard pursuant to §110-21.A.(2)(a).** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

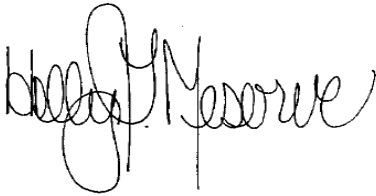
Mr. Steiner made a motion, seconded by Mr. Colbath, to continue the concurrent full site plan and boundary line adjustment review for The Rock Development, LLC/Barnes Development, LLC/1675 WMH, LLC/Setters' R2, Inc/13 Green Street Properties, LLC/Town of Conway until November 8, 2018. Motion carried unanimously.

OTHER BUSINESS

Cheryl B. Pace Trust Agreement – Lot Merger (PID 202-91 & 92): Mr. Porter made a motion, seconded by Mr. Steiner, to approve the lot merger for Cheryl B. Pace Trust Agreement. Motion carried unanimously.

Meeting adjourned at 8:11 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive, flowing style.

Holly L. Meserve
Recording Secretary