

CONWAY PLANNING BOARD

MINUTES

JULY 28, 2022

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CONWAY PLANNING BOARD

MINUTES

JULY 28, 2022

A meeting of the Conway Planning Board was held on Thursday, July 28, 2022 beginning at 6:00 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Ben Colbath; Selectmen's Representative, Steven Porter; Vice Chair, Ailie Byers [via video]; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Mark Hounsell; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw. Alternates, Ted Phillips and Steve Hartmann were in attendance.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Grant, to approve the Minutes of July 14, 2022 – Work Session as written. Motion carried unanimously.

Mr. Porter made a motion, seconded by Mr. Barbin, to approve the Minutes of July 14, 2022 – Regular Session as written. Motion carried unanimously.

VARSITY BEVERAGE, INC. (FILE #FR22-07) – FULL SITE PLAN REVIEW (PID 264-23)

Dan Lucchetti of HEB Engineers appeared before the Board. David Doherty and Mike King of Varsity Beverage were in attendance. This is an application to construct a 7,200 square foot addition to the existing warehouse and a 900 square foot concrete pad. **Mr. Porter made a motion, seconded by Ms. Grant, to accept the application of Varsity Beverage, Inc. for a full site plan review as complete. Motion carried unanimously.**

Mr. Lucchetti reviewed the project with the Board. Mr. Colbath asked for Board comment; Mr. Hounsell asked about the tree clearing along the northern property line; how many trees will be removed and how many feet of trees that are existing will be removed. Mr. Lucchetti stated there is a 5-foot-wide section into the existing tree line that will be removed. Mr. Lucchetti stated there will still be a 10-foot tree line along the northern property line.

Mr. Hounsell asked the running length of the trees to be cut is how long. Mr. Lucchetti answered 160-feet. Mr. Colbath asked the type of fence that is being removed. Mr. King answered a split rail fence. Mr. Hounsell asked if the need to remove the trees is to be able to construct the building at that point. Mr. Lucchetti answered in the affirmative and stated for drainage as well.

Mr. Hounsell asked if there are any changes to the lighting. Mr. Lucchetti stated the existing lighting is to remain; no new light fixtures are proposed. Ms. Grant expressed concerns with the architecture of the building. Mr. Colbath stated it is hard to enforce architecture on the addition. Mr. Porter stated it could be addressed under the waivers.

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Mr. Colbath asked for public comment; Lisa Ann Bellflower stated she lives across the street and this property always looks neat, and the lawn is always cut. Mr. Lucchetti stated it is an existing steel building. Mr. Porter stated the applicant is not really doing anything to beautify the property or to lessen the impact.

Mr. Lucchetti read a waiver request for §110-20.F/§130-66.C.(8)(e). **Mr. Barbin made a motion, seconded by Mr. Porter, to accept the waiver request for §110-20.F/§130-66.C.(8)(e).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Lucchetti read a waiver request for §110-20.F/§130-66.C.(8)(i). **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §110-20.F/§130-66.C.(8)(i).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Lucchetti read a waiver request for §110-20.I. **Mr. Hounsell made a motion, seconded by Mr. Barbin, to accept the waiver request for §110-20.I.** Mr. Colbath asked for Board comment; Mr. Torres asked why they don't want to install curbing. Mr. Lucchetti stated it is a nuisance for plowing and maintenance. Mr. Lucchetti stated majority of the traffic is on the shared driveway, this is less used. Mr. Hounsell stated installing curbing there would not be consistent with the rest of the road; he doesn't see the need for it. Mr. Barbin stated this neighborhood has no curbing. **Motion carried unanimously.**

Mr. Lucchetti read a waiver request for §110-22.F. **Mr. Porter made a motion, seconded by Mr. Hounsell, to accept the waiver request for §110-22.F.** Mr. Colbath asked for Board comment; Ms. Grant stated we don't want to see anything that will not survive, but would like to see some landscaping. Mr. Torres stated he would like to see some effort to beautify or break up the large expanse of pavement. Mr. Hounsell stated the trailer park that is in that neighborhood is well-kept; he sees this as an opportunity for good neighbors to keep up with that theme. Mr. Hounsell stated he would like to see something that can survive; it is a residential neighborhood. Ms. Grant suggested putting in a flower bed. **Motion carried with Ms. Grant voting in the negative.**

Mr. Lucchetti read a waiver request for §110-26. **Mr. Hounsell made a motion, seconded by Ms. Grant, to accept the waiver request for §110-26.** Mr. Colbath asked for Board comment; there was none. Mr. King stated the lights are shut off at night. **Motion carried unanimously.**

Mr. Lucchetti read waiver requests for §110-29.A.(2) & (3). **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver requests for §110-29.A.(2) & (3).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Lucchetti read a waiver request for §110-29.D.(1). **Mr. Porter made a motion, seconded by Mr. Barbin, to accept the waiver request for §110-29.D.(1).** Mr. Colbath asked for Board comment; Mr. Hounsell asked that they keep the tree removal to a minimum. **Motion carried unanimously.**

Mr. Lucchetti read a waiver request for §110-29.D.(3). **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §110-29.D.(3).** Mr. Colbath asked for Board comment; Mr. Colbath stated he would like to see something decorative or ornamental. **Motion carried unanimously.**

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Mr. Lucchetti read a waiver request for §110-29.D.(8). **Mr. Porter made a motion, seconded by Mr. Hounsell, to accept the waiver request for §110-29.D.(8).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Byers left the meeting at this time. Mr. Lucchetti read a waiver request for §110-30. **Mr. Corbett made a motion, seconded by Mr. Barbin, to accept the waiver request for §110-30.** Mr. Colbath asked for Board comment; Mr. Hounsell asked the function of this addition. Mr. Doherty answered storage of more products. Mr. Hounsell stated there is a practical reason to grant this waiver. Mr. Colbath stated it is tough with the existing building as it is.

Steve Hartmann stated this Board has one opportunity to enhance what they have over there. Mr. Porter stated there is no real need for windows, but they could install false windows. Mr. Torres suggested adding false windows on the side facing Towle Road as well as add some windows to the existing façade so it is street facing. Mr. King agreed. **Motion carried with Ms. Grant voting in the negative.**

Mr. Porter made a motion, seconded by Ms. Grant, to conditionally approve the full site plan for Varsity Beverage, Inc. conditionally upon Town Engineer approval; Conway Village Fire Chief approval; adding additional plantings/shrubs along the edge of the proposed and existing building north of the existing service drive along Towle Road; indicating false windows along the existing and proposed eastern building elevation that meet the 5% area standard; revising waivers granted table as necessary; submitting four copies [three to remain with the Town] of revised plans with original stamps and signatures; \$200 for Inspection Fees; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements [if necessary]; when the conditions have been met the plans can be signed out-of-session; and this conditional approval will expire on July 27, 2023. Motion carried unanimously.

KENNETT COMPANY/CONTINUUM AT NORTH CONWAY, LLC (FILE #FR21-10 & #S21-11) – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW CONTINUED (PID 246-1 & 65, 252-62 & 262-71.11)

Shawn Bergeron of Bergeron Technical Services and Wayne Morrill President of Jones & Beach appeared before the Board. Mike Black of Continuum, Joe Hogan of Continuum, and Kate Richardson of Bergeron Technical Services were in attendance.

Mr. Colbath appointed Steve Hartmann as a voting member. This is an application to subdivide ±126.47 acres (in four lots) into nine lots; to construct a 4,130 square foot bank (lot 1), 17 residential dwelling units (lot 2), a 5,500 square foot daycare (lot 4), 27 residential dwelling units (lot 5), a 38,400 square foot medical building (lot 6), an 84,255 square foot assisted care/services building (lot 7), 33 residential dwelling units and a 2,500 square foot community building (lot 8), and 148 residential dwelling units in two buildings (lot 9); and create a 225-unit subdivision.

Mr. Morrill read a waiver request for §130-23 [waiver #1]. **Mr. Porter made a motion, seconded by Mr. Barbin, to accept the waiver request for §130-23.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

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Mr. Morrill read a waiver request for §130-36.A [waiver #2]. **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §130-36.A.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-29.D.(8) [waiver #3]. **Mr. Porter made a motion, seconded by Mr. Barbin, to accept the waiver request for §110-29.D.(8).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-20.C [waiver #4] **Mr. Barbin made a motion, seconded by Ms. Grant, to accept the waiver request for §110-20.C.** Mr. Colbath asked for Board comment; Mr. Hartmann asked why they don't just connect now. Mr. Torres stated they will have to come back for a site plan review. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-29.D.(4)(11) [waiver #5]. **Mr. Porter made a motion, seconded by Mr. Hounsell, to accept the waiver request for §110-29.D.(4)(11).** Mr. Colbath asked for Board comment; Mr. Bergeron stated they will inventory the trees as they are developing the sites and then provide that inventory to Mr. Torres. **Motion carried with Mr. Hartmann voting in the negative.**

Mr. Morrill read a waiver request for §110-29.D.(2) [waiver #6]. **Mr. Porter made a motion, seconded by Mr. Barbin, to accept the waiver request for §110-29.D.(2).** Mr. Colbath asked for Board comment; Mr. Porter stated shrubbery is not a valid replacement for street trees. The Board and the applicant agreed to strike shrubbery from the waiver request. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-21.A.(2)(c) [waiver #7]. **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §110-21.A.(2)(c).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §130-66.C.8.(f) [waiver #8]. **Mr. Porter made a motion, seconded by Mr. Barbin, to accept the waiver request for §130-66.C.8.(f).** Mr. Colbath asked for Board comment; Mr. Torres asked if the tighter curb radius would be curbed. Mr. Bergeron answered in the affirmative. Mr. Colbath stated he is concerned with emergency access. Mr. Bergeron stated they have received approval from North Conway Fire Chief and Conway Village Fire Chief. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-29.A.(2) [waiver #9]. **Mr. Porter made a motion, seconded by Mr. Hartmann, to accept the waiver request for §110-29.A.(2).** Mr. Colbath asked for Board comment; Mr. Torres asked who is others, and why are is it being developed at a later date. Mr. Bergeron stated the Trails Association will be developing that parking area. Mr. Hartmann stated they are asking the Board to approve something that someone else is financially responsible for. Mr. Torres suggested having it developed before a certificate of occupancy can be issued for lot #5. Mr. Bergeron agreed. **Motion carried unanimously.**

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Mr. Morrill read a waiver request for §110-29.D.(1) [waiver #10]. **Mr. Porter made a motion, seconded by Mr. Colbath, to accept the waiver request for §110-29.D.(1).** Mr. Colbath asked for Board comment; Mr. Porter suggested the word “shrubby” be removed. The Board agreed. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-29.A.(4) [waiver #11]. **Mr. Barbin made a motion, seconded by Ms. Grant, to accept the waiver request for §110-29.A.(4).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-30.C.(1) [waiver #12]. **Mr. Porter made a motion, seconded by Mr. Hartmann, to accept the waiver request for §110-30.C.(1).** Mr. Colbath asked for Board comment; Mr. Hounsell asked if there is any place you can look down onto that roof. Mr. Bergeron stated on this building, no. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-26.D. [waiver #13]. **Mr. Colbath made a motion, seconded by Mr. Porter, to accept the waiver request for §110-26.D.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-3 [waiver #14]. **Mr. Colbath made a motion, seconded by Ms. Grant, to accept the waiver request for §110-3.** Mr. Colbath asked for Board comment; there was one. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §110-25 [waiver #15]. **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §110-25.** Mr. Colbath asked for Board comment; Mr. Colbath asked who is in charge of maintaining the sidewalks. Mr. Morrill answered we are. **Motion carried with Mr. Hartmann voting in the negative.**

Mr. Morrill read a waiver request for §130-67, centerline radii – attachment 1 – table 1 [waiver #16]. **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §130-67, centerline radii – attachment 1 – table 1.** Mr. Colbath asked for Board comment; Mr. Hounsell asked if there are any guardrails. Mr. Morrill answered in the negative and stated it does not drop off. Mr. Torres stated the Town Engineer supports this waiver. **Motion carried unanimously.**

Mr. Morrill read a waiver request for §130-67, roadway side slopes – attachment 1 – table 1 [waiver #17]. **Mr. Porter made a motion, seconded by Ms. Grant, to accept the waiver request for §130-67, roadway side slopes – attachment 1 – table 1.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Morrill showed the increase in the parking lot on lot #5 as discussed at the last meeting. Mr. Colbath asked for public comment; there was none.

Ms. Grant asked how much housing is being created with this project, and how much is going to be restricted, and/or affordable. Mr. Bergeron stated there will be no short-term rentals allowed on the property including the condominiums. Mr. Bergeron stated there are 220 residential units proposed, but we have not identified yet how many will be maintained or available to others. Mr. Bergeron stated the 55 and over units will all be available to the public.

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Ms. Grant asked how many workers will be required to operate these facilities. Mr. Hogan stated he thinks approximately 200. Mr. Kennett stated the North Country Council letter talks about wildlife; this property is abutted on three sides with over 600 acres owned by Upper Saco Valley Land Trust. Mr. Corbett asked the time frame for completion. Mr. Bergeron answered five to six years.

Mr. Porter made a motion, seconded by Mr. Barbin, to conditionally approve the Concurrent Site Plan and Subdivision for Kennett Company/Continuum at North Conway, LLC conditionally upon (precedent to final approval) Town Engineer approval including all required on-site improvements and all required off-site improvements; North Conway Water Precinct water and sewer approval; NHDOT Driveway permit and indicate permit number on plan; adding “Public Parking” signage to lot #5; increasing the public parking on lot 5 to 10 parking spaces; adding “No Parking” signs along the roadway by the public parking lot on lot 5; indicating that the developer will provide street signs for all named roads within the development on the plans;

adding a note to each site plan stating the following: “The roads and driveways shown on the plan (except for Eagle’s Way) are proposed to be private and are not eligible for acceptance by the Town of Conway without further review and approval of the Town Engineer; submitting a construction management plan depicting the phasing and sequencing of construction and staging of materials on the site; providing a WB-62 turning diagram for the following intersections: a) Eagles Way intersection with Route 302, b) Eagles Way intersection with Commercial Drive, c) Bonita’s Way intersection with Eagles Way, and d) Bonita’s Way intersection with Route 302, and if the WB-62 vehicle cannot negotiate the intersection without crossing into opposing lanes, the intersections should be modified to eliminate the encroachment; showing the centerline of Eagles Way on a turning movement diagram; if a fire truck can veer over the centerline of Eagles Way to make this turn, the intersection should be modified to eliminate the encroachment into the opposing lane;

updating Waivers Granted table as necessary; submitting four copies [three to remain with the Town] of revised plans with original stamps and signatures; submitting a Mylar for recording; submitting a \$25 check made payable to the Carroll County Registry of Deeds for the LCHIP fee; \$200 for Inspection Fees; 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 July 27, 2023;

and (conditions subsequent to final approval) Town Engineer approval of all required off-site improvements; submission and approval of a performance guarantee (surety) for all required off-site improvements prior to the issuance of a building permit for any building associated with the project; the required off-site improvements shall be substantially complete and open to public use prior to the issuance of any Certificate of Occupancy for any building associated with the project; providing an inventory of existing trees to be preserved and protection of these trees prior to the issuance of a building permit for each lot; and the proposed gravel trail area shall be constructed prior to the issuance of a certificate of occupancy for lot #5. Motion carried unanimously.

OTHER BUSINESS

NDL Realty Trust (PID 278-55 & 56) – Lot Merger Request: Mr. Colbath made a motion, seconded by Mr. Porter, to approve the lot merger requested by NDL Realty Trust. Motion carried unanimously.

Selectmen's Report: Mr. Torres gave a Master Plan update.

Issues for consideration: Mr. Hounsell made a motion, seconded by Mr. Colbath, to add Issues for Consideration with a two-minute limit at the end of the agenda. Motion carried unanimously.

Meeting adjourned at 8:20 pm.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant