

CONWAY PLANNING BOARD

MINUTES

MARCH 11, 2021

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CONWAY PLANNING BOARD

MINUTES

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A meeting of the Conway Planning Board was held on Thursday, March 11, 2021 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Benjamin Colbath; Secretary, Sarah Frechette; Bill Barbin; Ailie Byers; Alternate, Steven Steiner; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Barbin made a motion, seconded by Ms. Frechette, to appoint Steven Steiner as a voting member this evening. Motion carried unanimously.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Colbath made a motion, seconded by Ms. Byers, to approve the Minutes of February 25, 2021 as written. Motion carried with Mr. Steiner abstaining from voting.

STEPHEN GLEASON AND MELISSA JAMESON (FILE #FR21-04 & #S21-02) – CONCURRENT SITE PLAN AND UNIT SUBDIVISION REVIEW (PID 214-87.5)

Dan Lucchetti of HEB Engineers appeared before the Board. This is an application to construct a five-unit townhouse with associated infrastructure and create a five-unit subdivision. Mr. Lucchetti gave an overview of the project. **Mr. Colbath made a motion, seconded by Ms. Frechette, to accept the application of Stephen Gleason and Melissa Jameson for a concurrent site plan and unit subdivision review as complete. Motion carried unanimously.**

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann asked for public comment; Tom Eastman of the Conway Daily Sun asked if these units would be used for short-term rentals. Mr. Lucchetti answered in the negative and stated they are for sale units. Mr. Porter asked if there is a stipulation in the sales that prohibits short-term rentals in the future. Mr. Lucchetti stated he does not know of any.

Mr. Irving stated a stipulation in the subdivision regulations is that they are to indicate any non-residential use of any of the proposed lots, and they have not proposed any non-residential uses of these lots. Mr. Irving stated likewise a concurrent site plan is for residential uses and not for short-term rentals which are a commercial use. Mr. Irving stated they will not leave here with any approvals for anything other than residential use.

Mr. Hartmann stated they don't have an approval for short-term rentals but can they. Mr. Irving stated not under our current regulations, but that is subject to change after Town meeting and after the Board of Selectmen adopt short-term rental regulations. Mr. Irving stated at this time it is not a permitted use in this district.

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Mr. Porter asked if there is a way to incorporate language to prohibits that down the road depending on how things go. Mr. Irving stated he is not aware of any part of your regulations that you can stipulate that now; they are not requesting that and could be consider preemptive enforcement. Mr. Irving stated we don't have any provision in our regulations to prohibit any legal use, and it may become a legal use in the future, but as of today it is not a permitted use.

Mr. Lucchetti read the waiver requests for §110-29.D.8./§130-36.A.; and §130-66.C.2. **Mr. Porter made a motion, seconded by Mr. Steiner, to grant the waiver requests for §110-29.D.8./§130-36.A.; and §130-66.C.2.** Mr. Hartmann asked for Board comment; Mr. Colbath asked if the driveway would be paved. Mr. Lucchetti answered in the affirmative. Mr. Colbath stated if the units become short-term rentals there will be several vehicles in an out of the property, and one benefit to granite curbing will keep runoff from the vehicles contained and not run out into the lawn or the brook.

Mr. Lucchetti stated the curbing is for the driveway itself, and the grading of the property is all centrally graded to prevent any runoff from leaving the pavement. Mr. Lucchetti stated any runoff from a vehicle parked on the pavement will be collected and treated. **Motion carried unanimously.**

Mr. Porter made a motion, seconded by Ms. Byers, to conditionally approve the concurrent full site plan and unit subdivision for Stephen Gleason and Melissa Jameson conditionally upon Town Engineer approval; North Conway Fire Chief approval; revising waivers granted table as necessary; submitting four copies of revised plans with original stamps and signatures; submitting a Mylar for recording; submitting \$200 for inspection fees; submitting a performance guarantee for all on-site improvements; submitting 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 June 10, 2021. Motion carried unanimously.

FAIRWAY NOMINEE TRUST/NEW ENGLAND RETAIL PROPERTIES (FILE #FR21-05) – FULL SITE PLAN REVIEW (PID 246-56)

Kevin Solli of Solli Engineering and Matthew Darling of New England Retail Properties appeared before the Board. This is an application to construct a 19,028 square foot retail building and associated infrastructure. Mr. Solli gave an overview of the project. Mr. Irving stated the Board recently conditionally approved a subdivision on this property and one of the conditions was relative to access and egress from the property.

Mr. Irving stated they did submit a traffic study which is currently being reviewed by a third-party consultant, and we have not yet received any response. Mr. Irving stated depending on the response there may be further work that needs to be done with their submitted traffic study. Mr. Irving stated it is his recommendation to provide the applicant some more time and give the Town's reviewing Engineer some more time to review the traffic study as it might require substantive changes to the site.

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Mr. Irving stated for the Board to approve a change to the egress and access to the site from the North-South Road the Board would probably want that information before superseding the conditions of the subdivision approval. **Mr. Porter made a motion, seconded by Ms. Frechette, to accept the application as partially complete for a full site plan review. Motion carried unanimously.**

Mr. Solli stated he believes once he reviews their traffic report with the Board that they will see that the proposed application does not generate a significant number of trips and the surrounding area is more than adequate to accommodate the traffic anticipated from this project; we can go over that in detail. Mr. Irving stated normally the Board lets their Engineers do the initial review before deciding. Mr. Hartmann stated he would be more comfortable waiting for the Engineer's review before getting into the traffic report. The Board agreed.

Mr. Solli stated we are proposing access to this property with a right in and a right out onto North-South Road, and the property was recently subdivided which granted the right in. Mr. Solli stated the proposed Tractor Supply store is a perfect type of use for this type of property as it is a very minimal intensive use. Mr. Solli stated from a traffic standpoint it generates 27 trips in the afternoon during peak hour and a total of 61 trips, 30 entering and 31 exiting, during a Saturday mid-day peak period.

Mr. Solli stated we have provided a traffic analysis which shows all the surrounding areas operate at acceptable levels of service; there were assertions at the last hearing that the Common Court intersection was a failing intersection, our analysis shows that it operates at a level of service C and our project does not impact that. Mr. Solli stated the intersection works adequately in accordance with similar intersections and our project does not impact that.

Mr. Solli stated they are proposing a 19,028 square foot building with an additional 4,400 square foot greenhouse area and 17,482 square feet of a fenced outdoor display area with an additional 1,000 square feet of outdoor display along the front sidewalk for a total gross area of 42,314 square feet. Mr. Solli stated they have provided 100 parking spaces, and a parking substitution has been requested.

Mr. Solli reviewed the waivers being requested. Mr. Hartmann asked for Board comment; Mr. Porter asked if they are aware of the proposed Market Basket which could change the whole area. Mr. Solli answered in the affirmative. Mr. Porter stated he believes it is premature to ask for a conditional approval with the proposed entrance when the roundabout is going to change the whole concept of that area.

Mr. Solli stated our traffic study did analyze the proposed roundabout; our projection is to be open in 2022 and it is not anticipated that Market Basket and the roundabout will be completed by then so we wanted to understand how it would operate on an interim condition. Mr. Solli stated we also analyzed in accordance with the NHDOT requirements; we analyzed the operations out to a 2032 post development condition, and we incorporated the Market Basket traffic in that roundabout in their analysis. Mr. Solli stated this indicates that it maintains acceptable levels of service with that right in, right out for this facility.

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Mr. Porter stated the proposed building does not meet our criteria, and he does not like the fenced in areas. Mr. Porter stated we have held Wal-Mart, Lowe's, and Home Depot to some accommodating standards. Mr. Porter stated snow storage needs to be addressed and exterior materials needs to be worked on.

Mr. Porter stated he believes the design of the entrance and exit will create a bigger problem with the roundabout. Mr. Solli stated they will address the architectural concerns, and once the roundabout is constructed maybe eliminate the right out. Mr. Solli stated they look forward to the traffic peer review comments, and work with them as best we can, but from a technical standpoint the claims that it was failing they didn't see it in the data.

Mr. Colbath stated with the subdivision there was a right-of-way from the site to Hemlock Lane and asked why it is not being connected to under this application. Mr. Solli stated it is a future access if needed if the adjacent lot is developed or the roundabout is constructed, but from an operations standpoint with such a minimal traffic generation the right in right out is more than adequate.

Mr. Colbath asked how deliveries to Tractor Supply are done. Mr. Darling answered tractor trailer. Mr. Colbath stated when a truck leaves this facility it must go north, where do you envision them turning around. Mr. Solli stated through Settler's Green as do other tractor trailers or continue north on North-South Road. Mr. Hartmann stated that road is posted, there are no commercial vehicles allowed over 26,000 pounds. Mr. Darling stated they can provide alternate delivery if they must.

There was a discussion regarding trees, snow storage, alternative parking, and grass pavers. Mr. Hartmann asked what the Boards limit to the parking standard is. Mr. Irving stated that is at the Board's discretion; the applicant is required to demonstrate to the Board that the alternative standard will work.

Mr. Hartmann asked for public comment; Roy Tilsley of Bernstein Shur representing the North Conway Grand Hotel submitted a Traffic Engineer Peer Review by VHB, Inc. dated March 10, 2021 to the Board and the applicant. Keith Wehmeyer of OVP Management submitted and read a letter from Robert Barsamian dated March 10, 2021 to the Board.

Mr. Porter made a motion, seconded by Ms. Frechette, to continue the public hearing for Fairway Nominee Trust/New England Retail Properties until April 8, 2021 with any new submissions to be submitted by 3:00 pm on March 23, 2021. Motion carried unanimously.

OTHER BUSINESS

Kennett Company (PID 262-71.1) – Extension of Conditional Approval (File #S20-19): Mr. Porter made a motion, seconded by Ms. Frechette, to extend the conditional approval for Kennett Company until December 9, 2021. Motion carried unanimously.

Meeting adjourned at 8:02 pm.
Respectfully Submitted,
Holly L. Whitelaw, Planning Assistant

