# CONWAY PLANNING BOARD

#### MINUTES

# APRIL 14, 2016

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#### **CONWAY PLANNING BOARD**

#### MINUTES

#### APRIL 14, 2016

A meeting of the Conway Planning Board was held on Thursday, April 14, 2016 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Steven Hartmann; Secretary, Kevin Flanagan; Raymond Shakir; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

#### **REVIEW AND ACCEPTANCE OF MINUTES**

Mr. Porter made a motion, seconded by Mr. Shakir, to approve the Minutes of March 24, 2016 as written. Motion carried with Mr. Flanagan abstaining from voting.

# FRAM REAL ESTATE INVESTMENT CO., LLC (FILE #FR16-02) – FULL SITE PLAN REVIEW (PID 235-37)

Josh McAllister of HEB Engineers appeared before the Board. This is an application to demolish the existing building and construct a new 7,382 square foot auto parts retail store with associated infrastructure at 1921 White Mountain Highway, North Conway (PID 235-37). Mr. Porter made a motion, seconded by Mr. Shakir, to accept the application of Fram Real Estate Investment Co. LLC for a Full Site Plan Review as complete. Motion unanimously carried.

Mr. Drinkhall stated that the Planning Board can only adhere to the regulations that are in place; and this Board has nothing to do with a Historic Commission, that is up to the Board of Selectmen. Mr. McAllister stated the site currently houses a vacant restaurant and the plan is to remove both buildings on site as well as the existing pavement and then reconstruct the site. Mr. McAllister stated the back wall of the building will be used as a retaining wall against the steep slope; this will prevent the elimination of trees at the back of the lot.

Mr. Drinkhall asked for Board comment; Mr. Shakir stated considering most of the people here this evening are here to save the existing building, and since it is not the purview of this Board, is the owner willing to move the current structure to another site. Mr. McAllister stated there are two parties involved, the owner and the developer. Mr. McAllister stated the organization buying the property is willing to let someone move the building; for their purpose, they need to have the building off the site.

Mr. Drinkhall asked for public comment; Brian Wiggin stated he has heard stories regarding the Homestead from when he was little; Redstone used to be very isolated from the Village and they were always so glad to see the lights on at what is now known as the Homestead. Mr. Wiggin stated we have found that the original owner, Richard Eastman, was an original proprietor of this area and you cannot go any further back than the Homestead. Mr. Wiggins stated that he thinks

we need to preserve what buildings we have left; and he understands why people get frustrated with it. Mr. Wiggin stated there are a lot of possibilities for this structure, and Conway citizens care enough to come together to help finance the move of this structure; we would love to see the building preserved in some way.

Jeff Lathrop, of Echo Acres Road, asked what is the setback from the road. Mr. McAllister answered 25-feet from the road right-of-way. Mr. Lathrop stated this project will really be changing the look of the site; over time there have been a lot of concessions made for businesses at the expense of the residents. Mr. Lathrop stated with the construction of Dunkin Donuts and the 99 Restaurant it has become a major problem at that intersection. Mr. Lathrop stated there were mistakes made with the Dunkin Donuts site which has created the potential for accidents.

Mr. Lathrop stated he is concerned with the traffic entering and exiting Echo Acres Road, the Dunkin Donuts site, the 99 Restaurant site and the new Auto Zone site. Mr. Lathrop asked if consideration has been given to traffic in that area as it is an issue. Mr. Lathrop stated he hopes you think of the residents who are trying to live their lives, the safety issues are real and it should be designed aesthetically and for traffic safety. Mr. Drinkhall stated the traffic count is less for an auto parts store than for a restaurant. Mr. Lathrop stated there are three substantial businesses at this intersection.

Mark Hounsell stated we have lost the strip; the North Conway strip is a creation after he was a child, but we haven't lost the building that is now known as the Homestead. Mr. Hounsell stated it is encouraging to hear the owner is willing to work with us to move the building; if you are going to do it and there are people who are serious to do it, that building could be saved and worth preserving. Mr. Hounsell stated if there are people serious about it, he thinks he can help and they can contact him.

Helen Barnes stated if we cannot save this house it is time to save other houses. Ms. Barnes asked if they have time to save this building. Mr. McAllister stated that he cannot speak to the developer's construction schedule, but not sure there is a lot of time as they are expecting to begin construction the second half of summer.

Kim Beals stated this has come up to this community only within the last week; and she understands that the Planning Board is guided by what the Town has voted in. Ms. Beals stated all of our hands are tied, but for Plan B, which is to move the house, we need more time. Ms. Beals asked if the house could stay there and be built around. Ms. Beals stated this building is a lot older than any other building; the demolition cost is going to be at least \$35,000, they could give it to us as a donation to help move the building. Ms. Beals stated that she has a strong and sincere compassion for this community; and she would love to work with whomever, and whatever group we can form to save the Homestead.

Ms. Barnes stated Amos Barnes, who was her great-great-grandfather, built the Homestead house. Ms. Barnes stated he fought at the Battle of Bunker Hill, served during the Revolution under George Washington, and crossed the Delaware. Ms. Barnes stated after the war his bounty land payments bought him his land in North Conway; which also included the now Schoolhouse

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Motel, the original church where 7-eleven is now and the cemetery where is buried. Ms. Barnes stated he was a war hero who helped find this Town and this house has the most authenticity left. Ms. Barnes stated Amos Barnes deserves our respect by preserving the Homestead.

Ken Rancourt stated he is the President of the Conway Historical Society, however, he is speaking on his own behalf; there is potential for accidents in that area, has the State required any traffic studies. Mr. Rancourt stated whenever you have a situation like this, the State may require a traffic light.

Mr. Rancourt stated he is now speaking with his Historical Society hat on and stated that the Historical Society helped save the old firehouse in Conway Village. Mr. Rancourt asked if it is possible to lift the building and put in a new foundation and use it as a benefit for the Town. Mr. Rancourt stated he thinks it is possible, but, unfortunately, the Historical Society does not have the funds to do it again.

Ted Sares stated having been on this Board for nine years he understands the limits of your purview, however, the issue with bobcats has come to an end so it shows what can be done when people have compassion for something. Mr. Sares stated another location for this type of business would be on Eastman Road where there is a cluster of other automotive businesses and there are several vacant buildings as well. Mr. Sares stated that would be the ideal place rather than on the strip. Mr. Sares stated we should be preserving some of the history of the Town.

Steve Steiner stated he is an alternate member of the Zoning Board of Adjustment, a member of the Budget Committee and a Realtor in Town. Mr. Steiner asked the acreage of the lot. Mr. McAllister answered 1.65 acres. Mr. Steiner stated he has a piece of land where the former Pines Lodge was located that could be used for Auto Zone, or the Homestead building could be moved onto. Mr. Steiner stated the owner of the Homestead property has the right to do what he is doing, but he should have done some research.

Ms. Beals stated she feels some sense of hope that Mr. McAllister can communicate with those involved with this site and organize something with the community. Ms. Beals stated that she would also like to communicate with the Board that we need protective tools to save our visual and architectural aspects; there are other communities who have done this so it does not need to be recreated. Marie Meunier, former owner of Wild Things, stated this would be a disaster to move this one piece; she lives in Echo Acres and she is not happy with the traffic situation.

Mr. Drinkhall asked for any further public comment; there was none. Mr. Drinkhall closed public comment at 7:42 pm.

Mr. Drinkhall stated he is not happy with what is happening either, but it is not in this Board's purview. Mr. Porter stated this subject will be on the April 26<sup>th</sup> Board of Selectmen's agenda. Mr. Porter stated he never thought he would see the day that the Homestead Restaurant would disappear. Mr. Porter stated he would like to extend an invitation to all to the April 26<sup>th</sup> Board of Selectmen's meeting; if we cannot preserve this spot there are others that need to be preserved.

Mr. Porter stated this is a great wake up call for the community; with citizen support we can get this done and have something for the next generation to appreciate.

Mr. Shakir stated considering plan B, from a construction standpoint and an owner's standpoint, this is not an insurmountable problem; to minimize impact, put the building on a temporary movable structure which is ready to move when enough funds are raised to move it to a site. Mr. Irving stated we don't regulate how the construction takes place, construction sequencing is left up to the property owner.

Mr. Drinkhall opened public comment again at 7:52 pm; Mr. Lathrop asked what is the process that will be used to evaluate the impact of traffic; that has to be a consideration, and if it isn't then he doesn't understand it. Mr. Lathrop stated wouldn't it be better to everyone if the building set further back on the property. Mr. Lathrop stated he understands that will require more excavation, but it would seem if it had to be there you would minimize the traffic situation and move it back so it is more aesthetically pleasing. Mr. Lathrop stated however you situate the entrance, the entrance to Echo Acres Road, the 99 Restaurant and the Dunkin Donuts sites needs to be optimized.

Mr. Sares stated to him the more ideal plan is that the Homestead stays where it is and Auto Zone goes someplace else like Eastman Road. Mr. Sares stated he does not like to compromise. Ms. Barnes asked if the owner could be made aware of the community value; and if they are trying to run a business they have people who are watching. Ms. Barnes stated there is a certain amount of PR that they should be thinking about it. Mr. Drinkhall asked for any further public comment; there was none. Mr. Drinkhall closed the public comment at 7:56 pm.

Mr. Shakir stated it would seem to him that Auto Zone would have done an extensive marketing study and where the store location would give the biggest profit, and it probably indicated that it would be far more successful at this location. Mr. Shakir stated if we can get both sides on board it could benefit both parties. Mr. Sares stated that is pure speculation and he has seen some marketing studies that have fell on their face; we should keep the Homestead where it is and move Auto Zone to Eastman Road.

Mr. Irving stated in regards to the setbacks, the setbacks are established in the zoning ordinance which is adopted by the voters at the town meeting. Mr. Irving stated the setback in this district is 25-feet from the right-of-way and they meet that setback. Mr. Irving stated there is also a buffer requirement and they meet that requirement. Mr. Irving stated the ordinance only allows the Board to increase the buffer if the property abuts a residential property; the abutters to this property are restaurants or a resort which does not allow the Board to increase the buffer.

Mr. Irving stated in regards to traffic, he received a (and read the attached) response from David Silva of the New Hampshire Department of Transportation. Mr. Irving stated he received (and read the attached) petition from 28 property owners on Echo Acres Road. Mr. Irving stated the State has heard the concerns and have made the determination that Auto Zone has a lower traffic count then the restaurant. Mr. Irving stated they don't look at restaurants that are not doing well, but rather what an expected trip generation is for a use.

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Mr. Hartmann asked if there is a residential structure on the HillBilly's site. Mr. Irving stated it is a commercial site with a residential building and to move the proposed building back on the site would move it closer to the residential building on the HillBilly's site. Mr. Hartmann asked if the window waiver strictly pertains to the back wall that is being used for a retaining wall. Mr. McAllister answered in the affirmative.

Mr. Irving read the waiver requests for §123-20.F/§131-67.C.8.e.; §123-20.F/§131-67.C.8.f.; §123-20.G; §123-28; §123-29.D.6; and §123-30.A.3. Mr. Hartmann made a motion, seconded by Mr. Shakir, to accept the waiver requests for §123-20.F/§131-67.C.8.e.; §123-20.F/§131-67.C.8.f.; §123-20.G; §123-28; §123-29.D.6; and §123-30.A.3. Motion unanimously carried.

Mr. Porter made a motion, seconded by Mr. Shakir, to conditionally approve the Full Site Plan for Fram Real Estate Investment Co. LLC conditionally upon Town Engineer Approval; North Conway Fire Chief Approval; North Conway Water Precinct Approval; NHDOT Driveway Permit and indicating approval number on plan; submitting a recorded utility easement and indicate book and page on plan; revising snow storage areas and snow storage removal notes on plan; labeling propane tank and delineating gas line to building on plan; revising Waivers Granted Table as necessary; submitting payment of any supplemental review fees; submitting payment for any Engineering Review fees; submitting four copies of revised plans with required signatures and certifications; 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 April 13, 2017. Motion unanimously carried.

#### PUBLIC HEARING – TREE REMOVAL ON A SCENIC ROAD – RSA 231:158

This is a public hearing for the removal of trees along a designated scenic road, West Side Road, to facilitate utility services. The public hearing opened at 8:31 pm. Bob Berner, Arborist for Eversource, appeared before the Board. Mr. Irving stated this is along the southern portion of West Side Road. Mr. Berner stated there are 12 trees along West Side Road that have growth defects and/or diseased. Mr. Berner stated they will obtain property owner approval before cutting any trees.

Mr. Hartmann stated once we grant approval you then contact the property owner; what if they don't grant permission. Mr. Berner stated if we don't gain the property owner's approval we won't cut it. Mr. Shakir asked how many of the 12 trees are on private property. Mr. Berner answered about one-half are located on private property.

Mr. Shakir asked if they are in a position to offer the property owner a replacement tree. Mr. Berner answered if necessary and needed, yes, but most are dead. Mr. Shakir asked what if you have to remove a healthy tree. Mr. Berner stated it is usually done on a one-on-one basis, but with this particular project there are no healthy trees targeted.

Mr. Shakir made a motion, seconded by Mr. Porter, to approve the proposed tree removal and trimming that is within its jurisdiction pursuant to RSA 231:158. Motion unanimously carried.

#### **OTHER BUSINESS**

<u>April 26<sup>th</sup> Board of Selectmen's Meeting</u>: Mr. Porter stated he thinks it would be worthwhile for members of the Planning Board to attend the Board of Selectmen's meeting on April 26<sup>th</sup>.

Meeting adjourned at 8:48 pm.

Respectfully submitted,

Holly L. Meserve Recording Secretary

### MEMORANDUM

To: Tom Irving, Planning Director

From: Robert Seaman

125 Echo Acres Road

North Conway, N.H. 03860

Date: April 13, 2016

RE: Echo Acres Road Petition to Planning Board

Hello Tom:

Thank you for your suggestions regarding the petition enclosed by residents of the Echo Acres Road subdivision. This petition was precipitated by the proposed new development that will replace the existing Homestead Restaurant facility that sits at the intersection of Echo Acres Road with White Mt. Highway (Rt. 16).

As per your suggestion, I discussed this petition with Dave Silvia of the N. H. Department of Transportation. He's very familiar with this intersection and its surrounding land uses (his wife works at the 99 Restaurant in fact).

The NH DOT did do a traffic access analysis of the proposed AutoZone land use, and concluded that this land use will not generate sufficient traffic volumes to warrant any special considerations beyond what already exists in this location - i.e. a separate left-hand turning lane already exists to accommodate turns into and out of the site.

What he suggested is that this petition be forwarded to the Town of Conway Board of Selectmen with the request that the Echo Acres Road intersection be carefully analyzed and explore options to improve its safety. In particular, the curb cuts on Echo Acres Road for the parking lots servicing the 99 Restaurant and the Dunkin Donuts land uses be reviewed, and possible measures be taken to minimize the harmful interference traffic from these land uses pose with the Echo Acres Road traffic at the intersection.

Please let me know if you would like any additional information.

Thank you.

Bobleauch

Robert Seaman

APR 1 4 2016 TOWN OF CONWAY

RECEIVED

#### **Thomas Irving**

From:	David Silvia <dsilvia@dot.state.nh.us></dsilvia@dot.state.nh.us>
Sent:	Wednesday, April 13, 2016 12:15 PM
То:	'Thomas Irving'; 'Josh McAllister'; Alan Hanscom; William Rollins; Chad Hayes
Subject:	RE: Autozone

To all,

I just called Bob Seaman as he left me a message to do so. 90% of Bob's concerns exist today whether or not there is a development across Rte 16. He claims instead of people using the right out at Dunkin Donuts most come out to Echo Acres along with 99 patrons. During peak months he claims it is dangerous to take left and right turns out of Echo Acres. I explained to Bob that the driveways to the closed restaurant as they exist today would be more of a concern than closing them and lining up one access to Echo Acres because we are eliminating opposing left turns. I also explained peak trips from Dunkin are in the am and are in the pm for 99 restaurant so all the peak movements do not happen at the same time. I also explained that Autozone should not have an impact on those peak times but should have trips spread throughout the day. I expressed that we felt Autozone was making their frontage and access safer. He agreed.

With that said I informed him that what I believed he was really after was a safety type audit of Echo Rd Acres more than stopping Autozone. I told him we don't normally ask new low traffic generating developments to fix existing concerns across the street. He agreed. I think he is more after asking the Town/State to look at safety issues that he believes already exist and is done through a different avenue which I believe does start at the Town level. He agreed. He will still move forward with the petition at the Town level tomorrow.

Thanks

David M Silvia Jr Access and Utilities NHDOT District 3 (603) 524-6667

From: David Silvia Sent: Wednesday, April 13, 2016 11:33 AM To: 'Thomas Irving'; 'Josh McAllister' Cc: Alan Hanscom; William Rollins; Chad Hayes Subject: RE: Autozone

Tom,

An Autozone does not generate enough traffic to ask them for a traffic study. There would be no mitigation required. There is also a center turn lane that was built by the State due to the nature of Route 16 in this area. There was a restaurant there before with two access points that generated more traffic than an Autozone. The new proposal will close those two access points to have one that lines up with Echo Acres. District 3 completely supports this proposal. I know you already know this but figured a documented e-mail may help you. We will respond accordingly when we receive the petition.

Thanks

David M Silvia Jr Access and Utilities NHDOT District 3

PETITION

April 6, 2016 RECEIVED

APR 1 4 2016

To: Conway Planning Board

From: Echo Acres Homeowners Association

TOWN OF CONWAY

RE: Sale of Homestead Restaurant Site to AutoZone Franchise

We, the undersigned members of the Echo Acres Homeowners Association, wish to express a serious concern about the threat to the safety and environmental integrity of the Echo Acres neighborhood that would result from the sale of the Homestead Restaurant site to accommodate a 7,382 square foot AutoZone store in its place. This possible transition has been reported in the April 6, 2016 The Conway Daily Sun newspaper. The article reports that a site-plan review on a proposal by Fram Real Estate Investment Company has been scheduled for a hearing by the Conway Planning Board on April 14, 2016. It is requested that this Petition be acknowledged at this hearing.

Echo Acres Association was established and incorporated in 1969 for the purpose of establishing Restrictions and Conditions pertaining to deeded properties in the 34- lot subdivision known as "Echo Acres" off Mt. Washington Highway in North Conway. The Board of Directors is bound by the bylaws, as amended, of the Association and charged with overseeing the social, safety, and recreational amenities of all members of the Association who reside in the development. The Board meets on an annual basis, and during other times as needed, to discuss matters affecting the residents in the neighborhood.

Traffic entering and exiting Echo Acres Road to and from Rt. 16 – Mt. Washington Highway – affects all the residents of the neighborhood as well as patrons of the businesses that access Echo Acres Road (99 Restaurant, Dunkin Donuts, Pearl Izumi, and Ski & Sport Liquidators). During the very busy tourist seasons of the year left-hand turns into and out of Echo Acres Road pose serious safety risks.

Placing an 86' x 86' retail building on the Homestead Restaurant site, with an accompanying 36 automobile parking lot, and provisions for tractor-trailer service vehicles, will place enormous stress on an already dangerous section of the Mt. Washington Highway. While this particular stretch of the roadway is straight, this in turn encourages higher traffic speeds through an already access-saturated environment. Safety is a real concern here. Therefore, this petition requests that, before the Planning Board permits this site to be developed, a thorough traffic analysis of the Echo Acres Road intersection be undertaken by the Town of Conway and the NH Department of Transportation, and traffic control measures be recommended and implemented as needed to ensure that traffic and pedestrian safety are not compromised.

We the undersigned urge the Conway Planning Board to give serious consideration to the safety and other hazardous risks the sale of the property poses to the neighborhood and existing business enterprises that surround the Echo Acres Road intersection.

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We the undersigned urge the Conway Planning Board to give serious consideration to the safety and other hazardous risks the sale of the property poses to the neighborhood and existing business enterprises that surround the Echo Acres Road intersection.

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13 Legends Drive Hooksett, NH 03106

**Transmission Group** 

RECEIVED

MAR 2 9 2016

March 27, 2016

Planning Board Town of Conway 1634 East Main St. Conway, NH 03813

Dear Planning Board Members:

This letter is to inform the Town of Conway that Eversource is planning to remove trees adjacent to and beneath some of its power lines within the town. This work is necessary to insure the safe distribution of power and to improve the reliability of electric service for our customers

According to Eversource records, West Side Road has been designated as scenic roads by the Town. Please consider this letter a request from Eversource for a public hearing for the removal of trees along this road within the proposed work area pursuant to RSA 231:158. Please inform this office of the time and place of said meeting so that we may have a representative present. A map highlighting the area where the removals are located is enclosed.

Trees which present a threat to Eversource lines or other equipment because of decay or other defect have been identified. A list of "risk" trees identified for removal by Eversource is included. All trees are marked with a ribbon. I am available to conduct a "walk-down" of all locations where trees have been identified for removal, if necessary.



13 Legends Drive Hooksett, NH 03106

**Transmission Group** 

All work will be performed in accordance with accepted arboricultural standards. Eversource has contracted with Asplundh Tree Expert to perform the actual clearing of trees. Eversource requires that our clearing contractor contact each landowner where trees are to be removed prior to commencement of work on that property. Individual concerns will be addressed at this time.

All brush and limbs cut on roadside locations will be chipped. In wooded, undeveloped locations, these chips may be dispersed into the woods taking care not to allow chips to accumulate in piles or in ditches. Near developed land, the chips will be blown into a truck and disposed of off site. The chips make good mulch and are often given to nearby property owners for landscaping purposes. If a central dumping location could be arranged, Eversource would be happy to make any unclaimed chips available to the Town at no cost. Brush and limbs cut on inaccessible lines will be stacked to the side of the right-of way and cut low to the ground. All wood will be left on site unless otherwise directed by the landowner.

Work is scheduled to begin in the near future.

If you have any questions or comments, please feel free to contact me at the above address, by telephone at 603-634-3469 or by e-mail at <u>Robert.Berner@nu.com</u>.

Thank you for your concern and assistance.

Respectfully,

Robert J. Berner Eastern Region Arborist Eversource

# Hazard Trees on Scenic Roads Conway 2016

			Conway Circuit 347					
Мар	Job Location	Pole	Tree Type	Description	DBH (inches)	Approx. Height (feet)	Inside Trim Zone	Outside Trim Zone
B2	West Side Rd	3/39-40	Pine	declining w/lean	20"	60'	Х	
	ti ti	3/39-40	Pine	dead	15"	55'	X	i
	10	3/40-41	Locust	declining w/lean	22"		X	
	11	3/40-41	Locust	declining w/ohang	24"		x	
	17	3/41-42	Pine	rotten base	31"	75'	X	
	iv	3/44-45	Pine	dead w/lean	13"	55'	X	
	"	3/44-45	Pine	dead w/lean	17"	55'	X	
		3/46-47	Locust	declining w/ohang	19"	60'	х	
	17	3/47-48	Locust	dead w/lean	10"	50'		X
	н	3/48-49	Locust	decling w/lean	12"	55'		X
	N	3/80.4-80.5	Locust	decling w/lean	21"	70'	х	
	11	3/80.4-80.5	Locust	hollow base	19"	75'	X	

