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**CONWAY PLANNING BOARD**

**MINUTES**

**MARCH 28, 2013**

A meeting of the Conway Planning Board was held on Thursday, March 28, 2013 beginning at 7:03 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Vice Chair, Martha Tobin; Steven Hartmann; Eric Porter; Alternate, Ray Shakir; Alternate, Larry Martin; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

**APPOINTMENT OF ALTERNATE MEMBERS**

Mr. Steve Porter appointed Mr. Shakir and Mr. Martin as voting members.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Tobin made a motion, seconded by Mr. Hartmann, to approve the Minutes of February 28, 2013 as written. Motion carried with Mr. Martin abstaining from voting.**

**WALMART REAL ESTATE BUSINESS TRUST (CARROLL COUNTY LEASING AND STATE OF NH) (PID 246-62, 246-61 & 235-55) – FULL SITE PLAN REVIEW (FILE #FR12-06) CONTINUED**

John Sokul, Jr of Hinckley, Allen and Snyder, and Steve DeCoursey of Bohler Engineering appeared before the Board. This is an application to construct a 52,994 square foot retail expansion to the existing Wal-Mart. This hearing was continued from June 28, 2012; July 26, 2012; September 13, 2012; and September 27, 2012; November 8, 2012; December 13, 2012; January 24, 2013 and February 28, 2013.

Mr. DeCoursey stated they have worked with the Town Engineer and the State in regard to updating the drainage designs. Mr. DeCoursey stated they have not received either of their approvals yet, but they are confident with the design. Mr. DeCoursey stated that they redesigned the snow storage areas and are working with the North Conway Water Precinct in regard to an easement as well as paying for and installing the extension as part of this project. Mr. Sokul stated that they will be meeting with the Precinct on April 10<sup>th</sup> and they will likely issue the permit then.

Mr. Shakir asked if there have been any physical changes to the drawing since the last meeting. Mr. DeCoursey answered in the negative. Mr. Irving stated the parking along the edges of the northern parking lot will be grass pave. Mr. Hartmann asked how many spaces would be used for snow storage. Mr. DeCoursey answered 114 parking spaces. Mr. Irving stated they are constructing 817 and the Board has allowed a number of them to be grass pave. Mr. Hartmann stated 10% of the parking spaces are proposed to be covered in the winter months.

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Mr. Martin stated that he understands the concern with the parking spaces, but the only time it will be an issue is in early December and you really will never have enough during that time. Mr. Martin stated if you allow the snow only on the outer perimeter, it will be a mess in the spring; he thinks it is a pretty good trade off.

Mr. Steve Porter stated his concern with the snow piles is visibility and asked the possibility of having it hauled off. Mr. Martin stated the Board can stipulate that they have to haul it off. Mr. Irving stated we require snow storage be shown on the plan and if the areas become full it has to be removed in a timely manner. Mr. Sokul stated that the same note will be on the plan and if they become full they have to remove it from the site.

Mr. Shakir stated Wal-Mart allows overnight parking, but it is not allowed in this Town; is that still the policy. Mr. Irving stated that we had an issue in the past, but policy for this store, and it is posted, is that there is no overnight camping on this site. Mr. Martin asked who enforces this. Mr. Irving stated we usually just have to call and it is taken care of.

Mr. Martin asked how do we make what is happening at KGI [snow being removed] to happen here. Mr. Irving stated that the Board does not allow snow storage in the parking lot. There was a brief discussion regarding site and safety issues. Mr. Irving stated any snow storage areas on the plan that you don't want them to store snow on would have to be removed from the plan. Mr. Sokul stated that they have tried to minimize the amount of storage in front of the building in the main parking lot and put in an area that is infrequently used.

Mr. Irving stated that there are alternative parking standards that could apply to this site that the applicant could have chosen to use; however, they used are standard parking calculations which requires many more spaces than is typically used. Mr. Irving stated there is that peak demand season, but this year the only time it was witnessed that their current parking lot was over capacity was on Black Friday.

Mr. Sokul stated we could have asked for an alternative standard, but we tried to meet the ordinance. Mr. Martin asked if they are closer to the standard than KGI. Mr. Irving stated he couldn't comfortably say that KGI didn't meet the standard as KGI's clients and tenants wanted that much parking, but everyone else thought it was too much parking.

Mr. Irving read the waiver request for §123-24. **Mr. Shakir made a motion, seconded by Mr. Hartmann, to grant the waiver for §123-24.** Mr. Steve Porter asked for Board comment; there was none. **Motion defeated with Ms. Tobin, Mr. Hartmann, Mr. Eric Porter and Mr. Steve Porter voting in the negative and Mr. Martin and Mr. Shakir voting in the affirmative.** Mr. Sokul asked if the Board would allow snow storage in the northern parking area.

**Mr. Steve Porter made a motion, seconded by Ms. Tobin, to reconsider the motion for the waiver request for §123-24. Motion unanimously carried.** Mr. Hartman withdrew his second and Mr. Shakir withdrew his motion.

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Mr. Irving stated that the Board could amend the waiver to only allow the storage of snow on the grass pave in the northern parking lot. Mr. Irving stated that the Board could grant the waiver in part excluding the areas within the paved parking lot from being used as snow storage.

**Ms. Tobin made a motion, seconded by Mr. Porter, to grant the waiver for §123-24 in part to allow the storage of snow on the grass pave in the northern parking lot only.** Mr. Hartmann asked if this would be allowed strictly in the northern parking lot and would be removing the three areas in the front parking lot. Mr. Irving answered in the affirmative. **Motion unanimously carried.**

Mr. Porter asked for public comment; Tom Eastman asked when construction would begin. Mr. DeCoursey stated likely next season.

**Ms. Tobin made a motion, seconded by Mr. Hartmann, to conditionally approve the Full Site Plan Review for Wal-Mart Real Estate Business Trust conditionally upon resolving the pending items in March 20, 2013 Planning Staff Report; revising location of utilities (along N/S Road ROW); showing gravity sewer to Hemlock Drive per NCWP and Town Engineer; amending waivers granted note as necessary; removing snow storage areas on paved areas; revising plan sheet numbering and revision dates; payment of engineering and supplemental review fees; Town Engineer Approval; NHDES Alteration of Terrain Approval and indicate approval # on plan; NH DOT Approval and indicate approval # on plan; North Conway Fire Chief Approval; NC Water Precinct Approval; submitting a lot merger form for Planning Board approval and recording fee; submitting 3 revised Plan Sets with original Stamps and Signatures; submitting construction inspection fee (to be held in escrow); submitting 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 will expire on September 26, 2013. Motion unanimously carried.**

#### **OTHER BUSINESS**

**James and Theresa Gallagher - §123-4.A.5 (File #NA13-04):** Josh McAllister of H.E. Bergeron Engineers appeared before the Board. This is a request to convert a single-family home to a bed and breakfast and one inn-keepers apartment at 153 East Main Street.

Mr. McAllister stated the owners' are looking to convert their single family home into an owner occupied tourist home. Mr. McAllister stated there would be no changes to the exterior of the site; there is enough paved area, the revised use has been approved by the NHDOT and there will only be changes to the interior of the building.

**Mr. Steve Porter made a motion, seconded by Mr. Martin, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the conversion of a single-family home to a bed and breakfast and one inn-keepers apartment is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing**

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**development.** Mr. Hartmann asked without site plan review would they still have permits to obtain. Mr. Irving stated that they would still have to comply with the building and ADA codes. Mr. Martin asked what changes the State is requiring to the driveway. Mr. McAllister answered they are not requiring any changes; just changing the use. **Motion unanimously carried.**

**Clifford and Cynthia Burns – Lot Merger (PID 251-31 & 36):** Mr. Steve Porter made a motion, seconded by Mr. Hartmann, to approve the lot merger for Clifford and Cynthia Burns. **Motion unanimously carried.**

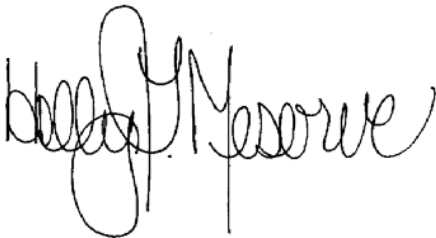
**Town of Conway/Pequawket Drive (PID 277-119) – Easement:** Mr. Irving stated that the Conway Village Fire District has requested an easement on property owned by the Town of Conway. Mr. Irving stated that the purpose is for a pumping station on the lot. **Mr. Eric Porter made a motion, seconded by Mr. Shakir, to recommend to the Board of Selectmen to proceed with issuing the requested easement. Motion unanimously carried.**

**April 11<sup>th</sup> Planning Board Meeting:** Ms. Tobin made a motion, seconded by Mr. Hartmann, to cancel the meeting of April 11, 2013. **Motion unanimously carried.**

**Committee Reports:** There was none.

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large, looped initial "H".

Holly L. Meserve  
Recording Secretary



**MEMO**

**TO:** Planning Board  
Conservation Commission

**FROM:** Earl Sires, Town Manager

**DATE:** March 25, 2013

**RE:** Tax Map/Lot 277-119 located on Pequawket Drive

Conway Village Fire District has requested an easement on the above referenced property which is owned by the Town of Conway. The purpose of the request is so that the CVFD will have a permanent right to enter, construct, maintain, operate, and repair/upgrade/replace a wastewater pumping station on the lot. Because this involves the disposition of an interest in real property, state law requires the Board of Selectmen to ask for a recommendation from the Planning Board and Conservation Commission. The Board asks that this be considered at your next meeting.

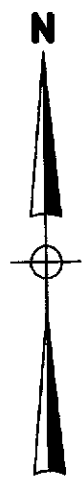
A copy of a proposed Warranty Deed and map are enclosed for review.

Kindly review and provide a written recommendation on this easement request.

Thank you for your courtesy and consideration.

enc.  
cc: Board of Selectmen  
Tom Irving/Planning Director

T.L. 277/120  
**Cranmore Shores  
 Assoc. Inc.**  
 PO Box 896  
 Conway, NH 03818



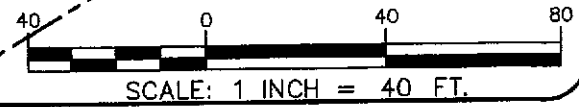
**Pequawket Pond**

T.L. 277/118  
**Estate of  
 Michael & Sophie Zuk**  
 51G Shore Dr.  
 Peabody, MA 01960


**PROPOSED  
 PROPERTY  
 EASEMENT**

T.L. 277/119  
**Town of Conway**  
 1634 East Main St.  
 Center Conway, NH 03813

**Pequawket Drive**



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<p>DATE 1/25/13</p>	 <p><b>UNDERWOOD</b> engineers</p>	<p>EASEMENT PLAN FOR CONWAY T.L. 277/119          PHASE III WASTEWATER IMPROVEMENTS          CONWAY VILLAGE FIRE DISTRICT          CONWAY, NEW HAMPSHIRE</p>	<p>FIG. 1</p>
<p>PROJECT 1677</p>	<p>99 North State Street, Concord, N.H. 03301          Tel. 603-230-9898 Fax. 603-230-9899</p>		