

CONWAY PLANNING BOARD

MINUTES

MAY 11, 2006

A meeting of the Conway Planning Board was held on Thursday, May 11, 2006 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Russell Henderson; Secretary, Steve Porter; Martha Tobin; Sean McFeeley; Hud Kellogg; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Martin made a motion, seconded by Mr. Porter, to approve the Minutes of April 27, 2006 as written. Motion carried with Ms. Tobin abstaining from voting.**

**NORTHWAY BANK (F/K/A BERLIN CITY BANK)/STEPHEN JOHNSON & VICKY VALENTINO – BOUNDARY LINE ADJUSTMENT (PID 202-8 & 13) FILE #S06-11**

Mark Lucy of White Mountain Survey appeared before the Board. This is an application to add 2.83 acres to PID 202-13 from PID 202-8. **Ms. Tobin made a motion, seconded by Mr. Henderson, to accept the application of Northway Bank (f/k/a Berlin City Bank)/Stephen Johnson & Vicky Valentino for a boundary line adjustment review as complete. Motion unanimously carried.**

Mr. Irving stated that there are two existing trees along the frontage of the property and there might be a site line issue if any additional trees are planted. Mr. Henderson stated that the plan indicates that they are proposed trees, but the trees exist. Mr. Henderson stated that the plan should be modified.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for §131-24.J., K. & N. and 131-29. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver for §131-24.J., K. & N. and 131-29.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Ms. Tobin made a motion, seconded by Mr. Porter to conditionally approve the Boundary Line Adjustment for Northway Bank (f/k/a Berlin City Bank)/Stephen Johnson & Vicky Valentino conditionally upon revising street trees on plan; modifying note #8 to read "The lot lines have been adequately flagged; North Conway Water Precinct Approval; North Conway Fire Chief Approval; submitting a Mylar; a performance guarantee for all site improvements and boundary monuments; a subsequent condition that the monumentation of corners be resolved and new monuments be set; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire August 10, 2006. Motion unanimously carried.**

**HAMLIN GREENE/THE DRUKER COMPANY, LTD/SCENIC RAILROAD REALTY, LLC – CONCURRENT SITE PLAN AND SUBDIVISION (PID 246-23, 24 & 24.001) FILE #FR06-04 & S06-12**

Lawrence Wagner of Wagner Engineering Associates, Inc. appeared before the Board and Linda Costanzo of Stop & Shop; Atty. Bill Tucker of Wadleigh, Starr & Peters; Nick Sanders, Traffic Engineer for Vanasse, Hanglin & Brustlin; and John Lorde, Project Engineer for Wagner Engineering Associates, Inc. were in the audience. This is an application to convey 4.945 acres from PID 246-23 to PID 246-24, create a right-of-way, amend the two-unit subdivision, demolish 49,962 square feet and construct a 68,874 square foot Stop & Shop Supermarket with associated parking and infrastructure at 1584 White Mountain Highway. **Mr. Porter made a motion, seconded by Mr. Henderson, to accept the application of Hamlin Greene/The Druker Company, LTD/Scenic Railroad Realty, LLC for a Concurrent Site Plan and Subdivision Review as complete. Motion unanimously carried.**

Mr. Irving stated in regard to the signage on the presentation plan, this board does not approve signage. Mr. Irving stated staff deals with signage. Mr. Wagner stated that he wanted the Board to see what Stop & Shop uses for signage. Mr. Irving stated there are a number of pending items and reviewed the May 11, 2006 Supplemental Staff Report. Mr. Martin asked if there is a cross-easement in place for the connecting drives. Mr. Irving answered in the negative and stated one would be necessary before it is constructed. Mr. Drinkhall asked for Board comment; there was none.

Mr. Drinkhall read the waiver request for §123-20.F/131-67.C.8.b. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-20.F/131-67.C.8.b.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-20.F/131-67.C.8.c./123-29.A.4. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-20.F/131-67.C.8.E./123-29.A.4.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-20.G. **Ms. Tobin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-20.G.** Mr. Drinkhall asked for Board comment; Mr. Martin stated that the connecting drive should be constructed, but he might be able to be persuaded to vote for this waiver if he knew the other connecting drive [to the Irving site] would be constructed. Ms. Tobin asked why the connecting drive to the North should be constructed. Mr. Martin stated that it would connect this property with the Spectrum Photo property and through to Sawmill Lane. Mr. Irving stated that the Board could hold this waiver request to see if there are any obstacles with the other connecting drive. The Board agreed to hold this waiver request. **Ms. Tobin withdrew her motion and Mr. Porter withdrew his second.**

Mr. Drinkhall read the waiver request for §123-22.D. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-22.D.** Mr. Drinkhall asked for Board

**Adopted: May 25, 2006 – As Written**  
**CONWAY PLANNING BOARD – MAY 11, 2006**

comment; Mr. Henderson stated that the applicant should pursue the traffic islands to meet the regulations. Mr. Henderson stated that the traffic islands would provide another area to plant trees. Mr. Henderson stated that the design today does have challenges, but if the size of the building were reduced it would reduce the need for parking. Mr. Henderson stated that the building could also be reconfigured to add more parking. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson and Mr. McFeeley voting in the negative.**

Mr. Drinkhall read the waiver request for §123-29.A.2. & A.3. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-29.A.2. & A.3.** Mr. Drinkhall asked for Board comment; Mr. Henderson stated that this is on the main street coming into town and he would hate to see parking encroaching in the buffer. Mr. Henderson stated that a bank of parking could be removed in the middle of the parking lot in order to pull the parking spaces out of the buffer. Mr. Martin stated that the site is unique. Mr. Martin stated that where the parking encroaches in the buffer it is recessed below Route 16. Mr. Martin stated the applicant is adding to the front buffer. Mr. Martin stated if the parking lot was flush with the road then he would agree with Mr. Henderson. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.**

Mr. Drinkhall read the waiver request for §123-29.D.1. **Mr. Martin made a motion, seconded by Ms. Tobin, to grant the waiver request for §123-29.D.1.** Mr. Drinkhall asked for Board comment; Mr. Martin stated that the number of trees is where they fall short, but there is not a practical spot to plant any other trees. Mr. Drinkhall stated that he agrees. Mr. McFeeley stated that it is better than what is there now. Mr. Henderson stated if there is any room in the back then they should plant as many as they can even if they do create a forest. Mr. Henderson stated that it has a purpose even if people cannot see them from the street. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.**

Mr. Drinkhall read the waiver request for §123-29.D.6. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §123-29.D.6.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson abstaining from voting.**

Mr. Drinkhall read the waiver request for §123-30.A.3. **Mr. Martin made a motion, seconded by Mr. Henderson, to grant the waiver request for §123-30.A.3.** Mr. Drinkhall asked for Board comment; Mr. Drinkhall stated that something is needed on the new exterior wall of TJ Maxx. The Board agreed. Mr. Kellogg suggested a faux window. Mr. Wagner stated that faux windows would be acceptable. Mr. Martin stated that the north elevation of the Stop & Shop building should be broken up a bit. Mr. Porter stated that he would like to see something on the North wall of the Stop & Shop building that is more appealing to the eyes, as you never know what will happen on the next lot to the North. Mr. Wagner stated that the abutting property is 15-feet higher than the proposed site.

Mr. Martin stated that this Board gets criticized for allowing big box development. Mr. Wagner stated that he would review the North wall of Stop & Shop. Mr. Wagner asked what the Board was looking for along the north wall of TJ Maxx. Mr. Martin stated that it doesn't necessarily

**Adopted: May 25, 2006 – As Written**  
**CONWAY PLANNING BOARD – MAY 11, 2006**

have to be glazing, but something to break it up. The Board agreed to hold on the waiver. **Mr. Henderson withdrew his second.**

Mr. Irving asked if the Board wanted to see any changes to the front façade of the Stop & Shop building. Mr. Martin stated at first he was concerned with the design when seeing it on paper, but seeing a picture of an existing store helped, plus there is a beautiful mountain range behind this site. Mr. Porter stated that he went to Manchester and saw two Stop & Shop sites. Mr. Porter stated that the one proposed here looks like the one on South Willow Street in Manchester. Mr. Porter stated that it is appealing to the eyes.

Mr. Henderson stated in the photograph the one element of the regulation that is missing is a pitched roof. Mr. Henderson stated stepping the building in and out is nice, but it should have a pitched roof. Mr. Drinkhall stated as Mr. Martin was saying there is a view behind the building. Mr. Wagner stated having the building stepping in and out and the putting a pitched roof on it would be ugly. Mr. Porter stated that he agrees with Mr. Henderson, but what the applicant has proposed with the mountain setting in the background is a much better blend. Mr. Drinkhall agreed, Mr. McFeeley agreed and Mr. Kellogg agreed.

Mr. Henderson stated that the South wall of TJ Maxx is ugly and he would like to see something nicer on that wall. Mr. Wagner stated that there would be a lawn area and plantings in that area. Mr. Henderson asked if the element on the south wall did not exist, would you propose to construct it today. Mr. Wagner stated that it is an existing building. Mr. McFeeley stated that it is a horrendous piece of the building, but he is not sure what would dress it up that wouldn't cause a huge expense. Mr. Wagner stated that we have gotten the tenant and the owner to sign off on what is being proposed and to make changes would require each of them to sign off again and he is not sure if they can deliver. Mr. Wagner stated that this is a tenant making these changes to the site.

Mr. Kellogg stated that it needs upgrading and he would like to see more of what is on the north wall. Mr. Martin stated that he can see Mr. Henderson's concern, but it is not a stumbling block for him. Mr. Martin stated that it would be better off flat with the copper to take away from the cheapness. Mr. Porter stated he would rather see it removed all together and replaced with the clapboard and cornice. Mr. Porter stated that he couldn't see the tenant not wanting to do that. Mr. Porter stated that he would like to see similar to what is on the north side. Mr. Wagner stated he would be willing to review this with the applicant. **Mr. Martin withdrew his motion.**

Mr. Henderson asked if there were any roof top mechanicals on the TJ Maxx building. Mr. Wagner stated the applicant is committed to either screening any rooftop mechanicals or removing any that are obsolete.

Mr. Drinkhall read the substitution request for §123-21.A. **Mr. Porter made a motion, seconded by Mr. Martin, to accept the substitution request for §123-21.A.** Mr. Drinkhall asked for Board comment; Mr. Martin stated that we have used this before. Mr. Porter stated that it would reduce asphalt and there are only two businesses. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Adopted: May 25, 2006 – As Written**  
**CONWAY PLANNING BOARD – MAY 11, 2006**

Mr. Wagner stated that he has received a copy of the Town Engineer comments and all seem okay with the exception of one comment. Mr. Wagner stated that the Town Engineer would like the applicant to provide a water and sewer line in the right-of-way to an abutting property. Mr. Wagner stated that this is something the applicant would not choose to do as it would benefit another property. Mr. Porter stated he doesn't think it should be the applicant's responsibility. Mr. Irving stated that he expects at some point in time the back property would be developed and it would make sense to add the infrastructure now then digging the road up later. Mr. Irving stated that the utilities could come from another point, for example, Sawmill Lane, however, does not have a comment at this time as he has not spoken to the North Conway Water Precinct nor the Town Engineer. Mr. Irving stated that the concern is dually noted, but he is not comfortable with the Board taking a position until they hear from both sides.

Mr. Irving stated in regard to the connecting drive on the Hurst property, the Planning Board could make a finding that the connecting drive from the proposed new right-of-way to the PLR site would be insignificant to the rest of the development on the PLR property and the Hurst Property. **Ms. Tobin made a motion, seconded by Mr. Martin, that based on the provisions of §123-4. A. 5., regarding applicability, the construction of the driveway from Stop & Shop Drive across the Hurst Property (PID 246-22) to the PLR Real Estate Development (PID 246-21) parking lot and modification of the driveway to the campground are 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 developments. Motion unanimously carried.**

**Ms. Tobin made a motion, seconded by Mr. Martin, to continue the Concurrent Site Plan and Subdivision Review for Hamlin Greene/The Druker Company, LTD/ Scenic Railroad Realty, LLC until June 8, 2006. Motion unanimously carried.**

**THE KENNETT COMPANY – SUBDIVISION REVIEW (PID 279-2 & 291-30 & 34) – FILE #S06-13**

Larry Landry of the Arlington Group and Jay Poulin of H.E. Bergeron Engineers appeared before the Board. This is an application to subdivide 735 ± acres into 22 single family lots with associated right-of-way and common open space, one PUD lot with seven units and the remainder being phase II undeveloped land for a total of 24 lots on Dollof Hill Road, Modock Hill Road and Allard Hill Road, Conway. **Mr. Martin made a motion, seconded by Mr. Porter, to accept the application of The Kennett Company for a Subdivision Review as substantially complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver request for Table 2 Intersection Design Guidelines. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for Table 2 Intersection Design Guidelines.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131-24, 24.A & 24.B. **Mr. Martin made a motion, seconded by Ms. Tobin, to grant the waiver request for §131-24, 24.A. & 24.B. Mr.**

**Adopted: May 25, 2006 – As Written**  
**CONWAY PLANNING BOARD – MAY 11, 2006**

Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131-30.I. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver request for §131-30.I.** Mr. Martin asked if there would be a note on the plan. Mr. Irving answered in the affirmative and stated it would be in the deed and the Covenants, Conditions and Restrictions. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131-37.1.A. **Mr. Martin made a motion, seconded by Mr. Henderson, to grant the waiver request for §131-37.1.A.** Mr. Drinkhall asked for Board comment; Mr. Martin stated he is okay with the waiver after reviewing the photos. Mr. Drinkhall asked for public comment; Steven Libby stated that the representative from HEB who contacted him stated that a clear cut was part of the application. Mr. Poulin stated that he apologizes for the misinformation as there are no plans for a clear cut. Mr. Landry stated that there is no clear cut proposed anywhere. **Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; Gary Bamberger stated that he is an abutter who is also representing another abutter, John Lambert, and they would like to make themselves available for any questions regarding the area and that he would be involved when discussing the road.

**Ms. Tobin made a motion, seconded by Mr. Martin, to continue the subdivision review for the Kennett Company until July 13, 2006. Motion unanimously carried.**

**JEANNE WHITNEY/PHILIP MCDONNELL/ANTHONY FRANCHI/PATRICIA FRANCHI/MEADOW GREEN REALTY TRUST II – 28-UNIT SUBDIVISION CONTINUED (PID 219-303) FILE #S05-11**

Jay Poulin of H.E. Bergeron Engineers appeared before the Board. This is an application for a 28-unit subdivision [modified March 9, 2006]. This application was accepted as substantially complete on April 28, 2005.

Mr. Poulin stated that they have received approval from the Town Engineer and they have received a State Site Specific approval. Mr. Poulin stated that the plan now incorporates improvements to Thompson Road. Mr. McBurney stated that the property has been sold to Peaked Mountain LLC and he submitted a copy of the deed to Mr. Irving. Mr. Irving stated that he is prepared to make a recommendation for conditional approval.

Mr. Drinkhall asked for public comment; David Power stated the applicant is using the old Hawk Road in front of his home and they have a lot of birch trees in front of his home and asked if the plan calls to remove those trees. Mr. Poulin stated that they are not widening the road, it is staying the same width, and therefore, they are not removing the trees. Mr. Power asked if the applicant would be providing paved aprons. Mr. Poulin answered in the affirmative. Mr. Power asked how deep would the paved apron be. Mr. Poulin answered to the right-of-way. Mary

Adopted: May 25, 2006 – As Written  
CONWAY PLANNING BOARD – MAY 11, 2006

Power asked if the public parking for the trail has been eliminated. Mr. Poulin answered in the affirmative.

**Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the subdivision for Jeanne Whitney/Philip McDonnell/Anthony Franchi/Patricia Franchi conditionally upon Board of Selectmen approval of easements and ROW locations, copies of recorded easements and add CCRD Book/Page for same to plan; submittal of NHDES site specific approval and note approval # on plan; address Town Engineer comments relative to memo to Planning Board dated 05/09/06; submit North Conway Fire Chief Approval; submit North Conway water/Sewer Approval; submit four (4) complete sets of revised plans with original stamps and signatures from engineers, surveyors and soil scientists; submit Mylar for each plan sheet to be recorded; submit supplemental review fees; revise waivers granted note on plan (as applicable); submittal of a signed agreement and surety for off-site improvements in accordance with the Town Engineer's memo to the Planning Board dated 05/09/06; submit surety for all on-site improvements and landscaping; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 10, 2006. Motion carried with Mr. Henderson voting in the negative.**

**OTHER BUSINESS**

**Jay Patel/Wingate Inn & Suites (PID 230-1) File #FR04-06 – Extension of Conditional Approval:** Ms. Tobin made a motion, seconded by Mr. Henderson, to extend the conditional approval for Jay Patel/Wingate Inn & Suites until October 12, 2006. Motion unanimously carried.

**Curt Burke (PID 202-138) File #S06-06 – Extension of Conditional Approval:** Mr. Henderson made a motion, seconded by Ms. Tobin, to extend the conditional approval for Curt Burke until July 27, 2006. Motion unanimously carried.

Meeting adjourned at 8:51 pm.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary