

CONWAY PLANNING BOARD

MINUTES

AUGUST 22, 2002

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CONWAY PLANNING BOARD

MINUTES

AUGUST 22, 2002

A meeting of the Conway Planning Board was held on Thursday, August 22, 2002 beginning at 7:15 p.m. at the Conway Town Office in Center Conway. Those present were: Chair, Sheila Duane; Vice Chair, Robert Drinkhall; Secretary, Conrad Briggs; Brian Glynn; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the Minutes of August 8, 2002 as written. Motion carried with Ms. Duane abstaining from voting.

FRAM REAL ESTATE – FULL SITE PLAN REVIEW CONTINUED (PID 235-33) FILE #FR02-06

Stephen LaFrance of Provan & Lauber and Brian Fram, Owner, appeared before the Board. Mr. Irving reviewed the staff report. Mr. LaFrance stated that the islands have been put back in the parking lot and the ash trees will be okay in this area. Ms. Duane asked if the dumpster enclosure is a chain link fence with the plastic weaved through. Mr. LaFrance answered in the negative and stated that it will look like a stockade fence.

Ms. Duane asked if the waiver request for Article 123-29.D.1 would affect the number of trees to be planted, but still require the plantings to be according to the plan. Mr. Irving answered in the affirmative. Ms. Duane read the requirements to grant a waiver. Ms. Duane read a waiver request for Article 123-29.D.1. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waiver for Article 123-29.D.1.** Ms. Duane asked if there was any discussion; there was none. **Motion unanimously carried.**

Mr. LaFrance submitted a cost estimate to the Board. Ms. Tobin asked if signage had been removed from the plans. Mr. Irving answered in the affirmative and stated any proposed signs will be reviewed under the sign regulations. Mr. Irving reviewed the outstanding items. Ms. Duane asked what will happen if there are any changes per the Fire Chief. Mr. Irving stated that the applicant would have to reapply. Mr. LaFrance stated that they understood that.

Ms. Duane asked if there were any public comments; there were none. **Mr. Briggs made a motion, seconded by Ms. Tobin, to conditionally approve the Full Site Plan for Fram Real Estate conditionally upon a NHDOT Driveway permit; North Conway Precinct Fire Chief Approval; Secure final approval of a Boundary Line Adjustment; a performance guarantee for 50% of all site improvements, 100% of landscaping and 115% for road improvements; submit Mylar originals of all prints to be recorded; the plans can be signed out-of-session when the conditions have been met; and this conditional approval expires on November 28, 2002. Motion unanimously carried.**

**FRAM REAL ESTATE – SUBDIVISION/BOUNDARY LINE ADJUSTMENT REVIEW
(PID 235-33) FILE #S02-09**

Stephen LaFrance of Provan & Lauber and Brian Fram, Owner, appeared before the Board. Mr. Irving stated that the Boundary Line Adjustment was prescribed by the Town Engineer to facilitate road improvements. Mr. Irving stated that the Town has no issue with the waiver request for drainage. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to accept the application of Fram Real Estate for a subdivision/boundary line adjustment review as complete. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 131-24.E. Ms. Duane asked if there were any concerns; there were none. **Ms. Tobin made a motion, seconded by Mr. Drinkhall, to grant the waiver request for Article 131-24.E. Motion unanimously carried.**

Ms. Duane asked for public comment; there was none. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to finally approve the Boundary Line Adjustment for Fram Real Estate. Motion unanimously carried.** The plans were signed. Mr. LaFrance was given a signed plan.

**HAROLD WHITAKER AND THOMAS FADDEN – 6-LOT SUBDIVISION REVIEW
CONTINUED (PID 263-76) FILE #S02-06**

Jon Howe of Ammonoosuc Survey Company appeared before the Board. Mr. Drinkhall took over as Chair for this application. Mr. Irving stated that the Town Attorney does not see anything that would preclude the Planning Board from granting approval in regard to the right-of-way.

Mr. Drinkhall read the waiver request for Articles 131-24.E., 131-26.A., and 131-30.E. **Ms. Duane made a motion, seconded by Mr. Briggs, to grant the waiver request for Articles 131-24.E., 131-26.A., and 131-30.E. Motion unanimously carried.**

Mr. Irving reviewed the outstanding items. Mr. Drinkhall asked for public comment; Danny Quint referred to Article 131-36. Mr. Irving stated that no new streets are proposed. Mr. Quint stated that Hale Estates has 84 lots on Grandview Road and he does not see why they have to name their development Grandview Estates. Ms. Duane stated that the plan states Grandview Subdivision. Mr. Quint asked if the Board is approving a name. Mr. Drinkhall answered in the negative.

Mr. Quint referred to Article 131-25 and asked do they have to be approved for a name and at what point. Ms. Duane stated that any name would be through the Secretary of State. Mr. Irving stated that it is referred to as the Grandview Subdivision. Mr. Quint stated that a name couldn't too closely associate with another one. Mr. Irving asked if there is another Grandview Estate. Mr. Quint stated that they couldn't closely associate with another subdivision. Mr. Irving stated that they provided a name of Grandview Subdivision. Mr. Quint stated that he has made his point.

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Mr. Quint referred to Article 131-35 and stated that a written maintenance plan is required and asked if there are plans for maintenance on that road. Mr. Irving stated that they don't have to submit a maintenance plan as the Town Engineer has signed off on the plans. Mr. Irving stated that they are not constructing any roads. Mr. Quint stated then maybe they wouldn't plow that portion of the road this winter. Ms. Duane stated because Hales Estates is greater than 35 lots, a second access was required and, therefore, has to be maintained for your approval to remain valid.

Mr. Drinkhall asked if there were any other comments; there was none. **Mr. Briggs made a motion, seconded by Ms. Duane, to conditionally approve the 6-Lot Subdivision for Harold Whitaker and Thomas Fadden conditionally upon payment of Town's legal expenses regarding ROW issues [\$100]; a performance guarantee for 115% of all utilities and road improvements; submit revised plans (4 copies) and Mylar prints of sheets to be recorded; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on November 28, 2002. Motion unanimously carried.**

**THOMAS FADDEN AND VICKI GRAVES – 4-LOT SUBDIVISION REVIEW
CONTINUED (PID 255-5.1) FILE #S02-08**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Irving reviewed the staff report. Mr. Irving read a letter from Town Council, Peter Malia. Mr. Drinkhall asked for public comment; Paul Mullin, Attorney for Roger and Lee Dechambeault, appeared before the Board. Mr. Mullin stated that the Dechambeault's are not abutter's, but they are directly affected as they have a right-of-way over the property.

Mr. Mullin stated that they believe the NHDOT driveway permit issued on August 6, 2001 is invalid. Mr. Mullin stated that there was an amendment requested, but an extension was never requested. Mr. Mullin stated that the State granted the driveway permit without any knowledge of the right-of-way. Mr. Mullin stated that Roger Talon from the NHDOT is on vacation and he would like to speak to him to see if the driveway permit is valid.

Mr. Mullin stated that Lee Dechambeault does not want the right-of-way moved. Mr. Mullin stated it is in the deed for logging purposes, which is an incompatible use with what is being proposed. Mr. Mullin stated if the road is upgraded and taken over by the Town the road would be subject to weight limits in the spring. Mr. Mullin stated also if the road is damaged due to the logging trucks whose responsibility is it to have it replaced. Mr. Mullin stated there is no need to block the existing right-of-way. Mr. Mullin requested the Board continue the application until we can gain a better understanding of this matter.

Ms. Duane asked about note #18. Mr. Mullin stated that it gives the rights to use the property in the deed and any attempt to change these rights needs to have his approval. Mr. Mullin stated that the Deschambeault's have never given any rights to move the right-of-way. Mr. Mullin asked the Board to continue the application so NHDOT can clarify if this is a valid driveway permit or not.

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Mr. Briggs asked if the Deschambeault's should have been notified under abutter notification. Mr. Irving read the definition of an abutter. It was determined that the Deschambeault's did not need to be noticed.

Mr. Allen stated that the NHDOT driveway permit was issued in August 2001. Mr. Allen stated when they relocated the right-of-way an amendment was issued in February, which would make the permit is valid until February 2003. Mr. Mullin stated after one year the permit needs an extension or a renewal, which is separate from an amendment.

Nancy Hayes stated that the portion of land being subdivided is a bad location. Ms. Hayes stated that there is a better portion of the land that would be more suitable for subdividing. Ms. Hayes stated that they are subdividing the worst piece of this land.

Mr. Mullins stated that the NHDOT driveway permit is subject to blocking the existing access or right-of-way, which is impinging on Lee Deschambeault's rights. Mr. Irving stated that this application meets the subdivision regulations and it is a question of whether the NHDOT driveway permit is valid or not. Mr. Irving stated that the Board could conditionally approve, deny or continue this application until the civil issue is resolved.

Ms. Duane made a motion, seconded by Mr. Glynn, to continue the 6-lot subdivision application for Thomas Fadden and Vicki Graves until September 26, 2002 in order to confirm the validity of the NHDOT driveway permit. Motion unanimously carried.

OTHER BUSINESS

William Ingells/Ingelwood Subdivision: Mr. Irving stated that Mr. Ingalls has requested that he be put on the September 26, 2002 agenda. The Board agreed.

Wal-Mart (PID 246-62) File #FR02-07/Extension of Approval: Bill Pribis, Attorney for Wal-Mart, appeared before the Board and requested an extension of the conditional approval. **Ms. Tobin made a motion, seconded by Mr. Drinkhall, to extend the conditional approval for Wal-Mart (File #FR02-07) until November 14, 2002 and to still be signed in-session. Motion unanimously carried.**

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary