

**CONWAY PLANNING BOARD**

**MINUTES**

**FEBRUARY 26, 2004**

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CONWAY PLANNING BOARD

MINUTES

FEBRUARY 26, 2004

A meeting of the Conway Planning Board was held on Thursday, February 26, 2004 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Vice Chair, Robert Drinkhall; Secretary, Brian Glynn; Conrad Briggs; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

The Minutes of February 12, 2004 should be amended as follows: page 4, paragraph 5, line 3, should read, "...who will be responsible if people..."; page 4, paragraph 6, line 3, should read, "...would be responsible. Mr. Bergeron..."; and page 6, first paragraph, should read, "Robert deFeyerter asked if the re-organized zoning ordinance is adopted and it is discovered that there are mistakes when can any changes be made to the ordinance. Mr. Malia answered either at a Special Town Meeting or at the next Town Meeting. Mr. deFeyerter stated that the purposed of the ordinance has changed....".

**Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the Minutes of February 12, 2004 as amended. Motion carried with Ms. Tobin abstaining from voting.**

**THE KENNETT COMPANY/PROPOSED HIGH SCHOOL ACCESS ROAD – 2-LOT SUBDIVISION (PID262-71) FILE #S04-03**

Dr. Carl Nelson, Superintendent of Schools, Jim Hill, SAU #9, and Burr Phillips of H.E. Bergeron Civil Engineers appeared before the Board. Bayard Kennett, owner, was in the audience. This is an application to subdivide 755 +/- acres into two lots and construct the proposed high school access road. Mr. Phillips stated that there is a proposed shared use pathway, but it not intended to be constructed at this time.

Mr. Phillips stated that this property is actually six lots and submitted a lot merger form. Mr. Kennett stated that there is a trail that exists along the Saco River within the 100-year floodplain and that will not change. Mr. Kennett stated that they are working with the Town regarding language to be able to keep one of the trails open as long as it is practical and safe. Mr. Kennett stated some of the trails may be closed during construction. Mr. Kennett stated that the intention is to keep it open year round, but during construction it could be closed.

**Mr. Glynn made a motion, seconded by Mr. Drinkhall, to accept the application of The Kennett Company/Proposed High School Access Road for a subdivision review as complete. Motion unanimously carried.**

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Mr. Irving stated that there were some road design concerns by the Town Engineer. Mr. Irving stated that the Town Engineer does not recommend some of the waivers. Mr. Irving stated that the deeds to this property show it as actually being six separate parcels, but for tax purposes it was considered one lot. Mr. Irving stated that the lots need to be merged. Mr. Irving stated that the trail easements need to be completed to the satisfaction of owner and the Town. Mr. Irving stated that the other concern is the shared access pathway and the thought process is if there is enough money they will build it, but it should be more definite than that. Mr. Irving stated that he would request a continuance to address some of these outstanding items.

Mr. Briggs asked Mr. Kennett if the easements along Saco River are in the floodplain and is there any problem with making a commitment to that trail. Mr. Kennett stated that the trails along the Saco River are along the high ground before it drops off and may not be within the floodplain. Mr. Kennett stated that those trails would probably be able to be maintained. Mr. Kennett stated that there is no reservations for the one along the river it is the one that runs north and south, and then the concern is only during construction.

Earl Sires, Town Manager, stated that they have met with the Kennett Company regarding this situation. Mr. Robinson asked if the 8-foot right-of-way trail would be in lieu of a bike path on the road itself. Mr. Phillips stated that they have requested a waiver from sidewalks. Mr. Phillips stated that we thought the bike path would be more practical. Mr. Robinson was concerned with it being gravel. Mr. Irving stated that crusher dust would be more practical.

Ms. Duane asked if budget constraints could knock the shared use path off the plan. Mr. Phillips stated that there is a budget and they are at the budget with estimates. Mr. Phillips stated that right now there is no money to construct it, but if bids come in better than thought then it could be constructed. Ms. Duane stated that she believes the bike path is important. Mr. Kennett stated that they plan to keep the mineral spring road open until the bypass is built. Mr. Kennett stated that it would stay as a bike path.

Ms. Duane asked for public comment; Martin Frank stated that he was there on behalf of his employer, the Center of Hope. Mr. Frank stated there was discussion regarding a second access for emergency services, which would use the Center of Hope's driveway, and asked if that is still being considered. Mr. Phillips answered in the negative.

Ms. Duane read the lot merger. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the lot merger. Motion unanimously carried.**

**Mr. Drinkhall made a motion, seconded by Mr. Glynn, to continue the Subdivision Application for The Kennett Company/Proposed High School Access Road until March 11, 2004. Motion unanimously carried.**

**THORNTON INVESTMENT PROPERTIES, INC. – FULL SITE PLAN REVIEW  
CONTINUED (PID 265-198) FILE #FR04-03**

Shawn Bergeron appeared before the Board. Mr. Bergeron stated after the last meeting he left here with four items that needed to be addressed, one being the access on River Street and the others surrounded around the tower. Mr. Bergeron stated that this application is for townhouses and not for the tower. Mr. Irving stated that he does concur with Mr. Bergeron.

Mr. Briggs stated that he has concern with the 40,000 square feet of copper, 6” below the ground. Mr. Briggs stated that people would not be able to plant a garden. Mr. Glynn stated that the grid would be interrupted where the town houses were and asked if the wires could be pulled back four feet from the foundation to allow for ornamental plantings. Mr. Bergeron stated that he doesn’t see why we couldn’t do that and he will have an answer at the next meeting.

Ms. Duane asked if these were to be condominiums to be sold individually. Mr. Bergeron answered in the affirmative. Ms. Duane asked if these would be time-shares. Mr. Bergeron stated that he has not heard that term associated with this project. **Mr. Robinson made a motion, seconded by Ms. Tobin, to continue the Full Site Plan Review for Thornton Investment Properties, Inc. until March 11, 2004. Motion unanimously carried.**

**OTHER BUSINESS**

**Church of Christ (PID 265-203) – Article 123-4.A.5:** Douglas E. Dingley appeared before the Board. Mr. Dingley stated they would like to construct a preacher’s residence (parsonage) on the property without going through site plan review.

Mr. Irving stated that they are proposing a 28’x 60’ modular home, as well as 102’ driveway from the parking lot. Mr. Irving stated that he could not approve this as a small undertaking. Mr. Irving stated that a significant area of ground is being disturbed and caution the Board about approving this.

Mr. Dingley stated that the reason why he appears here tonight is because there are several contractors who are members of the church who said a site plan is not necessary, however, the Town says a site plan is necessary. Mr. Dingley stated that they are looking to see what the Board thinks is significant. Mr. Glynn stated that he believes it requires a full site plan review. Ms. Tobin stated that she doesn’t see how they can approve it. It was the consensus of the Board that it requires site plan review.

**Leo Kiley (PID 259-101) – Conceptual Review:** Jon Howe from Ammonoosuc Survey Company appeared before the Board. Mr. Howe reviewed the proposed 18-lot Subdivision with two proposed roads and four lots having access onto Route 302.

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**PLR Real Estate Development, LLC (PID 246-21) File #FR03-11:** Roger Williams appeared before the Board. Mr. Williams stated that the State would like the catch basins around the building to drain to daylight in case of a gas spill. Mr. Williams stated that it has been designed so they drain to a plung pool. Mr. Williams stated that they would also like to change the location of the dumpster. **Mr. Glynn made a motion, seconded by Mr. Drinkhall, to accept the relocation of dumpster and drainage changes upon the Town Engineers approval as field changes. Motion unanimously carried.**

**Victorian Harvest Inn (PID 230-43) – Article 123-4.A.5:** Mr. Irving stated that the owner's would like to increase the number of guest rooms from 7 to 8. Mr. Irving stated that there are no proposed changes to the exterior. Mr. Irving stated that they rearranged the owner's quarters and ended up with another guest room. Mr. Irving stated that they would be required another 1.1 parking space.

**Mr. Briggs made a motion, seconded by Mr. O'Brien, that increasing the number of guest rooms from 7 to 8 is not subject to a 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 development. Motion unanimously carried.**

**Site Plan Amendment:** Mr. Irving stated that he has been working on an amendment to the site plan regulations relevant to buffers. Mr. Irving stated that this change came from the discussion in regard to the rezoning of Barnes Road. Mr. Irving stated that he would like to see a public hearing on this amendment prior to Town Meeting. Mr. Irving stated that the buffer along the North-South Road would be increased from 25-feet to 100-feet. Mr. Irving stated that this amendment would be from Barnes road to Artist Falls Road. Mr. O'Brien stated he would like to see it start at Common Court.

Meeting adjourned at 8:22 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary