

CONWAY PLANNING BOARD

MINUTES

JUNE 23, 2005

A meeting of the Conway Planning Board was held on Thursday, June 23, 2005 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, Conrad Briggs; Sheila Duane; Steven Porter; Russell Henderson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Ms. Duane, to approve the Minutes of June 9, 2005 as written. Motion unanimously carried.

TERRANCE AND KAREN FOX/MARILYN D'AQUANNI – BOUNDARY LINE ADJUSTMENT (PID 232-95 & 97) FILE #S05-13

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is an application to swap 0.10 of an acre so the existing house on PID 232-97 is on its own lot. **Ms. Duane made a motion, seconded by Mr. Porter, to accept the application of Terrance and Karen Fox and Marilyn D'Aquanni for a boundary line adjustment as complete. Motion unanimously carried.**

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read a waiver request for §131-24.E. & O. & 131-26.A. and 131-24.N. **Ms. Duane made a motion, seconded by Mr. Briggs, to grant the waiver for §131-24.E. & O. & §131-26.A. and 131-24.N.** Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Martin, to grant the boundary line adjustment for Terrance and Karen Fox and Marilyn D'Aquanni. Motion unanimously carried. The plans were signed.

JEANNE AND ANTHONY FRANCHI/PHILIP MCDONNELL/PATRICIA FRANCHI – MEADOW GREEN REALTY TRUST II – 30-UNIT SUBDIVISION CONTINUED (PID 219-303) FILE #S05-11

Doug Burnell of H.E. Bergeron, Ken Cargill and Claudine Safar of Cooper, Deans & Cargill appeared before the Board. Mr. Briggs stepped down at this time. This is an application for a 30-unit subdivision and was accepted as complete on April 28, 2005. The Board voted on May 12, 2005, to reconsider the motion in regard to the waiver request for §131-67.C.5.

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Mr. Martin made a motion, seconded by Mr. Porter, to rescind the waiver for §131-67.C.5 granted April 28, 2005. Motion carried with Ms. Duane voting in the negative.

Mr. Drinkhall read the waiver for §131-67.C.5. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver for §131-67.C.5.** Mr. Cargill asked if the board rescinded a vote without discussion. **Mr. Porter withdrew second. Mr. Martin withdrew motion to grant 131-67.C.5.**

Mr. Henderson made a motion, seconded by Mr. Porter, to rescind the vote to rescind the waiver for §131-67.C.5. Motion unanimously carried.

Mr. Martin made a motion, seconded by Mr. Porter, to reconsider the waiver for §131-67.C.5 granted on April 28, 2005. Mr. Drinkhall asked for board discussion; Mr. Martin stated that he asked that the waiver be brought back to the table as he felt it was granted for the wrong reason. Mr. Martin stated that the applicant needs to present the reasons the waiver should be granted. Mr. Martin stated that he was not comfortable with the previous vote.

Mr. Drinkhall asked for public comment; Dave Power stated that the Town has indicated that Artist Falls Road is a dead end road, however, the Fire Chief disagrees. Mr. Power asked if the Board agrees that Artist Falls Road is a dead end road. Mr. Irving stated that the dead end road begins at the commencement of Artist Falls Road as it intersects with the North-South Road. Mr. Irving stated that the Fire Chief believes the dead end road starts at the property on Thompson Road. Mr. Burnell stated that the Fire Chief has no problem servicing that area whether it is a dead end road or not. Mr. Irving stated that the Town Engineer has indicated that there is not a traffic issue.

Ms. Duane stated that the professional that needs to deal with emergencies can service this area. Mr. Irving stated the planning reasons for restricting dead end streets is an interconnecting grid of streets are more efficient to service, there is more than one opportunity to gain access if there is an emergency, and traffic. Mr. Irving stated that the Fire Chief and the Town Engineer have no issue with this particular development. Mr. Irving stated that the matter before the Board this evening is the justification for the waiver and is there another reasonable opportunity to provide another access to this site. Ms. Duane stated looking at the tax maps there is no other alternative route for another access point, therefore, when looking at hardship there is one.

Mary Power asked why in 1998 was this ordinance rewritten. Mr. Irving stated that he would need to research the answer to that question. Mr. Burnell stated that the Town of Conway's ordinance used to allow dead end roads to be no greater than 1,000 feet in length, however, the Board considered it more fair to restrict the number of units. Ted Sares stated that it bothered him that the Board was trying to distinguish between a dead end road and a cul-de-sac. Mr. Sares asked what is the difference between the two in regard to fire safety.

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Mr. Irving stated that in most jurisdictions the restrictions for cul-de-sacs are the length of the road or the distance between fire hydrants. Mr. Irving stated that the Town of Conway's ordinance used to restrict dead end roads to 1,000 feet in length, but based on the Institute of Transportation Engineers publication the Town Engineer and the Town Planner suggested changing to a number of units. Mr. Irving stated that the Town Engineer and the Planner at the time used a higher standard than what was suggested. Mr. Drinkhall closed public comment.

Mr. Irving stated that the issue here is not whether or not the ordinance is appropriate, but whether the ordinance is creating a hardship or if granting the waiver for that hardship is satisfied. Ms. Safar stated that a dead end road and a cul-de-sac are the same and the restriction ties to the ability to service this area. Ms. Safar stated that other areas in the Town, such as Birch Hill, have one ingress and egress and shouldn't be confused that it is two separate issues. Mr. Martin stated that he felt he made a decision to grant the waiver for the wrong reason so that is why we are here. Mr. Martin stated that he never said he would change his vote, but he wanted to go through the steps again to grant a waiver.

Mr. Porter stated that the example of Birch Hill doesn't fly as that area was developed a long time ago. Mr. Porter stated that the Board is looking at how to not make the same mistake again. Mr. Safar stated that this is consistent with not encouraging sprawl and clearly a bonus to granting the waiver. Mr. Porter stated that there is not much land left to build on and residential construction will come to a screeching halt. Ms. Safar stated that there is a lot of land that has the potential to be developed.

Ms. Duane stated another reason under #4 of granting a waiver [131-61.2.B.(4)] would be the sites physical location as there is no other area to create another access. Ms. Duane stated that the most effected would be the abutters and they have a right-of-way over a lot that has had no development. Ms. Duane stated that you cannot expect a person to put one house on 40-acres. Mr. Irving suggested the Board make finding of facts in regard to §131-61.2.B.

Mr. Irving read §131.61.2.B.(1). Ms. Duane stated that the Fire Chief, the Police Chief and Town Engineer have signed off and they are the technical advisors. Mr. Martin and Mr. Porter agreed. Mr. Drinkhall asked for public comment; there was none. **Mr. Martin made a motion, seconded by Mr. Porter, to the finding of fact that granting the waiver shall not be detrimental to the public health, safety or general welfare. Motion unanimously carried.**

Mr. Irving read §131-61.2.B.(2). **Mr. Martin made a motion, seconded by Mr. Porter, to the finding of fact that granting the waiver shall not, in the opinion of the Board, be injurious to other parties.** Ms. Duane asked how is injurious to other parties defined. Mr. Irving stated it is in the opinion of the Board. Mr. Drinkhall asked for public comment; Mr. Sares stated there are a couple of ways that it could be injurious to other parties, as it is similar to a cul-de-sac and it creates a traffic pulse. Mr. Sares stated the other way is the value of land. Mr. Sares stated that traffic pulse would be the biggest concern. Mr. Sares stated with one outlet there would be an increase in traffic from time

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to time, which could be injurious. Mr. Cargill stated even if a second access was constructed, it does not mean it is going to be used and don't think you can find that the lack of a second access is injurious.

Ms. Power stated if there was an emergency blocking one access there would be another access available. Doug Hill stated that the second access is not an option and there is not another option to go to. Mr. Henderson stated that the additional traffic could be deemed a nuisance and injurious to property owners. Mr. Henderson stated that there have been a number of accidents in that area. Mr. Hill stated that the project could take a while to develop and could be a nuisance for a number of years. Mr. Burnell stated that a construction nuisance is not unique to this development. Mr. Burnell stated it could be injurious to other parties if there was an environmental impact, but it has been designed without an impact.

Mr. Henderson stated that there are a few unique situations in regard to this site, one being the railroad crossing, which narrows the road and the other being that a portion of Artist Falls Road is within the 100-year floodplain. Mr. Hill stated in 1998 the road did flood and the Town put up road-closed signs. Mr. Hill stated that they did cross it to get to their homes, but the water was approximately five inches deep. Ms. Safar stated that Mr. Henderson is going back to public safety and welfare, which has already been addressed by this Board. Mr. Henderson asked if there was discussion regarding public safety and welfare. Mr. Irving answered in the affirmative. Mr. Henderson apologized for missing that discussion.

Ms. Safar stated that a nuisance would be a chicken farm with an offensive smell. Mr. Drinkhall disagreed and explained there were pine trees removed from a lot across from his home, a post office constructed and there was an increase in traffic. Mr. Irving stated that there are several dead end scenarios in Town where there were opportunities to have another access and the Board has allowed them to be gated accesses for emergency services only. Mr. Sares stated that this is not taking land and developing it, but taking land in a dense area and developing it. Mr. Sares stated it is a little different than open space development and this does not necessarily jive with our master plan. **Motion carried with Mr. Henderson voting in the negative.**

Mr. Irving read §131-61.2.B.(3). **Ms. Duane made a motion, seconded by Mr. Martin, to the finding of fact that granting of the waiver shall not have the effect of nullifying the intent and purpose of these regulations.** Mr. Drinkhall asked for Board comment; Mr. Henderson read §131-2, the purpose of the Subdivision Regulations. Mr. Henderson stated that this proposed subdivision lacks adequate access. Ms. Duane stated she does not understand the qualifications Mr. Henderson has, as the Town Engineer does not propose the hardships that Mr. Henderson does. Mr. Henderson stated that he doesn't pretend to know more than the Town Engineer. Mr. Drinkhall stated that Mr. Henderson is entitled to his opinion.

Mr. Porter stated looking at the tax maps there is not a possibility for another access. Mr. Porter stated the paid professionals say it is okay. Mr. Sares stated if you take the

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Engineer's opinion every time you mine as well give up your role as a Board member as he can make mistakes. Mr. Sares stated that Mr. Henderson is entitled to his opinion. Mr. Power stated that the concern is that the dead end is Artist Falls Road and looking for a second access off Thompson Road not the forty-acre parcel. Mr. Power stated that granting this waiver would nullify §131-67.C.5. Mr. Drinkhall stated that that is the decision that needs to be made.

Mr. Burnell stated that the waiver process is for items that our unique. Mr. Burnell stated that this is an old road network, not a new system. Mr. Burnell stated that this lot was created in 1973 by the Board then and has just been sitting there. Mr. Burnell stated in this particular case other options have been reviewed and it really is unique. Mr. Cargill stated that this process demonstrates that the ordinance really works as it has had the Town Engineer, the Fire Chief and the Police Chief review it. Mr. Drinkhall stated it is up to the Board to make their decision. **Motion carried with Mr. Henderson voting in the negative.**

Ms. Duane made a motion, seconded by Mr. Martin, to the finding of fact that the strict compliance with the regulations would cause a hardship to the applicant solely because of the unique physical characteristics of the site. Mr. Drinkhall asked for Board comment; Mr. Martin stated we have been around and around this. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.** Mr. Irving stated that of items 131-61.2.(4), (5) & (6), only one needs to be satisfied as the ordinance states "or".

Motion to reconsider the waiver was defeated with Mr. Porter, Mr. Martin, Ms. Duane and Mr. Drinkhall voting in the negative.

Ms. Duane made a motion, seconded by Mr. Martin, to continue the subdivision review for Jeanne And Anthony Franchi/Philip McDonnell/Patricia Franchi – Meadow Green Realty Trust II until August 25, 2005. Motion unanimously carried.

**THOMAS FADDEN – FULL SITE PLAN REVIEW CONTINUED (PID 253-12)
FILE #FR05-12**

Ronald Briggs of Briggs Land Surveying and Thomas Fadden appeared before the Board. Mr. Conrad Briggs rejoined the Board at this time. This is an application to create an outdoor industrial parking/storage area. This application was accepted as complete on June 9, 2005.

Mr. Briggs reviewed the changes and stated that the applicant would like to discuss the hedge and a clarification of why the Board believes it is necessary. Mr. Briggs asked if the hedge was at the request of the abutter. Ms. Duane stated that the hedge was a suggestion from the Board. Ms. Duane stated that the abutter stated that the lot was not well maintained and they did not want to look at it. Mr. Fadden stated that the abutter asked him if they could mow it and he agreed that they could. Mr. Fadden stated he mows that parcel twice a year. Mr. Fadden stated in order to please the neighbor the

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Board is going to punish him. Mr. Fadden stated that the Board has not described what the hedge is to accomplish. Mr. Fadden stated that the abutter lives in a commercial area.

Mr. Irving stated that the applicant is requesting a waiver to allow the driveway to remain in the buffer. Mr. Irving stated when creating the I-2 district, which went from commercial to I-2, part of the provisions were to provide protection to the residential properties that currently existed. Mr. Irving stated that the intent and purpose of the buffer is to provide additional protection between residential uses to non-residential uses. Mr. Irving stated that the hedge is to mitigate the access in the buffer, noise and dust.

Mr. Fadden asked what type of hedge. Mr. Irving stated that the Board usually leaves it to the discretion of the applicant. Mr. Martin stated that the abutter wanted the entire site paved, but instead of paving the entire site the Board suggested the driveway paved and a hedge. Mr. Fadden stated the hedge appears to be for noise, dust and poor maintenance, which would be better maintained once he obtains this approval. Ms. Duane stated that this is for additional protection.

Mr. Conrad Briggs stated that the applicant knows what the Board wants and until they put something together the application should be continued. After a brief discussion, the Board agreed that the hedge should be 4-feet in height when planted and have an 8-foot mature height. Mr. Drinkhall asked for public comment; there was none. **Mr. Martin made a motion, seconded by Ms. Duane, to continue the full site plan for Thomas Fadden until July 14, 2005. Motion unanimously carried.**

**TRAFFORD'S RV – FULL SITE PLAN REVIEW CONTINUED (PID 260-48)
FILE #FR05-09**

This is an application to redevelop an existing auto salvage yard into an RV sales and service facility by constructing an 80'x200' sales office and maintenance building, moving the 40'x50' garage to the back of the lot, and using the remainder of the lot for RV storage. The Board accepted this application as complete on April 28, 2005.

Mr. Irving stated that the applicant has requested a continuance. **Mr. Briggs made a motion, seconded by Mr. Martin, to continue the Full Site Plan Review for Trafford's RV until July 14, 2005. Motion unanimously carried.**

ROCK DEVELOPMENT, LLC – FULL SITE PLAN REVIEW CONTINUED (PID 235-78) FILE #FR05-11

Rob Barsamian and Roger Williams of OVP Management, Inc., Roy Smith of BSC Engineering and John Kerekes, Architect, of McCarthy Kerekes, Inc. appeared before the Board. This is an application to construct a 132,972 square foot home improvement center with associated parking, utilities and landscaping. This application was accepted as complete on June 9, 2005.

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Mr. Barsamian stated that they would like to discuss architecture. Mr. Smith stated that a connecting drive is going to be constructed to the Sullivan property and the plans would need to be updated with that change. Mr. Smith stated that irrigation has been indicated on the plans. Mr. Irving stated there is a note on the plan indicating irrigation, but the irrigation pipes are not shown on the plans. Mr. Barsamian stated that the zoning requirements were done for Home Depot site, the Staples site and the entire site.

Mr. Kerekes reviewed the Littleton, NH elevations. Mr. Henderson asked what would be seen through the fence. Mr. Kerekes stated that the product would not be stocked higher than the fence. Mr. Irving suggested that a note be added to the plan that the product would not be higher than the screened area. Mr. Irving stated that the management of the Littleton store would not be tolerated in Conway. Ms. Duane stated that she did not want to see what happened at Wal-Mart where storage trailers are being stored in the open garden center. Mr. Kerekes stated that there would be no trailers or storage containers. The Board agreed with the 20-foot ornamental fence with 10-feet of mesh screening.

Mr. Drinkhall asked for public comment; Ted Sares stated the Littleton Home Depot would not be accepted here, but if you took the Littleton building and made some changes and it's location would be fine. Mr. Sares stated what is happening here will be fine. Kenneth Vance read the attached statement. Mr. Sares stated in regard to the relationship between Home Depot and Lowe's, he hopes the Board was treating them equal. Mr. Sares stated based on the article in the Conway Daily Sun by Bart Bachman he would like to know what type of entity Rock Development, OVP, Settlers Green and Home Depot are and how they are related.

Mr. Barsamian stated that Rock Development is an LLC, OVP Management is a management company and not a part of Rock Development, and OVP is a trade name, which is incorporated. Mr. Sares asked the relationship between the Cinema at the mall [PID 246-38] and Rock Development. Mr. Barsamian stated the ownership is not the same. Mr. Drinkhall stated that he is not sure if this is the forum to discuss this subject. Mr. Sares stated that he will stop, but wants it noted that he was stopped mid-sentence.

Mr. Barsamian stated he does not mind answering Mr. Sares question. Mr. Barsamian stated they do not have anything to do with the movie theater as they sold their interest. Mr. Barsamian stated they are completely separate and distinct businesses. Mr. Sares stated that that he is merely talking about what was in the paper. Mr. Barsamian stated he could answer the question again. Mr. Sares stated he is satisfied, but not satisfied that he heard a comment that Mr. Barsamian was purchasing the Body by Thor building for affordable housing, when they argued that this property could not be used for affordable housing during the rezoning public hearings.

Ken Cargill and Claudine Safar of Cooper, Deans Cargill stated that they were representing CMF Development who owns Building 5 at the Village of North Conway. Mr. Cargill stated that he had a fundamental issue in regard to the notice procedures, and whether there is a defect in the Towns ordinance. Mr. Cargill stated that as a property owner, they are entitled to proper notice and only noticing the Officers is not sufficient.

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Mr. Cargill stated that one of the big issues is the area in which Home Depot is proposed is on a much larger lot with frontage on Route 16. Mr. Cargill stated that he heard representation that the tree plantings would satisfy the tree requirements for the entire lot, but he is not sure of that. Mr. Cargill stated that another concern is the signage and asked if Home Depot would have to share signage on Route 16 with Staples. Mr. Cargill stated that the back of the Staples building is now opened up and should be reviewed.

Mr. Drinkhall stated that it is stated on the plan that Staples was just reviewed and that the approvals would remain in effect. Mr. Cargill stated that the lot is being redeveloped. Mr. Vance stated that it has always been his understanding that the Association owned the land and that the owner of Building 5 has the right to build. Mr. Smith stated they took what was required for Staples and what was required for Home Depot and added them together.

Mr. Sares asked if Home Depot would have a sign on the strip. Mr. Barsamian stated since it is one lot of record Home Depot would have a sign on the existing sign. Mr. Sares suggested changing the Body By Thor sign. Mr. Irving stated that signage is through the zoning ordinance and not the Planning Board. Mr. Sares stated Mr. Irving is correct, except when reviewing waivers it could be used as leverage. Mr. Sares stated that he is 100% with Home Depot and they are doing everything they should be doing.

Mr. Cargill stated the tree calculations only represent the portion for Home Depot and questioned whether the tree planting requirements have been reviewed for the entire site. Mr. Irving stated staff reviewed the tree calculations for the entire site and with respect to the existing Staples site the applicant has not suggested nor has the Board made any changes to the Staples area. Mr. Irving stated that he also has added a note to indicate that the Staples site plan is still in effect and the Board has reviewed the Staples site as of April 28, 2005.

Mr. Cargill stated that building 5 is the closest abutting property and he is not sure what the visual impact would be from building 5. Mr. Irving stated that the applicant has a cross section from that area as well as from the Neenan property. Mr. Cargill stated there would be a lot of HVAC units close to building 5. Mr. Kerekes stated that the roof has been designed so it cannot be seen from the second story of the condominium building. Mr. Kerekes stated that sound travels the same line of site and if it hits something it deflects back. Mr. Kerekes stated that the parapet along the building would deflect the sound. Mr. Kerekes stated that the road in the condominium development would probably generate more noise. Mr. Cargill stated that he is not an expert, but his client has a vested interest in the property.

Mr. Martin stated that there is litigation in regard to the construction of building 5 as building 5 has not been constructed. Mr. Cargill stated that they believe the building would be constructed. Mr. Barsamian stated that Mr. Cargill's office represented Rock Development during the rezoning process and indicated no issues created by the rezoning and now Mr. Cargill's office is representing the owners of Building 5. Mr. Barsamian stated that Mr. Cargill's office never confronted them with these issues. Mr. Barsamian

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asked if he was missing something and what hat was Mr. Cargill wearing today. Mr. Barsamian stated that this is an ethical issue and suggested that Mr. Cargill tread lightly. Mr. Barsamian stated that he is willing to address any of the abutter's concerns. Mr. Cargill stated that the hat he is wearing is representing an abutter. Mr. Cargill stated that rezoning is not an issue as these concerns are addressed under the current site plan regulations. Mr. Drinkhall closed public comment.

Mr. Drinkhall read the waiver request for §123-30.A.1. & A.3. **Mr. Martin made a motion, seconded by Mr. Briggs, to grant the waiver for §123-30.A.1. & A.3. with the condition that no material in the fencing be seen.** Mr. Smith reviewed cross sections. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Mr. Henderson, to continue the full site plan review for Rock Development, LLC until July 28, 2005. Motion unanimously carried.

OTHER BUSINESS

Mountain High Marketplace, LLC (PID 235-40) - §123-4.A.5.: Nick Castel appeared before the Board. Mr. Castel stated that the applicant would like to convert 11,835 square feet of retail space to 16 residential apartments. Mr. Irving stated that a couple of windows and doors will be added to the back of the property. Mr. Irving stated that the on-site infrastructure is sufficient for the use. Mr. Martin stated these would be apartments and not hotel rooms. Mr. Castel agreed.

Ms. Duane asked how far is this section of the building from the first residence on Carol Ann Way. Mr. Castel answered approximately 500-feet. Ms. Duane asked if there was a recreation area. Mr. Castel answered in the negative. Ms. Duane stated if not designated they would create their own. Mr. Drinkhall stated that the size of the units dictate the type of tenant.

Mr. Martin made a motion, seconded by Mr. Henderson, that based on the provisions of §123-4. A. 5., regarding applicability, that converting 11,835 square feet of retail space to 16 residential apartments 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 development. Motion carried with Ms. Duane voting in the negative.

Joseph & Lisa Querci f/k/a Seder's Antiques (PID 218-101) – Request for a concurrent site plan and subdivision application: Ms. Duane made a motion, seconded by Mr. Martin, to allow a Concurrent Site Plan and Subdivision application for PID 218-101. **Motion unanimously carried.**

North Conway Holdings, Inc (PID 246-44) File #FR04-05 – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Mr. Martin, to extend the

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**conditional approval for North Conway Holdings, Inc. until August 11, 2005.
Motion unanimously carried.**

Evergreen on the Saco (PID 265-161.346 & 161.352) – Amendment to phasing: Mr. Irving stated that the applicant would like to adjust the unit phase line previously approved under S04-17 to exclude unit/lot 52 and to include unit 46. **Ms. Duane made a motion, seconded by Mr. Martin, to adjust the unit phase line previously approved under S04-17 to exclude unit/lot 52 and to include unit 46. Motion unanimously carried.**

E & C Maine Realty Trust, LLC/Joe Jones (PID 218-63 & 97) File #FR05-08 – Extension of Conditional Approval: Ms. Duane made a motion, seconded by Mr. Porter, to extend the conditional approval for E & C Maine Realty Trust, LLC/Joe Jones until July 28, 2005. **Motion unanimously carried.**

Lawrence Smolinsky/Todd Smolinsky (f/o T. Paul & Loretta Matsubara) PID 277-287 – Extension of Conditional Approval (File #FR02-08): Ms. Duane made a motion, seconded by Mr. Martin, to extend the conditional approval for Lawrence Smolinsky/Todd Smolinsky (f/o T. Paul & Loretta Matsubara) until September 22, 2005. **Motion unanimously carried.**

Meeting adjourned at 10:41p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary