

CONWAY PLANNING BOARD

MINUTES

DECEMBER 14, 2006

A meeting of the Conway Planning Board was held on Thursday, December 14, 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, Steven Porter; Hud Kellogg; Sean McFeeley; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Martin made a motion, seconded by Mr. Henderson, to approve the Minutes of November 16, 2006 as written. Motion unanimously carried.

**JOSEPH AND MAUREEN SORAGHAN – 2-LOT SUBDIVISION (PID 202-35)
FILE #S06-01 – COURT REMANDED**

Peter Malia, Town Attorney, appeared before the Board. Joseph and Maureen Soraghan and Donald Ekberg, Attorney for the Soraghan's, were in attendance. Mr. Malia stated that the first item the applicant needed was a variance from road frontage, which was obtained from the Zoning Board of Adjustment. Mr. Malia stated that the second item the applicant needed was a waiver from Article §131-24.K of the Subdivision Regulations. Mr. Malia stated that the Planning Board denied the waiver request and then subsequently denied the subdivision application.

Mr. Malia stated that that decision was appealed to the Court and the applicant argued that the Notice of Decision failed to meet State Law and Town of Conway regulations as it did not state the reasons for denial. Mr. Malia stated that the Court agreed and remanded it back to the Board to give specific reasons for the denial. Mr. Malia stated that the Board should add a copy of the minutes and add a few lines of reason for denial to the Notice of Decision. Mr. Malia stated that it would be appropriate for the Board to clarify the decision.

Mr. Drinkhall asked for Board comment; Mr. Martin asked how could the Minutes be attached to the Notice of Decision if they are not approved until two weeks after the meeting. Mr. Malia stated that the Notice of Decision could indicate that the Minutes are to follow. Mr. Irving stated that they are not official Minutes until they are adopted, which would technically be impossible to attach to the first notice of decision. Mr. Malia stated that the draft Minutes would be sufficient.

Mr. Henderson made a motion, seconded by Mr. Martin, to attach the approved minutes to the Notice of Decision for this application; and that the Planning Board denied the waiver for §131-24.K because granting the waiver would be against the spirit and intent of the subdivision regulations and the petitioners would not suffer unnecessary hardship because they have the option of subdividing the property in a

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way which would not violate the regulation; therefore, the waiver was denied and the application was subsequently denied. Motion carried with Mr. Kellogg and Mr. McFeeley abstaining from voting.

**THE KENNETT COMPANY – BOUNDARY LINE ADJUSTMENT REVIEW
(PID 244-15, 16 & 17) FILE #S06-30**

Bob Tafuto of Ammonoosuc Survey Company, Bayard Kennett and Sut Marshall appeared before the Board. This is an application to convey 15.85 acres from PID 244-16 and 15.92 acres from PID 244-17 to PID 244-15 resulting in three-lots of 44.07 acres (PID 244-16), 53.69 acres (PID 244-17) and 49.72 acres (PID 244-15). **Mr. Porter made a motion, seconded by Mr. Henderson, to accept the application of The Kennett Company for a Boundary Line Adjustment Review as complete. Motion unanimously carried.**

Mr. Irving stated that these lots legally exist as non-conforming lots and no new lots are being created. **Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the Boundary Line Adjustment for The Kennett Company conditionally upon Fire Chief Approval; submission of a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on March 8, 2007.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**SETTLERS R2, INC. – CONCURRENT FULL SITE PLAN AND SUBDIVISION
REVIEW CONTINUED (PID 235-89) FILE #FR06-09 & S06-24**

Mark Lucy of White Mountain Survey Company and Roger Williams of OVP Management, Inc. appeared before the Board. This is an application to construct a 2,502 square foot addition to Building G and adjust the unit boundary line accordingly. This application was accepted as complete on October 12, 2006.

Mr. Lucy stated that they have added more trees behind the proposed addition. Mr. Lucy stated that the reason for the continuance was an issue with the shared parking with a neighbor. Mr. Lucy stated that they have provided parking calculations per the publication referenced in the ordinance. Mr. Irving stated that staff has no objection of the use of the recently submitted parking analysis.

Mr. Drinkhall read the waiver requests for §123-6.A. and §123-29.A.3. **Mr. Martin made a motion, seconded by Mr. Henderson, to grant the waiver requests for §123-6.A. and §123-29.A.3.** 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 §123-30.A.2. **Mr. Henderson made a motion, seconded by Mr. Martin, to grant the waiver request for §123-30.A.2.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.**

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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; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Mr. Henderson voting in the negative.**

Mr. Henderson made a motion, seconded by Mr. Martin, to conditionally approve the Concurrent Site Plan and Subdivision Review for Settlers' R2, Inc. conditionally upon revising the waivers granted table as necessary; submission of an updated Mylar; submitting a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on March 8, 2007. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

STEPHEN MORRILL et al – BOUNDARY LINE ADJUSTMENT (PID 260-58 & 274-14) FILE #S06-23

This is an application to add 11.11 acres to PID 274-14 from PID 260-58 resulting in a 12.29-acre lot and a 590.91-acre lot, respectfully. This application was accepted as complete on October 12, 2006. Mr. Irving stated that the applicant has withdrawn the application.

WILLIAM GLOVER – 2-LOT SUBDIVISION CONTINUED (PID 288-31.2) FILE #S06-29

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 25.87 acres into two lots of 23.64 acres and 1.67 acres with a right-of-way to be known as Mitten Lane. This application was accepted as sufficiently complete on November 16, 2006.

Mr. Drinkhall read the waiver request for §131-43.E. **Mr. Henderson made a motion, seconded by Mr. Porter, to grant the waiver request for §131-43.E.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Henderson, to conditionally approve the 2-Lot Subdivision conditionally upon submitting a revised NHDOT Driveway Permit and indicating approval number on plan; a Mylar; a performance guarantee for monuments; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on March 8, 2007. Mr. Drinkhall asked for Board comment; there was none. There was no public in attendance. **Motion unanimously carried.**

JOHN NELSON, JR – SUBDIVISION REVIEW CONTINUED (PID 258-68) FILE #S06-16

This is an application to subdivide 340± acres into 40-lots. This application was accepted as complete on June 22, 2006. **Mr. Henderson made a motion, seconded by Mr.**

Martin, to continue the application for John Nelson, Jr. for a Subdivision Review until January 11, 2007. Motion unanimously carried.

OTHER BUSINESS

The Kennett Company/Arlington Development (PID 279-2 and 291-30 & 34) – Extension of Conditional Approval (File #S06-13): Mr. Porter made a motion, seconded by Mr. Henderson, to extend the Conditional Approval for The Kennett Company/Arlington Development until April 24, 2008. Mr. Martin asked why this is being extended for so long. Mr. Irving stated that the Wetlands Bureau wants the applicant to show the subsequent phase as part of the Site-Specific application. Mr. Irving stated that the applicant has requested the extension in order to pursue the other portion of the project and have it approved at the same time. **Motion unanimously carried.**

Beth and Walter Campbell and John and Nancy Long (PID 274-29 & 30) – Extension of Conditional Approval (File #S06-19): Mr. Porter made a motion, seconded by Mr. Henderson, to extend the conditional approval for Beth and Walter Campbell and John and Nancy Long until May 10, 2007. **Motion unanimously carried.**

James and Judy Mirabella (fka Donarumo & R.G. Mackinnon) – Extension of Conditional Approval (PID 244-4) – File #FR03-18: Shawn Bergeron of Shawn Bergeron Technical Services was in attendance. **Mr. Henderson made a motion, seconded by Mr. Porter, to extend the conditional approval for James and Judy Mirabella (fka Donarumo & R.G. Mackinnon) until April 12, 2007.** Mr. Porter stated that it should be highlighted that this has been on the books for three years and this would be the last extension granted. **Mr. Henderson withdrew his motion and Mr. Porter withdrew his second.**

Mr. Bergeron stated that he first represented this project and the property has been sold twice since then. Mr. Bergeron stated that he has spoken to the new owners and has informed them that this would probably be the last extension. Mr. Porter stated that Mr. Bergeron could understand where the Board is coming from. Mr. Bergeron stated absolutely.

Mr. Porter made a motion, seconded by Mr. Henderson, that the final extension for the conditional approval for James and Judy Mirabella be granted until April 12, 2007. Motion carried with Mr. Henderson voting in the negative.

Meeting adjourned at 7:45 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant