

CONWAY PLANNING BOARD

MINUTES

APRIL 24, 2008

A meeting of the Conway Planning Board was held on Thursday, April 24, 2008 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Selectmen's Representative, Robert Drinkhall; Steven Porter; Martha Tobin; Sean McFeeley; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Sares made a motion, seconded by Ms. Sell, to approve the Minutes of April 10, 2008 as written. Motion unanimously carried.

ELECTION OFFICERS

Mr. Sares nominated Mr. Porter, seconded by Mr. McFeeley, as Chair. Motion carried with Mr. Porter abstaining from voting.

Mr. Sares nominated Ms. Tobin, seconded by Ms. Sell, as Vice Chair. Motion carried with Ms. Tobin abstaining from voting.

Ms. Sell nominated Mr. McFeeley, seconded by Mr. Sares, as Secretary. Motion carried with Mr. McFeeley abstaining from voting.

STATE OF NEW HAMPSHIRE/121 FIT, INC/MICHELLE ROBER – FULL SITE PLAN REVIEW (PID 215-60) FILE #FR08-01

Bob Tafuto of Ammonoosuc Survey Company and Michelle Rober appeared before the Board. This is an application to convert the existing home to a rehabilitation center and offices and to construct an 8,830 square foot fitness center. This application was accepted as complete on March 13, 2008.

Mr. Tafuto stated that Ms. Rober has purchased the property and the State is no longer an owner. Mr. Irving stated there were some modifications to the parking layout that effected the Special Highway Corridor Overlay buffer reduction so the Board should readdress that waiver so the new dimension is approved.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the waiver request for §123-29.A.1/147.13.19.9.1.1. **Ms. Sell made a motion, seconded by Mr. Porter, to grant the waiver request for §123-29.A.1/147.13.19.9.1.1.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

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Mr. Irving stated that there was a concern regarding the height of the canopy, but he understands that it would be removed from the plan. Mr. Tafuto stated that the applicant is not constructing the canopy at all. Mr. Irving stated there was a concern regarding ADA access to the existing building and the applicant has submitted a letter regarding ADA compliance. Mr. Irving stated that the building inspector would also review ADA compliance.

Mr. Tafuto stated that the applicant is not looking to make changes to the exterior the main building and it has been designed to have the same use duplicated in the newer, larger building. Mr. Tafuto stated that this was known from the beginning and the applicant is willing to assist handicap people in general.

Mr. Irving stated that the Board should determine if the work on the Memorial Hospital property in regard to the connecting drive is insignificant to the rest of the development or if a Site Plan Review is required. **Mr. Sares made a motion, seconded by Ms. Tobin, for a finding of fact that the work on the Memorial Hospital property to construct the connecting drive is insignificant to the rest of the development pursuant to §123-4.A.5.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-29.D.8. **Mr. Porter, made a motion, seconded by Ms. Sell, to grant the waiver request for §123-29.D.8.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §131, Table 2. **Mr. Porter made a motion, seconded by Ms. Tobin, to grant the waiver request for §131, Table 2.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was one. Mr. Drinkhall asked for public comment; there was none.

Mr. McFeeley made a motion, seconded by Ms. Tobin, to conditionally approve the Full Site Plan Review for Michelle Rober/121 Fit, Inc conditionally upon Town Engineer Approval; addressing any outstanding items on the deficiency list dated 04/18/08; removing covered walkway from sheet 3 and architectural drawings; submitting four copies (three to remain with the Town) of revised plans with original stamps and signatures; submitting a Mylar; 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 July 24, 2008. Motion unanimously carried.

OTHER BUSINESS

Scenic Inn of Conway (PID 265-27) – §123-4.A.5: Joe Peterson appeared before the Board. Mr. Peterson stated that he would like to replace a shed with a two-story shed to the right gable end of the hotel. Mr. Irving stated there is no reduction in greenspace, but there is an increase of floor space over 100 square feet.

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Ms. Sell made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the replacement of a shed with a two-story shed 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. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

River Valley Realty Trust (PID 263-1.8) – Conceptual Consultation: Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. Mr. Tafuto stated that the applicant would like to have three units accessed from a single driveway. Mr. Tafuto stated that the owner would like to add two more units on a 19-acre lot that already has a single family home on it. Mr. Tafuto stated that this lot is accessed from a cul-de-sac. Mr. Tafuto asked if the Board would entertain three units off one driveway.

Mr. Irving stated that the definition of a driveway limits access to two single family homes. Mr. Irving stated that there is a provision that allows for a paper road where a road right-of-way is laid out demonstrating that a road could be constructed. Mr. Irving stated that he is not sure why the applicant is not extending the dead end road to provide adequate frontage to the proposed subdivision and eliminate the need to serve three units on a driveway. Mr. Tafuto stated that it would require land from the neighboring lot.

Mr. Irving stated that this subdivision is not that old and asked why this was not initially done during the original subdivision. Mr. Tafuto stated that one of the owner's has passed away and there has been some shift in ideas. Mr. Irving asked if the two lots at the western end are still under control of the same family. Mr. Tafuto answered in the negative. Mr. Irving stated anytime you have more than two homes on a road it has to have a name for 911 purposes.

Mr. Irving stated that it is not a good design idea and staff would not recommend the waiver from a technical perspective, but it would be up to the Board. Mr. Porter stated that he would have difficulty supporting a waiver. Mr. Porter stated to start granting waivers for convenience establishes a bad precedence and the applicant should research other options. Mr. Porter stated that this could create bigger problems down the road.

Ms. Sell stated that she feels the same way as Mr. Porter. Ms. Sell stated that it appears the driveway is 12-foot wide. Mr. Tafuto stated that the plans show the existing road at the time of the original subdivision, but now it is 18-foot wide as they haul excavators in and out of there. Mr. Tafuto stated another driveway would not meet the centerline off-sets. Mr. Irving stated if there were two driveways on one lot it would require two 911 numbers. Mr. Irving suggested a multi-family structure that would allow up to six units in one building to be accessed from one driveway. Mr. Tafuto stated the applicant would have to look at either a paper road or a boundary line adjustment and thanked the Board for their time.

Amethyst Hill Properties (PID 252-47) – Request for Extension of Conditional Approval (File #FR07-10): Josh McAllister of H.E. Bergeron appeared before the Board. Mr. Irving stated that the applicant is still working with the State in regard to their underground storage tank. **Mr. McFeeley made a motion, seconded by Ms. Sell, to extend the conditional**

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approval expiration date for Amethyst Hill Properties to August 14, 2008. Motion unanimously carried.

Pastureview Development, LLC (PID 283-22.1) – Conditional Approval Expiring (File #S07-07): Mia Gannon of Thaddeus Thorne Surveys appeared before the Board. Mr. Irving asked if they anticipated construction this year or were they just trying to satisfy the conditions this year. Ms. Gannon stated that she doesn't believe they are anticipating construction this year. Ms. Tobin asked if there has been any agreement on how many times a conditional approval could be extended. Mr. Irving stated that the Board had an amendment that it would not extend a conditional approval beyond one year, but it could be extended if there were just cause.

Mr. Porter stated that he would be inclined to grant the extension until October, but if they ask for another extension at that time he would be hard pressed to grant it. Mr. Sares stated that he would agree with Mr. Porter and would grant the extension if it was predicated on existing conditions, but if financial, he would not recommend the extension.

Mr. Sares made a motion, seconded by Mr. McFeeley, to extend the conditional approval expiration date for Pastureview Development, LLC to October 23, 2008. Motion unanimously carried.

The Kennett Company/Arlington Group Phase I and Phase II (PID 279-2/291-30 & 34) – Conditional Approval Expiring (File #S06-13 & #S07-10): Bayard Kennett of the Kennett Company and Stephen Nix, Attorney for Arlington Group appeared before the Board. Mr. Irving gave a brief overview of the history. **Ms. Tobin made a motion, seconded by Mr. Porter, to extend the conditional approval expiration date for The Kennett Company/Arlington Group Phase I and Phase II until December 11, 2008.**

Mr. Nix gave a brief overview and stated that the land trust conservation easement is the most time consuming and it takes time to negotiate. Mr. Sares stated that he would not have a problem with one year from now. Ms. Sell asked who Arlington is. Mr. Nix stated that it is a limited liability company that has done subdivisions throughout the state. **Mr. Porter withdrew his second and Ms. Tobin withdrew her motion.**

Mr. Porter made a motion, seconded by Mr. Sares, to extend the conditional approval expiration date for The Kennett Company/Arlington Group Phase I and Phase II until April 23, 2009. Motion unanimously carried.

Ricky and Mary Brilliard Revocable Living Trust (PID 215-20) – Full Site Plan Withdrawn (File #FR05-14): Mr. Irving stated that the applicant has withdrawn their application.

Committee Reports: Mr. Drinkhall stated someone is needed to replace him on the ACID (Advisory Committee on Infrastructure Development) Committee. Mr. Sares stated he would like to be on that committee. **Mr. Drinkhall nominated Mr. Sares, seconded by Ms. Tobin, to the ACID Committee. Motion unanimously carried.**

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Mr. Drinkhall stated someone is needed for replace him on the Infrastructure Committee. **Ms. Tobin nominated Mr. Porter, seconded by Mr. Drinkhall, to the Infrastructure Committee. Motion unanimously carried.** The Board agreed that Mr. Drinkhall, the Board of Selectmen's Representative, should take the nominations for the Committees to the Board of Selectmen. [It was determined that the ACID and the Infrastructure Committee were one in the same].

Mr. Drinkhall nominated Mr. Porter, seconded by Ms. Tobin, to the CDRC (Citizen Design Review Committee) Committee. Motion unanimously carried.

Master Plan: Mr. Sares stated that he agrees with the amendments.

Capital Improvements Program (CIP): Mr. Irving stated that the CIP Committee was approved at Town Meeting.

Appointment of Planning Board Member: Ms. Tobin asked if anyone had responded to the ad for Planning Board members. Mr. Irving answered Dana Hylen, a former Planning Board member, had responded. After a brief discussion, **Mr. Sares made a motion, seconded by Mr. Porter, to appoint Dana Hylen to a one-year term as a Planning Board member.** Mr. Drinkhall read the Planning Board procedure to appoint a Planning Board member. **Motion unanimously carried.**

Meeting adjourned at 8:00 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant