

**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 9, 2009**

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**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 9, 2009**

A meeting of the Conway Planning Board was held on Thursday, April 9, 2009 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Theodore Sares; Dana Hysten; Alternate, Steven Hartmann; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**APPOINTMENT OF ALTERNATE MEMBER**

Mr. Porter appointed Mr. Hartmann as a voting member.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Drinkhall made a motion, seconded by Ms. Tobin, to approve the Minutes of March 26, 2009 as written. Motion unanimously carried.**

**HUGH W. HASTINGS, II/HALE ESTATES – SUBDIVISION REVIEW (PID 250-32, 57, 71 & 100 AND 263-62) FILE #S09-06**

Ron Briggs of Briggs Land Surveying appeared before the Board. Hugh Hastings was in attendance. This is an application to realign 1,000 feet of proposed road, eliminate PID 250-58 & 59, add 173 square feet of land to PID 250-57 and add 1,533 square feet of land to PID 250-32. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to accept the application of Hugh W. Hastings, II/Hale Estates for a Subdivision Review as complete. Motion unanimously carried.**

Mr. Irving stated that the new owner is remedying some of the deficiencies in the subdivision. Mr. Irving stated that a significant engineering review needs to be completed and the applicant still needs to submit some more information so he would recommend continuing the application. Mr. Irving stated that there are a couple of areas of the road that has already been constructed that will be reconstructed to put the road more into the right of way. Mr. Porter asked for Board comment; Ms. Sell asked if this is a housekeeping issue. Mr. Irving stated that the roadway is being realigned as the road design originally went through a significant amount of wetland. Mr. Irving stated that the realignment reduces the amount of impact on the wetland.

Mr. Porter asked for public comment; there was no public comment. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to continue the subdivision review for Hugh W. Hastings, II/Hale Estates until June 11, 2009 with new information to be submitted by end of business Tuesday, May 19, 2009. Motion unanimously carried.**

**OTHER BUSINESS**

**3425 Mountain View, LLC (PID 202-183) – §123-4.A.5 (File #NA09-08):** Mr. Irving stated that the applicant would like to convert 1,332 square feet of retail to personal service. Mr. Irving stated there is no increase of intensity, but he could not approve because they have used both non-applicable's for this property under §123-4.A.4.

**Ms. Sell made a motion, seconded by Mr. Drinkhall, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the conversion of 1,332 square feet of retail to personal service 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 unanimously carried.**

**The Kennett Company/The Arlington Group (PID 279-2 and 291-30 & 34 – Extension of Conditional Approval (File #S06-13 and #S07-10):** Jay Poulin of H.E. Bergeron and Harry Tomasian of the Arlington Group appeared before the Board. Mr. Poulin stated there are a couple of reasons to extend the conditional approval for these applications: one, the applicant is still moving forward with this project and intends to move forward with this project this year; second, the timing, unfortunately, is not great, but there are many off-site improvements that would benefit the Town of Conway as there are upgrades to Dolloff Hill Road and Route 153; and third, he doesn't see the harm to the public by extending this approval.

Mr. Tomasian stated that they are still under contract with the Presidential Group. Mr. Tomasian stated they are still trying to put this through, they are still making payments and they want this project to go through, but it has been tough without buyers. Ms. Sell asked if this would be completed within the next year. Mr. Tomasian stated he cannot guarantee anything, but they are still spending a significant amount of money to move forward with this project. Mr. Tomasian stated buyer's banks are not funding which has made it difficult to proceed with the road.

Mr. Sares asked how long has this been going on. Mr. Irving stated that phase one was conditionally approved in 2006 and phase two was conditionally approved in 2007. Mr. Sares stated that we had a discussion regarding extensions, we argued the circumstances and we agreed that we would not extend, if he remembers correctly, for economic times. Mr. Sares stated that was one of the items we agreed should not be one of the factors. Mr. Sares stated so when he hears the times have changed, that's realty, when you enter and engage in this type of project that is one of the risks you assume.

Mr. Sares stated that the conditional approval cannot be extended indefinitely. Mr. Sares stated that the economy is a part of the risk the developer assumes, because when the times are good they can be real good. Mr. Sares stated that he is not into not extending because of the economy but he is into extending for the improvements that would benefit the Town.

Mr. Drinkhall asked how long of an extension would they like. Mr. Irving stated that they are asking for one year. Mr. Drinkhall asked if it would cause staff problems. Mr. Irving stated only problem arises if Board seeks to make modifications to their regulations. Mr. Irving stated that there are items on the conditional approval that can easily be resolved.

**Adopted: April 23, 2009 – As Written**  
**CONWAY PLANNING BOARD – APRIL 9, 2009**

After a brief discussion, the Board agreed that the applicant should show some good faith by addressing the items of the conditional approval that could easily be resolved. **Mr. Sares made a motion, seconded by Ms. Sell, to extend the conditional approval for The Kennett Company/ Arlington Group until April 22, 2010 with the applicant addressing the items of the conditional approval that can easily be resolved. Motion unanimously carried.**

**Committee Reports:** There were none.

**Planning Board members:** Mr. Sares thanked Ms. Tobin and Mr. Porter for their time on the Board in case they are elected to another Board in which they are running for a seat. Mr. Sares also thanked Mr. Hylan for his time on the Board as this would be his last meeting.

Meeting adjourned at 7:37 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive, flowing style.

Holly L. Meserve  
Planning Assistant