

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 9, 2004

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A meeting of the Conway Planning Board was held on Thursday, September 9, 2004 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Conrad Briggs; Selectmen's Representative, Larry Martin; Secretary, Robert Drinkhall; Theodore Sares; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of August 26, 2004 should be amended as follows: page 3, third paragraph under MWVEC, line 5, should read, "...high tech companies, however, he is 100% in favor of the technology centers goals." and page 5, paragraph 2, line 3, should read, "...Mr. Drinkhall and Mr. Porter voting in the negative."

Mr. Drinkhall made a motion, seconded by Mr. Sares, to approve the Minutes of August 26, 2004 as amended. Motion carried with Mr. Martin abstaining from voting.

RIVER VALLEY REALTY TRUST – 2-UNIT SUBDIVISION (PID 263-1) FILE #S04-21

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. This is a 2-unit subdivision to allow two residential units in separate buildings on a common lot of land. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to accept the application of River Valley Realty Trust for a 2-unit subdivision as complete. Motion unanimously carried.**

Mr. Irving stated that he did a site inspection of this site today and noticed that the applicant has commenced work by clearing and making improvements to the road. Mr. Irving stated the road improvements were to the sections outside of the floodplain and the wetland areas. Mr. Irving stated that he asked the applicant to stop work until appropriate approvals were in place and the applicant had agreed to cease work until proper permits had been obtained.

Mr. Irving stated that an application to subdivide this land with a road network installed to Town standards and underground utilities would probably be applied for in the near future. Mr. Martin stated that he would be concerned with the abutters and the noise factor from the generators. Mr. Irving asked how far is the nearest dwelling to an adjacent lot. Mr. Tafuto answered 400 feet. Mr. Tafuto stated propane generators are quiet, plus the applicant is going to live there.

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Mr. Briggs asked for public comment; John Braida stated that he wanted to construct two homes on his lot and was told he could not. Mr. Braida stated that he was told he could construct a guest home without a kitchen. Mr. Braida stated now this developer is allowed to construct two units. Mr. Irving asked the size of Mr. Braida's lot. Mr. Braida answered 22 acres. Mr. Irving stated if there are two acres of buildable then he could have a two-unit subdivision. Mr. Braida stated it wasn't an option given to him.

Sam Matook of Jennifer Lane asked if there are any plans to extend Jennifer Lane. Mr. Tafuto answered in the negative. Mr. Matook asked if the Board could impose a time limit in which the generators could operate. Mr. Tafuto stated the applicant is going to live there and doesn't want to hear it either. Mr. Matook stated that the Board should require a time limit on the generators. Mr. Briggs asked if the Board could require a buffer. Mr. Irving answered in the affirmative and suggested a vegetative buffer.

Mr. Matook asked if there was any impact to the wetlands as he had received letter a long time ago that the land abutting his property had wetlands. Mr. Tafuto stated there are wetlands on this parcel, but there is also a lot of acreage without wetlands. Mr. Tafuto stated the applicant could not disturb the wetlands without proper permits. Mr. Irving stated that the applicant has obtained a letter from a qualified wetland scientist that there is no activity in the wetland. Mr. Irving stated the applicant is not improving the driveway that currently goes through the wetland.

Mr. Sares asked if any of the work that has already been started was on land in current use. Mr. Tafuto answered in the affirmative and stated that the entire lot is in current use. Mr. Sares stated there are two improprieties. Mr. Matook asked if the Town could limit construction to a six-day week. Mr. Irving answered in the negative stating there is no regulation that allows the Board to impose that restriction.

Todd Marshall stated that he purchased the Allard property, which has a right-of-way through the subject property. Mr. Irving stated that he should review the wording of the right-of-way. Mr. Tafuto stated he does not know if he has the right to put in a third unit. Mr. Irving asked has this easement been recorded since all easements need to be noted on the plan. Mr. Marshall stated that that closing date was June 23, 2004. Mr. Irving asked what was the easement for. Mr. Marshall stated that it was a deeded right-of-way. Mr. Irving stated that the right-of-way would not be affected by this application; however, the developing of a third home would have to comply with the town's regulations regarding driveways and roads.

Mr. Briggs read the requirements to grant a waiver. Mr. Briggs read the waiver requirements for Articles 131-24. & 25; 131-24.O.; 131-24.T; 131-26.A.(5); and 131-37.1.A. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to grant the waiver requests for Articles 131-24. & 25; 131-24.O.; 131-24.T; 131-26.A.(5); and 131-37.1.A.** Mr. Sares stated that an appropriate buffer should be a condition of approving the waivers. **Mr. Drinkhall withdrew his motion. Mr. Martin withdrew his second.**

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Mr. Sares made a motion, seconded by Mr. Martin, to grant the waiver requests for Articles 131-24. & 25; 131-24.O.; 131-24.T; 131-26.A.(5); and 131-37.1.A. with the requirement that the proposed generators be appropriately buffered to mitigate any noise that may affect the adjacent properties. Motion unanimously carried.

Mr. Martin made a motion, seconded by Mr. Sares, to approve the 2-unit subdivision for River Valley Realty Trust with a subsequent condition that the proposed generators are to be appropriately buffered to mitigate any noise that may affect the adjacent properties. Mr. Irving stated when the generators are installed he will go to the property, stand on the property line and confirm that it has been appropriately buffered. Motion unanimously carried. The plans were signed.

**HAROLD AND CYNTHIA GILMORE – LOT CONSOLIDATION (PID 243-3)
FILE #S04-22**

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to amend File #S03-17 to reduce the number of lots from eight to six; to relocate the driveway servicing lot 3; eliminate the reserved strip for future access and add that land area to lot 5; and seek a waiver from the road standards pursuant to §131-43.E. to allow three lots to be serviced. **Mr. Drinkhall made a motion, seconded by Mr. Martin, to accept the application of Harold and Cynthia Gilmore for a lot consolidation as complete. Motion unanimously carried.**

Mr. Briggs asked for public comment; there was none. Mr. Briggs read the waiver requests for Articles 131-24.T. and 131-43.E. **Mr. Sares made a motion, seconded by Mr. Drinkhall, to grant the waiver requests for Articles 131-24.T. and 131-43.E. Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Drinkhall, to approve the lot consolidation for Harold and Cynthia Gilmore. Motion unanimously carried. The plans were signed.

**JAY PATEL/WINGATE INN & SUITES – FULL SITE PLAN REVIEW
CONTINUED (PID 230-1) FILE #FR04-06**

Mr. Irving stated that the applicant has requested a continuance. **Mr. Drinkhall made a motion, seconded by Mr. Sares, to continue the Full Site Plan Review for Jay Patel/Wingate Inn & Suites until October 14, 2004.** Mr. Briggs stated that it is time to do something about the applications that keep coming back again and again. Mr. Briggs stated that there should be an extra fee charged. Mr. Irving stated that there is an ordinance that allows additional fees to be imposed. **Motion unanimously carried.**

Mr. Martin made a motion, seconded by Mr. Sares, pursuant to §123-8.D. that the Board impose supplemental review fees on the Jay Patel/Wingate Inn & Suite full site plan application. Motion unanimously carried.

OTHER BUSINESS

Five Points Realty Trust – Lot Merger (PID 273-27 & 28): Mr. Martin made a motion, seconded by Mr. Sares, to grant the lot merger for Five Points Realty Trust. Motion unanimously carried. The lot merger was signed.

Ronald and Charlene Petell and Joseph and Carole Alosa – Extension of Conditional Approval (PID 277-281) File #FR04-07: Mr. Martin made a motion, seconded by Mr. Drinkhall, to extend the conditional approval for Ronald and Charlene Petell and Joseph and Carole Alosa until January 13, 2005. Motion unanimously carried.

Harold Whitaker and Thomas Fadden – Extension of Conditional Approval (PID 275-18.1) File #S04-07: Mr. Martin made a motion, seconded by Mr. Sares, to extend the conditional approval for Harold Whitaker and Thomas Fadden until December 9, 2004. Motion unanimously carried.

Board Comments: Mr. Briggs stated that he has written on grandfathered signs and received one response and has since sent another letter.

Meeting adjourned at 8:09 pm.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary