

**CONWAY PLANNING BOARD**

**MINUTES**

**SEPTEMBER 9, 2010**

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CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 9, 2010

A meeting of the Conway Planning Board was held on Thursday, September 9, 2010 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; Patricia Sell; Steven Hartmann; Scott Lees; Alternate, David Sordi; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**APPOINTMENT OF ALTERNATE MEMBER**

**Mr. Porter made a motion, seconded by Ms. Sell, to appoint Mr. Sordi as a voting member. Motion unanimously carried.**

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Drinkhall made a motion, seconded by Ms. Sell, to approve the Minutes of August 26, 2010 as written. Motion carried with Mr. Sordi abstaining from voting.**

**THE PRESIDENTIAL GOLF CORPORATION – 2-LOT/13-UNIT SUBDIVISION  
REVIEW DEFERRED (PID 291-30) FILE #S10-07**

Jay Poulin of H.E. Bergeron Engineers and Bayard Kennett appeared before the Board. This is an application to subdivide 696 acres into two lots of 462 and 234 acres and create 13-units on the 462 acre lot. This application was deferred from July 22, 2010 and August 12, 2010.

Mr. Lees stated that he is no longer associated with The Presidential Golf Corporation, however, there was a lawsuit filed yesterday by Nick Castel that he has been named in. Mr. Lees stated that he has no vested interest in this project. Mr. Porter asked who Mr. Castel is. Mr. Lees answered a former partner. Mr. Irving asked if the applicant has any concerns with Mr. Lees sitting on this application. Mr. Kennett answered in the negative.

Mr. Irving stated that the applicant and the Town have worked out off-site improvements, so he would recommend the Board accepting the application as complete. **Ms. Sell made a motion, seconded by Mr. Drinkhall, to accept the application of The Presidential Golf Corporation for a Subdivision Review as complete. Motion unanimously carried.**

Mr. Porter asked for Board comment; Mr. Sordi asked if there were any plans on the second lot. Mr. Poulin answered not at this time. Mr. Sordi stated that driveways are located on common land and asked if their maintenance is addressed in the bylaws. Mr. Poulin answered in the affirmative.

Ms. Sell asked if the applicant is making any improvements to the roads. Mr. Kennett stated they have an agreement with the Town to do off-site improvements; specifically focusing on the bridge over the stream. Mr. Kennett stated that the developer will provide \$252,000 to the Town to construct the bridge and to replace the culvert that spans that brook. Mr. Kennett stated that this would prevent future flooding. Mr. Irving stated The Presidential Golf Corporation will not construct the bridge; they are contributing that sum to the Town and the Town will be facilitating

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that construction as well as any State permits that are required. Mr. Irving stated that the applicant would provide money and the engineering. Mr. Irving stated that the applicant is proposing a phased plan; Phase I can be constructed prior to providing funding, however, funding is required prior to the construction of Phase II.

Mr. Sordi asked about the well and water line easement for the Lambert's [PID 291-35]. Mr. Irving stated the Lamberts still use the well as an emergency backup when their current well goes dry. Mr. Irving stated that the proposal is to amend the exclusive use areas in the vicinity of the well so the easement area crosses common land.

Mr. Hartmann asked about final approval of Phase II. Mr. Irving stated phase I consists of five lots and before they can sell or advertise for sale the remaining 8 lots that funding would have to be provided. Mr. Hartmann asked what if they don't provide funding for 10 years, will it be enough to actually complete the project. Mr. Irving stated there are a lot of other improvements that need to be done to the roads and it was determined that this amount would be their fair share of those improvements. Mr. Irving stated that the Town agreed with the applicant that this is an appropriate sum for their fair share.

Mr. Sordi asked if there is any protection for the Town in case Presidential Golf Corporation dissolves prior to Phase II. Mr. Irving answered in the negative and stated that they then would only have the five lots. Mr. Sordi asked if majority of the property is going to be common land what happens if they want to make changes or improvements to the property. Mr. Irving stated a non residential use would require site plan review, but the Association documents restrict further subdivision of the property.

Mr. Porter asked for public comment; John Lambert, son of an abutter, asked if the Town would be a beneficiary to the easement in the covenants so the Town can enforce them through the condominium documents. Mr. Irving stated the Town does not get involved in enforcing condominium documents, but in this case they will be reviewed by the Town Attorney to make sure they cannot be revoked or modified. Mr. Irving stated that they are obligated to protect that land and enforce them and cannot change them without the Town's approval.

Mr. Lambert asked the location of the driveways for lots 1 and 2. Mr. Poulin stated that they would cross the easement area. Mr. Lambert asked what the process was in asking the abutters how they felt about offsite road improvements. Mr. Irving stated there was no process, it is a Town road. Mr. Lambert stated he is not sure if the abutters want the improvements. Mr. Irving stated anyone with concerns should bring it to the attention of the Board of Selectmen when they plan to do the improvements.

Mr. Lambert stated that he doesn't think it is right to grant a conditional approval on imposed improvements as no one may really want that. Mr. Irving stated that that would be outside the purview of this Board and needs to be brought to the Board of Selectmen. Mr. Lambert stated not if you put this condition on it. Mr. Irving stated that it was agreed upon by the Town Manager and Town Engineer. Mr. Porter closed the public hearing.

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Mr. Porter read the waiver request for §131-24, Scale; §131-24, Plans 22” x 34”; §131-24.O/§131-26.A; §131-37.1.A; and 131-67.C.8.h. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to grant the waiver request for §131-24, Scale; §131-24, Plans 22” x 34”; §131-24.O/§131-26.A; §131-37.1.A; and 131-67.C.8.h.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

**Mr. Lees made a motion, seconded by Mr. Drinkhall, to reopen the public hearing. Motion unanimously carried.** Joanne Benco of 151 Modock Hill Road stated there are three lots on Modock Hill Road and asked if the road would be paved. Mr. Irving stated they are not proposing to do any improvements to Modock Hill Road. Mr. Porter closed the public hearing.

**Ms. Sell made a motion, seconded by Mr. Drinkhall, to conditionally approve the 2-Lot/13-Unit Subdivision for the Presidential Golf Corporation conditionally upon submitting acceptable driveway designs for all units on Lot 1 (including Phase 2 units). Designs shall also depict underground utilities and the underground utilities that cross any Town ROW; submitting acceptable bridge and approach designs for the Dolloff Hill Road Bridge. The Bridge approaches include those portions of Dolloff Hill Road that must be elevated to meet the elevations of the proposed Bridge; the bridge and approach designs shall become the property of the Town upon approval of Phase 1. Since Dolloff Hill Road is a Town roadway, the Applicant will be providing the engineering necessary for the Town of Conway to obtain, if necessary, any permits from the NHDES for the eventual bridge construction; submitting drainage easements adjacent to Dolloff Hill Road, Modock Hill Road and Allard Hill Road. Those easements shall be clearly represented on the Plans; adding note to the plan that prior to construction of any driveway or installation of the underground utilities to any of the units or the property or issuance of any building permit, a construction permit must be obtained from the Town [and the fire suppression infrastructure must be completed]; submitting CCRs (Association Documents) and deed restrictions that protect the conservation lands, preclude further subdivision and obligate the Association to enforce the restrictions and provisions. These shall be reviewed by the Town’s Attorney (per §131-13.F.) to ensure that they cannot be revoked or modified without Town approval; revising the bounds of the limited common area or exclusive use area for Units 1 and 2 so that well and water line easement only encumbers the common land; submitting surety for fire suppression infrastructure; submitting legal, engineering, scanning and supplemental review fees; submitting supplemental review fees owed from existing conditional approval (File # S07-10) of \$140 (4 hours @ \$35/hr, 2 hours on 12/03/07 and 2 hours on 12/10/07); withdrawing existing conditional approvals (S06-13 and S07-10); Town Engineer approval; submitting NHDOT approval and indicate approval number/amendment date on plans; submitting NHDES Wetland approval and indicate approval number/amendment date on plans; submitting NHDES Subdivision approval and indicate approval number/amendment date on plans; submitting 4 complete plan sets with requested revisions (submit additional sets if the applicant wants more than one set with Planning Board Approval); submitting Mylar(s) for recording; when the conditions have been met the plans can be signed out-of-session; subsequent to final approval of Phase 1 the applicant shall submit recorded CCRs to the Town prior to the sale of any lots; precedent to final approval of Phase 2 the applicant shall submit \$252,000 for construction of bridge, bridge approaches and permitting; and this conditional approval will expire on September 8, 2011. **Motion unanimously carried.****

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Mr. Kennett asked when the fire suppression system has to be constructed. Mr. Irving stated that it is to be installed before the first unit is constructed. **Mr. Porter made a motion, seconded by Mr. Sordi, to reconsider the conditional approval. Motion unanimously carried.**

Mr. Irving suggested amending the item #4 of the conditional approval to state “adding note to the plan that prior to construction of any driveway or installation of the underground utilities to any of the units or the property or issuance of any building permit, a construction permit must be obtained from the Town **and the fire suppression infrastructure must be completed**”. **Ms. Sell made a motion, seconded by Mr. Sordi, to approve the amendment. Motion unanimously carried.**

**Mr. Drinkhall made a motion, seconded by Ms. Sell, to conditionally approve the 2-Lot/13-Unit Subdivision for the Presidential Golf Corporation with the conditions as amended. Motion unanimously carried.**

### **OTHER BUSINESS**

**Laura Schoen – Conceptual Review (PID 277-283):** Burr Philips of Civil Solutions and Luigi Bartolomeo appeared before the Board. Seth Winslow was in the audience. Mr. Philips stated that the applicant would like to construct a six unit multi-family development on North Road.

Mr. Phillips gave an overview and asked for the Board’s thoughts and concerns. Ms. Sell stated that she didn’t foresee any problems. Mr. Sell asked if the 12-foot driveway easement is recorded or would it be recorded and if the easement would extend to the 20-foot. Mr. Phillips stated that the existing easement is recorded. Mr. Phillips stated that the driveway is currently not in the easement area and is in the buffer. Mr. Phillip stated that this application would fix this.

Mr. Lees asked why the development would be for people 55 years old and older. Mr. Winslow stated he doesn’t want any children so as to not overbear that road with a lot of kids. Mr. Winslow stated that he doesn’t want special housing or State housing; this would be for the working class that is down scaling. Mr. Winslow stated the demand for this type of housing is huge. Mr. Winslow stated that this would be a satellite venture and would like to continue this project to more buildings.

Ms. Sell asked if only offering to 55 years old or older would be discriminatory. Ms. Sell asked if the rental units would be for 55 years old and older only as well. Mr. Winslow stated his lawyers are comfortable with the age requirement and the rentals will be 55 years old or older as well. Ms. Sell asked if there are any legal ramifications. Mr. Winslow stated there were not any ramifications. Mr. Winslow stated that he is creating housing for 55 and older and this has already been done in New England. Ms. Sell stated that it is a good concept; she just doesn’t understand the 55 years or older.

Ms. Sell asked if any federal money would be used on this project. Mr. Winslow answered in the negative. Mr. Lees asked if the density is allowed because it is 55 years or older. Mr. Irving answered in the negative and stated that there is a special exception that allows 12 units per acre if certain requirements are met.

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**Ms. Sell made a motion, seconded by Mr. Drinkhall, to allow a Concurrent Site Plan and Subdivision Review for Laura Schoen/Seth Winslow. Motion unanimously carried.**

**Resignation of Ted Sares:** Mr. Irving stated that Mr. Sares has submitted a letter of resignation effective immediately. Ms. Sell stated that Mr. Sares has been a pillar on this Board for a number of years and has been instrumental on numerous projects. Ms. Sell stated that she regrets his resignation. Mr. Lees stated that he has enjoyed his conversations with Mr. Sares and he is an intelligent man. Mr. Lees stated that we will suffer the loss of him on the Board. **Mr. Porter made motion, seconded by Ms. Sell, to accept Mr. Sares resignation with regrets. Motion defeated with Ms. Sell, Mr. Hartmann and Mr. Lees voting in the negative and Mr. Drinkhall, Mr. Sordi and Mr. Porter voting in the affirmative.**

**Appointment of Board Member and Alternate Member:** Mr. Irving stated that Mr. Sordi and Ray Shakir have expressed interest in serving the remainder of Mr. Sares term. Mr. Irving stated that Mr. Shakir would also be willing to serve as an alternate.

**Ms. Sell made a motion, seconded by Mr. Drinkhall, to appoint Mr. Sordi to the remainder of Mr. Sares term. Motion carried with Mr. Sordi abstaining from voting.**

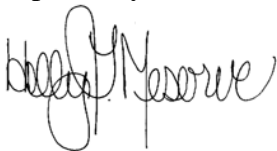
**Mr. Lees made a motion, seconded by Mr. Drinkhall, to appoint Ray Shakir as an alternate member. Motion unanimously carried.**

**Noise Ordinance:** Mr. Porter stated that it is a dead issue. Ms. Sell stated that the rough draft was submitted to the Board of Selectmen. Ms. Sell asked if it could still be submitted to the Board of Selectmen and ask them what they would like to see for changes. Mr. Drinkhall recommended someone attend the Board of Selectmen meeting and present it to them. Ms. Sell asked if Mr. Drinkhall could just ask them if they want to see any type of noise ordinance. Mr. Drinkhall stated that he can ask that. Ms. Sell asked if he could also ask if they are interested in a junk yard ordinance.

**Committee Reports:** There were no committee reports.

Meeting Adjourned at 8:37 pm.

Respectfully Submitted,



Holly L. Meserve  
Planning Assistant

## Burr Phillips

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**From:** Burr Phillips [csolutions@roadrunner.com]  
**Sent:** Tuesday, August 31, 2010 12:04 PM  
**To:** Thomas Irving (tirving@conwaynh.org)  
**Cc:** Luigi Bartolomeo (bartolomeo.architect@gmail.com); Ron Briggs (bls@ncia.net); Holly Meserve (hmeserve@conwaynh.org); Paul DegliAngeli (pauld@conwaynh.org); 'matt@alpinetitleservices.com'  
**Subject:** Winslow Development - Request for Conceptual Consultation  
**Attachments:** Winslow Concept 8-31-10.pdf

Hi Tom,

In behalf of Seth Winslow, I am requesting a conceptual consultation meeting with the planning board on September 9<sup>th</sup>, 2010. Attached is a conceptual layout plan.

The project generally consists of the following:

1. A proposed six-unit building with two rental units (per zoning 147.13.8.2.5.3.2) and four units that will be offered for sale (I assume as condominiums).
2. Given that the lot is only 0.8 acres, the applicant has already submitted a zoning application for a special exception under 147.13.8.2.5.3. (I will request that they amend and re-sign the application reflecting six units instead of eight.)
3. My understanding is that the development is anticipated to be a retirement community.
4. The lot is to be served by CVFD's municipal water and sewer system for which the applicant has already received a discharge permit from NHDES/CVFD.
5. Stormwater is anticipated to be managed using a combination of vegetated swales and dry-well catch basins since the soil survey indicates that the subsoil is Adams (excessively drained sand).
6. Whereas the disturbed area is less than 1.0 acres, there are no wetlands, and it is served by municipal water/sewer, we do not anticipate a need to apply for NHDES Alteration of Terrain, Wetland, or Subdivision approval, and do not anticipate a need to submit for coverage under the NPDES Construction General Permit.

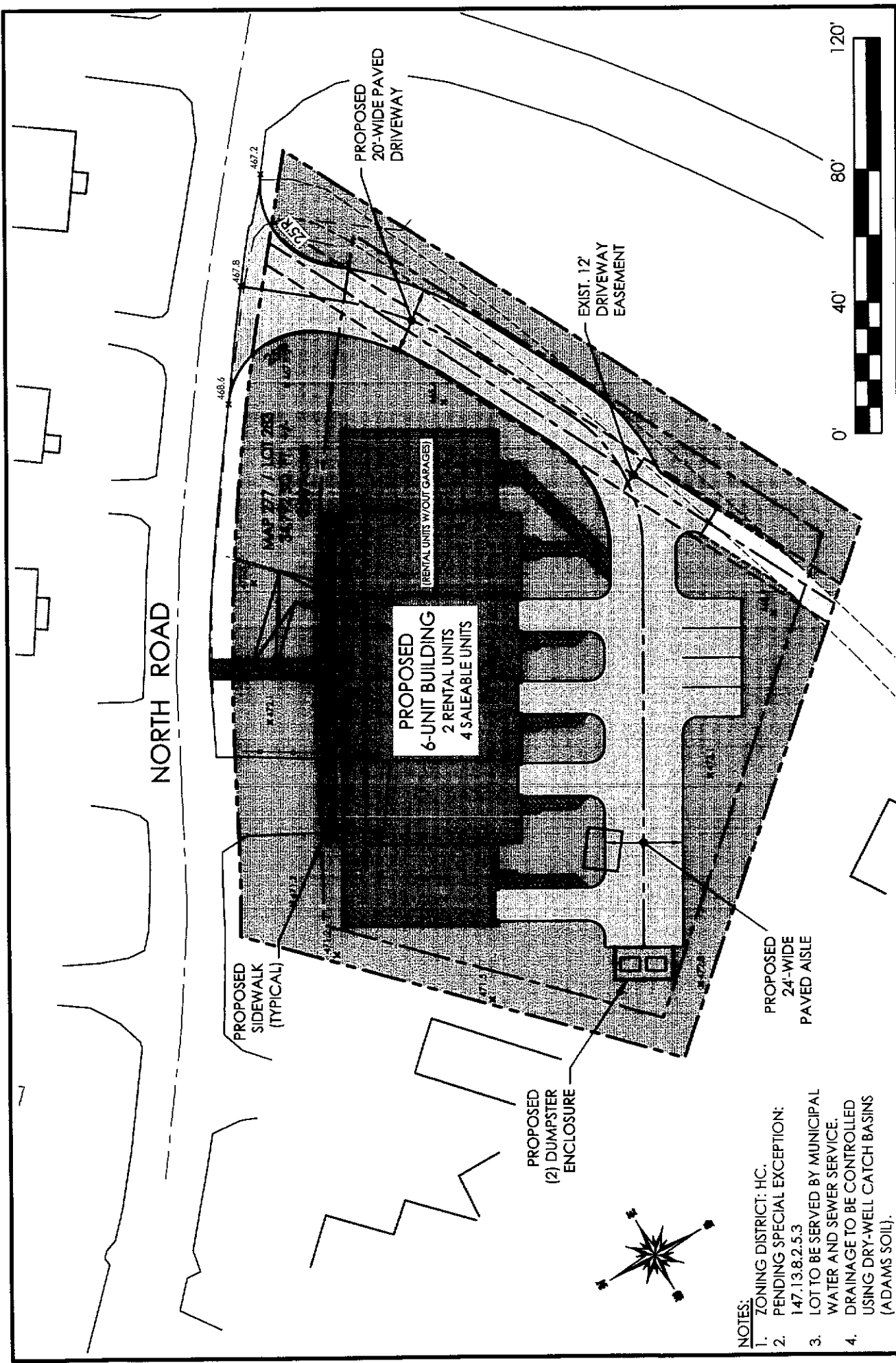
Should you have any questions, I would be pleased to discuss them at your convenience.

Burr Phillips, PE, CPESC

**Civil Solutions, LLC**

PO Box 476, Bartlett, NH 03812-0476

603-374-1899



- NOTES:**
1. ZONING DISTRICT: HC.
  2. PENDING SPECIAL EXCEPTION: 147.13.8.2.5.3
  3. LOT TO BE SERVED BY MUNICIPAL WATER AND SEWER SERVICE.
  4. DRAINAGE TO BE CONTROLLED USING DRY-WELL CATCH BASINS (ADAMS SOIL).

<b>Civil Solutions, LLC</b>	CLIENT: SETH WINSLOW	PROJ. #: 2010-004-1	SHEET #: 1 OF 1
INTEGRATING PEOPLE WITH THE ENVIRONMENT	PROJECT: NORTHVIEW COTTAGES	DRAWN: BHDP	SCALE: 1" = 40'
PO BOX 476 BARTLETT, NH 03812 (603) 374-1899	TOPIC: CONCEPTUAL LAYOUT PLAN	DESIGN: BHDP	DATE: 08-31-2010



September 8, 2010

Thomas Irving, Planning Director  
Town of Conway, New Hampshire  
1634 East Main Street  
Center Conway, NH 03813-0070

Re: Northview Cottages – PID 277-283  
Request for Concurrent Subdivision & Site Plan Review

Dear Mr. Irving:

Per §131-16 of the town's Subdivision Regulations, I request the planning board to review the Northview Cottages subdivision and site-plan applications concurrently. Furthermore, please allow this letter to serve as my authorization for Civil Solutions, LLC to serve as an authorized agent with respect to applications and waiver signatures, correspondence with the town's planning department, planning board presentations, etc.

Should you require additional information, please contact me at 960-1666.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth Winslow". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Seth Winslow