

**CONWAY ZONING BOARD
OF ADJUSTMENT**

MINUTES

JULY 27, 2005

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, June 22, 2005 beginning at 7:33 p.m. Those present were: Acting Chair, Andrew Chalmers; Phyllis Sherman; Luigi Bartolomeo; Jeana Hale; Alternate, David Weathers; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

A public hearing was opened at 7:30 p.m. to consider a **SPECIAL EXCEPTION** requested by **KGI MOUNTAIN VALLEY MALL, LLC** in regard to Article 147.13.16.10.7 of the Conway Zoning Ordinance to add fill to 2,415 square feet of the wetland and construct an additional lane for the North-South Road in the wetland buffer at 32 Mountain Valley Boulevard, North Conway (PID 246-38). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters June 15, 2005. This hearing was continued from June 22, 2005.

Randy Cooper of Cooper, Deans and Cargill; and Peter Hedrick of Gorrill-Palmer Engineers appeared before the Board. Mr. Cooper stated that the entrance across from Wal-Mart was constructed by the NHDOT during the North-South Road project and there is a wetland there. Mr. Cooper stated that there is a setback requirement from a wetland, which the entry way is already within. Mr. Cooper stated the entry way would need to be moved to the south, further into the wetland setback, to prevent traffic from crossing to Wal-Mart. Mr. Cooper stated that this is a manmade wetland create by NHDOT.

Mr. Hederick stated that they would be filling an existing ditch to widen the North-South Road to provide a second lane to turn left onto Route 302. Mr. Hederick stated that the Town has also requested a 5-foot bike lane. Mr. Chalmers asked for public comment; there was none. Mr. Weathers stated when the original ditch was constructed it went under the obligation of NHDES. Mr. Weathers stated that the new ditch would fall under their jurisdiction as well.

Mr. Chalmers read item 1. **Ms. Sherman made a motion, seconded by Mr. Bartolomeo, that the use is essential to the productive use of land not in the District. Motion unanimously carried.**

Mr. Chalmers read item 2. **Ms. Sherman made a motion, seconded by Mr. Bartolomeo, that the use is so located and constructed as to minimize the detrimental impact upon the wetlands. Motion unanimously carried.**

Mr. Chalmers read item 3. **Ms. Sherman made a motion, seconded by Mr. Bartolomeo, that there is no better feasible alternative, in keeping with State and**

**Adopted: August 24, 2005 – As Written
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Federal standards for the issuance of development permits in 404 jurisdictional wetlands. Motion unanimously carried.

Mr. Chalmers read item 4. **Ms. Sherman made a motion, seconded by Mr. Bartolomeo that a site plan review approval shall be required prior to construction. Motion unanimously carried.**

Ms. Sherman made a motion, seconded by Mr. Bartolomeo, based on the forgoing findings of fact, the Special Exception pursuant to §147.13.16.10.7 of the Town of Conway Zoning Ordinance to add fill to 2,415 square feet of the wetland and construct an additional lane for the North-South Road in the wetland buffer be granted. Motion unanimously carried.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Bartolomeo made a motion, seconded by Ms. Hale, to approve the Minutes of May 25, 2005 as written. Motion carried with Mr. Weathers abstaining from voting.

Mr. Weathers made a motion, seconded by Ms. Hale, to approve the Minutes of June 22, 2005 as written. Motion carried with Mr. Bartolomeo abstaining from voting.

Meeting adjourned at 7:49 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary