

ZONING BOARD OF ADJUSTMENT

MINUTES

MARCH 26, 2008

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, March 26, 2008 at the Conway Town Office in Center Conway, NH, beginning at 7:30 pm. Those present were: Acting Chair, John Colbath; Luigi Bartolomeo; Andrew Chalmers; Jeana Hale; Alternate, Cynthia Briggs; Alternate, Sheila Duane; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Colbath appointed Ms. Briggs as a voting member.

PUBLIC HEARINGS

A public hearing was opened at 7:30 pm to consider a **SPECIAL EXCEPTION** requested by **MOUNT WASHINGTON VALLEY ECONOMIC COUNCIL** in regard to §147.13.1.11.10 of the Conway Zoning Ordinance to for a zoning approval to subdivide land with associated road infrastructure within a business development park off Technology Lane, Conway (PID 262-86.2 & 86.001 and 265-152). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Wednesday, February 20, 2008. This hearing was continued from February 27, 2008.

Josh McAllister of H.E. Bergeron appeared before the Board. Jac Cuddy of the Economic Council was in attendance. There was no public in attendance.

Mr. Irving stated at the February 27, 2008 meeting the Board determined that the applicant could subdivide the land within the business park into individual lots, however, each individual lot would have to come back to the Zoning Board of Adjustment for each individual development. Mr. Irving stated that the Board at this time is approving the road layout only. Mr. Cuddy agreed.

Mr. Irving read a memorandum from Paul DegliAngeli regarding the traffic study dated March 26, 2008. Mr. Irving stated that he did speak with the Tax Assessor, Thomas Holmes, and the Property Value Impact Analysis submitted with the original application was sufficient for this application.

Mr. Colbath read item 1. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the subject property has some of its boundary within or contiguous with the boundary of a Commercial District.** Mr. Colbath asked for Board comment; Mr. Bartolomeo stated that this was discussed with testimony at the February 27, 2008 meeting. **Motion unanimously carried.**

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Mr. Colbath read item 2. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the business development park fronts on and accesses an existing arterial road.** Mr. Colbath asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Colbath read item 3. **Mr. Bartolomeo made a motion, seconded by Ms. Hale, that the minimum front, side and rear setback of one hundred (100) feet from all adjacent properties and roads is satisfied.** Mr. Colbath asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Colbath read item 4. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the parking lots do not exceed 20,000 square feet in gross area.** Mr. Colbath asked for Board comment; Mr. Irving stated that the only parking lot on the plan has already been approved. Mr. Cuddy stated that two parking lots exist that are separated by greenspace and trees. **Motion unanimously carried.**

Mr. Colbath read item 5. **Mr. Bartolomeo made a motion, seconded by Ms. Briggs, that the applicant has demonstrated that the operations of the business development park, including noise, odors and any other expected hazards associated with the development are consistent with that of a residential neighborhood.** Mr. Colbath asked for Board comment; Mr. Irving stated that the Board is only dealing with the road surface under this application. Mr. Bartolomeo stated that the Board would get to review on a lot by lot basis. **Motion unanimously carried.**

Mr. Colbath read item 6. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the applicant has provided a comprehensive report, by an appraiser licensed by the State of New Hampshire, which demonstrates that there will be no negative impact on abutting properties. The Town Assessor has reviewed this report provided comments.** Mr. Colbath asked for Board comment; Mr. Irving stated that this was done during the original application and there are no changes required at this time. **Motion unanimously carried.**

Mr. Colbath read item 7. **Mr. Bartolomeo made a motion, seconded by Ms. Briggs, that the applicant has provided a traffic study, certified by a qualified engineer licensed by the State of New Hampshire, which clearly indicates the traffic impacts that would result from the project and improvements to the existing transportation infrastructure that would be necessary to ensure appropriate access and level of service. The Town Engineer has reviewed this report provided comments.** Mr. Colbath asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Colbath read item 8. **Ms. Briggs made a motion, seconded by Mr. Chalmers, that a perimeter buffer area of at least one hundred (100) feet in depth adjacent to all abutting properties and streets to be left in its undisturbed natural state or if disturbed shall be replanted with indigenous species has been satisfied.** Mr. Colbath asked for Board comment; there was none. **Motion unanimously carried.**

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Mr. Colbath read item 9. **Mr. Bartolomeo made a motion, seconded by Ms. Briggs, that the Applicant has demonstrated that they will construct a passive and active recreation trail system within the project for use by tenants of the business development park and the public. The trail system shall provide links to other existing or future publicly accessible trails adjacent to the property. The rate of trail system construction shall be, at least, consistent with the rate of development of the business development park. The recreation trails may cross the buffer only to connect with existing or future publicly accessible trails on adjacent properties and if they do not impair the effectiveness of the buffer.**

Mr. Colbath asked for Board comment; Mr. Bartolomeo asked if there were any trails in place currently. Mr. Cuddy answered in the affirmative and stated that there are logging trails and they are being used. Mr. Irving stated that there is a proposed new trail around the school that would be constructed as part of the project. Mr. Cuddy answered in the affirmative and stated that it was at one corner. **Motion unanimously carried.**

Mr. Colbath item 10. **Mr. Bartolomeo made a motion, seconded by Mr. Chalmers, that the requirement that green space shall comprise not less than thirty-five (35) percent of the total lot area, exclusive of wetlands, water bodies, the 100-year floodplain and slopes over 25% has been satisfied.** Mr. Colbath asked for Board comment; Mr. Bartolomeo asked if this is more restrictive than the usual greenspace requirement. Mr. Irving answered in the affirmative and stated 25% is the usual requirement. **Motion unanimously carried.**

Ms. Hale made a motion, seconded by Mr. Bartolomeo, that based on the forgoing findings of fact, the Special Exception pursuant to §147.13.1.11.10 of the Town of Conway Zoning Ordinance for a zoning approval to subdivide land with associated road infrastructure be granted. Motion unanimously carried.

Meeting adjourned at 7:52 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant