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CONWAY PLANNING BOARD

MINUTES

JUNE 26, 2003

A meeting of the Conway Planning Board was held on Thursday, June 26, 2003 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Vice Chair, Robert Drinkhall; Secretary, Brian Glynn; Conrad Briggs; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly L. Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Mr. Glynn, to approve the Minutes of June 12, 2003 as written. Motion unanimously carried.

JAMES E. PITMAN – 3-LOT SUBDIVISION CONTINUED (PID 263-77) FILE #S03-10

Ronald Briggs of Briggs Land Surveying appeared before the Board. Mr. Irving stated that we were waiting to confirm State Subdivision Approval, which has been received. Mr. Irving reviewed the remaining conditions. Ms. Duane asked for public comment; there was none.

Mr. Briggs made a motion, seconded by Mr. Glynn, to conditionally approve the 3-lot subdivision for James E. Pitman conditionally upon adding the State Subdivision Approval Number to the plan; adding a note to the plan regarding the location of the driveways for lot 1 and lot 2; adding Article 131-26.A. to 131-24.O. under Waivers Granted on the plan; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on September 25, 2003. Motion unanimously carried.

RALPH AND MARILYN SHIRLEY/ERNEST AND BETTY GERRY/SUZANNE B. CROWLEY REVOCABLE TRUST (PID 240-1 & 7) FILE #S03-13

Diane Smith and Dave Brown of Thaddeus Thorne Surveys appeared before the Board. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to accept the application of Ralph and Marilyn Shirley/Ernest and Betty Gerry/Suzanne B. Crowley Revocable Trust for a boundary line adjustment as complete. Motion unanimously carried.**

Ms. Duane read the requirements to grant a waiver. Mr. Briggs asked how the applicant would access lot 7. Mr. Brown stated that the applicant owns the parcel to the east of lot 7. Ms. Duane read the waiver requests for Articles 131-24, 24.A, & 25.B.; 131-24.C. & 25.C.; 131-24.C., 24.E., & 25.C.; 131-24.E.; 131-24.E. & F.; 131-24.G; 131-30.E. & 131-37.1.A. and 131-24.J. & 29., 131-24.K., 131-24.N.; 131-24.O.; 131-24.P.; 131-24.R., 131-24.T., 131-24.U., 131-24.V., 131-24.W.; 131-26.A.; and 131-26.C. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waivers for Articles 131-24, 24.A, & 25.B.; 131-24.C. & 25.C.; 131-24.C., 24.E., & 25.C.; 131-24.E.; 131-24.E. & F.; 131-24.G; 131-30.E. & 131-37.1.A. and 131-24.J. & 29., 131-24.K., 131-24.N.; 131-24.O.; 131-24.P.; 131-24.R., 131-24.T., 131-24.U.,**

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131-24.V., 131-24.W.; 131-26.A.; and 131-26.C. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane asked for public comment; there was none. **Mr. Drinkhall made a motion, seconded by Mr. Briggs, to conditionally approve the Boundary Line Adjustment for Ralph and Marilyn Shirley and Ernest and Betty Gerry and the Suzanne B. Crowley Revocable Trust conditionally upon obtaining the East Conway Fire Chief's Approval; the Police Chief's Approval; submitting a Mylar; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on September 25, 2003. Motion unanimously carried.**

HAROLD WHITAKER AND THOMAS FADDEN – 3-LOT SUBDIVISION (PID 263-58) FILE #S03-12

Bob Tafuto of Ammonoosuc Survey Company appeared before the Board. Mr. Tafuto stated that he has updated plans with the requested revisions. **Mr. Glynn made a motion, seconded by Mr. Briggs, to accept the application of Harold Whitaker and Thomas Fadden for a 3-lot subdivision as complete. Motion unanimously carried.**

Ms. Duane read waiver requests for Articles 131-24 & 25; 131-24.N.; 131-24.O. & 131-26.A.(5); and 131-37.1.A. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waivers for Articles 131-24 & 25; 131-24.N.; 131-24.O. & 131-26.A.(5); and 131-37.1.A. Motion unanimously carried.** Ms. Duane asked for public comment; there was none.

Mr. Briggs made a motion, seconded by Mr. Robinson, to conditionally approve the 3-lot subdivision for Harold Whitaker and Thomas Fadden conditionally upon submit copy of State Subdivision Approval; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 25, 2003. Motion unanimously carried.

ESTATE OF GEORGE K. MURRAY – 5-LOT SUBDIVISION (PID 265-161) FILE #S03-14

Mark Lucy of White Mountain Survey and Edward Poliquin, developer, appeared before the Board. Mr. Lucy stated that they are proposing to subdivide one lot into 5-lots and create a road. Mr. Lucy stated that the two lots fronting White Mountain Highway are in the Highway Commercial District. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to accept the application of the Estate of George K. Murray for a subdivision review as complete. Motion unanimously carried.**

Ms. Duane read the waiver requests for Articles 131-24.T.; 131-30.E.; and 131-37.1.A. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to grant the waivers for Articles 131-24.T.; 131-30.E.; and 131-37.1.A. Motion unanimously carried.** Ms. Duane asked for public comment; Jac Cuddy stated that he is here this evening on behalf of the Economic Council. Mr. Cuddy stated that they own the 81-acres that abut this property and there concern is having a recreation trail that stops dead. Mr. Cuddy stated that during the Master Plan process the

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community requested recreational trails be provided. Mr. Cuddy stated that they are here this evening to express their concern and ask the Board to take this into consideration so that it does not become land locked. Mr. Cuddy stated that he has seen good faith agreements regarding trails be closed and we should be protecting the recreational trails.

Tom Deans stated that he echoes Mr. Cuddy's concerns. Mr. Deans stated that he attended two Master Plan hearings and it was the overwhelming opinion that the people of Conway want recreational trails. Mr. Deans stated that he would be disappointed if in 10 to 15 years we don't have a recreational trail along the Saco River. Ms. Duane read Mr. Poliquin's letter regarding recreational trails.

Earl Sires, Town Manager, stated that's the Board of Selectmen have been very interested in the development of trails and State Law provides protection for the landowner. Mr. Sires stated that the Economic Council is willing to do this so it won't be a trail to nowhere. Mr. Sires stated that this property is very well kept and maintenance should be minimal. Mr. Sires stated that the Town is at the position to look at recreational trail developmental.

Steve Swenson stated we can make it so motorized vehicles don't have access and we can help the applicant take care of it. Mr. Poliquin stated that he is impressed with the way Whitaker Woods has been maintained and this trail is in need of maintenance. Mr. Poliquin stated that this particular sections needs to be maintained and Whitaker Woods is contracted out. Mr. Sires stated that that is a more formal system then this one will be and he doesn't think there needs to be much maintenance. Mr. Poliquin disagreed and stated that this needs economic support.

Mr. Cuddy stated that they are looking at doing a deeded right-of-way to the Conservation Commission or some other group. Mr. Cuddy stated that he has seen easements disappear because the land has changed hands many times. Mr. Cuddy stated that he would hope the Town would protect the right-of-ways and obtain deeded access. Mr. Briggs stated that there would be no charge to use this trail. Mr. Poliquin stated if the Town is willing to maintain then he doesn't care, he just doesn't want to see them in disrepair in 10 years. Mr. Poliquin stated that there should be some thought given to how that easement is written.

Mr. Sires stated that we have volunteers who help maintain these types of trails. Mr. Deans stated that he use to work for the Appalachian Mountain Trail and he use to maintain 1,500 miles of trails with volunteers. Mr. Poliquin stated that he will be easy, but he is trying to make it easier for the Town when others in the future who are difficult. Ms. Duane stated that two abutting properties have agreed, now we need to have those two parties connect their parcels. Mr. Cuddy and Mr. Poliquin agreed to discuss the trail system.

Mr. Lucy stated that he thinks this would be appropriate at the time of the development of lot 5. Mr. Lucy stated that the discussion this evening is a good faith discussion. Mr. Briggs stated that we need to obtain these easements every time a parcel comes up. Ms. Duane stated that we need to move forward on the subdivision and let the parties get together to determine the location. Mr. Irving stated that the Board has the authority to put on conditions and add a note that prior to the development of lot 5 there be an easement that is agreeable to the developer and the Town of Conway. Mr. Sires stated that the preference is a deeded right-of-way. Mr. Poliquin stated that

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he would prefer an easement. Ed McBurney stated that an appurtenant easement is an easement that goes with the land and cannot be relinquished unless all parties agree to relinquish.

Mr. Irving suggested a note on the plan that reads, "prior to the development or the re-subdivision of lot 5 an appurtenant easement satisfactory to the Town of Conway be provided for a public trail across said lot to connect to existing and future municipal trails.". Mr. Poliquin agreed. Mr. Poliquin stated that he is giving the Town an easement and will do this as soon.

Bayard Kennett stated that he is representing OSCAP a.k.a. Dexter. Mr. Kennett stated that there are trails and Dexter would not agree to an easement where they are currently, but they probably would agree along river. Mr. Kennett stated that it has to be a coordinated effort.

Mr. Briggs made a motion, seconded by Mr. Drinkhall, to conditionally approve the 5-lot subdivision for the Estate of George K. Murray, conditionally upon Conway Village Fire District Water Precinct approval; add a note to the plan that states, "Prior to the development or the re-subdivision of lot 5 an appurtenant easement satisfactory to the Town of Conway be provided for a public trail across said lot to connect to existing and future municipal trails must be obtained"; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on September 25, 2003. Motion unanimously carried.

OTHER BUSINESS

Thomas Fadden/Vicki Graves – Request to Extend Conditional Approval (PID 255-5.1) File #S02-08: Mr. Glynn made a motion, seconded by Mr. Drinkhall, to extend the conditional approval for File #S02-08 for a 4-lot subdivision for Thomas Fadden and Vicki Graves until July 24, 2003. Motion unanimously carried.

Sut Marshall – Article 123-4.A.(5) – (PID 277-183): Ms. Duane read the attached letter. Mr. Briggs made a motion, seconded by Mr. Glynn, that the change-of-use from an industrial use to a museum be approved under Article 123-4.A.(5). Motion unanimous carried.

Daiva Izbickas Verselis and Sigita Verselis - Lot Merger (PID 290-17 & 18): Ms. Duane read the lot merger for Daiva and Sigita Verselis. Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the lot merger for Daiva and Sigita Verselis. Motion unanimously carried.

Thomas Hanley – Article 123-4.A.(5) – (PID 202-181) File #FR01-12: Mr. Hanley reviewed the proposed changes on the submitted plan. Mr. Hanley stated there is a 133 square foot addition that will extend the porch and include a lady's room. Mr. Drinkhall made a motion, seconded by Mr. Glynn, that the revisions/field changes to File FR01-12 as depicted on the White Mountain Survey Plan (SP1) entitled Requested Plan Revisions for FR01-12 with a revision date of 06-06-03 be approved under Article 123-4.A.(5). Motion unanimously carried.

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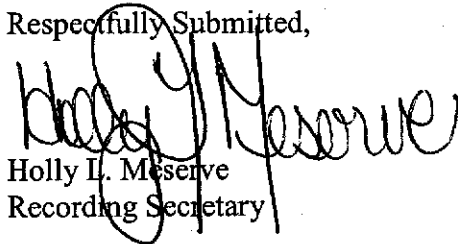
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Ye Garden Centre (PID 262-60 & 61): Diane Smith of Thaddeus Thorne Surveys and appeared before the Board. Ms. Smith submitted a site plan and showed how the property is being used now. Mr. Irving stated that there is a significant history on this property. Mr. Irving stated that they had approval to operate the canoe business on the larger lot and operating Ye Garden Centre on the smaller lot. Mr. Irving stated that the two functions do operate on separate lots and they want to remove the restriction from operating at the same time.

Ms. Duane made a motion, seconded by Mr. Drinkhall, that pursuant to 123-4.A. (5), the Board finds that both businesses can operate at the same time as long as they are operating under the Thaddeus Thorne Surveys Plan (03-38) dated 06/24/03. Motion unanimously carried. Mr. Irving stated that there is no reference to snow machines on the plan.

Meeting adjourned at 8:44 p.m.

Respectfully Submitted,



Holly L. Meserve
Recording Secretary