

CONWAY PLANNING BOARD

MINUTES

MARCH 18, 1999

A meeting of the Conway Planning Board was held on Thursday, March 18, 1999, beginning at 7:06 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Catherine Woodall; Sheila Duane; Arthur Bergmann; John Waterman; Stacy Sand; Selectmen's Representative, Gary Webster; Town Planner, Dawn Emerson; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of February 18, 1999, should be amended as follows: page 4, paragraph 1, line 2, should read, "...has to some mitigation. Mr. Risley..."; page 5, Other Business, paragraph 1, line 3, should read, "...Plan for March 4..."; and page 5, Other Business, paragraph 2, line 2, should read, " plan for March 4...". Ms. Duane made a motion, seconded by Mr. Bergmann, to approve the Minutes of February 18, 1999, as amended. Motion carried with Mr. Webster and Ms. Sand abstaining from voting.

INTRODUCTION OF NEW MEMBERS AND REVIEW OF MISSION STATEMENT

All members and staff introduced themselves. Ms. Emerson read the Board's Vision Statement.

REVIEW OF PLANNING BOARD BY-LAWS AND PROPOSED CHANGES

The Board reviewed the attached by-laws. The Board discussed the possibility of eliminating the position of Secretary or changing the description. Ms. Woodall stated that there was a meeting last year which could not be held per Town Counsel because neither the Chair or Vice Chair could make the meeting. Ms. Emerson stated that the meeting could not be held because the Board's by-laws would not allow the meeting to be held.

Ms. Woodall stated that we need a legal clarification on whether or not the Secretary position can be eliminated. Ms. Emerson stated that she did review the RSA's and the Board can eliminate the Secretary position if a motion is made. Ms. Emerson stated that the description of the secretary is not accurate. After a brief discussion, the Board agreed to change the secretary's description to the following: "an officer of the Planning Board responsible for signing the plans and responsible for the operation of the meeting in the absence of the Chair and Vice Chair".

Under Article VI, Ms. Woodall stated that she cannot see changing the wording. Ms. Emerson stated that there have been instances where members have asked her to research items and once it gets to the entire Board it is not even looked at. Ms. Emerson stated that it is a waste of her time. Ms. Emerson asked if the requests could go through the Chair. Mr. Bergmann stated that if a member wants to present something to the Board, they should go to the Board first. Ms. Sand stated that "the Board" is referenced not a member. Ms. Sand stated that the request should go to the Board first. Ms. Woodall stated that any issues the Board is going to address should be addressed at a meeting and the Board should determine if the research is necessary.

The Board had a lengthy discussion in regard to the intent of Article VIII.B. Mr. Waterman asked if there could be a time frame for the written notice. The Board agreed that written notice for postponing a meeting would have to be submitted 48 hours in advance. The Board agreed to change Chairman to Chair. Ms. Duane made a motion, seconded by Mr. Bergmann, to adopt the revisions to the Conway Planning Board By-laws. Motion unanimously carried.

NOMINATION OF CHAIR, VICE CHAIR AND SECRETARY

Mr. Webster nominated Ms. Duane for Chair. Mr. Waterman asked if Robert deFeyter could be considered for Chair. The Board agreed that since they did not know if he would take the position that they would not consider him. Mr. Waterman nominated Ms. Woodall for Chair. Mr. Webster, Ms. Sand and Ms. Duane voted for Ms. Duane as Chair. Mr. Waterman, Mr. Bergmann and Ms. Woodall voted for Ms. Woodall as Chair. After a brief discussion, Mr. Webster made a motion to continue the nomination of officers until the next meeting. Ms. Sand asked to change her vote. Ms. Woodall was voted as Chair.

Ms. Sand nominated Ms. Duane for Vice Chair. Mr. Waterman stated that he would like to see if Mr. deFeyter would be interested in Vice Chair. Ms. Duane stated that Ms. Sand changed her vote so that we could continue this process this evening. Mr. Bergmann stated that the Board also must follow their own by-laws in that the officers are to be chosen at the first meeting and because the Board does not know if Mr. deFeyter is interested in the position, we should continue. The Board unanimously voted Ms. Duane as Vice Chair. Ms. Sand nominated Mr. Bergmann as Secretary. The Board unanimously voted Mr. Bergmann as Secretary.

SET MEETING SCHEDULE

After a brief discussion, the Board agreed to meet the first and third Thursday of the month.

SCHEDULE WORK SESSION ON CHANGE-OF-USE POLICY

The Board scheduled a work session for April 8, 1999, to discuss the change-of-use policy. Ms. Emerson asked that the Board submit their written concerns to her before April 1, 1999.

CREATION OF COMMITTEE TO WORK ON THE GREENWAY MASTER PLAN CHAPTER

Ms. Emerson stated that this chapter will develop a green belt connecting trails throughout the Town. Mr. Webster, Ms. Duane, Ms. Sand and Mr. Waterman agreed to work on the Greenway Master Plan Chapter.

CREATION OF COMMITTEE TO UPDATE CHAPTER 17, FUTURE LAND USE, OF THE MASTER PLAN

Ms. Emerson stated that this chapter needs to be re-written. Ms. Woodall asked what is the possibility of hiring someone to update the Master Plan. Ms. Emerson stated that it is not funded at this time. Ms. Woodall asked if there is any source of funding. Mr. Webster stated that he will be willing to discuss this subject with the Board of Selectmen, but most likely will have to be a Special Warrant Article. Mr. Bergmann and Ms. Woodall agreed to work on the Future Land Use chapter. The Board agreed to ask Mr. deFeyter if he would like to help with the re-writing of this chapter.

CREATION OF A CAPITAL IMPROVEMENT PROGRAM (C.I.P.) COMMITTEE

Mr. Bergmann, Ms. Woodall and Ms. Duane agreed to be on the C.I.P. Committee.

DISCUSSION ON WHO DETERMINES IF AN APPLICATION IS COMPLETE FOR NOTIFICATION PURPOSES

Ms. Emerson stated that this question has come up at several meetings and asked the Board to make a determination. Ms. Duane stated that this is an important question to decide now so that it is not discussed at a public hearing. Ms. Woodall stated that Ms. Emerson is suppose to determine the application complete to notice, but the check list needs to be followed. Ms. Emerson stated that the Board determines the application to be complete for review.

Ms. Woodall stated that the applicant needs to apply for the necessary State permits before an application is accepted for notification. Ms. Woodall stated that the applicant must meet the check list. Mr. Waterman stated that he would like to see the Chair and the Planner get together and determine if the application is complete. Ms. Emerson stated that it is up to the entire Board to determine if the application is complete. Ms. Emerson stated that the Board has to have faith in the staff reviews or come in and review the check list prior to the meeting. Ms. Emerson stated that if a Board member has a concern about a project, they should discuss it with Town staff prior to the meeting to see if it can be resolved or answered instead of bringing it up at a public hearing.

Mr. Bergmann asked if RSA 676:6 was incorporated into the check list. Ms. Emerson answered in the affirmative. Mr. Bergmann stated that if the check list is complete then he doesn't see a problem with the Town Planner determining if the application is complete. Mr. Bergmann stated that if the check list is not complete, whether the information is correct or not, then the application should not be notified. Mr. Bergmann stated that the Town Planner will decide if the application is complete based on the check list for notification purposes only. Ms. Sand stated that it is up to the Planning Board to review the applications a head of time.

Ms. Duane stated that the Town Engineer, Paul DegliAngeli, reviews the drainage calculations and if he approves them then the Board should not have a problem with them. Ms. Duane stated that there are still questions on the drainage calculations after Mr. DegliAngeli has approved them. Ms. Woodall stated that the Board has a right to ask questions about the drainage calculations. Ms. Duane stated that the time to ask those questions is before the meeting. Ms. Emerson stated that those questions should be addressed to Mr. DegliAngeli. Mr. Bergmann stated that if the drainage is there it is complete. Ms. Meserve asked if the drainage calculations just have to be submitted or submitted and approved to be consider a complete application. Ms. Woodall stated that the drainage calculations just have to be submitted.

Mr. Bergmann made a motion, seconded by Ms. Duane, that it is the Town Planner who determines an application complete for notification purposes. This should only be done if it meets the check list. Motion unanimously carried.

CONDITIONAL APPROVAL POLICY

Ms. Emerson stated that the Board has a policy that conditional approvals will be good for three (3) years, however, the Board has been issuing approximately thirty (30) day approvals. Ms. Woodall stated that the Board has discussed the conditional approval policy before. Ms. Emerson stated that the Board has never held a public hearing on the change. Ms. Duane stated that she would prefer to see ninety (90) days. Ms. Woodall stated that thirty (30) days is sufficient. Ms. Woodall stated that the applicant should have their act together. Mr. Bergmann stated that he thought the Board discussed this before and would like it researched. Ms. Duane stated that she would like to know how many applicants are granted thirty (30) day conditional approvals and how many who ask for an extension.

Ms. Woodall stated that the Board can give an applicant a sixty (60) day conditional approval if the applicant has a good reason. Ms. Emerson stated that if you make a policy for thirty (30) days, you cannot make an acceptance; the Board has to adhere to its own policy. Mr. Bergmann stated that the Board should be able to grant an extension for specific reasons. Mr. Bergmann stated that the applicant has to be making reasonable progress. Mr. Webster stated that it is usually the State that holds the applicant up and asked the turn around time for the State be researched.

Ms. Duane stated that thirty (30) days is actually twenty (20) working days. Ms. Duane stated that the Board should be a little more accommodating. Mr. Bergmann made a motion, seconded by Mr. Webster, to table the discussion on conditional approvals until April 8, 1999, for more research. Motion unanimously carried.

SET TIME FOR ADJOURNMENT

After a brief discussion, Mr. Webster made a motion, seconded by Ms. Sand, to set the adjournment time for all Planning Board meetings at 10:00 p.m. Motion unanimously carried.

NEW ZONING ORDINANCES

All Board members were given new zoning ordinances, dated March 9, 1999. Robert deFeyter's will be mailed to him.

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,


Holly L. Meserve
Recording Secretary