

CONWAY PLANNING BOARD

MINUTES/WORK SESSION

OCTOBER 28, 1999

A meeting of the Conway Planning Board was held on Thursday, October 28, 1999, beginning at 7:10 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Catherine Woodall; Vice Chair, Sheila Duane; Secretary, Arthur Bergmann; Robert deFeyter; Stacy Sand; John Waterman; Interim Town Planner, Paul King; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Ms. Duane made a motion, seconded by Mr. deFeyter, to continue the Minutes of October 7, 1999; October 14, 1999; and October 21, 1999 until November 4, 1999. Motion unanimously carried.

CONWAY LIBRARY – CIP DISCUSSION

Margaret Marshner, Librarian and Gary McDonald, Trustee, appeared before the Board. Mr. McDonald stated that the Trustees have investigated several possibilities to meet the needs of the Library. Mr. McDonald stated that they reviewed the space needed and reduced the plan by at least 20%. Mr. McDonald submitted a handout to the Board on the proposed addition for the Library.

Ms. Woodall asked the cost estimate. Mr. McDonald answered \$1.5 Million. Mr. McDonald stated that they are in the middle of finalizing the figures and they will have that number in the next couple of weeks. Mr. McDonald stated that they plan on fundraising approximately 20% of the cost. Ms. Woodall asked the size of the proposed addition. Mr. McDonald answered 8,099 square feet. Ms. Woodall asked if the original front door would be opened. Ms. Marshner answered in the negative. Ms. Woodall asked why. Ms. Marshner stated that it is not handicap accessible, plus for security reasons people need to go in and out one door.

Ms. Woodall asked what percentage of the park is the addition going to take. Mr. McDonald answered approximately 6%. Mr. deFeyter stated that it looks smaller than what was proposed last year. Mr. deFeyter asked if they were sizing it down. Mr. McDonald answered in the affirmative. Ms. Marshner stated that there were a few modifications, such as the entrance was changed. Mr. deFeyter asked if the rehab of the park is included in the cost. Ms. Marshner answered in the negative and stated that furnishings are not included either. Mr. deFeyter stated that the cost should include all of those items. Mr. McDonald stated that those improvements could be done later.

Ms. Duane stated that more public relations are necessary. Ms. Duane stated that she has no problem putting her blessing on it and she would like to see it pass. Mr. Bergmann asked why the furnishings are not included in the cost. Ms. Marshner stated that it was recommended by the Board of Selectmen not to include the cost of the furnishings, but put it in next year. Ms. Marshner stated that the Board of Selectmen did not want the furnishings as part of the bond. Mr. deFeyter stated that the Board of Selectmen did not want to bond something for 20 years when it won't last that long.

Ms. Woodall stated that there are problems with the original building and asked if the problems are a part of the proposed project. Ms. Marshner stated that they have the money to do the drainage work, but they couldn't find anyone to do it. Ms. Woodall asked if there were any further comments from the Board. Mr. deFeyter stated that he would like to see it pass, but he would like to see a realistic number. Mr. deFeyter stated that all items should be added so we can get an idea of what it will cost.

Mr. deFeyter stated that the parking needs to be addressed. Mr. deFeyter asked if they have made any progress in looking for an alternative. Mr. McDonald stated that they are in the process of finalizing the alternatives and they are waiting for the final plans. Mr. McDonald stated that they are looking at parking along Greenwood Avenue. Mr. Bergmann asked how much of the park will be taken for parking. Mr.

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McDonald stated that there are thirteen spaces behind the library and they are looking to add approximately 17 spaces. Mr. McDonald stated that a piece of the park would be taken along the edge for parking.

DEFINITIONS DISCUSSION

The Board discussed Article 147-11, Home Occupations (attached). Mr. deFeyter stated that there are two advantages in changing the home occupation definition; it's broader and allows multiple home occupations. Mr. deFeyter stated that under the current definition it states "such as". Mr. deFeyter stated that he doesn't think anyone knows what that is. Mr. deFeyter stated that it would allow you to do anything in a residential area as long as it does not interrupt the residential feeling of the neighborhood.

Ms. Woodall stated that the reason for the wording "such as" is because there are so many things that can be a home occupation. Ms. Woodall referred to Article 147-11.C. Ms. Woodall stated that she can see that presenting problems as you cannot restrict your clients. Mr. deFeyter stated that we already do under day cares. Ms. Woodall stated that that is what the State allows and it is not for all allowed home occupations. The Board discussed the limiting the number of clients.

PLANNER PACKAGE/ZONING CHANGES

Mr. Bergmann stated that the Board is supposed to receive these packages ten (10) days in advance. Mr. King asked where in the ordinance it states that information for a work session needs to be available ten days in advance. Mr. Bergmann stated that zoning changes should be done at a public meeting. Ms. Duane stated that you have to have work sessions to get to the public meetings. Ms. Duane stated that is why people bring it forward so the Board can work on it.

Mr. Bergmann stated that there is nothing in the regulations that state the Board has work sessions, only meetings. Mr. Bergmann stated that this information should have been available ten days in advance. Mr. King asked Mr. Bergmann to show him where it says that in the regulations. Ms. Woodall stated that we could move forward quicker if we can do our homework at home.

Ms. Woodall stated that she asked Mr. King several times to put on letterhead the pros and cons for the town in regard to the proposed proposal by Randy Cooper. Mr. King stated that Ms. Woodall never asked for it to be on letterhead, but for him to be prepared and he is ready to discuss this issue. Mr. King stated that they are looking for feed back from the planners. Ms. Woodall stated that Mr. King should review it from a planner's perspective and then the Board could move forward, but for the applicant to come in and give their view is not right. Ms. Woodall stated that they could do that under a petitioned article.

Mr. King stated that Tom Dewhurst is here this evening in regard to the SantaMaria property. Mr. King stated that he did tell Mr. Dewhurst that he may not be able to speak this evening, but he could come and listen. Mr. King stated that he is prepared to give a presentation on both zoning changes. Ms. Woodall stated that Mr. King should give a planners review on letterhead. Mr. Dewhurst stated that he was here last year for the public hearing, but was too late for constructive criticism. Mr. Dewhurst stated that Ms. Woodall commented last year that it would have been nice to have more time. Mr. Dewhurst stated that he has addressed a letter to Ms. Woodall some time ago and we are now running out of time.

Ms. Woodall stated that the proposed zoning change should be given to the Town Planner and the Town Planner should address it from the town's perspective. Ms. Duane asked the Board to set a work session so that we can discuss these issues. Ms. Woodall stated if the Town Planner can provide a written report the Board could meet. Ms. Sand stated that she did not understand why Mr. King could not give an oral report. Ms. Woodall stated that it is easier to digest with a written report. Ms. Woodall polled the Board to see if the Board wanted Mr. King to continue this evening with an oral report. Ms. Sand and Ms. Duane agreed; Mr. Waterman, Mr. deFeyter, Mr. Bergmann and Ms. Woodall disagreed.

Ms. Duane asked if the Board would set another work session date. Ms. Sand asked why the Board is even here this evening. Mr. Bergmann stated to answer Mr. King's question earlier it is addressed under Article 123-10. Ms. Duane stated that this is not an application. Mr. deFeyter asked what is it that the Board

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wants available. Ms. Woodall stated that the Board is looking for the Town Planner to provide a written report on the overall effect on the Town. The Board agreed to discuss these issues at the November 4, 1999 meeting.

ARTICLE 147-17.2 – STRUCTURE HEIGHT DISCUSSION

Mr. deFeyter stated that it is a general change to allow steeples and secondly, to allow steeples in the Highway Corridor District. Ms. Woodall asked if there is a proposed maximum height. Mr. deFeyter answered in the negative and stated that if it were over the 55-foot height limit then it would have to go to the Zoning Board of Adjustment (ZBA). Ms. Duane stated that there is nothing proposed to stop the use of steeples for communication towers. Mr. deFeyter stated that they would have to be on the inside. Ms. Woodall stated that it would have to come under the other ordinance.

Mr. King stated that steeples some times become issues nation wide. Mr. King stated that as part of the architecture they're building larger steeples then the rest of the building. Mr. deFeyter suggested that the height of the steeple couldn't exceed the base line of the church (2:1 ratio). Mr. King stated that the Board should think of the direction and choose the wording. Mr. deFeyter stated that he would discuss this with Mr. King as well as review the original design of the Catholic Church. Mr. deFeyter asked about the Special Highway Corridor District, however, there is a 5,000 square foot building restriction. Mr. deFeyter stated that it refers to a special exception.

ARTICLE 123-30. – OUTDOOR SEATING

Ms. Woodall stated that under this proposal you would need to modify the zoning because she thinks it recognizes chairs and tables as structures. Ms. Sand stated that chairs and tables are not considered structures. Ms. Duane stated that outdoor seating is allowed in the villages. Ms. Duane stated that it would be uniform and fair for all involved if outdoor seating was allowed in the highway commercial district. Ms. Duane stated that she is not asking for wait staff to be available and the applicant would still need site plan review.

Mr. deFeyter stated that he is concerned with this change and the reason for distinction may be because of the speed limit and environment. Mr. deFeyter stated that he looked at the tables at Friendly's and a car could lose control and hit them. Mr. deFeyter stated that in the village there is a buffer of cars. Mr. deFeyter asked if anyone has checked with the Conway Police Department. Mr. Duane stated that she would check with the police department. Mr. deFeyter stated that the reason for setbacks is green space. Mr. deFeyter stated that in the village they are more compact and it seems strange, but you can have that. Mr. deFeyter stated that in the commercial district you want to convey a more open feeling.

Mr. deFeyter stated that he is concerned with filling in open space. Mr. deFeyter asked where this would lead to next. Mr. deFeyter stated that we have to look at this from a safety issue and an aesthetic issue. Ms. Duane stated that the tables could be for carry out. Ms. Duane asked what is the difficulty. Ms. Woodall stated that the setback in the Highway Commercial District is 25 feet. Ms. Woodall stated that she does not have a problem with outdoor seating, but with outdoor seating in the setback. Ms. Woodall stated that it should be landscaped greater, plus Friendly's has an area in the back.

Ms. Duane made a motion, seconded by Ms. Sand, to send the proposed zoning change under Article 123-30 for outdoor seating in the Highway Commercial District to a public hearing. Motion was defeated with Ms. Woodall, Mr. Bergmann, Mr. deFeyter, and Mr. Waterman voting in the negative.

TEMPORARY CERTIFICATE OF OCCUPANCIES

Ms. Duane referred to page 315 of the blue Land Use Book. Mr. Bergmann stated that there is nothing in our regulations that allows the issuance of a temporary certificate of occupancy. Ms. Woodall stated that we should change our regulations to conform to the State regulations.

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PROPOSED CHANGE TO AMENDMENT #7 FROM 1991

Ms. Sand submitted a proposed change to amendment #7 from 1991 to delete “Conway Residents” (attached). **Ms. Duane made a motion, seconded by Mr. Bergmann, to send this proposed amendment to a public hearing.** Mr. deFeyter stated that he has mixed feelings on this. Mr. deFeyter questioned why “Conway Residents” were included. **Motion carried with Mr. deFeyter voting in the negative.**

DEFINITIONS – ADULT ENTERTAINMENT

Ms. Woodall submitted definitions for adult entertainment. Gary Webster, Selectmen’s Representative, joined the Board at this time.

PAUL WHETTON (MAP 33, PARCEL 78)

Ms. Duane stated that she tried to write another letter to Mr. Whetton, but she just can’t seem to write it any different from the ones before. Mr. Webster stated that he has discussed this issue of enforcement with the Board of Selectmen and it has been suggested that the two Boards meet. Mr. Bergmann asked if they would discuss all enforcement and not just Mr. Whetton’s case. Mr. Webster stated that they would discuss all enforcement, certificate of occupancies and what should be done.

Ms. Woodall stated that she had asked Peter Hastings about bonding and certificate of occupancies. Mr. King asked when Ms. Woodall spoke to Mr. Hastings. Ms. Woodall stated that it was years ago when we were discussing these issues. Mr. deFeyter stated that the Town should have a procedure for temporary certificate of occupancies. The Board agreed to meet with the Board of Selectmen on November 11, 1999.

MEMO TO CONWAY PLANNING BOARD FROM HOLLY MESERVE

The Board addressed the attached memo. Mr. deFeyter apologized to Ms. Meserve.

PAUL KING/ARTHUR BERGMANN

Mr. King asked Mr. Bergmann to retract a comment he made earlier regarding the planner packages. Mr. Bergmann refused to retract the comment.

Meeting adjourned at 10:29 p.m.

Respectfully Submitted.

Holly L. Meserve
Recording Secretary