

CONWAY PLANNING BOARD

MINUTES/WORK SESSION

DECEMBER 9, 1999

A meeting of the Conway Planning Board was held on Thursday, December 9, 1999, beginning at 7:01 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Catherine Woodall; Vice Chair, Sheila Duane; Stacy Sand; Robert deFeyter; John Waterman; Interim Town Planner, Paul King; and Recording Secretary, Holly Meserve.

CAPITAL IMPROVEMENTS PROGRAM

Ms. Woodall stated that the only changes were to the landfill. Ms. Woodall stated that it was only \$55,000, but this year it is \$140,000 because of a State mandate. Ms. Woodall stated that the spreadsheet is not available so this will have to go on next week's agenda [December 16, 1999].

ADULT ENTERTAINMENT – DEFINITIONS

Ms. Sand asked under #6 is pay-per-view or cable allowed. Mr. deFeyter stated that we should speak to the Town of Seabrook and ask why they put it in. Ms. Woodall asked under #7 what if it is a production with nudity. Mr. deFeyter stated that you couldn't have any type of establishment that violates RSA 571-B:1.

Mr. deFeyter asked if the measure of distance is from a property line or a structure. Ms. Duane stated that it should be from property line to property line. Mr. King stated that it should be from structure to structure because you are discussing structures. Ms. Sand stated that it should be from structure to structure. Mr. Waterman stated that it should be lot line to lot line. Mr. deFeyter stated that it has to be clear in the ordinance.

Ms. Sand stated that there are huge parcels in the industrial district, which may make it impossible for these types of businesses, which the ordinance can then be contested. Mr. deFeyter stated that item C talks about structures. Ms. Sand asked how the packets of information apply to this ordinance. Ms. Woodall stated that we have to go through the cases and make findings of fact. Ms. Sand stated that some of the information is outdated.

There was a brief discussion on whether the findings of fact needed a separate public hearing. Ms. Duane made a motion, seconded by Ms. Sand, to ask Peter Hastings if the findings of fact have to be posted for a public hearing. Motion unanimously carried. Ms. Sand stated that she thinks the case studies are important, but some of the information is not appropriate and is out-dated. Ms. Woodall stated that it is appropriate to just use the case studies.

Ms. Woodall stated that she has been given a good argument against allowing this in the Industrial-2 district. Ms. Woodall stated that that district is growing up with no aesthetic value to it. Ms. Woodall stated that it has been suggested that Route 16 would be a better place for these types of businesses. Mr. deFeyter stated that we could discuss this at the public hearing.

STEVE MORRILL – ZONING CHANGE

Shawn Bergeron and Steve Morrill appeared before the Board. Ms. Sand stated that the Board was supposed to receive something in writing by last Thursday. Mr. deFeyter stated that the Board could see if they have any new information. Mr. Bergeron stated that he made the necessary changes to the drawing and they are prepared to submit a petitioned article. Ms. Sand stated that the Board asked the applicant to submit information on December 2, 1999. Ms. Sand stated that the applicant is about to submit the information this evening, Ms. Sand stated that they can submit the information, but the Board is not ready to discuss it. It was determined that Mr. Morrill would submit a petitioned article and a date to hold a public hearing for petitioned articles will be determined on December 16, 1999.

ARTHUR BERGMANN – PLANNER PACKAGE

Ms. Meserve explained that the planner packages were being distributed this evening. Ms. Meserve stated that Mr. Bergmann is not at this meeting and she will be unable to mail his package until Monday. After a brief discussion, Mr. deFeyer stated that he would deliver Mr. Bergmann's packet to him.

LOT MERGER – ALLEN L. AND MARILYN CRAMER

The Board signed a lot merger for Allen and Marilyn Cramer combining 1999 tax map 202, Parcels 48 & 49.

LOT MERGER – NORMAN E. AND DOROTHY R. MCCULLOCH

The Board signed a lot merger for Norman and Dorothy McCulloch combining 1999 tax map 203, Parcels 46, 47, & 48.

HAROLD WHITAKER/THOMAS FADDEN – 4-LOT SUBDIVISION – EXTENSION

Ms. Duane made a motion, seconded by Ms. Sand, to extend the approval process for Harold Whitaker/Thomas Fadden [File #S99-16] until March 2, 2000. Motion unanimously carried.

ARTHUR BERGMANN APPEAL

Ms. Woodall asked where a mall designation is referred. Mr. King stated that the Tarberry Building was granted a mall designation in 1992. Mr. King stated that there are parking requirements for a mall. Ms. Woodall asked if retail is changed to a restaurant if it would need site plan review. Mr. King answered in the negative. Mr. King stated that it was a mall and will continue to be a mall.

Ms. Woodall stated that Arliss Hill had to come before the Board for the movie theaters. Mr. King stated that he does not know the specifics on that case. Mr. deFeyer stated that under Article 147-6 there is a definition of a mall, but there is no definition of a mall under the site plan regulations. Mr. deFeyer stated that we need a definition of a mall other than what is in the zoning ordinance. Mr. deFeyer stated that it should be looked at from an impact view. Mr. deFeyer stated that if there is no change in impact then there should be no review.

Mr. King disagreed and stated that it is a change-of-use and whether impacted positively or negatively it would require site plan review. Ms. Woodall stated that it is the only way to bring them in and up date them to conform to the regulations. Ms. Woodall stated that in a mall it is not going to impact the overall safety as a smaller site would.

ED POLIQUIN – LETTER

Ms. Woodall read the attached letter from Ed Poliquin.

RAY LEAVITT – LETTER

Ms. Woodall read the attached letter from Ray Leavitt. Ms. Sand stated that the new planner was adamant about public input on the Master Plan. Ms. Sand stated that his letter should be forwarded to the new Town Planner.

STEVE HALLETT – FORMER DRIVE-IN SITE

Mr. King stated that Steve Hallett would like to request a concurrent site plan and subdivision review. Mr. King stated that he needs to submit that in writing, but would the Board have a problem with it. Ms. Sand stated that it should be requested in writing for a formal vote. The Board agreed that they wouldn't mind hearing them concurrent.

CATHERINE WOODALL – LETTER

Ms. Woodall read the attached letter addressed to Mr. King.

Adopted: January 7, 2000 – As Written
CONWAY PLANNING BOARD – DECEMBER 9, 1999

Meeting adjourned at 9:13 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary