

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 17, 2000

A meeting of the Conway Planning Board was held on Thursday, February 17, 2000, beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Catherine Woodall; Selectmen's Representative, Gary Webster; Vice Chair, Sheila Duane; Stacy Sand; John Waterman; Arthur Bergmann; Robert deFeyter; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of February 3, 2000, should be amended as follows: page 1, paragraph 3 (under Review and Acceptance of Minutes), line 3, should read, "...Redstone. Mr. deFeyter asked if adequate notice was given. The Board agreed to continue with the meeting."; page 2..."; page 1 paragraph 4 (under Review and Acceptance of Minutes), line 3, should read, "...zoning if not contrary to the Town's Master Plan. Mr. deFeyter stated that he thinks it is..."; page 3, paragraph 5, line 9, should read, "...architectural redesign on the..."; page 4, paragraph 6, line 6 should read, "...but doesn't know if the..."; page 5, paragraph 1, line 8, should read, "...extension of Barnes Road, but no one knows where the responsibility for the road goes."; page 5, paragraph 2, line 7, should read, "...not been changed. Mr. Vance..."; page 5, paragraph 7, line 2, should read, "...not legitimately established. Mr. Irving..."; and page 5, paragraph 8, line 2, should read, "...that she asked...".

Mr. deFeyter made a motion, seconded by Mr. Webster, to approve the Minutes of February 3, 2000, as amended. Motion carried with Ms. Duane and Ms. Sand voting in the negative.

DAVID AND JUDITH WOOSTER – MINOR SITE PLAN REVIEW (1999 TAX MAP 230, PARCEL 43/OLD TAX MAP 66, PARCEL 41) FILE #MR00-03

David Wooster appeared before the Board. Mr. Irving reviewed the attached staff recommendation. Mr. Irving stated that this application is for a small addition to the rear for a master bedroom. Mr. Irving stated that the addition is approximately 280 square feet. Mr. Irving read a memo from Paul DegliAngeli in regard to the driveway [in file]. Ms. Sand made a motion, seconded by Ms. Duane, to accept the application of David and Judith Wooster as complete for a minor site plan review. Motion unanimously carried.

Ms. Sand asked how many parking spaces is there and where are they located. Ms. Sand stated that the plans do not indicate the number of rooms in the Inn. Mr. Wooster stated there are currently six (6) rooms and there will be seven (7) rooms. Mr. Irving stated that the parking spaces are indicated. Ms. Sand stated that she just didn't know how many spaces were needed and didn't know if there were enough. Ms. Sand stated that there is no wheelchair access and asked if there is an arrangement that would allow a physically handicap person access this building. Mr. deFeyter stated that this is not commercial. Mr. Wooster stated that this is their personal home and there is an Inn. Mr. deFeyter stated that the addition is for personal use. Mr. Wooster stated the second floor is for personal use, but the first floor is for rental.

Ms. Sand stated that there is no snow storage area indicated on the plans. Mr. Irving stated that the list he has prepared for the Board comes from the ordinance verbatim. Ms. Sand stated that we have required these items in the past and they are not major items. Ms. Sand stated that we also need the percentage of green space. Ms. Sand stated that there are sheds in the setbacks/buffer. Ms. Woodall stated that those are pre-existing and have been there for years. Ms. Woodall stated that the sheds are grand fathered.

Ms. Sand stated that she is not saying the sheds need to be removed, but this is the way we have dealt with other applications in the past. Ms. Sand asked if we are going to treat everyone the same. Ms. Woodall stated that those items are for a major review. Ms. Sand stated that those are items that we have required of others such as Wildflowers Inn and Saco Woods under a minor review. Ms. Woodall stated that those

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items could be written on the plans. Mr. Irving stated that those items should be incorporated into the ordinance for a minor site plan review. Ms. Sand stated that she thinks it is. Mr. Irving stated that we could have them added to the plans. Mr. Irving stated that we should review the ordinance and add them to the checklist if necessary. Mr. Bergmann stated that he has a problem with changing the checklist as they are different types of applications. Ms. Woodall stated that this should be discussed later.

Ms. Sand stated that the plans need to indicate the number of rooms, the snow storage areas and handicap access. Ms. Woodall asked how old is the building. Mr. Wooster answered it was built in 1852. Ms. Woodall stated that there is an ADA provision for older facilities. Mr. Wooster stated that it is a good comment and something to look at definitely in the future. Mr. Irving read Article 123-36. Ms. Duane asked if there could be a note on the plan that the applicant will make accommodations for the handicap on a case-by-case basis. Mr. Waterman stated that they should make provisions. Mr. Wooster stated that he has worked with the handicap for several years and he knows how to get them around.

Ms. Sand asked if there is granite curbing. Mr. Wooster answered in the negative. Mr. Irving stated that there is no curbing on the entire road. Ms. Sand stated that a waiver should be requested. Mr. deFeyter stated that he does not think a waiver is required except under a major review. Mr. deFeyter stated that it is the same with green space; it is not required under a minor review only under a major review. Ms. Sand stated that we have required these items from the other applicants and all applicants should be treated the same. Mr. deFeyter stated that the checklists for a major review and a minor review are different. Mr. deFeyter stated that the minor review checklist does not discuss the design of the parking lot. Mr. Waterman stated that we need to resolve this matter. Ms. Woodall agreed. Mr. Bergmann stated that the idea that every review is a major review and not a minor review is ridiculous. Ms. Sand stated maybe it is, but that is the way we have done it in the past.

Ms. Woodall stated that the number of rooms can be written on the plans. Mr. Wooster stated that there are seven (7) rooms to rent. Ms. Woodall stated in regard to the wheelchair access a note can be added to the plans that the owner will accommodate. Mr. deFeyter stated that he believes there is an exception for ADA and he believes they are covered. Mr. deFeyter stated that it should be reviewed. Ms. Sand stated if that is the case then a note referencing that section would be sufficient. Mr. Bergmann stated that one parking space needs to be identified as handicap. Ms. Sand stated that we need the green space calculations. Mr. Bergmann stated that he has a problem with this as these are the requirements for a major review. Ms. Sand stated that we required the same information on the Saco Woods minor site plan.

Ms. Woodall asked if the Board wants the green space calculations on the plans. Mr. Irving stated that we need to establish a policy as this was done by the checklist. Ms. Sand apologized for not bringing these items up sooner. Ms. Woodall polled the Board to see if they wanted the green space calculations on the plans. Ms. Sand answered in the affirmative. Mr. Waterman stated that they have ample green space. Mr. deFeyter and Mr. Bergmann both agreed that it was not required. Ms. Duane stated that she agrees with Ms. Sand as this is not much larger than the Saco Woods project. Ms. Duane stated in fairness to the other applicants, green space calculations should be required. Mr. Webster stated that some minor site plan review applications had already been here for a major review and already had most of the information. Mr. Webster stated if you look at the checklist these items are not required.

Ms. Woodall asked for public comment; there was none. Ms. Woodall polled the Board to see if a waiver request was necessary for granite curbing. Ms. Sand and Ms. Duane answered in the affirmative, and Mr. Waterman, Mr. Bergmann, Mr. deFeyter, Ms. Woodall and Mr. Webster voted in the negative. Mr. Bergmann made a motion, seconded by Ms. Duane, to approve the Minor Site Plan for David and Judith Wooster. Motion carried with Ms. Sand voting in the negative. The plans were signed.

**LESTER HAMMOND, JR/ELIZABETH EATON/ROBERT AND WANDA WIRLING –
BOUNDARY LINE ADJUSTMENT AND FIVE (5) LOT SUBDIVISION (1999 TAX MAP 268/259,
PARCEL 86/75 AND OLD TAX MAP 9, PARCEL 6 & 8) FILE #S00-01**

Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Irving reviewed the attached staff recommendation. Mr. Bergmann made a motion, seconded by Ms. Sand, to accept the application of

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Lester Hammond, Jr./Elizabeth Eaton/Robert and Wanda Wirling as complete for subdivision review.
Motion unanimously carried.

Ms. Woodall opened the hearing to public comment. Mr. deFeyter stated that we end up with two (2) flag lots, which the Board discussed a year or so ago and determined that they didn't want these types of lots. Mr. deFeyter stated because of the acreage for this particular application there shouldn't be a concern. Mr. deFeyter stated that if these were smaller lots then we should have a concern. Ms. Sand stated that she is concerned with lot #2. Ms. Sand stated that there is a lot of water on lot #2. Ms. Sand stated that there is probably enough acreage on lot #2 to make it a buildable lot, but she is concerned with the waiver request.

Mr. deFeyter asked if this is on the wetlands map. Mr. deFeyter stated that he looked and he does not think it is. Mr. Irving answered that it is not. Mr. Irving stated that it is the applicant's position that, given the size of the area for a single family home, it will not effect it. Ms. Sand asked how do you ensure that. Ms. Woodall answered through deed restrictions. Ms. Woodall asked if this is in the residential/agricultural district. Mr. Allen answered in the affirmative. Ms. Woodall stated that we have received a letter from an abutter regarding a business next door to her. Ms. Woodall reviewed the plan notes and stated that it appears to be a home occupied business.

Mr. deFeyter asked Mr. Irving if he had come up with language for the deed restrictions. Mr. Irving answered in the negative. Mr. deFeyter asked if it is removed would parcel A become grand fathered. Ms. Woodall stated that it is a home occupation. Ms. Woodall read a letter from Gail Palugi [in file]. Ms. Sand asked if it was home occupied in the sense of grand fathered. Mr. Irving stated that he does not know the history, but has heard it was a gas station at one time. Mr. Bergmann asked if we are enlarging the lot that the home occupation is on. Mr. Irving stated that he thinks it is a grand fathered activity. Mr. Irving read the section of the ordinance on non-conformity.

Ms. Woodall asked if we are agreeable to deed restrictions. Mr. Irving stated that he doesn't think you can required, but can raise the issue. Mr. Allen stated that the lots are restricted to residential and any further subdivision would come before this Board. Mr. Irving stated that he has not recommended a drainage analysis. Mr. Allen stated that the requirement is mostly for roads and they are not creating any roads. Ms. Woodall stated if the applicant comes back the waiver request would not be good for the new application, but only for the application before us tonight. Mr. deFeyter referred to Mr. Irving's recommendation under Article 131-24.O. Mr. Irving stated that it is an idea of a way to handle. Mr. Irving stated that the Chair has made a good point and he will withdraw his comment.

Ms. Woodall read a waiver request for Article 131-24.N. Ms. Woodall read the requirements to grant a waiver. Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver request for Article 131-24.N. Ms. Woodall read a waiver request for Article 131-24.O. **Ms. Duane made a motion, seconded by Ms. Sand, to approve the waiver request for Article 131-24.O.** Ms. Woodall stated if the zoning ever changed it would have to come back under commercial property. Ms. Woodall stated that she thinks the bases are covered. **Motion carried with Mr. Bergmann voting in the negative.**

Ms. Sand made a motion, seconded by Ms. Duane, to approve the Boundary Line Adjustment and five-(5) lot subdivision for Lester Hammond, Jr./Elizabeth Eaton/Robert and Wanda Whirling. A few abutters reviewed the plans and had concerns with water rights and access. Ms. Woodall stated that these lots are intended for single-family homes, but there could be more. Mr. Allen stated that it would be a unit subdivision. Mr. Irving stated that the waiver request is for single-family homes. Ms. Woodall asked if there should be a note on the plan. **Ms. Sand made a motion to amend, seconded by Ms. Duane, to conditionally approve the Boundary Line Adjustment and five (5)-lot subdivision conditionally upon adding a note to the plan limiting all lots to one (1) single-family home per lot.** **Motion carried with Mr. Bergmann voting in the negative.**

OTHER BUSINESS

Alice Deschambeault – 3-Lot Subdivision (Old Tax Map 13, Parcel 47) File #S99-14 – Plan Signing: The Board agreed the conditions had been met and signed the plans.

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Bob deFeyter – Master Plan schedule: Mr. deFeyter suggested the attached Master Plan schedule.

Parking Lot Design: Mr. Irving read the attached memorandum regarding parking lots. Mr. Irving stated that a driveway is intended to provide access and parking lots do not serve this purpose. Mr. Irving asked if there is a distinction that a parking lot and a driveway are two different animals. Mr. deFeyter stated under the definition it states no building or structure and specifically states driveways are not structures. Mr. Irving stated that parking should not be in the setback and needs a waiver if it is. Mr. Irving stated that it should be added to our definition.

Ms. Sand stated that she does not have a problem with the distinction between the two, but she does have a problem with calling a parking lot a structure. The Board unanimously agreed that there is a difference between a parking lot and a driveway. Mr. Irving asked if aisles in a parking lot constitute driveways. The Board unanimously agreed that aisles in parking lots are not driveways.

Abutter Notification: Mr. Irving read the attached memorandum regarding abutter notification. Mr. Bergmann stated the Town does not send tax bills to timeshare holders. Ms. Woodall stated that timeshare holders do have deeds. Ms. Woodall stated that she is a timeshare holder and she does not get noticed, nor does she expect to be noticed. Ms. Woodall stated that the Board [Association] gets noticed and if it is a major item, the Association notices the timeshare holders. Ms. Woodall stated to expect an applicant to notice timeshare holders is not fair or reasonable. Ms. Woodall stated that condominiums have an association. Mr. Waterman stated that as a condominium owner he should be eligible for notification.

Mr. deFeyter stated that state law specifically states you don't have to notice everyone. Mr. deFeyter stated that the concern is with the small items. Mr. Irving stated that he is not sure we can have more rigorous regulations, but we do. Mr. deFeyter stated that we should follow the State law. Mr. Irving stated that it should be cut and dry. Mr. deFeyter suggested notification similar to the regional notice. Ms. Sand stated in fairness to everyone she doesn't think we can go with a limit. Mr. Bergmann stated that it would have to be the same in order to be fair. Mr. Bergmann stated that what might be minor to some might be major to others. Mr. Irving stated that it should be in line with the RSA.

Mr. deFeyter stated that we need a more general review of the notification requirements. Mr. deFeyter stated that we should look at the possibility of changing to the RSA. Mr. deFeyter stated if we meet the state minimum then legally we are correct. Ms. Sand stated that we should follow up on the extensiveness of association obligations and she also doesn't think there should be a level it should be consistent. Ms. Woodall stated that we should research RSA 356-B:3. Mr. Waterman stated that he gets a newsletter every three months from his association. Mr. Waterman stated that everyone is kept notified. Ms. Woodall asked Mr. Waterman if the officers were notified would he be notified. Mr. Waterman answered in the affirmative. Mr. Irving stated that he wants to make sure they'll be notified in a timely fashion. Mr. Waterman stated that he feels assured that he would be notified.

Mr. Bergmann stated that he did not find a definition of an abutter in Chapter 123, but did find one in Chapter 131. Mr. Irving stated that similar language in Article 123-12.B(1) should be put in the subdivision regulations. Mr. deFeyter stated that under our provisions associations are not listed. Mr. deFeyter asked where do we get an association's list. Mr. Irving stated that it would be the applicant's obligation. Mr. Bergmann stated that tax payers should be notified and the one person who collects for the timeshare holders. Mr. Irving stated that this has raised concerns for a small project. Ms. Woodall stated that we should move on and do more research. Ms. Duane stated that we should go with RSA 672:3 until we do more research. Ms. Woodall stated that you have to have public hearings to change a procedure.

Mr. Bergmann stated that we have to go by the regulations. Ms. Duane stated that we should obtain a legal opinion. Mr. Irving stated according to the Office of State Planning we should follow the RSA and notice the officers of the association. Ms. Woodall polled the Board to see if they wanted to follow the RSA or use the Town's ordinance. Ms. Sand stated that she would go with the RSA if research shows the homeowners are protected. Mr. Waterman and Mr. deFeyter agreed to follow the RSA. Mr. Bergmann stated that we should go with the regulations until we have researched RSA 674:I (b). Ms. Duane and Mr.

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Webster agreed to follow the RSA. Ms. Woodall stated we should go with the State regulation if it protects the homeowner. Mr. Webster stated that the Board was polled only for research.

RSA 674:43.1: Ms. Woodall asked what constitutes change. Mr. Irving read the attached memorandum regarding discussion on application of RSA 674:43 and authority granted therein. Mr. deFeyter asked if footprint would be Mr. Irving's opinion and interpretation. Mr. Irving answered in the affirmative. Mr. deFeyter stated that RSA 674 is the enabling legislation. Mr. Irving agreed. Mr. deFeyter stated that the legislation grants authority and states if you want to do this you have to set up the regulations. Mr. deFeyter stated RSA 674:43 is to find out whether or not the Town has authority to do so. Mr. deFeyter stated that we have to turn to our own regulations for what is permitted.

Mr. deFeyter stated that you have to review RSA 123-4 for applicability. Mr. deFeyter stated that those items not applicable are temporary and special events. Mr. deFeyter stated when a project comes in you have to determine which of the four (4) reviews is necessary. Mr. deFeyter stated that you cannot use your own interpretation of what is a change of use. Mr. deFeyter stated that you have to go through does the building meet all the codes and if it doesn't, it meets the criteria's for some type of review.

Mr. Bergmann stated that we should get to the point as we are discussing TJ Maxx going into the former Shaw's Supermarket [Old Tax Map 60, Parcel 2B-1]. Mr. Bergmann stated there is not an increase, there is no change in the footprint and a supermarket has more intensity than a clothing store. Mr. Bergmann stated when he complained about a change of use to a pizza parlor from a clothing store no one agreed. Mr. Bergmann stated that this fits the staff review. Mr. Bergmann stated that it should be allowed the way it is and vote to stand behind the Town Planner. Mr. Bergmann stated that you cannot bring them in. Mr. Bergmann stated that it is staff review and it is not big enough for a minor review. Mr. Bergmann stated if they were increasing the size then he would be the first one to say it needed a review by the Board.

Mr. Irving stated that he is looking for a definite policy of the Board. Mr. Irving stated that his position is that this particular project is not subject to site plan review all together. Mr. deFeyter stated that he disagrees and that it should be a staff review. Ms. Woodall read the RSA and stated that she agrees with Mr. deFeyter. Ms. Woodall stated that under Article 123-4 a review is necessary if it is changed or if you decrease the intensity. Mr. deFeyter stated that what Mr. Irving is saying is it is not even a staff review, but no review at all. Mr. Bergmann stated that that is not Town Counsel's opinion. Mr. Irving submitted a letter from Peter Hastings (attached).

Mr. Irving stated that Town Counsel has concurred with his opinion and now he is asking the Board. Mr. Bergmann stated that he considers it a staff review and staff is saying that it is not required. Mr. Irving stated that this is an undertaking that your ordinance doesn't apply. Ms. Woodall stated if you don't do a site plan review and you don't bring them into compliance they will go into blight. Mr. Bergmann asked how can you bring them in. Mr. Irving stated that he is currently of the position where a project is taking place in an existing structure and there is no change of classification, there is not an expansion of the existing structure, there is not going to be an increase in intensity then it is not subject to site plan review.

Ms. Woodall asked how do we deal with change. Mr. Irving asked if she meant change-of-use. Ms. Woodall stated that change is qualified in a staff review. Mr. deFeyter stated that he is very disturbed by this and that Mr. Irving has gone to Town Counsel without first going to the Board. Mr. deFeyter stated that Mr. Irving has gone to Town Counsel and presented a letter. Mr. deFeyter read the last paragraph on page two of Mr. Hastings letter. Mr. deFeyter stated that Mr. Irving went to Town Counsel with the specifications that he made up to get that opinion that he desired. Mr. deFeyter stated that the Board has been denied access to the Town Attorney and you were granted. Mr. deFeyter stated that he is very disappointed.

Mr. Webster stated that he has heard enough. Mr. Webster stated that there is no way of telling him how many cars went out of that parking lot and no way of estimating how many will in the next ten years. Mr. Webster stated that they have already applied for a building permit and there is an indication of what they are going to do. Mr. Webster stated to drag everyone in here for an existing building is crazy. Mr. Webster

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stated if you don't like the way it looks or there are not enough trees is fact of life. Mr. Webster stated that you cannot bring them in arbitrarily. Mr. Webster stated that you are overstepping our boundaries.

Ms. Sand asked who was denied access to Town Counsel. Ms. Woodall stated that the Board voted unanimously for Town Counsel opinion and it was denied. Ms. Duane asked what item was denied. Ms. Woodall stated that she would have to research it. Ms. Sand stated that Mr. Irving went through the proper channels. Ms. Sand stated that she sees the same thing as this summer and she has to agree with Mr. Webster. Ms. Sand stated that she cannot see every redecorating project going through this Board. Ms. Sand stated that there is enough going on. Ms. Sand stated that we do need to make sure the Town stays attractive, but the chance to do that is during an expansion or a change of use, not retail to retail. Ms. Sand stated that this is a different type of retail. Ms. Sand stated that we do have to keep a look out for when the opportunity presents itself.

Ms. Woodall stated that we need to change the criteria for a staff review. Mr. Bergmann read the last page of Mr. Hastings letter. Mr. Bergmann stated that he agrees that it is a staff review and this states that it shouldn't be a planning board review. Ms. Sand stated that there is not a legal procedure for a staff review in this Town, therefore, it would have to be a minor or major review. Mr. Bergmann made a motion, seconded by Mr. Webster, for the sake of this particular clothing store taking over Shaw's this clothing store should be exempt from site plan review. Motion was defeated with Ms. Woodall and Mr. deFeyter voting in the negative and Ms. Sand, Ms. Duane and Mr. Waterman abstaining from voting.

Mr. Irving stated that he would like to know the clear policy on site plan review and whether it applies to an existing building where there is no change of use classification and there is no expansion to the structure or intensity of the use. Mr. deFeyter stated that the question is, is a review required. Mr. deFeyter stated that it is appropriate for a staff review to look at what they do not meet. Mr. deFeyter stated that the problem is we do not have a clear definition of change and we have been struggling with this for a long time.

Ms. Woodall stated that under a staff review there is a responsibility to do some things and not others. Mr. deFeyter stated that the real question is do we look at this. Mr. deFeyter stated there are four options; not applicable, staff review, minor review or a major review. Mr. deFeyter stated that he thinks it is required to have a staff review. Mr. Waterman stated under the existing rules and regulations can they put in a whole glass façade along the front wall. Mr. Irving stated that he doesn't think there is anything to preclude them to do that. Ms. Duane stated that you don't need site plan review to change a wall to a window. Mr. Waterman asked if Mr. Irving agrees. Mr. Irving answered in the affirmative. Mr. Bergmann asked if there was a building permit for this project. Mr. Irving stated a demolition permit has been issued. Mr. Bergmann asked why the whole building permit has not been issued. Mr. Irving stated we are waiting for the Fire Chief to sign the application. Mr. Bergmann stated that he doesn't see a problem with it.

Ms. Duane stated that the Board has been asked their opinion and the Board should be polled. Ms. Woodall read the definition of change from a Webster's Dictionary which states "to make the form, nature, content, future course, etc., of something different from what it is or from what it would be if left alone.". Ms. Duane asked does the change from retail to retail at the Northway Plaza require a review of any sort. Mr. Webster stated fundamentally this is wrong. Mr. Webster stated that he has never spent so much time accomplishing so little. Mr. Irving stated that his request remains and asked if a project is taking place in an existing structure and there is no change of classification, there is not an expansion of the existing structure, there is not going to be an increase in intensity, is subject to site plan review. Ms. Woodall polled the Board.

Ms. Sand answered in the negative. Mr. Waterman answered in the negative. Mr. deFeyter stated that it does not meet all the requirements of this chapter and answered in the affirmative. Mr. Bergmann answered in the affirmative and stated it requires a staff review. Ms. Duane answered in the negative. Mr. Webster answered in the negative. Ms. Woodall answered in the affirmative.

Ms. Sand made a motion, seconded by Ms. Duane, to form a committee for staff reviews with the Town Engineer and the Building Inspector as members and the Town Planner as the authority consultant. Mr.

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Bergmann stated that we are recommending them without consulting them first. Mr. Irving stated that they are still obligated under the RSA to notify abutters and follow the same procedures. Mr. Irving stated that this will be a substantial increase in their time. Mr. Bergmann stated that he wants the committee, but he cannot see making a motion hand picking who will be on it. Mr. Irving stated that the establishment of the committee does not relieve the Town of requirements for a public hearing.

Mr. Bergmann stated that it should be the Town Planner and the Building Inspector. Ms. Sand stated they need to be residents of the Town. Mr. deFeyter stated that they could use the policy “technically qualified employees” that need to be residents of the Town. Mr. Irving stated that he would rather see a clear definition of what is not applicable. Ms. Sand made a motion to amend, seconded by Ms. Duane, to change to qualified Town staff. Motion unanimously carried.

Jeff Flint of WMWV asked if creating this committee is going to help. Mr. Irving answered he does not think so as there is still the requirement for public hearings. Mr. Irving stated that it is taking it from this Board and putting it onto staff. Mr. deFeyter stated that most of this should be going to Town staff and dealt with by Town staff. Mr. Irving stated that there is no discretion, if it doesn't meet the regulations it would have to come to the Board and staff is already doing that work. Ms. Woodall asked what is the problem with using other staff. Mr. Irving stated that they would have to hold public hearings.

Workshop: The next workshop will be held on February 24, 2000 at the Conway Town Office at 7:00 p.m.

Meeting adjourned at 11:05 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary