

## CONWAY PLANNING BOARD

### MINUTES

MARCH 16, 2000

A meeting of the Conway Planning Board was held on Thursday, March 16, 2000, beginning at 7:01 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Vice Chair (Acting Chair), Sheila Duane; Selectmen's Representative, Gary Webster; Stacy Sand; Arthur Bergmann; Robert deFeyter; John Waterman; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

#### REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of March 2, 2000, should be amended as follows: page 1, paragraph 3, line 2, should read, "...master plan schedule draft discussion was..."; page 2, paragraph 7, line 6, should read, "...at just the 5% requirement..."; and page 3, paragraph 3, line 1, should read, "...given, but there may be a way of posting it rather...". Mr. deFeyter made a motion, seconded by Ms. Sand, to approve the Minutes of March 2, 2000, as amended. Motion unanimously carried.

#### REVIEW OF BYLAWS

Mr. Irving stated that there were some changes to the Bylaws last year, but there was never a public hearing. Mr. Irving submitted copies to the Board and stated that the Board should discuss these at the next meeting. The Board agreed to discuss the Bylaws at the April 6, 2000 meeting. The Board agreed that any suggested changes should be submitted on March 30, 2000.

#### ALTERNATES

Mr. Waterman asked about having alternate Board members. Mr. Irving read Article III of the Bylaws. Mr. Bergmann stated that we have a policy on alternates. Mr. Waterman stated that there is someone interested in being an alternate. Mr. deFeyter stated that he wishes to have some alternates and the Board should make a general statement that we are interested in having alternates. Mr. deFeyter made a motion, seconded by Ms. Sand, to request Town Staff to advertise the appropriate format for an invitation for people interested in being an alternate. Motion unanimously carried.

#### NOMINATIONS FOR CHAIR

Mr. Waterman nominated Mr. deFeyter for Chair. Mr. deFeyter stated that he appreciated the nomination, but would respectfully decline. Ms. Sand nominated Ms. Duane for Chair. Mr. Waterman asked if Ms. Sand would be interested in being Chair. Ms. Sand stated that she would decline. Mr. deFeyter nominated Mr. Bergmann for Chair.

Ms. Sand made a motion, seconded by Mr. Webster, to close the nominations for Chair. Motion unanimously carried. Mr. Waterman, Mr. deFeyter and Mr. Bergmann voted for Mr. Bergmann. Ms. Sand, Mr. Webster, and Ms. Duane voted for Ms. Duane.

Ms. Sand made a motion, seconded by Mr. Webster, to reopen the nominations. Motion was defeated with Mr. deFeyter, Mr. Bergmann and Mr. Waterman voting in the negative. Mr. Waterman made a motion, seconded by Mr. Bergmann, to wait until we have a full board for nominations. Motion carried with Ms. Sand voting in the negative.

#### SET MEETING DATE

Mr. Bergmann made a motion, seconded by Mr. Webster, to continue the meetings on the first and third Thursday of the Month. Ms. Sand stated that she would like to see that changed and suggested Tuesday evenings at 7:00 p.m. Mr. deFeyter stated that he could see a problem with that because sometimes the

**Adopted: May 10, 2000 – As Amended**  
**CONWAY PLANNING BOARD – MARCH 16, 2000**

Board of Selectmen meetings run late. Mr. Webster stated that the BOS have not been running over and they meet every other Tuesday in the summer.

Mr. deFeyter asked if this would affect the time frames for applications. Mr. Irving stated that there are a lot of Holidays on Mondays. After a brief discussion, Mr. Bergmann made a motion, seconded by Mr. Webster, to amend the motion to hold meetings on the second and fourth Thursday of the month. Motion unanimously carried.

#### **WORK SESSION**

Mr. Bergmann made a motion, seconded by Ms. Sand, to have a work session on Thursday, April 27, 2000. Motion unanimously carried.

#### **ABUTTER NOTIFICATION**

The Board reviewed the memorandum from Mr. Irving dated March 9, 2000 regarding amendments regarding abutter notification. After a brief discussion, the following changes were made to the Article 123-12.:

**123-12. Public Notice.** Public notice pursuant to RSA 676:4,I(d) shall be required for ~~Minor and Full~~ Site Plan Reviews. ~~Applications for Staff Review are permitted by right, and therefore shall not require public notice.~~ The Public Notice shall identify the property owner, the location, and a general description of the proposal.

- A. Public notice shall be required for the following:
  1. design review meetings;
  2. meetings at which an application is considered for acceptance; and
  3. meetings at which a public hearing is conducted.
- B. Public notice shall be mailed to the applicant, the applicant's authorized representative, and each abutter at least 10 days prior to the meeting for which the notice is required. Such notification shall be mailed by certified mail.
  1. Using the Abutters List form provided by the Town, the applicant shall prepare a current list of abutters ~~using Town records~~ no sooner than 5 days prior to the submission the application. In the case of an abutting property being under condominium or other collective form of ownership, the term abutter means the officers of the collective or association. It shall be the Applicant's responsibility to ensure that the names and addresses regarding officers of a collective or association noticed under this article are current and complete. In the case of an abutting property being in another municipality it shall be the Applicant's responsibility to ensure that the names and addresses regarding those properties are current and complete; and
  2. The applicant shall provide an adhesive mailing label for each party on the Abutters List, including the applicant and authorized representative.
- C. Public notice shall be posted at Town Hall and one other public place at least 10 days prior to the meeting.
- D. Public notice shall be published in a newspaper of general circulation. This notice shall be sent to the newspaper at least 10 days prior to the meeting.
- E. Continuation of a meeting or public hearing shall not require new public notice provided that, at the prior hearing, the Board shall state the location, date, time at which the continued session will resume, and deadlines for the submission of new or updated materials.

**Adopted: May 10, 2000 – As Amended**  
**CONWAY PLANNING BOARD – MARCH 16, 2000**

Ms. Sand made a motion, seconded by Mr. Bergmann, to post Articles 123-3 and 123-12 as amended to a public hearing on March 30, 2000. Motion unanimously carried.

The Board reviewed the proposed changes to Articles 131-3; 131-8; and 131-18. Mr. deFeyter referred to RSA 676:4.I(d) and asked if it should be incorporated into the definition of an abutter. Mr. Irving asked for the opportunity to prepare a draft to address that issue. After a brief discussion, the Board agreed that Article 131-8.B(2) and Article 131-18.B.(1) should read the same as Article 123-12.B.(1). Ms. Sand made a motion, seconded by Mr. Bergmann, to post Articles 131-3; 131-8; and 131-18 as amended to a public hearing on March 30, 2000. Motion unanimously carried.

Mr. Webster made a motion, seconded by Ms. Duane, to address the conservation easements in the definition of abutter. Motion unanimously carried.

#### **LIGHTING POLICY**

Mr. Webster stated that he has brought up the lighting policy to the Board of Selectmen to reaffirm the adopted policy for Town roads. Mr. Webster stated that the BOS passed the policy onto the Planning Board to be formalized and applied. Mr. Webster stated that he would fill out a form, attach the policy and have the Board discuss it at a work session. Mr. Webster stated that Shaw's is looking to light Shaw's Way, which is a Town road.

#### **STAFF REVIEW**

Mr. Bergmann stated under the regulations adopted on May 7, 1998, there is nothing that states there needs to be a committee to review staff reviews or the Town Planner having to live in town. Mr. Irving stated that the regulations do not satisfy the requirements of the RSA. Mr. Irving stated that there are a lot of inconsistencies and we may have to ask staff to review the regulations and develop a draft of amendments. Mr. deFeyter stated that he agrees there are a lot of problems that need to be addressed. Mr. deFeyter stated that we should prioritize what is urgent. Mr. deFeyter stated that he would like to see staff and the Planning Board make a list of things that need to be addressed.

Ms. Sand stated that in concept it is good as we always run out of time to make changes. Ms. Sand stated that Mr. Irving has given the Board a form to fill out which is a good way for board members to fill out their priorities. Mr. Bergmann stated that he agrees with Ms. Sand and stated instead of listing priorities, we should deal with them as they come up. Mr. Irving stated that he has been tackling items and sorting them out as they come in which saves a little time. Mr. Irving stated that it is staff's perspective that we may spend more time prioritizing them then just dealing with them.

Mr. deFeyter asked if the emphasis has been on reviewing regulations or on the Master Plan. Ms. Duane stated that if this is more efficient for his job to run effectively then that is the way it should be done. Mr. deFeyter stated that we should identify major stumbling blocks and let this board and the Board of Selectmen decide what needs to be done. Mr. deFeyter stated that he would like to see Mr. Irving's opinions on major issues that need to be addressed. Mr. Irving stated that he would keep nibbling away at it.

#### **CHARLES S. MARSHALL – REQUIREMENT FOR SITE PLAN REVIEW**

Mr. Irving stated that he has received a letter from Charles (Sut) Marshall regarding the requirement of site plan review. Mr. Irving stated that an expansion of a three-dimensional footprint requires site plan review. Mr. deFeyter asked Mr. Irving if it was his determination that this requires site plan review. Mr. Irving answered in the affirmative and stated that his decision is based on the ordinance. Ms. Sand asked which section of the ordinance. Mr. Irving answered several sections. Mr. Irving stated that the three-dimensional footprint is addressed under zoning and site plan is required of any expansion.

After a brief discussion on whether this was a letter of appeal or not, Ms. Sand made a motion, seconded by Mr. Webster, to hold a public hearing on April 6, 2000 for Charles S. Marshall if he appeals Mr. Irving's

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**CONWAY PLANNING BOARD – MARCH 16, 2000**

decision. Mr. Bergmann stated that this letter is not asking us to hear this. Mr. Irving stated that he is just giving the letter to the Board for their information. Mr. Irving stated that he is not asking for any decision tonight. Motion carried with Mr. Bergmann voting in the negative and Mr. Webster, Mr. deFeyer and Mr. Waterman abstaining from voting.

**LOT MERGER**

The Board signed a lot merger for Bruce A. and Jane M. Scola to combine 1999 Tax Map 290, Parcels 2 & 3 and 1999 Tax Map 299, Parcels 1 & 2.

The meeting adjourned at 9:02 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary