

CONWAY PLANNING BOARD

MINUTES

JANUARY 25, 2001

A meeting of the Conway Planning Board was held on Thursday, January 25, 2001, beginning at 7:05 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Sheila Duane, Chair; Selectmen's Representative, Gary Webster; Secretary, Conrad Briggs; John Waterman; Robert deFeyter; Arthur Bergmann; Alternate, Martin Frank; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**APPOINTMENT OF ALTERNATE MEMBER**

Ms. Duane appointed Mr. Frank as a voting member this evening.

**REVIEW AND ACCEPTANCE OF MINUTES**

Mr. deFeyter made a motion, seconded by Mr. Bergmann, to continue the Minutes of January 11, 2001, until the next meeting. Motion unanimously carried.

The Minutes of January 16, 2001 should be amended as follows: page 1, paragraph 1, line 1, should be added, "Board members were given opinions from both Town Counsels (copies attached). Stephen Hallett...". Mr. Briggs made a motion, seconded by Mr. Webster, to adopt the Minutes as amended. Motion carried with Mr. Frank abstaining from voting.

**C.N. BROWN – MINOR SITE PLAN REVIEW CONTINUED (1999 TAX MAP 215, PARCEL 13/OLD TAX MAP 69, PARCEL 19) FILE #MR00-19**

Mr. Bergmann stepped down at this time. Diane Smith of Thaddeus Thorne Surveys and Charles Sheehan of C.N. Brown appeared before the Board. Ms. Smith reviewed the changes. Mr. Irving reviewed his supplemental report. Ms. Duane read a waiver request for Article 123-22.A.(1). **Mr. Webster made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-22.A.(1).** Mr. deFeyter asked if the permanent display area part of the parking calculations. Mr. Irving answered in the negative.

Mr. deFeyter stated that he has concerns with the location of the kerosene pump. Mr. deFeyter asked if there has been any response from the Fire Chief. Mr. Irving stated that the Fire Chief has stated in the past that he would like to see bollards, however, he also noticed the height of the curb. Mr. Irving stated that we received approval from the Fire Chief when he reviewed the last set of plans. Mr. deFeyter stated that the Fire Chief should review the plans again. **Motion was unanimously carried.**

Ms. Duane read a waiver request for Article 123-29. **Mr. Briggs made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-29.** Mr. deFeyter stated that this was changed from the original approval and the applicant should be required to place the electric underground. Ms. Smith stated that the applicant did not show underground electric on the first approval. Mr. Irving agreed. Ms. Smith stated that the applicant expected it to remain the same, however, the utility company changed the location. Ms. Duane read the requirements to grant a waiver. **Motion was defeated with Mr. Waterman, Mr. deFeyter and Mr. Frank voting in the negative.** The applicant agreed to speak to the utility company regarding the underground electric.

Ms. Duane read a waiver request for Article 123-30.A.(3). **Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-30.A.(3). Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-30.B. **Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-30.B. Motion unanimously carried.** The Board discussed Article 123-40.C.(1). Mr. Irving stated that the ice machine and the propane cage are permanent displays. Mr. Irving stated that he is uncomfortable calling with calling those displays temporary. There was a

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discussion regarding two temporary outdoor display areas other than the ice machine and the propane cage. After a brief discussion, Ms. Smith agreed to withdraw the waiver request and remove the outdoor display between the pumps. **Mr. Briggs made a motion, seconded by Mr. Webster, to continue the Minor Site Plan Review for C.N. Brown until February 8, 2001. Motion unanimously carried.**

**RUSSELL AND LYNN KNOX – MINOR SITE PLAN REVIEW (1999 TAX MAP 246, PARCEL 15/OLD MAP 11, PARCEL 59-8) FILE #MR01-01**

Mr. Bergmann rejoined the Board at this time. Shawn Bergeron of Bergeron Technical Services and Russell Knox appeared before the Board. Mr. Bergeron reviewed the changes. Ms. Duane read a waiver request for Article 123-30.D.(1). **Mr. Briggs made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-30.D.(1).** Ms. Duane read the requirements to grant a waiver. **Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-30.D.(8). **Mr. deFeyter made a motion, seconded by Mr. Bergmann, to grant the waiver request for Article 123-30.D.(8).** Millie Eastman, an abutter, stated that she thought the northerly most street tree was going to be a shrub. After a brief discussion, **Mr. deFeyter withdrew his motion and Mr. Bergmann withdrew his second.** Mr. Bergeron amended the waiver to allow two trees and a shrub instead of the northerly street tree. Ms. Duane read the amended waiver request for Article 123-30.D.(8). **Mr. deFeyter made a motion, seconded by Mr. Waterman, to grant the waiver request for Article 123-30.D.(8). Motion carried with Mr. Bergmann voting in the negative.**

Ms. Duane read a waiver request for Article 123-40.2.C. **Mr. Bergmann made a motion, seconded by Mr. Waterman, to grant the waiver for Article 123-40.2.C. Motion unanimously carried.** Mr. deFeyter asked about the light on the back of the building facing Shaw's Way. Mr. Bergeron stated that he would add a note to the plan that the light will be shielded. Ms. Duane asked for public comment; there was none.

**Mr. Webster made a motion, seconded by Mr. Briggs, to conditionally approve the minor site plan for Russell and Lynn Knox conditionally upon changing the northerly most street tree to a shrub; adding a note to the plan that the light facing Shaw's Way will be shielded; adding the granted waivers to the plans; when the conditions have been met, the plans can be signed out-of-session; and the conditional approval will expire on February 23, 2001. Motion unanimously carried.**

**ALTERNATE VEHICLE SYSTEMS, LLC – FULL SITE PLAN REVIEW (1999 TAX MAP 253, PARCEL 82/OLD TAX MAP 12, PARCEL 40-8) FILE #FR01-02**

Edgar Allen of Thaddeus Thorne Surveys; Robert Gillis and David Couture, applicants, appeared before the Board. Mr. Allen gave an overview of the project. Ms. Duane asked what is going to be stored in the gravel storage area. Mr. Gillis answered the gravel area will be for tank storage. Mr. Irving asked if the tanks would be new or old. Mr. Gillis answered both. Mr. Irving asked if they would be neutralized. Russell Boisvert of Amerigas answered in the negative.

Mr. Irving stated that there are also some NFPA issues, such as what is the required distance between a tank and a residential dwelling. Mr. Irving stated that the Fire Chief still needs to respond and the applicant is required to meet the NFPA regulations. **Mr. Webster made a motion, seconded by Mr. Frank, to accept the application of Alternate Vehicle Systems, LLC as complete for a Full Site Plan review. Motion unanimously carried.**

Ms. Duane stated that since there is a lot of public in attendance for this application she would ask for public comment first. Bill Laramie stated that he and his neighbors are concerned with the proposed facility and what it will do to the rest of the residences in the Whitelaw Subdivision. Mr. Laramie stated that they are also concerned with their property values. Frank Callis stated that he is concerned for their drinking water. Mr. Callis asked if there is a leak, what happens and how is it taken care of. Mr. Irving stated that the applicant is required to meet all State and Federal regulations.

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Gene Martin asked if there is any danger to their well water. Ms. Duane stated that propane is air-born. Mr. Martin asked if there are any other chemicals in the propane that might present a problem. Mr. Boisvert stated that there is also a chemical called methanol, which is a dry gas. Mr. Boisvert stated that it couldn't contaminate water to the best of his knowledge. Mr. Frank asked how much methanol is used. Mr. Boisvert answered approximately six, 50 gallon drums, which are stored on the loading dock. Mr. Irving asked if these drums would be stored in the setback or wetland areas. Mr. Boisvert answered in the negative.

Mr. Frank stated that the tax impact is not something this Board can address. Mr. Irving stated that the Board couldn't take tax assessment into consideration unless there is a waiver request that will affect it. Mr. Laramie stated that he plans on speaking with the Tax Assessor and the Board of Selectmen about their property assessment. Ms. Duane read a waiver request for Article 123-21.G. **Mr. Briggs made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-21.G.** Ms. Duane read the requirements to grant waivers. **Motion unanimously carried.**

Ms. Duane read the waiver request for Article 123-21.I. **Mr. Briggs made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-21.I. Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-23.B. **Mr. Briggs made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-23.B.** The applicant agreed to move the handicap parking space in the back gravel area. **Motion carried with Mr. Bergmann voting in the negative.** Ms. Duane read the waiver request Article 123-30.D.(6). **Mr. Frank made a motion, seconded by Mr. Webster, to grant the waiver request Article 123-30.D.(6). Motion was defeated with Ms. Duane, Mr. Webster, Mr. Briggs, Mr. Waterman and Mr. Bergmann voting in the negative.**

Ms. Duane read a waiver request for Article 123-30.D.(8). **Mr. Briggs made a motion, seconded by Mr. Webster, to grant the waiver request for Article 123-30.D.(8). Motion carried with Mr. Bergmann abstaining from voting.** Ms. Duane read a waiver request for Article 123-34. **Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-34. Motion carried with Mr. deFeyter and Mr. Bergmann voting in the negative and Mr. Waterman abstaining from voting.** Ms. Duane read a waiver request for Article 123-35. **Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-35. Motion carried with Mr. Bergmann voting in the negative and Mr. Waterman and Mr. deFeyter abstaining from voting.**

Ms. Duane asked for public comment; there was none. **Mr. deFeyter made a motion, seconded Mr. Briggs, to continue the full site plan review for C.N. Brown until February 8, 2001. Motion unanimously carried.**

**ARTHUR BERGMANN – DISCUSSION REGARDING ATTENDANCE**

Ms. Duane stated that the Board has expressed concern regarding Mr. Bergmann's attendance and she asked Mr. Bergmann of his intentions to attend and participate in the Planning process. Mr. Bergmann stated that the public is always represented because we have an alternate. Mr. Bergmann stated that the Town people have never been cheated of representation. Mr. Bergmann stated that he will be here, but if the Board so chooses to continue with the plan to have him removed he would like to request a hearing with the Board of Selectmen, himself and his attorney.

Mr. Webster stated that he requested to table the first attempt because he wanted the opportunity to hear from Mr. Bergmann. Mr. Webster stated that we could all get into conflicts. Mr. Webster stated if it is forwarded to the Board of Selectmen there will be a hearing, but it doesn't necessarily mean he will be removed. Mr. Webster stated that there is really nothing in the rules that they can do, except make peace, conduct business and keep going. Mr. deFeyter stated that he would like to see Mr. Bergmann here as it is nice to have continuity. Mr. Waterman read his letter to Ms. Duane dated December 18, 2000.

**Ms. Duane made a motion, seconded by Mr. Briggs, to ask the Town Attorney if an attendance policy can be added to the bylaws.** Mr. Webster stated that the Board is going to be discussing the bylaws in a

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few months and we should send it to the attorney all at once. **Motion was defeated with Mr. Webster, Mr. deFeyter, Mr. Bergmann and Mr. Waterman voting in the negative.**

**OTHER BUSINESS**

Yankee Settlements – Conceptual Review – Phasing: Stephen Hallett and Charlotte Maloney appeared before the Board. Mr. Hallett stated that he would like to add phasing to his project. Mr. Irving stated that the Town has no reservations as it is proposed. Mr. Irving stated that he has spoken with the NHMA Attorneys and this is purely an administrative matter as there is no physical change. Mr. Irving stated that there is no requirement to hold a public hearing, however, it is up to the Board. Mr. deFeyter stated that this should only be changed in a public hearing.

**Mr. Briggs made a motion, seconded by Mr. Waterman, to approve the phasing schedule for Yankee Settlements as proposed and forego a public hearing.** Mr. Bergmann asked if all the roads have to be built before they can be sold. Mr. Irving answered in the negative. **Motion carried with Mr. deFeyter voting in the negative and Mr. Bergmann abstaining from voting.**

O. Lee Gregory – Conceptual Review (1999 Tax Map 277, Parcel 144/Old Tax Map 27, Parcel 10): O. Lee Gregory and Luigi Bartolomeo appeared before the Board for a conceptual review to change a portion of a building from industrial use to an office use.

Wireless Communication Facilities and Workshop: The Board had a brief discussion regarding wireless communication facilities and determined to have a workshop on this subject on Thursday, February 15, 2001 from 5:30 p.m. to 7:30 p.m.

Advisory Committees: The Board reviewed the attached memo from Mr. Irving dated January 16, 2001. The Board agreed to discuss the Advisory Committees at the February 8, 2001 meeting.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary

February 6, 2001

Conway Planning Board  
Town of Conway  
P.O. Box 70  
Center Conway, NH 03813-0070

Re: Russell & Lynn Knox  
Minor Site Plan Review  
(1999 Tax Map 246 Parcel 15  
old Map 11 Parcel 59-8)  
File #MR01-01

Dear Conway Planning Board:

We own the Portland Glass property, which abuts the Knox's property. At the January 11, 2000 meeting, the applicant asked for a waiver of Article 123-30.A.3 which states (the buffer area shall not be used for merchandise display, vehicle parking or storage, or any other use which conflicts with the purpose and standards of this landscaping section). There was much discussion among the Board member and applicants about snow removal, wheel stops and parking within the buffer area.

My concern is what effect the granting of the waiver would have on our property. The applicant has paved almost to his boundary line and the zoning ordinance has certain set back limits, which the applicant has encroached upon. Would the granting of the waiver prevent us from using our property in the future because the town would require us to set back further from our lines to effectively account for the total set back requirement for both parties? Would a new buyer of the property have the same rights as the present owner?

I would ask the board to write into the minutes of the meeting the following statement.

The granting of the waiver to Article 123-30.A.3 for Russell and Lynn Knox will not require David and Mildred Eastman to add additional set back requirements of their property due to the Knox's parking encroachment on the buffer zone. If the requirement of the zoning ordinance changes in the future as to require additional set back regulations for the Eastman's, than the Knox's parking will have to revert back to the original zoning ordinance requirements. Also, this statement will attach itself to any new owner of the property.

Thank you for your consideration to our request.

Regards,



David Eastman



Mildred E. Eastman

P. O. Box 655

Conway, NH 03818



# Town Of Conway

P.O. Box 70 • Center Conway, New Hampshire 03813-0070

(603) 447-3855  
Fax (603) 447-5012

## MEMO

TO: Sheila Duane, Planning Board Chair

FROM: Tom Irving, Planning Director

CC: Planning Board, File

DATE: 01/16/01

RE: Working groups/committees for 2001

### Message:

I suggest the following committees or advisory working groups be established to address issues and tasks in an orderly and timely manner. Please note that regularly scheduled meetings should be held during regular business hours if staff participation is to be expected. Otherwise arrangements will have to be made with town administration for more flexible hours.

Standing Committee for Ordinance and Regulation Amendments with the following structure:

- Chair (Planning Board member)
- Vice-Chair (Planning Board member)
- 4 general public members

I suggest the committee be charged with the following tasks:

- Storage Trailers
- Cluster Developments & PUDs
- Chapter 88/89
- Other amendments and 2002 Warrant articles as they arise

Master Plan Feedback Committee with the following structure:

- Chair (Planning Board member)
- Vice Chair (Planning Board member)
- 8+ general public members

I suggest the committee be charged with the following task: provide feedback on all reports, conclusions, recommendations, and action items that are developed as part of the master planning process.

Master Plan Working Groups with the following structure:

- Chair Planning (Planning Board member)
- Vice Chair (Planning Board member)
- 4 general public members

I suggest the committees be charged with the topic specific tasks in accordance with the proposed master plan schedule.

FIRST NAME	LAST NAME	MI	Intensive	Active	Passive
Conrad	Briggs		1		
Douglas	Burnell	C.	1		
Janice	Crawford		1		
Robert	Drinkhall		1		
Bayard	Kennett	W.	1		
Raymond	Leavitt	E.	1		
James	Umberger		1		
Karen	Umberger		1		
Penney	Deans		1		
Nanci	Allard			1	
Ed	Bergeron			1	
Gerald	Farrington	E.		1	
Paul	Getchell	W.		1	
Brian	Glynn			1	
James Sr.	Hill			1	
Thomas	Holmes			1	
Margaret	Howlet			1	
Thomas	Kugel	H.		1	
Kimberly	Neideffer	C.		1	
Will	Owen			1	
Kirk	Saunders			1	
Brett	Taylor			1	
Annarie	VanCoesant			1	
Patrick	Armstrong				1
Alane	Bamberger				1
Joe	Berry				1
David	Bridgwood	A.			1
Mary	Burack				1
Kathryn	Burnell	A.			1
Elizabeth	Davis				1
Dan	Kennedy				1
Kathlyn	Nealley	G.			1
Charles	Pinkham	P.			1
Alice	Proctor	S.			1
Kelly	Taylor				1

**RECEIVED**

**JAN 08 2001**

**TOWN OF CONWAY**

January 4, 2001

To: Sheila Duane, Planning Board Chair; Tom Irving, Planning Director  
Fr: Martin Frank  
Re: Wireless Communications Facilities

If we have a few minutes under other business on the 11th, could we discuss our Wireless Communications Facilities ordinance (147-17.3)? I understand that it's not that old, and that we can't make any changes this year even if we wanted to, but in light of recent reports in the media relative to the desire on the part of communications companies to site towers along the RT 16 corridor, it seems likely we'll get an application in the foreseeable future. I have a few questions and it might be of benefit to others as well. If we don't have time on the 11<sup>th</sup>, could it be added to the agenda for the 25<sup>th</sup>?

Thanks - 