

CONWAY PLANNING BOARD

MINUTES

MAY 24, 2001

A meeting of the Conway Planning Board was held on Thursday, May 24, 2001, beginning at 7:02 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Selectmen's Representative, Dick O'Brien; Vice Chair, Martin Frank; Secretary, Conrad Briggs; Brian Glynn; Robert Drinkhall; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Frank made a motion, seconded by Mr. Glynn, to approve the Minutes of April 26, 2001 as written. Motion unanimously carried.

Mr. Drinkhall joined the Board at this time. **Mr. Frank made a motion, seconded by Mr. Glynn, to approve the Minutes of May 10, 2001 as written.** Mr. Frank stated that there was a Conway resident concerned with non-residents being on a Planning Board Committee. Mr. Frank stated that he called the Office of State Planning and they told him that there was nothing illegal about it and often these committees do include members who are not Town residents. Mr. Irving stated that the Board's rules and procedures require members to be residents, however, the Board can suspend their own rules. Mr. Irving stated that he would be required to resign from the Master Plan Consultant Committee if the Board does not suspend the rules for him. **Motion unanimously carried.**

SUSPENSION OF BYLAWS

Mr. Briggs made a motion, seconded by Mr. O'Brien, that Mr. Irving be on the Master Plan Consultant Committee and the Board suspend their rule of being a Town resident. Motion unanimously carried.

Mr. Frank made a motion, seconded by Mr. Briggs, to suspend the rules in the case of having non-residents sitting on the Ordinance Review Committee. Motion unanimously carried.

RHC ASSOCIATES C/O CAPITAL PIZZA HUT OF N.H. INC – MINOR SITE PLAN REVIEW (TAX MAP 235, PARCEL 18) FILE #MR01-05

Glen Thibeault of Pizza Hut and Shawn Bergeron of Shawn Bergeron Technical Services LLC appeared before the Board. Mr. Bergeron stated that the applicant is proposing to replace the existing cooler and shed with new construction. Mr. Bergeron stated that there would be minimal site modifications. **Mr. Frank made a motion, seconded by Mr. Briggs, to accept the application of RHC Associates C/O Capital Pizza Hut of**

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N.H., Inc. for a minor site plan review as complete. Motion unanimously carried. Mr. Irving stated that he supports the waiver requests; however, when the parking lot is being restriped it should be done to town standards. Mr. Briggs asked if the applicant could continue the brick veneer onto the cooler instead of the metal. Mr. Bergeron stated that the cooler material is the same as the one next door at the 99 Restaurant. Mr. Irving stated that the north wall of the 99 Restaurant is veneer, plus it is heavily landscaped. The applicant took a three-minute recess.

After the recess, Mr. Bergeron stated that the applicant has no problem adding the brick veneer to the cooler. Mr. Bergeron stated that the dumpster being proposed is different than what is on the plans. Mr. Bergeron stated that the applicant is proposing a stockade, chain-linked fence.

Ms. Duane read the waiver requests for Articles 123-20.G.; 123-22.C.; 123-27 & 131-67C.8.a; 123-29.A.2 & 3; 123-29.D.6; 123-30.A.1, 2 & 3; and 131-67.C.8.f. Mr. Frank asked when the applicant restripes the parking lot will there still be enough spaces to meet the regulations. Mr. Irving stated that they have a surplus of spaces. Mr. Bergeron stated that they need 27 parking spaces and they have provided 41 parking spaces. Ms. Duane read the requirements to grant a waiver.

Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver requests for Articles 123-20.G.; 123-22.C.; 123-27 & 131-67C.8.a; 123-29.A.2 & 3; 123-29.D.6; 123-30.A.1, 2 & 3; and 131-67.C.8.f. with a note that the parking lot will be restriped to town standards and the cooler will have a brick veneer. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.** Ms. Meserve stated that the waiver justifications should be read. After a brief discussion, the board agreed that the justifications should be read.

Mr. Briggs made a motion, seconded by Mr. O'Brien, to withdraw the motion to grant the approval for the waivers. Motion unanimously carried. Ms. Duane read the waiver justifications. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver requests for Articles 123-20.G.; 123-22.C.; 123-27 & 131-67C.8.a; 123-29.A.2 & 3; 123-29.D.6; 123-30.A.1, 2 & 3; and 131-67.C.8.f. with a note that the parking lot will be restriped to town standards and the cooler will have a brick veneer. Motion unanimously carried.**

Ms. Duane asked for public comment; there was none. Ms. Duane asked if there were any changes to the venting from the kitchen. Mr. Bergeron answered in the negative. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to conditionally approve the minor site plan application for RHC Associates C/O Pizza Hut of N.H. Inc. conditionally upon adding the granted waivers to the plans; a performance guarantee for 50% of all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 60 days. Motion unanimously carried.**

JOHN AND ELEANOR SCHIAVI/MOUNTAINVALE VILLAGE MHP – FULL SITE PLAN REVIEW (TAX MAP 254, PARCEL 29) FILE #FR01-03

Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Ms. Smith stated that the applicant wants to construct a storage building for maintenance equipment. **Mr. Briggs made a motion, seconded by Mr. Frank, to accept the application for John and Eleanor Schiavi/Mountainvale Village MHP for a full site plan review as complete. Motion unanimously carried.**

Mr. Briggs asked if staff has any problems with the waivers requested. Mr. Irving answered in the negative. Ms. Duane read the waiver requests for Articles 123-20 & 131-67.C.8.a. & 123-27; 123-20.E. & 123-22.B.; 123-20.I; 123-29.A.4 & 131-67.C.8.c; 123-30; and 123-34 & 123-35.

Mr. Frank asked why the applicant was before the Board. Mr. Irving stated that they are proposing a non-residential use that is accessory to the residential use. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver requests for Articles 123-20 & 131-67.C.8.a. & 123-27; 123-20.E. & 123-22.B.; 123-20.I; 123-29.A.4 & 131-67.C.8.c; 123-30; and 123-34 & 123-35. Motion unanimously carried.**

Mr. Frank made a motion, seconded by Mr. Briggs, to conditionally approve the full site plan application for John and Eleanor Schiavi/Mountainvale Village MHP conditionally upon adding the granted waivers to the plans; when the condition has been met, the plans can be signed out-of-session; and this conditional approval will expire in 90 days. Motion unanimously carried.

CONWAY AREA HUMANE SOCIETY – MINOR SITE PLAN REVIEW (TAX MAP 276, PARCEL 1) FILE #MR01-06

Roz Manwaring of the Conway Area Humane Society and Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen stated that they have added a parcel with frontage on Main Street to the lot. Mr. Allen stated that the existing single-family home would become the caretaker's residence. Mr. Allen stated that they have also relocated the driveway from the PSNH easement to onto their own property. Ms. Duane asked if the easement still exists. Mr. Allen answered in the affirmative. Mr. Irving stated that the easement is on the adjacent property and not on the subject parcel.

Mr. Irving stated that the driveway is close to the property line in order to save two large maples. Mr. Irving stated that he would recommend the application being accepted. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to accept the application for Conway Area Humane Society for a minor site plan review as complete. Motion unanimously carried.**

Ms. Duane read the waiver requests for Articles 123-5.A.5; 123-20.E. & 123-22.B; 123-20.I.; 123-21.A.; 123-29.A.4; and 123-29.D.8. Ms. Duane asked for public comment;

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there was none. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the waiver requests for Articles 123-5.A.5; 123-20.E. & 123-22.B; 123-20.I.; 123-21.A.; 123-29.A.4; and 123-29.D.8. Motion unanimously carried.**

Mr. Irving stated that a NHDOT driveway permit; town engineer review; and bonding are all still pending. **Mr. Frank made a motion, seconded by Mr. Briggs, to conditionally approve the application for the Conway Area Humane Society conditionally upon adding the granted waivers to the plans; a NHDOT driveway permit; town engineer drainage approval; a performance guarantee for 50% of all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 90-days.** Ms. Duane asked if there was any public comment; there was none. **Motion unanimously carried.**

**GIBSON CENTER FOR SENIOR SERVICES – MINOR SITE PLAN REVIEW
(TAX MAP 218, PARCEL 137) FILE #MR01-07**

George Cleveland of the Gibson Center and Edgar Allen of Thaddeus Thorne Surveys appeared before the Board. Mr. Allen stated during the course of construction the addition increased by six feet and they added a gazebo and a walkway. Mr. Allen stated that they relocated the propane tank. Mr. Cleveland stated that the 8” spruce behind the gazebo has died, but it will be replaced.

Mr. Irving stated that he would recommend the application being accepted. **Mr. Frank made a motion, seconded by Mr. Glynn, to accept the application for Gibson Center for Senior Services for a minor site plan review as complete. Motion unanimously carried.** Ms. Duane read the waiver requests for Articles 123-21.H.; 123-21.F. & 131-67.C.8.f.; 123-29.D.8; and 123-30.D.6. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the waiver requests for Articles 123-21.H.; 123-21.F. & 131-67.C.8.f.; 123-29.D.8; and 123-30.D.6. Motion unanimously carried.**

Mr. Briggs made a motion, seconded by Mr. O’Brien, to conditionally approve the minor site plan for the Gibson Center for Senior Services conditionally upon adding the granted waivers to the plans; obtain North Conway Water Precinct water approval; obtain town engineer drainage approval; determine if the town holds sufficient bonding for the remaining site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 60 days. Motion unanimously carried.

OTHER BUSINESS

Lou Franchi – Conceptual Review (Tax Map 219, Parcel 303): Lou Franchi, applicant, and Will Haskell of H.E.Bergeron Civil Engineers appeared before the Board and reviewed their plans for a 42-unit condominium development off Thompson Road.

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Workshop: The Board agreed to meet on June 21, 2001 to discuss the Land Use Draft; the Master Plan; and the Ordinance Review Committee.

The meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary

TOWN OF CONWAY, NH
PLANNING BOARD BY LAWS

- ARTICLE I** **NAME:** The name shall be "Town of Conway, New Hampshire Planning Board" as adopted at the Town Meeting on March 10, 1970. Hereafter, the term "Board" shall be used to simplify the text.
- ARTICLE II** **PURPOSE:** The purpose of the Board is to plan for the orderly short and long term development of the Town, and to adopt and administer such regulations that fall within its jurisdiction.
- ARTICLE III** **MEMBERSHIP:** The Board shall consist of seven members. Six members shall be elected, and one ex-officio member shall be appointed by the Board of Selectmen. All seven members have the power to vote. The Board may also appoint up to three alternates to serve in the absence of regular members. Selection, qualifications, terms, removal of members and filling of vacancies shall conform with RSA 673:5-14.
- ARTICLE IV** **OFFICERS:** The Board shall annually elect three officers at the first meeting after Town Meeting. The officers are Chair, Vice Chair and Secretary.
- ARTICLE V** **DUTIES OF OFFICERS:**
- A. Chair: The Acting Chair shall call the meeting to order, preside over the deliberations, ensure that all proceedings are held in accordance with Town and State law (spell out), appoint committees, prepare an annual report, and perform other duties customary to the office.
- B. Vice Chair: In the absence of the Chair, the Vice Chair shall perform all duties of the Chair. If neither the Chair or Vice Chair are available for a scheduled meeting a quorum of the remaining members shall appoint an Acting Chair to fulfill the aforementioned duties.
- C. Secretary: The Secretary shall sign plans and document conditions pursuant to conditional approvals and summarize such conditions for motions related to conditional approvals.
- ARTICLE VI** **EMPLOYEES:** The Board, may utilize the services of Town Employees such as the Recording Secretary and Town Planner and other consultants as necessary per **RSA 673:16**. Specific requests shall be made in motion format by the Board.
- ARTICLE VII** **COMMITTEES:**
- A. The Board may establish advisory committees by a majority vote. Such committees shall report directly to the Planning Board.
- B. Committee members shall be Conway residents, and at least one member shall be a member of the Planning Board appointed by the Chair.
- C. Upon creation of a committee, the Board shall establish by majority vote the following:
1. number of committee members;
 2. clear statement of assignment;
 3. time frame for fulfilling assigned duties; and
 4. progress reports and final work product expected.
- ARTICLE VIII** **MEETINGS:**
- A. Regular meetings shall be held at least monthly. The date, time and place of regular meetings shall be selected by majority vote of the Board at the first meeting following Town Meeting, or at another regular or special meeting.
- B. A regular meeting may be postponed by the Chair upon ~~written~~ request by four members of the Board, and provided that all members are so notified. However, the Board shall hold at least one meeting each

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month as required by RSA 673:10, II.

C. The order of business at regular meetings shall be as follows:

1. call to order by Chair
2. appointment of alternates by the Acting Chair, as necessary
3. review of minutes
4. meeting business
5. other business
6. adjournment

D. Special meetings such as workshops and site walks may be called by the Chair or in his/her absence by the Vice Chair, upon request by four members of the Board. The date, time and place of special meetings shall be selected by the vote of the Board. No business shall be acted upon unless a quorum is present. Public notice shall be provided as specified in RSA 91-A:2.II.

ARTICLE IX PUBLIC HEARING: The conduct of public hearings shall be governed by the following:

- A. The Chair shall open the public hearing and report on the matter for which notice was given.
- B. The applicant shall be called to present the proposal.
- C. The Chair shall allow all those in attendance to have an opportunity to speak regarding the proposal. The Chair shall allow each individual an opportunity to speak before allowing anyone to speak a second time, and may take action to avoid repetition of discussion.
- D. All discussion shall be directed through the Chair.
- E. After all comments have been received, the Chair shall either close or continue the hearing. The date, time and place of every continuance shall be specified.

ARTICLE X RULES OF PROCEDURE:

The Board may adopt such Rules of Procedure as it deems necessary to conduct business, provided such rules comply with the following provisions:

- A. Four members of the Board shall constitute a quorum. No business may be transacted without a quorum, but a lesser number may meet and adjourn.
- B. A motion, duly seconded, shall be carried when a majority of members present and voting vote in the affirmative.

ARTICLE XI SUSPENSION OF RULES: These by-laws may be temporarily suspended by an affirmative vote of at least five Board members.

ARTICLE XII AMENDING THE RULES: These By-laws may be amended by a vote of the Board, provided that such amendment is read at two successive, regular meetings immediately preceding the meeting at which the vote is to be taken.