

CONWAY PLANNING BOARD

MINUTES

JUNE 28, 2001

A meeting of the Conway Planning Board was held on Thursday, June 28, 2001 beginning at 7:00 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**

The Minutes of June 14, 2001, should be amended as follows: page 3, paragraph 2, line 2, should read, "...discussion, Mr. Briggs made a motion, seconded by...". Mr. Briggs made a motion, seconded by Mr. O'Brien, to approve the Minutes of June 14, 2001 as amended. Motion unanimously carried.

**ROMAN CATHOLIC BISHOP OF MANCHESTER – MINOR SITE PLAN REVIEW (TAX MAP 215, PARCEL 72) FILE #MR01-09**

Will Haskell of H.E. Bergeron Civil Engineers and Bill Lehmann of Our Lady of the Mountains appeared before the Board. Ms. Duane asked if the application was complete. Mr. Irving answered in the affirmative. **Mr. O'Brien made a motion, seconded by Mr. Briggs, to accept the application of the Roman Catholic Bishop of Manchester for a minor site plan review as complete. Motion unanimously carried.**

Mr. Haskell reviewed the proposed project. Mr. Irving reviewed the staff report. Mr. Frank stated that the architectural drawings show a living space. Mr. Lehmann stated that it is only for storage. Ms. Duane read the waiver requests for Articles 123-5.A.5 [Scale] and 123-5.A.5 & 123-27 & 131-67.C.8.a. [Drainage]. Ms. Duane asked if there were any questions; there were none. Ms. Duane read the requirements for granting waivers. **Mr. Briggs made a motion, seconded Mr. O'Brien, to grant the waiver requests for Articles 123-5.A.5 [Scale] and 123-5.A.5 & 123-27 & 131-67.C.8.a. [Drainage]. Motion unanimously carried.**

**Mr. Frank made a motion, seconded by Mr. Briggs, to approve the minor site plan for the Roman Catholic Bishop of Manchester.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

**RIVER RUN COMPANY – FULL SITE PLAN REVIEW (TAX MAP 218, PARCEL 51.01, 51 & 52) FILE #FR01-04**

Joe Berry, owner, and Diane Smith of Thaddeus Thorne Surveys appeared before the Board. Mr. Berry reviewed the project. Ms. Duane asked if the application is complete.

Mr. Irving answered in the affirmative, however, there have been changes, which have affected the waiver requests. Mr. Irving stated the driveway does need to be reconstructed.

**Mr. Frank made a motion, seconded by Mr. Briggs, to accept the application for River Run Company for a minor site plan review as complete. Motion unanimously carried.**

Being three parts to the application, Ms. Duane suggested starting with the Whitaker House Suites. Mr. Irving stated that prior to converting the Cardinal home to a hotel suite a septic permit would need to be obtained. Ms. Smith withdrew the waiver request for Article 123-35. Ms. Duane read the waiver request for Article 123-6.B.2. **Mr. Frank made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-6.B.2.** Ms. Duane asked for public comment there was none. **Motion unanimously carried.**

Ms. Duane asked what the agreement was for the paving the back parking lot. Mr. Berry stated that the paving was to be done in two phases and was suppose to be completed by 1999 according to the plans. Mr. Berry stated, however, that that was an error on our part because they knew they would not be completing the paving by then.

The Board discussed the secondary access being required by the State and a concern from an abutter at Near Ledge Inn and the headlights from the second access shining into their bedrooms. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to continue the minor site plan for River Run Company until July 26, 2001. Motion unanimously carried.**

#### **SECOND PUBLIC HEARING – PLANNING BOARD POLICY ON APPOINTED PLANNING BOARD MEMBERS**

The public hearing was opened at 8:09 p.m. Ms. Duane read the policy. Ms. Duane asked for public comment; there was none. The public hearing was closed at 8:10 p.m. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to adopt the policy.** Mr. Frank stated that the policy should be incorporated into our bylaws. **Motion unanimously carried.**

#### **OTHER BUSINESS**

Alternate Member: The Board discussed the attendance of Planning Board member, Arthur Bergmann. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to have legal council review RSA 673:13.II. on the appropriate procedure of removing an elected Planning Board member. Motion carried with Mr. Frank voting in the negative.**

The Board reviewed a letter of interest from Martha Tobin. The Board agreed to invite Ms. Tobin to the July 5 and 12, 2001 Planning Board meetings.

Temporary Display of Goods: Mr. Irving stated that temporary display of goods needs to be approved under site plan review. Mr. Irving suggested the Policy Clarification Statement regarding outdoor display of goods. Mr. Irving stated the outdoor display of goods would be accessory and customary to retail use and would not increase the intensity of use. Mr. Irving stated if the not applicable section of the ordinance applies there would be a letter in the file. Mr. Martin asked if this is good indefinitely. Mr. Irving answered in the affirmative.

**Mr. Briggs made a motion, seconded by Mr. O'Brien, that the Town of Conway Planning Board hereby resolves that, the temporary or seasonal outdoor display of goods in accordance with Article 123-41 is accessory to a retail use and does not constitute an increased intensity of use under the site plan regulations.**

Mr. Frank stated that this would be a clarification of the policy. Mr. Irving stated that it is an interpretation. Mr. Frank asked if this could be temporary until we change the policy. Ms. Duane suggested ninety days and then have a progress report. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to amend the motion to include a 90-day trial. Motions unanimously carried.**

Current Land Use Survey: Mr. Irving stated that he has received Mr. Frank's suggestions in writing and asked if there were any questions from the Board. There were none. **Mr. Frank made a motion, seconded by Mr. Glynn, to adopt the Land Use Inventory Report dated Summer 2000 and for it to be updated as appropriate. Motion unanimously carried.**

Alvin Miller: Mr. Frank stated that we asked for Town Council's advice and he has advised against it. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to allow the conditional approval of Pondview at Cranmore Subdivision be extended so that it expires ninety (90) days after the municipal sewer line is installed and is operable at or near the intersection of Whitaker Land and Vista View Road, in no event beyond September 30, 2002. Motion carried with Mr. Frank voting in the negative.**

Mr. Irving asked if the Board wanted expired conditional approvals to be brought back to the Board. The Board agreed that they should be brought back before the Board.

Meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary

**HASTINGS LAW OFFICE, P.A.**

**ATTORNEYS AND COUNSELLORS AT LAW**

DAVID R. HASTINGS 1847-1896  
EDWARD E. HASTINGS 1879-1938  
HUGH W. HASTINGS 1914-1967

71 MAIN STREET  
P.O. BOX 290  
FRYEBURG ME 04037-0290

TELEPHONE: (207)935-2061  
FAX: (207)935-3938  
E-Mail: hlo@hastingslaw.net

DAVID R. HASTINGS II  
PETER G. HASTINGS  
DAVID R. HASTINGS III  
PETER J. MALIA, JR.  
JOHN LISNIK, JR.

**MEMORANDUM**  
**(via facsimile and mail)**

**TO:** Thomas Irving, Town Planner

**FROM:** Peter J. Malia, Jr., Esquire *PJM*

**DATE:** June 19, 2001

**RE:** Expired Conditional Approvals

If the Planning Board has granted a Conditional Subdivision Approval with a specific expiration date, I see nothing to prohibit the Planning Board from extending the expiration date after it has expired (i.e., I do not think that that would be illegal). However, I would not advise that the Planning Board do so, as it would create a bad precedent. In my view, once the conditions attached to the approval expire and have not been complied with, the subdivision application should be considered as having been disapproved, notice should be given to the applicant as such, and the applicant would have the right to reapply.

Conway.memos.irving.expired conditional approvals

Martha D. Tobin  
1964 Eaton Road  
Center Conway, NH 03813  
June 19, 2001

The Planning Board  
C/O Tom Irving  
Town Hall  
Center Conway, NH 03813

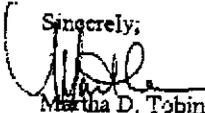
Dear Sheila:

I would like to express my interest in serving as an alternate on the Planning Board. I have run in the local elections for both selectperson & police commissioner. While I was not successful I fully intend to continue to make myself available to serve the Town of Conway. I had not previously thrown my hat into the ring for the Planning Board as I felt I lacked the appropriate background. I have spoken with members of the Board as well as reading a lot about the Board in the News. It is apparent that the best background for this is an interest in the Town and I certainly can provide that!

I have lived in Carroll County since 1985, moving to North Conway in 1991 and purchasing a home in Conway in 1997. I am originally from Western Massachusetts and have seen first hand how important planning is to maintaining the "small town feel" while encouraging growth & prosperity. When I moved here it was as a member of Management with Yield House. In 1987 I entered the wonderful world of sub-contracting in the construction industry and in 1989 joined the Center of Hope as the Funding Technician. In 1997, after a lengthy career in various positions my husband and I opened our home to an individual with developmental disabilities that required us to leave The Center. At that time I joined Green Mountain Rifle Barrel and am currently the Human Resources Administrator.

Given my background and life experiences, I believe I would make a great addition to the Planning Board. I have a commitment to this Town and a desire to see planned progress. Please feel free to contact me at 447-1095, extension 15 during the days. I look forward to hearing from you.

Sincerely;

  
Martha D. Tobin

06/29/01

left message  
3:10 p.m.

## **OUTSIDE DISPLAYS**

1. Irving Station 265-168
2. Conway Sunoco 265-46
3. Cumberland Farms 260-51
4. Aubuchon Hardware 265-46
5. Campbell Books 265-147
6. Saco Canoes 218-58
7. Aunt Aggies 246-13
8. Daves' Golf Shop 246-12
9. Yield House 246-20
10. Ames 246-24.001
11. Irving Station 246-40
12. Shop & Save 246-38
13. Settlers' Green 235-99
14. Tanger Outlets 235-8
15. Willow Place 235-40
16. Ski Outlet 218-12
17. Native American Art 218-17
18. Northern Extremes 265-165
19. Waldos' Expressions 202-39
20. Liberty Leather 218-132
21. Zebs' 218-116
22. Norcross Square 218-43
23. Reporter Court 218-46
24. Toy Chest 218-98
25. Joe Jones 218-97
26. Dondoras' 218-50
27. Saco Bound 258-49
28. Big Apple 230-15
29. Cool Wear North 215-28
30. J&J Flooring 252-37.003
31. Sears 252-38
32. Wal-Mart 246-62
33. Paris Farmers 246-2
34. Shaws 246-6



# TOWN OF CONWAY

P.O. Box 70 • CENTER CONWAY, NEW HAMPSHIRE 03813-0070

(603) 447-3855

FAX (603) 447-5012

## Town of Conway Planning Board Policy Clarification Statement

The Town of Conway Planning Board hereby resolves that, the temporary or seasonal outdoor display of goods in accordance with §123-41 is accessory to a retail use and does not constitute an increased intensity of use under the site plan regulations.

Signed:

Sheila Duane, Chair

Date:

June 28, 2001