

CONWAY PLANNING BOARD

MINUTES

SEPTEMBER 27, 2001

A meeting of the Conway Planning Board was held on September 27, 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; Martin Frank; Conrad Briggs; Brian Glynn; Robert Drinkhall; Alternate, Martha Tobin; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Briggs made a motion, seconded by Mr. O'Brien, to approve the Minutes of September 6, 2001 as written. Motion unanimously carried.

Mr. Briggs made a motion, seconded by Mr. Drinkhall, to approve the Minutes of September 13, 2001 as written. Motion unanimously carried.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Duane appointed Ms. Tobin as a voting member for the evening.

NAYDENE DREW – 2-LOT SUBDIVISION (TAX MAP 250, PARCEL 3) FILE #S01-11

Dale Drew appeared before the Board. Mr. Drew explained that they wanted to subdivide 11.59 acres into two-lots. **Mr. O'Brien made a motion, seconded by Mr. Drinkhall, to accept the application of Naydene Drew as complete for a subdivision review. Motion unanimously carried.**

Mr. Irving reviewed the staff report. Mr. Irving stated that he supported all waivers except for the one for the boundary. Mr. O'Brien asked if there is one deed for all of this. Mr. Irving answered in the affirmative, but there was probably a conflict in deeds. Ms. Duane stated that the State has accepted this subdivision. Mr. Irving agreed. Ms. Duane asked how long has Ms. Drew owned the property. Naydene Drew who was in the audience answered since 1947.

Ms. Duane read the waiver request for Article 131-21.B. Ms. Duane read the requirements to grant a waiver. **Mr. O'Brien made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 131-21.B.** Mr. Frank asked if the State has granted approval for this subdivision. Mr. Irving stated that the State does not deal with lots over five acres. **Motion carried with Mr. Frank voting in the negative.**

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Ms. Duane read a waiver request for Articles 131-24.K. & 25.V. **Mr. O'Brien made a motion, seconded by Mr. Briggs, to grant the waiver request for Articles 131-24.K. & 24.V. Motion unanimously carried.**

Ms. Duane read a waiver request for Article 131-24.O. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver request for Article 131-24.O. Motion unanimously carried.**

Ms. Duane asked for public comment; there was none. Ms. Duane asked for Board comments; there was none. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to conditionally approve the 2-lot subdivision for Naydene Drew conditionally upon adding the granted waivers to the plans; submitting a mylar plan; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire in 60 days [November 26, 2001]. Motion unanimously carried.**

**ROMAN CATHOLIC BISHOP OF MANCHESTER – FULL SITE PLAN
REVIEW (TAX MAP 219, PARCEL 202) FILE #FR01-09**

Shawn Bergeron of Bergeron Technical Services appeared before the Board. Mr. Bergeron reviewed the project. Mr. Irving recommended the application be accepted. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to accept the application of the Roman Catholic Bishop of Manchester as complete for a Full Site Plan review as complete. Motion unanimously carried.**

Mr. Irving stated that staff has no issues with the waiver requests. Mr. Irving stated that they are proposing to phase the project and bonding will only be for phase I. Ms. Duane read the waiver request for Article 123-20.G. **Mr. O'Brien made a motion, seconded by Mr. Briggs, to approve the waiver request for Article 123-20.G.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane read the waiver request for Article 123-22.A. **Mr. O'Brien made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-22.A.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-20.I. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver request for Article 123-20.I.** Mr. Frank asked if the only other curbing is at the Post Office and was it put in because of the our requirement. Mr. Frank asked if Mr. Irving could remind him of the rational of having curbing. Mr. Irving stated that its primary reason is for traffic control. Mr. Irving stated that it is used where there is a lot of traffic, especially on primary roads.

Mr. Frank asked if it is a site-specific situation or is there an advantage of getting it started on a street. Mr. Irving stated if a sidewalk is there then that serves the same purpose. Mr. Bergeron stated that there is a sidewalk that goes to the railroad tracks in front of this property. Ms. Duane asked for public comment; there was none. **Motion carried with Mr. Frank voting in the negative.**

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Ms. Duane read a waiver request for Article 131-67.C.8.b. **Mr. Briggs made a motion, seconded by Mr. O'Brien, to grant the waiver request for Article 131-67.C.8.b.** Mr. Frank stated that it looks like there is some space to widen the driveway. Mr. Bergeron stated that this is a residential neighborhood. Mr. Bergeron stated that it can be widened, but there is no need. Ms. Duane stated that it is more of an invitation to park, plus by not widening it will minimize the look of a commercial facility in a residential neighborhood. Mr. Frank stated that he is concerned with safety as it is a narrow situation. Ms. Duane asked for public comment; there was none. **Motion carried with Mr. Frank voting in the negative.**

Ms. Duane read a waiver request for Article 131-67.C.8.f. **Mr. Briggs made a motion, seconded by Mr. Glynn, to grant the waiver request for Article 131-67.C.8.f.** Ms. Duane asked for public comment; there was none. **Motion carried with Mr. Frank voting in the negative.** Ms. Duane read a waiver request for Article 123-29.A.3. **Mr. Drinkhall made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-29.A.3.** Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-30. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to grant the waiver request for Article 123-30.** Mr. Frank asked why is the waiver necessary. Mr. Bergeron stated that it is just for the drawings. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.** Ms. Duane asked if there were any other outstanding items. Mr. Irving answered bonding.

Mr. Briggs made a motion, seconded by Mr. O'Brien, to conditionally approve the full site plan for the Roman Catholic Bishop of Manchester conditionally upon a performance guarantee for 50% of all site improvements; when the condition has been met, the plans can be signed out of session and the conditional approval will expire in 60 days [November 26, 2001]. Ms. Duane asked for public comment; there was none. **Motion unanimously carried.**

OTHER BUSINESS

Roger Jones – File #FR00-16: Mr. Jones appeared before the Board. Mr. Irving stated that vertical, metal siding was used instead of clapboard siding. Mr. Irving stated that he could not authorize this as a field change, therefore, this had to come before the Board. Mr. Irving stated that the Board needs to determine if this is an acceptable field change or not.

Mr. Frank asked Mr. Jones why he used vertical siding. Mr. Jones stated that he wanted to look like the other buildings in the area and this is the same as the other buildings in the area. Mr. Frank stated that the approval was for something else. Mr. Jones stated that he did not realize the extent. Mr. Jones stated that he is concerned with the way the

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Town looks and thinks he has done a pretty good job. Mr. O'Brien stated that he has done an excellent job.

Ms. Duane stated that her one concern is the neighbor. Mr. Irving stated that he spoke with the neighbor and he wanted to be a good neighbor, that he didn't mind the vertical siding, but would like some shrubbery. Mr. Jones stated that he also wants to be a good neighbor and he has contacted a fencing company so the neighbor doesn't have to look into the back parking lot.

Mr. Briggs stated that he has a problem with doing opposite of what the plan indicated. Mr. Briggs stated that it would be a dangerous precedent if we allow this. Mr. Frank stated that he agrees with Mr. Briggs. Mr. Jones stated that he did not know he had restrictions. Mr. Frank stated that he would hope the Board wouldn't accept with the indication that it simulates natural wood.

Mr. Irving stated that any determination is only if this is an acceptable field change or not and if it is acceptable then you are accepting this material and changing the ordinance. Mr. O'Brien stated that they are guidelines. Ms. Duane stated she does not know how we are changing the ordinance and she thought this was a case-by-case basis. Ms. Duane stated that she does not interpret this as a change in the ordinance. Mr. Irving stated that you are not changing the wording, but the interpretation.

Mr. Frank stated if this type of siding was brought to us on the original plan we would not have accepted it. Mr. Frank stated that this clearly goes against the architectural guidelines. **Mr. Briggs made a motion, seconded by Mr. Frank, to not accept this as an acceptable field change.** Ms. Duane asked if there was any more discussion; there was none. **Motion carried with Ms. Duane, Mr. O'Brien and Mr. Glynn voting in the negative.** Mr. Irving stated that the next step for the applicant is to submit an application for a minor site plan review to request a waiver or construct it to the approved plans.

Alternates: Dave Robinson and Dennis Morgan were introduced to the Board. The Board agreed to meet with the alternates on October 11, 2001.

Old Mill Estates – File #S01-08: Mr. Irving stated that the applicant has requested an extension for the conditional approval until November 8, 2001. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to extend the expiration date for the Conditional Approval for Old Mill Estates [File #S01-08] until November 8, 2001. Motion unanimously carried.**

Carriage House Suites – File #FR98-12: Mr. Irving read the attached memo. The Board agreed to address this issue at the October 11, 2001 meeting when Mr. Berry is scheduled for another project.

Joint Meeting with the Board of Selectmen: The Board agreed to meet with the Board of Selectmen on Thursday, October 18, 2001 at 6:00 p.m.

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Roger Jones – File #FR0-16: There was a brief discussion regarding the architectural guidelines. **Mr. Briggs made a motion, seconded by Mr. O'Brien to invite Mr. Jones to submit a site plan application to request a waiver from the architectural guidelines. Motion unanimously carried.**

Landscaping Requirements: There was a brief discussion regarding changing the street tree requirement from 3” caliber to a 2” caliber.

Meeting adjourned at 8:26 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary



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: 09/24/01

RE: Roger Jones' Site Plan (PID 252-12)

Message:

Vertical metal siding has been installed rather than the horizontal clapboard siding represented by the approved site plan. Does the installed material satisfy the provisions of §123-30.A.2. which states "The exterior surfaces of all buildings shall be covered with wood, stone, brick or man-made materials that simulate natural materials (such as architectural concrete masonry units)...?"

If so please formulate your position in a motion to accept the metal siding as an acceptable field change. If not, please formalize your contrary position.



TOWN OF CONWAY

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

(603) 447-3855

FAX (603) 447-5012

September 24, 2001

To: The Planning Board of the Town of Conway
Planning Director, Thomas B. Irving

Ref: Architectural Design 123-30.1
Roger Jones
636 Eastman Rd.
Redstone NH 03813
Map 252 Parcel 12

To whom it may concern, I spoke with Mr. Jones after discussion with Tom Irving concerning the matter of the vertical metal siding being placed on the building located at the above referenced site.

Mr. Jones feels that this siding gives the appearance of vertical board and batting which is consistent with the New England tradition. This interpretation leaves me with the task of using my own opinion to determine the status of a violation or even if any violation exists. My request to you would be for an administrative determination as to the classification of this particular material. Can this be accepted as meeting the requirements of 123-30.1.A.2.

While realizing that this is no more than vertical sheet metal siding, I do not feel justified in issuing any notice of violation, with circumstances being as they are. Please accept this letter as notice and request for an answer regarding this situation.

Respectfully Submitted
Town of Conway Building Inspector
David S. Pandora

CC: Planning Director, Tom Irving
Roger Jones
File 252-12

**White Mountain Survey Co., Inc.**

Post Office Box 440 • Ossipee, NH • 03864

Tele (603) 539-4118 • Fax (603) 539-7912

mlucy@whitemountainsurvey.com

InterOffice Memorandum*Mark Lucy, P.E.*

Date: 09/27/2001

fc 447-5012

To: **Thomas B. Irving, Planning Director**
Town of Conway

Subject:

OLD MILL ESTATES

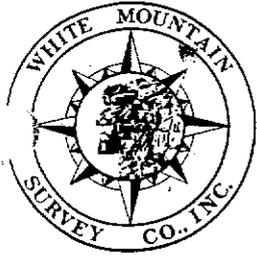
Tom,

Per our telephone conversation earlier this afternoon, I will be forwarding a revised letter seeking extension of the allotted time to meet the conditions of S 01-08. The revision will move the date from November 15th to November 8th thus allowing the Land Owner and Planning Board the opportunity to further extend the time allotted (if needed) at a formal hearing. I.e., the Planning Board meets on the 8th but not on the 15th.

Thanks for the heads-up.

Regards,

fc: Edward J. Poliquin, Jr.
Poliquin Carrier and Rice, Assocs.



WHITE MOUNTAIN SURVEY CO., INC.

1270 NH ROUTE 16 POST OFFICE BOX 440

OSSIPEE, NEW HAMPSHIRE 03864

TELEPHONE 603.539.4118

Facsimile 603.539.7912 • Email mlucy@whitemountainsurvey.com

September 19, 2001

Planning Board
Town of Conway

In re: **Old Mill Estates**
Conditional Subdivision Approval

S01-08

Members of the Board,

While I had assured the Board that the conditions of this *Conditional Subdivision Approval* could easily be met by October 11, 2001, I have since found that bonding arrangements will take some time more than that allotted.

Therefore, by way of this letter the Applicant requests an extension of the time available for the securing of his Bond to November 15, 2001. This date is 63 days from the date of acceptance and conditional approval of the Application.

Respectfully,
White Mountain Survey Co., Inc.

Agent for Poliquin Carrier and Rice, Assocs.

Mark Lucy, P.E.
Senior Design Engineer

pc: Edward J. Poliquin, Jr.
Poliquin Carrier and Rice, Assocs.

Friday, September 21, 2001

Hello Sheila,

I am interested in a seat on the Town Planning Board. My strengths include (Internet Technology/Marketing, Computers, Business Organization, Energy and Land Conservation, and Building Maintenance) which could be a valuable resource for the team. My goal would be to become a well-known addition, with both an active and creative voice in working with officials and fellow members, and help the organization of the Master Plan in keeping the public informed. I feel with a little experience, time and action I could become a permanent elected seat.

I spoke with Tom Irving this morning to learn what specifics the position carries, i.e. 3 meetings per month at night, seminars and other work, Approx. 20 hr/mo. He briefly described the Master Plan and some of the work now being done by the board.

As a resident since 1994, I have thought about additional involvement in the Conway area for a while now and would love the opportunity to add my time and ideas to help make our master plan trustworthy and assist in making other right choices for our town's future.

Thank you,

David Robinson
P.O. Box 145
Kearsarge, NH. 03847
356-8455
dave@atlanticis.com



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

(603) 447-3855

FAX (603) 447-5012

Proposed amendment to Town of Conway Site Plan Regulations

§123-29.D. Trees. All lots **regulated by this chapter (except those subject to §123-29. C.)** in the Commercial Districts shall have trees in accordance with Section 1-11 below.