

CONWAY PLANNING BOARD

MINUTES

AUGUST 9, 2007

A meeting of the Conway Planning Board was held on Thursday, August 9, 2007 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Vice Chair, Martha Tobin; Secretary, Steven Porter; Sean McFeeley; Hud Kellogg; Theodore Sares; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of July 26, 2007 should be amended as follows: page 6, under Streetscape, seventh line, should read "...only apply ~~with~~ the rules...". **Ms. Tobin made a motion, seconded by Mr. Porter, to approve the Minutes of July 26, 2007 as amended. Motion carried with Mr. Kellogg abstaining from voting.**

SUSAN BATTLES AND SUZANNE VITALE TRUST – BOUNDARY LINE ADJUSTMENT REVIEW (PID 232-141, 142 & 143) FILE #S07-17

Andy Fisher of Ammonoosuc Survey Company appeared before the Board. This is an application to consolidate three lots into two lots by dissolving PID 232-142 and adding 0.36 of an acre to PID 232-141 and adding 0.36 of an acre to PID 232-143. **Mr. Porter made a motion, seconded by Ms. Tobin, to accept the application of Susan Battles and Suzanne Vitale Trust for a Boundary Line Adjustment as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Sares asked if Bill Cuccio is an abutter. Mr. Fisher answered in the affirmative. Mr. Drinkhall asked for public comment; there was none. **Mr. Porter made a motion, seconded by Mr. McFeeley, to approve the Boundary Line Adjustment for Susan Battles and Suzanne Vitale Trust. Motion unanimously carried.** The plans were signed.

THE KENNETT COMPANY – 49-LOT SUBDIVISION REVIEW CONTINUED (PID 291-30) FILE #S07-10

This is an application to subdivide 583 acres into 49-lots, associated road infrastructure and common lands. This application was accepted as complete on May 10, 2007. **Ms. Tobin made a motion, seconded by Mr. Martin, to continue the Subdivision Review for the Kennett Company until August 23, 2007. Motion unanimously carried.**

**AMETHYST HILL PROPERTIES – FULL SITE PLAN REVIEW CONTINUED
(PID 252-47) FILE #FR07-10**

Josh McAllister of H.E. Bergeron and Kirk Saunders appeared before the Board. This is an application to construct a self-service commercial fuel station with a 10'x12' maintenance building, two underground fuel storage tanks and a 24' x 26' canopy. This application was accepted as complete on May 10, 2007.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read a waiver request for §123-6.B.2. **Mr. Porter made a motion, seconded by Mr. McFeeley, to grant the waiver request for §123-6.B.2.** Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read a waiver request for §123-20.E. **Mr. Porter made a motion, seconded by Mr. McFeeley, to grant the waiver request for §123-20.E.** Mr. Drinkhall asked for Board comment; Mr. Kellogg asked for an explanation as to where the paved apron begins and ends. Mr. McAllister reviewed the plan. Mr. Kellogg asked how large is the paved apron. Mr. McAllister answered approximately 35-feet.

Mr. Sares asked if the waiver referred to clients. Mr. Drinkhall answered in the affirmative. Mr. Sares asked what would the clients be obtaining. Mr. Saunders stated that it is a self-service fueling station. Mr. Sares asked if this is a private gas station. Mr. Saunders answered in the affirmative and stated that it is known as an unattended fuel pump. Mr. Sares asked how do I become a client. Mr. Saunders stated that you sign up with us. Mr. Sares asked if he has to be a current customer of White Mountain Oil to use this facility. Mr. Saunders answered in the negative.

Mr. Kellogg asked if the applicant had looked into a fire system. Mr. Saunders answered in the affirmative and stated that he would comply with all state regulations. Mr. Martin asked what does the fire issue has to do with the waiver. Mr. Drinkhall asked if there were any questions regarding the waiver; there was none. **Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. **Mr. Martin made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan Review for Amethyst Hill Properties conditionally upon NHDES Site Specific Permit; NHDES Underground Tank Approval; indicating on the plan the owner is knowingly and willingly abandoning the residential use on PID 252-44 and indicating book and page on plan; indicating ZBA approval for overhead utilities on plan; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on November 8, 2007.** Mr. Kellogg asked if approval from the State Fire Marshall should a part of the conditional approval. Mr. Saunders stated that it is part of the process. **Motion unanimously carried.**

OTHER BUSINESS

Peaked Mountain, LLC (PID 219-303) File #S05-11 and #S06-21 – Extension of Conditional Approvals: Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approvals for Peaked Mountain, LLC until August 28, 2008. Motion carried with Ms. Tobin and Mr. Kellogg voting in the negative and Mr. Sares abstaining from voting.

Luke McDonald Holdings, LLC (PID 215-31) File #FR07-02 – Extension of Conditional Approval: Mr. Martin made a motion, seconded by Mr. Porter, to extend the conditional approval for Luke McDonald Holdings, LLC until August 14, 2008. Mr. Kellogg stated he is surprised that the Board is entertaining extending an application for a year as he thought the Board was granting them quarterly. Mr. Irving stated in this case quarterly would take them into the winter months and the applicant has requested this date. **Motion carried with Mr. Sares abstaining from voting.**

Response to questions regarding Hud Kellogg: Mr. Drinkhall stated that at the last meeting there were questions regarding Hud Kellogg. Mr. Drinkhall stated that the Board asked him to get in touch with Mr. Kellogg, which he did and Mr. Kellogg is present this evening. Mr. Kellogg stated that it has been personal time off and he has no comments. Mr. Drinkhall stated that the Board asked him to check into three unexcused absences. Mr. Drinkhall stated that it does not apply to Planning Board, but to the Budget Committee.

Mr. Drinkhall stated the Board asked him to review the requirements for membership and if they have to be a resident. Mr. Drinkhall stated that he has reviewed the RSA's and found where it indicates a member of a subcommittee needs to be a resident of the Town, but it does not indicate that as a requirement to be a member of the Board. Mr. Martin stated he wonders if it is under the Town Charter. Mr. Drinkhall stated that he has made a phone call regarding that, but has not heard anything as of yet.

Mr. Porter stated any Board member should contact the Board and let them know that they will not be attending in case of an issue with a quorum. Mr. Kellogg stated that he has had perfect attendance until these last few weeks and even before he was on the Board. Mr. Porter stated that there should be communication with the Board. Mr. Martin stated most people let the Board know if they will not be attending. Mr. Kellogg stated that if he does his duty and has done his training. Mr. Sares stated we just want a committee that works together and if your not going to be here just let us know; that's just politeness.

Mr. Drinkhall stated that last question was whether or not a member could be removed. Mr. Drinkhall stated that the Planning Board does not have that authority. Mr. Drinkhall stated only Town vote could remove a member.

**Adopted: August 23, 2007 – As Written
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Planning Board role relative to large ground water withdrawals: Mr. Irving stated that Mr. Drinkhall asked what is the Planning Board's authority relative to large ground water withdrawals. Mr. Irving stated the Planning Board has the authority to require site plan review for the facility that they manage, but not the withdrawal. Mr. Sares stated what if it is for commercial use. Mr. Drinkhall stated that the Planning Board has no authority over any water withdrawal. Mr. Irving stated that we are pre-empted and only the State regulates.

Committee Report/Advisory Committee on Infrastructure Development: Mr. Drinkhall stated that Penachuck was looking for a loan, but it has been temporarily put on hold. Mr. Drinkhall stated that a letter has been sent to Concord. Mr. Drinkhall stated that the Committee agreed that it was best to have water supplied by North Conway Water Precinct if they were agreeable to do that. Mr. Drinkhall stated that the vast majority there was in favor. Mr. Sares stated that it still does not preclude commercial withdrawal. Mr. Martin stated that the meeting was very well attended.

Conditional Approval Time Frames: Mr. Martin stated that the Board should review their practice on time frames for conditional approvals instead of doing continuations. Mr. Porter stated that we have discussed this issue in the past and agrees with Mr. Martin. Mr. Irving stated that it does get difficult if the original board members are not acting on the extension of conditional approval. It was agreed that Mr. Martin would put something together for the Board to review.

Clarification: Mr. Kellogg asked for a clarification regarding KGI's grassed island versus mulch islands. Mr. Irving stated that there would be an application before the Board at the next meeting. Mr. Kellogg asked if the applicant is able to finish the mulching. Mr. Irving stated that the applicant did complete the mulching to it would not be unsightly and they are aware if it is not approved by the Board that it would have to be replaced with grass. Mr. Kellogg asked if the Board could take a straw poll to give the applicant an idea of what the Board is thinking. Mr. Irving stated that the Board could not discuss an application that is scheduled to come before the Board.

Meeting adjourned at 7:55 pm

Respectfully Submitted,

Holly L. Meserve
Planning Assistant