

**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 23, 2009**

**PAGES**

- |   |  |
|---|--|
| 1 | Review and Acceptance of Minutes <ul style="list-style-type: none"><li>• April 9, 2009 – Adopted as written</li></ul>  |
| 1 | Appointment of Board Members   |
| 1 | Election of Officers   |
| 1 | Peter Rattay Trustee of the Peter Rattay Revocable Trust of 2001- Full Site Plan Review Continued (PID 202-182-186) File #FR09-02 <ul style="list-style-type: none"><li>• Continued until June 25, 2009</li></ul>  |
| 3 | Other Business <ul style="list-style-type: none"><li>• Bowtie Realty, LLC (PID 235-40) – §123.4.A.5 (File #NA09-09)</li><li>• Katherine Brassill/Adventure Suites (PID 202-14) – §123.4.A.5 (File #NA09-10)</li><li>• Italian Kitchens (PID 235-38) – §123-4.A.5 (File #NA09-11)</li><li>• Committee Reports</li></ul> |

**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 23, 2009**

A meeting of the Conway Planning Board was held on Thursday, April 23, 2009 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Theodore Sares; Steven Hartmann; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Drinkhall made a motion, seconded by Ms. Tobin, to approve the Minutes of April 9, 2009 as written. Motion unanimously carried.**

**APPOINTMENT OF BOARD MEMBERS**

Mr. Porter stated that he received the most write-ins for the three-year seat. Mr. Porter stated that he has accepted and has been sworn in for the three year seat and is resigning his term that ends in 2010.

Mr. Porter stated that David Sordi was the next person with the most write-in votes. **Mr. Sares made a motion, seconded by Ms. Sell, to appoint David Sordi to the one year seat on the Planning Board. Motion unanimously carried.**

Ms. Sell stated that John Edgerton was interested in being appointed to a position. Mr. Irving asked if the Board would like him to contact Mr. Edgerton to see if he is interested in being an alternate. The Board agreed.

**ELECTION OF OFFICERS**

**Ms. Sell made a motion, seconded by Mr. Sares, to nominate Mr. Porter as Chair. Motion carried with Mr. Porter abstaining from voting.**

**Mr. Sares made a motion, seconded by Ms. Sell, to nominate Ms. Tobin as Vice Chair. Motion carried with Ms. Tobin abstaining from voting.**

**Mr. Sares made a motion, seconded by Mr. Drinkhall, to nominate Ms. Sell as Secretary. Motion carried with Ms. Sell abstaining from voting.**

**PETER RATTAY TRUSTEE OF THE PETER RATTAY REVOCABLE TRUST OF 2001 – FULL SITE PLAN REVIEW (PID 202-182 & 186) FILE #FR09-02**

Peter Rattay was in the audience. This is an application to consider additional parking areas, a new tent garden patio, a new wedding garden patio and associated infrastructure. This application was accepted as complete on March 12, 2009. Mr. Irving stated that the applicant has requested a continuance and has waived the 65 day period pursuant to RSA 676:4,I (f).

**Adopted: May 14, 2009 – As Written  
CONWAY PLANNING BOARD – APRIL 23, 2009**

**Mr. Drinkhall made a motion, seconded by Ms. Tobin, to continue the Full Site Plan Review for Peter Rattay Trustee of the Peter Rattay Revocable Trust of 2001 until June 25, 2009.** Mr. Sares stated it is a bit risky that the abutting side is not here. Mr. Irving stated that he recommended that they be here tonight. Mr. Sares asked if the Board could move forward on this application tonight. Ms. Tobin asked what would be the problem if we did move forward with this application this evening. Mr. Irving stated that the Board has every right and privilege to move forward with this application. Mr. Irving stated if the Zoning Board of Adjustment [ZBA] rules that he was incorrect in his finding then any decision by the Planning Board would be null and void.

Ms. Sell stated she is more apt to wait until the ZBA makes a decision before moving forward with this application. Mr. Porter asked Mr. Rattay if he would like the Board to proceed this evening or continue the application. Mr. Rattay stated it would be great to get it taken care of. Mr. Sares asked where the abutters are. Mr. Sares stated if they were here and we brought up this discussion they could raise a point where we would have backed off. Mr. Porter stated that they have both been equally notified and Mr. Irving did notify that all parties should be present.

Ms. Sell stated that we would also have to go through the waivers and asked if everyone was prepared do that. Mr. Drinkhall asked what happened with the Court case. Mr. Irving stated that the Court has not made any decisions. Mr. Irving stated that the Court is considering the lawsuit sometime next week. Mr. Irving stated it is risky for the abutter to have not shown up, but they may not have because the applicant asked for the continuance.

Mr. Irving stated that his recommendation would be to continue this hearing to resolve any zoning issues. Mr. Drinkhall stated his concern is if the Court rules against them they would then not be able to hold any weddings for functions between that point in time and the time that the Planning Board addressed the application and that puts them at great risk. Mr. Irving stated the Town is not part of the court case. Mr. Rattay stated that the suit is totally different from the Town.

Mr. Drinkhall stated if the court ruled against Mr. Rattay only until such time until it comes back to us then continuing the application until June 25<sup>th</sup> puts him at great risk. Mr. Sares stated that they could continue the weddings until the Court said they have to stop. Mr. Sares stated that the abutters have gone at them three different ways; Planning Board, Zoning Board and the Courts. Mr. Sares stated we need to stay focused and the Board should continue this application. Mr. Drinkhall stated he would like to move forward.

Mr. Hartmann stated he thinks the applicant is putting themselves at risk if the Board proceeded with this application tonight, there is no one here to object as everyone is under the assumption it would be continued. Mr. Drinkhall stated that Mr. Rattay would like to move forward and one should not assume we would continue this application. Mr. Drinkhall stated if this was his case he would have been here. Mr. Porter stated it has always been the practice of the Planning Board to grant an extension requested by the applicant without any question.

Mr. Porter stated that he would have liked to have addressed this issue tonight, but all parties should be here and shame on them for not being here. Ms. Sell asked if in any way by not doing anything tonight the Board is putting Mr. Rattay at risk for not having weddings. Mr. Irving stated that the Town is not doing anything to preclude them from carrying on with business as usual. Ms. Tobin stated that she wanted to move forward with this application this evening, but now feel we need to grant the continuance. **Motion unanimously carried.**

**OTHER BUSINESS**

**Bowtie Realty, LLC (PID 235-40) – §123-4.A.5 (File #NA09-09):** Scott Lees appeared before the Board. Mr. Lees stated that they would like to convert 3,400 square feet of retail space to personal service. Mr. Lees stated that they would like to convert units N & O to Curves and unit P2 to A Little off the Top Hair Salon. **Mr. Drinkhall made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the conversion of 3,400 square feet of retail space to personal service is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.**

**Katherine Brassill/Adventure Suites (PID 202-14) – §123-4.A.5 (File #NA09-10):** This is a request to construct a 1,272 square foot storage/workshop for maintenance staff. Mr. Irving stated that the applicant has withdrawn this request.

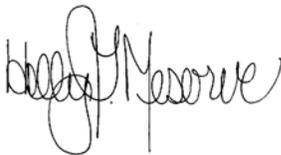
**Italian Kitchens (PID 235-38) – §123-4.A.5 (File #NA09-11):** Frank Welch appeared before the Board. Mr. Welch stated that he would like to construct a 250 square foot sun room and a 250 square foot exterior deck. Mr. Welch stated that this would not impact the parking or the through way. Ms. Tobin asked if this would increase the number of seats. Mr. Welch stated that they currently are not utilizing the entire 175 seats that they are allowed to have. Mr. Irving stated this request is not approving any additional seats than what has been approved by the Town. Mr. Irving stated that the number of seats Mr. Welch is referring to may be the number of seats listed on the Assembly permit granted by the Fire Chief, not necessarily what has been approved by the Town. Ms. Sell asked if this would reduce parking. Mr. Welch answered in the negative.

**Ms. Tobin made a motion, seconded by Ms. Sell, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 250 square foot sun room and a 250 square foot exterior deck is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.**

**Committee Reports:** There was none.

Meeting adjourned at 7:35 pm.

Respectfully Submitted,



Holly L. Meserve  
Planning Assistant