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- June 12, 2014

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CONWAY PLANNING BOARD

MINUTES

JULY 10, 2014

A meeting of the Conway Planning Board was held on Thursday, July 10, 2014 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Carl Thibodeau; Vice Chair, Steven Hartmann; Secretary, Martha Tobin; Kevin Flanagan; Eric Porter; Town Planner, Thomas Irving; and Recording Secretary, Karen Hallowell.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Flanagan made a motion, seconded by Mr. Eric Porter, to approve the Minutes of June 12, 2014 as written. Motion carried 4-0-1 with Ms. Tobin abstaining.**

**OTHER BUSINESS**

**Evergreens on the Saco Homeowner's Association (PID 265-161.3) – Request to extend conditional approval (File #FR12-07 & S12-06):** Mr. Irving reviewed that this is in regard to the Conway Pines senior housing project. They are at the mercy of funding cycles and they were not successful in getting funding for the project in the last funding cycle. They are requesting a one year extension so they can apply for funding again in the next round.

**Mr. Steven Porter made a motion, seconded by Mr. Flanagan, to extend the conditional approval for Evergreens on the Saco Homeowner's Association until July 9, 2015. Motion carried unanimously.**

**Red Barn SC, LLC (PID 235-34) – Request to extend conditional approval (File #FR14-03):** Diane Smith of Thaddeus Thorne Surveys appeared before the Board.

Mr. Irving reviewed that this matter is in regard to the proposed expansion to accommodate a walk in cooler, brewery and pub/restaurant. They are still working with the Town Engineer on drainage easements and staff supports the request to extend the conditional approval. There was brief discussion by the Board regarding the extension. **Ms. Tobin made a motion, seconded by Mr. Eric Porter, to extend the conditional approval for Red Barn SC, LLC until October 9, 2014. Motion carried unanimously.**

**Fandangle's LTD (PID 246-42) – Request to extend conditional approval (File #FR12-08) –** Burr Phillips, PE, of Civil Solutions LLC appeared before the Board.

Mr. Irving reviewed that this is a request for an extension of a conditional approval from a 2012 application. They had originally received a one year approval and then it was extended for six months. They are now asking for another extension. The consultant they had originally is not involved with the project any longer.

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Mr. Steve Porter stated that the only problem he has with this is that this Board had already given them the one year and then another six months. At the last meeting he told the developers that if we didn't see significant movement on this project that he would speak out against it. As of right now, he does not see due diligence by the developer to move forward. Mr. Porter next stated that he feels they should not be granted an extension at this time as they are no closer to starting the project and that they should come back with a new plan. He is recommending that this Board not grant the request for the extension.

Mr. Thibodeau questioned if there have been any substantive changes in site plan ordinance since they applied. Mr. Irving responded in the negative. Mr. Thibodeau questioned what difference it then makes if they are working on getting things in order to make them come back for site plan review again. Mr. Steve Porter stated that if they come back then they should be ready to move forward. If they were serious about building a hotel, then they should be ready. The site has been put on hold for two plus years and maybe someone else is interested. Mr. Thibodeau questioned how we have the authority or power to do anything to make them build in two years or in ten years.

Mr. Steven Porter stated that he told this developer before that they needed to be aggressive if they wanted to build on this site and they haven't been. If you are going to build, then build, and not keep asking for extensions. They haven't done anything to really promote that they are going to do anything with the site. If they really want to build on the site they will be back in six months.

Mr. Flanagan stated that nothing has changed in the ordinance and the property hasn't changed hands. If we don't grant the approval they can come back with an identical plan in a couple of months and then what is the difference? He is in favor of granting the extension since nothing has changed. Mr. Flanagan next questioned if other towns grant extensions over and over and if there is a charge. Mr. Irving stated that he would have to look into whether other towns charge for extensions. Mr. Irving next stated that if the application needs additional reviews or if permits expire, i.e. NHDOT permits, then the NHDOT may need a traffic study, and this may end up changing driveway permits, etc. Mr. Irving next explained that in Conway we don't ask for additional fees to extend an approval and this is why this Board can or can't extend approvals. Also, our ordinances may change. This is the peril of granting a lengthy extension. Mr. Irving next reviewed the definition for conditional approval with the Board. Mr. Irving next stated that this keeps a handle on things. Extensions and conditional approvals are on time limits.

Mr. Irving next stated that this applicant also has to have a new engineer draw plans for this project as the previous engineer is no longer involved. They will need time to reproduce plans. If this Board decides not to grant an extension they could deny the extension without prejudice.

Mr. Phillips advised that he was not involved with this project at the beginning. The developer came to him and asked him to review this project. Also, Opechee is not involved any longer and the Engineer, Tom Long, can't be found and this is why they have to go back and redo the whole plan set. Mr. Phillips next stated that they are making progress but that this will take time. The original surveyor is going out to relook at the site and make sure nothing has changed, etc. They

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also need time to resubmit information to the NHDOT for the driveway permits, etc. They are asking for a six month extension.

Mr. Steve Porter asked then why not re-do the application. Mr. Phillips stated that their goal is to act to get concrete in the ground this fall. If they redo the application then there will not be time to do this. They do have a brand lined up for a hotel and they are ready to go. There was next further discussion on the original architect on the project and that he cannot found. Mr. Phillips next stated that they would like the extra time so that they don't have to come back again.

Mr. Hartmann stated that all of the players have changed and they could come back to us with something completely different than the original. There was next discussion on whether the plans would change. Mr. Irving pointed out that if the plans change they would have to reopen the public hearing on this matter. Mr. Phillips agreed that if the architectural plans change then they start the process over again. Mr. Phillips further advised that his client assured him that everything is the same. Mr. Phillips further stated that he would like the opportunity of time to have the plans to come in as they said and, if not, he agrees they should open the public hearing. Mr. Phillips asked for time to do what they say they are going to do. They have a team in place. The only plan change is that there will be a new engineer on the plans and he doesn't see a reason to reopen the public hearing if there are no other changes.

There was further brief discussion. Mr. Irving suggested that, as middle ground, the Planning Board give them a 90 day extension instead. This could give Mr. Phillips time to submit the plans. He also feels that Mr. Phillips has gotten the point that this Board will not grant additional extensions if no progress has been made. Mr. Irving further added that if there is a 90 day extension he would expect a submission in 60 days in order to get everything reviewed. Mr. Irving further advised that we can also charge for additional review of the plans as we still have to go through the entire process and we will need at least 21 days to reviews the plans.

There was next discussion with the Board as to whether to give a 60 or 90 day extension. Mr. Phillips advised that in the 60 days he can reassure or not if the plans are consistent with the originals but he won't have everything done in 60 days. Mr. Irving suggested that an extension of 90 days be given with the requirement that the new plan set be submitted in 60 days. Mr. Phillip stated he is not sure if they can have everything in 60 days. Mr. Irving stated that the town will need time to review the plans. Also, then if they are making significant progress in 90 days, then the Board could feel differently if they see progress. The Town would need a set of plans in 30 days to review and this would give them time to make any revisions needed to the plan set within the following 30 days.

Mr. Hartmann asked when Mr. Phillips got called in for on this project. Mr. Phillips advised about a month and a half ago. Mr. Hartmann pointed out that if it is a different brand on the hotel than before then they may want something different.

**Ms. Tobin made a motion, seconded by Mr. Eric Porter, to extend the conditional approval for Fandangle's LTD until October 9, 2014 with the requirement that a revised plan set be**

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**submitted by September 11, 2014.** Mr. Irving stated that this will give time for the Town to review the plans. **Motion carried 5-1-0 with Mr. Hartmann voting in the negative.**

**Committee Reports:**

**Sign Advisory Committee** – Mr. Thibodeau stated that the Sign Committee does not meet again until August 7, 2014.

**The Kennett Company (File #NA14-06) - §123-4.A5 (PID 277-129):** Mr. Irving reviewed a letter received from the Kennett Company dated June 26, 2014 requesting that the Planning Board consider a change of use from a real estate sales office to a single story consignment store be deemed not applicable under Site Plan Review Regulation 123-4A.4.(b) on the grounds that the changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure, including but not limited to parking, traffic generation and septic loading. Mr. Irving stated that he can't approve this request himself because of the parking Mr. Hartmann stated that he stops at First Stop a lot and he never sees an issue with parking in this area. Mr. Thibodeau agreed. **Mr. Steven Porter moved, seconded by Mr. Hartmann, that the board finds that the property change of use is insignificant relative to the existing development and that pursuant to the provisions of 123-4.A.5 a site plan review will not be required. The motion carried unanimously.**

**Adjourn:** Ms. Tobin moved, seconded by Mr. Eric Porter, to adjourn the meeting. **The motion carried unanimously.** The meeting adjourned at 7:50 pm.

Respectfully submitted,



Karen Hallowell  
Recording Secretary