

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 17, 2022

PAGES

- | | |
|---|--|
| 1 | Review and Acceptance of Minutes |
| 1 | Agenda Out-of-Order |
| 1 | Bellevue Properties, Inc. (File #FR22-09) – Motion for Rehearing Request (PID 235-89 & 89.002) |
| 2 | Carl and Cynthia Thibodeau/Gary and Phyllis Riendeau/Harland and Melinda Fallen (File #S22-07) – Boundary Line Adjustment Review (PID 276-157, 158 & 159) <ul style="list-style-type: none">• Approved; plans signed |
| 2 | Other Business <ul style="list-style-type: none">• Joy M. Check Trust (File #NA22-13) – PID 252-54• Selectmen’s Report• Issues for Consideration• Media Questions |

CONWAY PLANNING BOARD

MINUTES

NOVEMBER 17, 2022

A meeting of the Conway Planning Board was held on Thursday, November 17, 2022 beginning at 7:02 pm at the Conway Town Office, 23 Main Street, Conway, NH. Those present were: Chair, Ben Colbath; Selectmen's Representative, Steven Porter; Vice Chair, Ailie Byers; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Mark Hounsell; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw. Alternate Ted Phillips was in attendance. Jason Dennis, Town Counsel, was in attendance.

REVIEW AND ACCEPTANCE OF MINUTES

The minutes of October 27, 2022 will be addressed at the December 8, 2022 Planning Board meeting.

AGENDA OUT-OF-ORDER

Mr. Porter made a motion, seconded by Mr. Barbin, to take Bellevue Properties, Inc. out-of-order. Motion carried with Mr. Hounsell voting in the negative.

BELLEVUE PROPERTIES, INC. (FILE #FR22-09) – MOTION FOR REHEARING REQUEST (PID 235-89 & 89.002)

This is a Motion for Rehearing requested by Bellevue Properties, Inc. in regard to Settlers R2, Inc. (File #FR22-09) to change the use of Building G from retail to retail and restaurant/lounge at 39 Common Court, North Conway (PID 235-89 & 89.002). Bill Barbin stepped down at this time. Mr. Colbath appointed Mr. Phillips as a voting member.

Mr. Torres stated Bellevue Properties, Inc. has requested a Motion for Rehearing in regard to Settlers R2 to change the use of building G from retail to retail and restaurant/lounge. Mr. Torres stated materials have been provided to the Board from Bellevue Properties attorney detailing the reason behind the request [in file].

Mr. Dennis stated as Attorney Tilsley pointed out in his letter, Planning Boards, unlike Zoning Boards, don't actually have a statutory requirement to grant a rehearing; however, there is case law. Mr. Dennis stated the Board could entertain a motion to grant a rehearing and schedule for another day or deny the rehearing. Mr. Dennis stated this case is pending in Superior Court already.

Mr. Hounsell made a motion, seconded by Ms. Byers, to schedule a rehearing as requested. Mr. Colbath asked for Board comment; Mr. Hounsell stated the history of this particular application is they go to Court if they don't get what they want. Mr. Hounsell stated he was driving along the new road by Market Basket and what a wonderful entrance to the hotel; you turn that

corner and the first thing you see is the hotel. Mr. Hounsell stated that has to bring in more business. Mr. Hounsell stated he is not sure the issue, but everyone has the right to go to Court and he wants to make sure they are heard before they get there. **Motion carried with Mr. Colbath and Mr. Porter voting in the negative.**

Mr. Porter made a motion, seconded by Mr. Hounsell, to schedule the Motion for Rehearing for February 23, 2023. Motion carried unanimously.

CARL AND CYNTHIA THIBODEAU/GARY AND PHYLLIS RIENDEAU/HARLAND AND MELINDA FALLEN (FILE #S22-07) – BOUNDARY LINE ADJUSTMENT REVIEW (PID 276-157, 158 & 159)

Ron Briggs of Briggs Land Surveying appeared before the Board. This is an application to convey ±1.25-acres of land from PID 245-30 to PID 245-65; and subdivide PID 245-65 into two-lots. This is an application to convey 0.06 of an acre from PID 276-159 (Riendeau) to PID 276-158 (Thibodeau) and to convey 0.01 of an acre from PID 276-157 (Fallen) to PID 276-158 (Thibodeau). Mr. Briggs reviewed the project. Mr. Phillips stepped down at this time. Mr. Barbin rejoined the Board at this time.

Mr. Porter made a motion, seconded by Mr. Barbin, to accept the application of Carl and Cynthia Thibodeau/Gary and Phyllis Riendeau/Harland and Melinda Fallen for a Boundary Line Adjustment review with the Staff Report as complete. Motion carried unanimously.

Mr. Colbath asked for Board comment; there was none. Mr. Colbath asked for public comment; there was none.

Mr. Briggs read the waiver requests for §130-23.N. and §130-36.A. **Mr. Porter made a motion, seconded by Mr. Hounsell , to grant the waiver requests for §130-23.N. and §130-36.A.** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Porter made a motion, seconded by Ms. Grant, to approve the boundary line adjustment for Carl and Cynthia Thibodeau/Gary and Phyllis Riendeau/Harland and Melinda Fallen. Motion carried unanimously. The plans were signed.

OTHER BUSINESS

Joy M. Check Trust (File #NA22-13): Dan Lucchetti of HEB Engineers appeared before the Board. This is a request to allow the construction of a 1,536 square foot industrial garage at 95 East Conway Road, Center Conway (PID 252-54). Mr. Lucchetti stated this is to store their work vehicles; to provide a shelter in the winter months.

Mr. Colbath asked for Board comments; there was none. Mr. Colbath asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Colbath, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, that the construction of a 1,536 square foot industrial garage is not subject to a 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 carried unanimously.

Selectmen's Report: Mr. Porter stated the Board of Selectmen granted an additional \$7,000 from the Arbor Funds for the Master Plan update.

Issues for Consideration: Mr. Torres stated we are waiting for a contract from the consultant to start the Master Plan update.

Media Questions: Tom Eastman of Conway Daily Sun asked about the moratorium.

Meeting adjourned at 7:29 pm.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant