

Adopted: March 8, 2001 - As Amended

CONWAY PLANNING BOARD

MINUTES

FEBRUARY 22, 2001

A meeting of the Conway Planning Board was held on Thursday, February 22, 2001, beginning at 7:06 p.m. Those present were: Chair, Sheila Duane; Selectmen's Representative, Gary Webster; Secretary, Conrad Briggs; John Waterman; Robert deFeyter; Alternate, Martin Frank; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Duane appointed Mr. Frank as a voting member for the evening.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of January 25, 2001, should be amended as follows: page 3, paragraph 5, line 2, should read, "...review for Alternative Vehicle Systems, LLC until..."; and page 4, paragraph 1, line 2, should read, "...Mr. Bergmann, Mr. Waterman and Mr. Frank voting in the...". **Mr. Briggs made a motion, seconded by Mr. Webster, to approve the Minutes of January 25, 2001 as amended. Motion unanimously carried.**

The Minutes of February 8, 2001, should be amended as follows: page 1, paragraph 2, line 2, should read, "...February 6, 2001. The Board accepted letter, but did not concur with the content. Mr. Webster...". **Mr. Briggs made a motion, seconded by Mr. Frank, to approve the Minutes of February 8, 2001 as amended. Motion unanimously carried.**

C.N. BROWN – MINOR SITE PLAN REVIEW CONTINUED (1999 TAX MAP 215, PARCEL 13/OLD TAX MAP 69, PARCEL 19) FILE #MR00-19

Ms. Duane opened the public hearing at 7:16 p.m. Ms. Duane stated that the applicant has asked for a continuance. Mr. Irving stated that the applicant is still working with the power company. **Mr. Briggs made a motion, seconded by Mr. Frank, to continue the C.N. Brown Minor Site Plan Review until March 8, 2001. Motion unanimously carried.**

PETERSON PETROLEUM – MINOR SITE PLAN REVIEW (TAX MAP 215, PARCEL 83) FILE #MR01-02

Shawn Bergeron of Shawn Bergeron Technical Services appeared before the Board. Mr. Bergeron gave an overview of the proposed project. Mr. Irving reviewed his staff report. **Mr. Briggs made a motion, seconded by Mr. Waterman, to accept the application for Peterson Petroleum for a minor site plan review as complete. Motion carried with Mr. deFeyter abstaining from voting.**

Ms. Duane read a waiver request for Article 123-21.C. Ms. Duane read the requirements to grant a waiver. **Mr. Webster made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-21.C.** Mr. deFeyter stated that the handicap parking space and the parallel parking is going to interrupt the traffic flow. Mr. Bergeron stated that the waiver request is just to address the number of entrances. Mr. Bergeron stated if an entrance was to be eliminated you would not be able to move on the property. Mr. Bergeron stated that the applicant has received a driveway permit from the State of New Hampshire Department of Transportation. **Motion carried with Mr. Waterman abstaining from voting.**

Ms. Duane read a waiver request for Articles 123-21.F. and 131-67.C. (8)(a), (b) and (f). **Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver request for Articles 123-21.F. and 131-67.C. (8)(a), (b) and (f).** Mr. Irving stated that the Town Engineer is okay with the design; however, he did request an amendment to the catch basin that ties into the State drainage system. Ms. Duane asked if the

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granite curbing under the waiver request is just at the entrances. Mr. Bergeron answered in the affirmative. **Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-21.I. **Mr. Frank made a motion, seconded by Mr. Briggs, to grant a waiver request for Article 123-21.I.** Mr. Irving stated granite curbing around the perimeter of asphalt would cause drainage problems. Mr. Bergeron stated the reason for granite curbing is if it will improve traffic control and safety. Ms. Duane asked if the applicant could plant day lilies or perennial gardens to the north of the handicap parking space. Mr. Bergeron agreed. Mr. Briggs stated that he does not want to see snow storage go over to the abutting property. The Board agreed to the perennial garden. **Motion unanimously carried.**

Ms. Duane read a waiver request for Article 123-22. **Mr. Frank made a motion, seconded by Mr. Briggs, to grant the waiver request for Article 123-22.** Mr. deFeyter stated that the convenience store use will not work on this property and parallel parking will not work for a convenience store. Mr. Bergeron stated that Mr. deFeyter is speaking beyond the scope of the waiver. Mr. Briggs suggested removing the back building and putting in more parking. Mr. Bergeron stated that the applicant wants to work within the existing pavement and they also didn't want to affect the Whitaker property. Mr. Frank stated that he does not think this design will work. Mr. deFeyter stated that he doesn't think the parallel parking spaces are viable. **Motion carried with Mr. deFeyter and Mr. Waterman voting in the negative.**

Ms. Duane read the waiver request for Article 123-28. **Mr. Briggs made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-28. Motion unanimously carried.** Ms. Duane read a waiver request for Articles 123-30.A. (2) & (3). **Mr. Briggs made a motion, seconded by Mr. Waterman, to approve the waiver request for Articles 123-30.A. (2) & (3).** Mr. deFeyter stated that he is concerned with Article 123-30.A. (3). Mr. Irving concurred and stated that Article 123-30.A. (3) should be removed from the waiver request. **The Motion and second for Articles 123-30.A. (2) & (3) were withdrawn.** The Board agreed to review the waiver requests for Articles 123-30.D.(6) & (8) at the next meeting.

Mr. Bergeron amended the waiver request to just Article 123-30.A. (2). **Mr. Briggs made a motion, seconded by Mr. deFeyter, to approve the waiver request for Article 123-30.A. (2). Motion unanimously carried.** Ms. Duane read a waiver request for Article 123-30.D. (1). **Mr. Briggs made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-30.D. (1).** Ms. Duane asked if the applicant could remove the collapsed fence and replace it with trees even though it is on the school's property. Mr. Bergeron stated that it was an idea, but he does not know if the applicant will be happy with that. Mr. Briggs stated that he would rather see trees along the Whitaker property boundary. Mr. Bergeron stated that he would give that some thought. **The motion and second for Article 123-30.D. (1) were withdrawn.**

Ms. Duane read a waiver request for Article 123-30.1. Mr. Irving stated that this is a waiver request for architecture drawings not the architecture standards. **Mr. Briggs made a motion, seconded by Mr. Frank, to grant the waiver request for Article 123-30.1.** Mr. Frank asked if the applicant has any intentions of making any changes to the canopy including graphical elements. Mr. Bergeron stated that there are no changes at all proposed for the canopy. Mr. Irving suggested the canopy have a natural appearing factor. Mr. Bergeron stated that they might be able to vinyl side the canopy similar to the building. After further discussion, **Mr. Bergeron withdrew the waiver request for Article 123-30.1.**

The Board and the applicant discussed the parking lot layout and Mr. Bergeron agreed to look into adding a little more asphalt to the North. **Mr. Briggs made a motion, seconded by Mr. deFeyter, to continue the Minor Site Plan Review for Peterson Petroleum until March 8, 2001. Motion unanimously carried.**

Mr. Irving reviewed the items that need to be resolved:

1. Add drainage structure to the plans;
2. Accommodate perennial gardens to the north of the edge of parking;
3. Revisit the location of trees;
4. Revisit parking configuration;
5. Snow storage

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6. Material on canopy; and
7. Architectural drawings.

OTHER BUSINESS

Conway Area Humane Society – Lot Merger: The Board signed a lot merger for the Conway Area Humane Society combining Tax Map 265/276, Parcels 11/1 into one lot of record.

Mt. Washington Observatory – Lot Merger: The Board signed a lot merger for the Mt. Washington Observatory combining Tax Map 219, Parcels 1 & 2 into one lot of record.

Amendments to 123-17, 131-10, 131-11 and 131-20: Mr. Irving asked if the proposed changes (attached) were administrative in nature or do they need a public hearing. Mr. deFeyter stated that more issues should be addressed all at once and these do require a public hearing. **Mr. Briggs made a motion, seconded by Mr. Webster, that these changes are administrative in nature and do not require a public hearing. Motion carried with Mr. deFeyter and Mr. Waterman voting in the negative and Mr. Frank abstaining from voting.**

Mr. Briggs made a motion, seconded by Mr. Webster, to accept the changes to Articles 123-17, 131-10, 131-11, and 131-20 as proposed. Mr. deFeyter stated that these changes should be required to have a public hearing so the public will be made aware of these changes. Mr. Irving stated that we have no choice but to make these changes. **Motion carried with Mr. deFeyter voting in the negative.**

Meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Holly L. Meserve
Recording Secretary



Town Of Conway

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MEMO

TO: Sheila Duane, Planning Board Chair

FROM: Tom Irving, Planning Director

CC: Planning Board, File

DATE: 02/05/01

RE: Amendments to §123-17, §131-10, §131-11 and §131-20.

Message:

Please consider the attached amendments address the time period limitations for making a decision upon acceptance of a site plan application. The proposed amendments are administrative in nature and simply bring the regulations into conformance with the RSAs. We are compelled to adhere to the RSAs. We recognize and follow the 30 and 65 day periods indicated in the RSAs rather than the 90 day periods indicated in the site plan and subdivision regulations.

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123-17. Decision. Pursuant to RSA 676:4,I(c), the Board shall issue a decision within sixty-five (65) ~~90~~ days of application acceptance, subject to time extensions as per RSA 676:4,I(f). Applications ~~that which~~ are not accepted require no decision. The Board must approve, conditionally approve, or deny the application, as follows:

A. Approval. The Board shall grant approval to an application when it fully complies with this chapter, including both design standards and compliance with procedures, subject to waivers granted and grandfathered rights.

B. Conditional Approval. The Board may grant conditional approval to an application when minor additional action by the applicant will bring the application into full compliance for Approval. This may include payment of fees, changes in design, and other matters, subject to the requirements of RSA 676:4,I(i):

1. minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
2. conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
3. conditions with regard to the applicant's possession of permits and approvals granted by other governmental units.

C. Disapproval. The Board shall disapprove an application when it fails to comply with the design standards or procedures of this chapter, for failure to meet reasonable deadlines established by the Board, or for failure to pay fees. If the Board includes the phrase "without prejudice" in the motion to disapprove, it signifies that the application was denied for procedural reasons rather than design reasons, and that it may be re-submitted without design changes as a new application to the Board at a later date.

131-10. Action on completed application.

A. The Board shall consider the completed application within thirty (30) days of its acceptance. After review of the completed application and after a duly noticed public hearing, as provided in 131-11, the Board may grant a conditional approval of the completed application and request the applicant to prepare a final plat as provided for in 131-25 and 131-26. The Board shall act to approve or disapprove the completed application and final plat within sixty-five (65) ~~ninety (90)~~ days after submission of the completed application, subject to extension or waiver as provided in accordance with RSA 676:4-I(f).

B. Conditional approval shall be valid for a period as determined by the Planning Board, but not to exceed thirty (30) days, in order to enable the Planning Board to make the decision to approve or disapprove a proposal within sixty-five (65) ~~ninety (90)~~ days from the acceptance of the completed application.

C. Approval of the final plat shall be certified by written endorsement of the final plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary of the Board shall transmit a copy of the final plat with such approval endorsed in writing therein to the Registry of Deeds of Carroll County. The subdivider shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

D. If the Planning Board has not obtained an extension as provided in 131-10.A and has not taken action to approve or disapprove the completed application within sixty-five (65) ~~ninety (90)~~ days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.

131-11. Public Hearing.

Prior to approval of a subdivision, a public hearing shall be held as required by RSA 676:4-I(e) and notice to applicant and abutters and the public shall be given in accordance with 131-12. The public hearing shall be held within thirty (30) ~~ninety (90)~~ days after submission of the completed application. A public hearing may not be required for minor subdivisions as provided in 131-6.

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131-20. Action on completed concurrent application.

- A. e. The Board shall consider the completed concurrent application within thirty (30) days of its submission acceptance. The Board shall evaluate the subdivision and site plan separately, each on its own merits. After review of the completed concurrent application, and after a duly noticed public hearing as provided in 131-11, the Board may grant a conditional approval of the subdivision layout and request the applicant to prepare a final plat as provided for in 131-25 and 131-26. The Board may grant a conditional approval or a final approval of the site plan. The Board shall act to approve or disapprove the completed concurrent application within sixty-five (65) ninety (90) days of acceptance after submission of the completed concurrent application, subject to extension or waiver as provided in accordance with RSA 676:4-I(f).
- B. Approval of the final plat and site plan shall be certified by written endorsement on the final plat and site plan and signed by the Chairman or the Secretary of the Board. The Chairman, Secretary of the Board or its agent shall transmit a copy of the final plat and site plan with such approval endorsed in writing therein to the Register of Deeds of Carroll County. The applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plat or plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
- C. If the Planning Board has not obtained an extension as provided in 131-10.A, and has not taken action to approve or disapprove the completed concurrent application within sixty-five (65) ninety (90) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.
- D. Conditional approval shall be valid for a period as determined by the Planning Board, but in no case shall it be valid for a period greater than ninety (90) days from the date conditional approval is granted, unless extended in writing by the Board.