

CONWAY PLANNING BOARD

MINUTES

OCTOBER 11, 2007

A meeting of the Conway Planning Board was held on Thursday, October 11, 2007 beginning at 7:00 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; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Tobin, to approve the Minutes of September 27, 2007 as written. Motion carried with Mr. Martin and Mr. McFeeley abstaining from voting.

LETTER OF INTEREST FOR PLANNING BOARD MEMBER

Mr. Drinkhall stated that Raymond Shakir submitted a letter of interest for a Planning Board Member. **Mr. Martin made a motion, seconded by Mr. Porter, to keep Mr. Shakir's letter on file until the Board decides what they will do next. Motion carried with Mr. Sares voting in the negative.**

SACO & RYAN, LLC – MINOR SITE PLAN REVIEW (PID 276-59) FILE #MR07-03

Diane Smith of Thaddeus Thorne Surveys and Dr. Robert Rose, applicant, appeared before the Board. This is an application to construct a 630 square foot concrete pad for a 399 square foot mobile medical unit. Mr. Sares stated that the Conway Public Library is an abutter and he is a Library Trustee. Mr. Sares asked if there were any concerns with him acting on this application. There were no concerns by the Board. **Mr. Porter made a motion, seconded by Mr. McFeeley, to accept the application for Saco & Ryan, LLC for a Minor Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving stated at this time since we have received plans with changes as early as today and the Town Engineer has not been able to review the plans, he would suggest the Board waiting to act on the waiver request for drainage. Mr. Irving stated that we want to make sure there is no impact to the library site. Mr. Sares stated there is a letter from the Conway Public Library.

Mr. Drinkhall read the requirements to grant a waiver. Mr. Drinkhall read the letter from the Conway Public Library Board of Trustees. Mr. Drinkhall read the waiver request for §123-21. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver**

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for §123-21. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall asked if the Board wanted to wait to address the drainage waiver. Mr. Sares asked why the Board should wait to address the waiver. Mr. Irving stated that it is customary practice for the Town Engineer to review the plans. Mr. Sares stated that he recused himself from the vote taken by the Board of Library Trustees. Mr. Sares stated that the Town Engineer has ~~so~~ too much power and allowed too much time to hold up items up.

Mr. Sares asked why do these people have to wait for a MRI. Mr. Drinkhall stated that this is available in town and it is to their benefit. Mr. Porter stated that the idea is a sound idea, but we should stay with our policies. Mr. Porter stated if this were Dunkin Donuts this would not be the discussion. Mr. Porter stated it should be apples to apples. Mr. Sares asked to be shown the policy.

Mr. Drinkhall polled the Board to see how the Board wanted to address the drainage. Mr. Sares stated he would like to see a conditional approval. Ms. Sell asked how snow would be removed from the pad. Dr. Rose reviewed snow removal. Ms. Sell stated that she would like to see a conditional approval. Mr. McFeeley stated that the Town should review the drainage. Ms. Tobin stated that the Town should review the drainage. Mr. Martin stated that he would like to see a conditional approval. Mr. Porter stated the normal practice would save everyone in the long run. Mr. Drinkhall stated he thinks this is being pushed through.

Mr. Drinkhall read the waiver request for §123-20.F/131-67.C.8.a & 123-27. **Mr. Martin made a motion, seconded by Mr. Porter, to grant the waiver for §123-20.F/131-67.C.8.a & 123-27. Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-20.F/131-67.C.8.f. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver for §123-20.F/131-67.C.8.f.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion carried with Ms. Tobin abstaining from voting.**

Mr. Drinkhall read the waiver request for §123-29.D.8. **Mr. Porter made a motion, seconded by Ms. Tobin, to grant the waiver for §123-29.D.8.** Mr. Drinkhall asked for Board comment; Mr. Martin stated that he has a problem with the waiver as there is a tree missing from the plan. Mr. Martin asked if there is a large maple tree where the dumpster has been relocated. Mr. Irving stated that the plans have been revised since he reviewed them with Mr. Martin and the plans now show those trees. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §123-30. **Mr. Porter made a motion, seconded by Mr. Martin, to grant the waiver for §123-30.** Mr. Drinkhall asked for Board comment; Mr. Martin stated there should be a fence to block the view of the mobile unit from the Library view. Mr. Sares stated the intent of the letter from the

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Library Board of Trustees was for the fence to be installed if it were necessary. Mr. Drinkhall reread the letter from the Conway Public Library.

Mr. Martin stated that he would like to see the fence now and when the vegetation is enough to hide it then it could be removed. Mr. Porter stated that he agrees with Mr. Martin. Mr. Irving stated that he couldn't enforce the letter from the library. Mr. Porter stated that it should be installed now. Ms. Sell asked how tall is the medical unit. Mr. Rose answered approximately 11-feet. Ms. Sell asked how tall is the fence. Mr. Rose stated that it could be whatever is deemed necessary.

Ms. Sell asked about a carport. Mr. Porter stated he thinks the fence and the shrubbery would be better. Dr. Rose stated that a truck has to get in there to empty the dumpster. Mr. Drinkhall stated that the fence would be no greater than 8-feet in height. Mr. Martin stated that he is not trying to totally hide the trailer, but break it up until the vegetation fills in. Mr. Porter stated that the unit would only be there for 24-hours one day a week. Ms. Sell asked if the unit would be noisy. Mr. Rose stated there is an air conditioning unit on the top of the trailer. Mr. Drinkhall asked for public comment; there was none. It was the consensus of the Board to require a fence and to be part of the conditional approval. **Motion carried with Mr. Sares voting in the negative.**

Mr. Drinkhall read the waiver request for §131, Table 2. **Mr. Porter made a motion, seconded by Mr. McFeeley, to grant the waiver request for §131, Table 2.** Mr. Drinkhall asked for Board comment; Mr. Martin stated the existing driveway works fine and should not be changed. Ms. Tobin asked if there had to be any modifications to the driveway in order for a truck to deliver the trailer. Dr. Rose stated the existing driveway meets the specifications for the trailer. Mr. Irving stated that the physical layout of the site makes it impossible for the applicant to meet this requirement. Mr. Irving stated if the applicant was required to meet this requirement the driveway would be off their property. **Motion unanimously carried.**

The Board discussed the conditions of approval. Mr. Irving stated that the Conway Village Fire Chief has not submitted an approval and had some concerns. Dr. Rose stated he has spoken with the Fire Chief and he is confident that he has addressed all of his concerns. Mr. Irving stated if this is a part of conditional approval and there have to be modifications to the plan, it might require an approval by the Board. Mr. Irving reviewed the conditions of approval and asked Dr. Rose if they were acceptable. Dr. Rose answered in the affirmative.

Mr. Martin made a motion, seconded by Ms. Tobin, to conditionally approve the Minor Site Plan for Saco & Ryan, LLC conditionally upon Town Engineer Approval; Conway Village Fire Chief Approval; Conway Village Fire District Water and Sewer Approval; indicating an 8-foot high stockade fence on the plan extending from the middle of the second parking space from the north to the end and wrapping around the concrete pad to encompass the dumpster with a break at the tree well; indicating an evergreen buffer, 6-feet in height, along the eastern side of the fence to infill as appropriate without disturbing existing trees; adding a note

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to the plan that “The fence can be removed up to the tree well along the eastern edge of the fence once the vegetation grows to become equal height and density of the fence”; submitting 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 January 28, 2008. Motion unanimously carried.

MRM REAL ESTATE DEVELOPMENT, LLC AND SC LOOKOUT, LLC (PID 246-20) FILE #MR07-04

Roger Williams of OVP Management appeared before the Board. Dot Seybold of OVP Management was in the audience. This is an application to allow 24-hour operation of drive-up windows for buildings B and D. **Mr. Porter made a motion, seconded by Ms. Tobin, to accept the application for MRM Real Estate Development, LLC and SC Lookout, LLC for a Minor Site Plan Review as complete. Motion unanimously carried.**

Mr. Drinkhall read the waiver request for §147.13.8.13.2. **Mr. Porter made a motion, seconded by Mr. McFeeley, to grant the waiver request for §147.13.8.13.2.** Mr. Drinkhall asked for Board comment; Mr. Sares stated there could be an impact with granting this waiver because two other pharmacies could do the same thing. Mr. Drinkhall asked for public comment; Steve Hurst of Saco River Campground asked about light and noise. Mr. Williams stated that the photometric plan indicates that no light leaves the property and there are no speakers at Walgreens. **Motion unanimously carried.**

Ms. Tobin made a motion, seconded by Mr. Porter, to approve the Minor Site Plan for MRM Real Estate Development, LLC and SC Lookout, LLC. Motion unanimously carried. The plans were signed.

OTHER BUSINESS

§123 and §131 Amendments: Mr. Irving stated in order to facilitate an efficient review; staff is recommending a change to the time in which applications must be submitted. **Ms. Tobin made a motion, seconded by Mr. Porter, to hold a public hearing on October 25, 2007 in regard to §123-9, §131-7.A., §131-9.A and §131-19.A. Motion unanimously carried.**

Robert and Cathy Hill/Gardner Perry (PID 277-70, 71 & 72) – Extension of Conditional Approval (File #S07-14): Mr. Irving stated that the applicant needs more time in dealing with a neighbor to have the neighbors shed removed from the applicant’s property. **Mr. Porter made a motion, seconded by Ms. Tobin, to grant the extension of Conditional Approval for Robert and Cathy Hill and Gardner Perry until June 28, 2008. Motion unanimously carried.**

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Joseph III and Lisa Querci (PID 218-101) – Conditional Approval Expired (File # FR05-16 & #S05-17): Mr. Irving stated that the applicant has failed to meet the conditions of approval. Mr. Irving stated that tried to contact the applicant via telephone and a certified notice was sent and picked up, but the applicant has not responded. **Mr. Porter made a motion, seconded by Ms. Tobin, to deny the application of Joseph III and Lisa Querci without prejudice for failure to meet the conditions of approval. Motion unanimously carried.**

Committee Reports: There were none.

Lighting: Mr. Drinkhall stated that NHCOOP has changed the lighting in front of his home that does not meet the Town of Conway lighting specifications. Mr. Martin reviewed the lighting installed by NHCOOP.

Meeting adjourned at 8:35 pm

Respectfully Submitted,

Holly L. Meserve
Planning Assistant