

CONWAY PLANNING BOARD

MINUTES

OCTOBER 25, 2007

A meeting of the Conway Planning Board was held on Thursday, October 25, 2007 beginning at 7:05 pm at the Conway Town Office in Center Conway, NH. Those present were: Acting Chair, Steven Porter; Selectmen's Representative, Larry Martin; Sean McFeeley; Theodore Sares; Patricia Sell; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of October 11, 2007 should be amended as follows: page 2, 1st full paragraph, line 5 should read, “..Engineer has so too much power...”. **Mr. Martin made a motion, seconded by Mr. McFeeley, to approve the Minutes of October 11, 2007 as amended. Motion unanimously carried.**

ROBERT AND EUNICE MCINTIRE – FULL SITE PLAN REVIEW (PID 253-42) FILE #FR07-16

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to construct a 2,100 square foot storage addition and associated infrastructure. **Mr. Martin made a motion, seconded by Mr. McFeeley, to accept the application of Robert and Eunice McIntire for a Full Site Plan Review as substantially complete. Motion unanimously carried.**

Mr. Smith asked that the application be continued in order to address some outstanding issues. Mr. Porter asked for public comment; there was no public in attendance. **Mr. Sares made a motion, seconded by Mr. Martin, to continue the Full Site Plan Review for Robert and Eunice McIntire until November 8, 2007. Motion unanimously carried.**

PUBLIC HEARING - §123-9 – SUBMISSION OF APPLICATION MATERIALS AND PUBLIC HEARING – §131-7, §131-9 & §131-19 – DESIGN REVIEW AND FILING AND SUBMISSION OF APPLICATIONS

This is a public hearing to change the submission of application materials from twenty-one days to twenty-two days and to change the submission of new information on continued applications from seven days to ten days in both the site plan review and subdivision review ordinances.

Mr. Porter opened the public hearing at 7:10 pm. Mr. Porter asked for public comment; there was none. Mr. Porter asked for Board comment; there was none. **Mr. Sares made a motion, seconded by Mr. Martin, to adopt the amendments to §123-9 and §131-7, §131-9 & §131-19 as written. Motion unanimously carried.**

OTHER BUSINESS

MSK Property Management, LLC (PID 276-274) – §123-4.A.5: Mr. Irving stated that the applicant is requesting to convert a 1,989 square foot residential unit to office space. Mr. Irving stated that the proposal meets the requirement of 123-4.A.4, but they have already used their two non-applicable under §123.4.A.4.

Mr. Martin made a motion, seconded by Mr. McFeeley, that the conversion of 1,989 square foot residential unit to office space 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.

Mr. Porter asked for Board comment; Mr. Sares stated there is a dwelling that is commercial and has one residential unit and the applicant is converting the dwelling to all commercial. Mr. Irving answered in the affirmative. Mr. Sares asked if it went to all commercial and the applicant wanted the residential unit back would it require a site plan review. Mr. Irving stated that it would have to come back to Board as either a small undertaking or a site plan review. Ms. Sell asked if the new use required more parking spaces. Mr. Irving answered in the affirmative and stated there is a significant amount of parking on the site already. Mr. Irving stated in his opinion there is sufficient on site infrastructure. **Motion unanimously carried.**

Steven and Anita Cheney (PID 216-13) – Request for Concurrent Site Plan and Subdivision Review: Mr. Martin made a motion, seconded by Mr. McFeeley, to allow a Concurrent Site Plan and Subdivision Review for PID 216-13. Mr. Porter asked for Board comment; Mr. Sares asked the location. Mr. Irving explained the location. **Motion unanimously carried.**

Pastureview Development (PID 283-22.1) – Extension of Conditional Approval (File #S07-07): Mr. Martin made a motion, seconded by Mr. McFeeley, to extend the conditional approval for Pastureview Development until December 13, 2007. **Motion unanimously carried.**

2008 Planning Board Meeting Dates: Mr. Irving reviewed his memorandum dated October 18, 2007. Mr. Martin made a motion, seconded by Mr. Sares, to change the January 10, 2008 Planning Board meeting to January 3, 2008. **Motion unanimously carried.**

Committee Reports: Mr. Martin stated that Mr. Irving has finalized an amendment to the regulations regarding expiration dates for conditional approvals and extending a conditional approval's expiration date and, hopefully, a time frame will be available at the next meeting.

Conway School District and Conway Scenic Railroad (PID 264-56 & 57) – Extension of Conditional Approval (File #S07-16): Ms. Sell stepped down at this time. Mr. Martin made a motion, seconded by Mr. McFeeley, to extend the conditional approval for the Conway School District and the Conway Scenic Railroad until December 13, 2007. Mr. Porter asked for Board comment; Mr. Martin stated that something has come up from a legal standpoint and asked if the Board could table the extension until it is cleared up. Mr. Irving stated that it is the Board's decision on whether to extend the conditional approval expiration date or not.

**ADOPTED: November 8, 2007 – As Amended
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Mr. Irving stated if the Board does not vote to extend the conditional approval then it expires. Mr. Irving stated that the Board could vote to extend the conditional approval with the condition that any legal issues regarding this application must be resolved prior to final approval. Mr. Irving stated that there are many items on the plan that have not been constructed, for example, the driveway on the plan has conforming curb flairs, on the ground today the curb flairs don't conform and a waiver would have been required for them to remain. Mr. Irving stated that it would be his recommendation to extend the conditional approval's expiration date. Mr. Irving stated that this would allow the School Board and the Board of Selectmen time to work out any issues.

Mr. Martin stated that the legality is whether or not it is a Town road and the fact that they have not done anything to conform why should the Planning Board extend the application's expiration date if they weren't playing by the rules. Mr. Martin stated he struggles to grant the extension at this time. Mr. Sares asked what is the next move.

Doug Burnell stated he was at the Planning Board meeting for an unrelated matter and not there to request a continuance for the Conway School Board. Mr. Burnell stated that there hasn't been a decision from the School Board on whether they want to move forward with this or not. Mr. Burnell stated that they are waiting to resolve the State driveway issue first. Mr. Burnell stated late last week the applicant received word that a driveway permit is not necessary and he needs to report back to the School Board. Mr. Burnell stated if they do go ahead they may have to reapply and since this just happened they are trying to re-access. Mr. Burnell stated the School Board needs another meeting to decide.

Mr. Sares stated that this involves some drainage issues and those issues require State approval. Mr. Irving stated that that was an issue the State had raised. Ms. Sell, who was in the audience, stated that ~~the road~~ Olympic Lane has inadequate drainage. Ms. Sell stated that she is requesting, on the basis that the Town of Conway owns the road and that it is not a school driveway and the School plan was submitted in a manner which did not follow statutory requirements as outlined in RSA 674:54, that the Planning Board not extend the conditional approval. Ms. Sell stated pursuant to RSA 229:1 and RSA 231:27 the matter should be deferred to the Board of Selectmen. Ms. Sell read from the attached statement. **Mr. Martin rescinded his motion and Mr. McFeeley rescinded his second**

Mr. Sares made a motion, seconded by Mr. McFeeley, to deny the application of the Conway School District and the Conway Scenic Railroad without prejudice for failure to meet the conditions of approval. Motion unanimously carried.

Meeting adjourned at 7:40 pm

Respectfully Submitted,

Holly L. Meserve
Planning Assistant