

CONWAY PLANNING BOARD

MINUTES

DECEMBER 11, 2008

A meeting of the Conway Planning Board was held on Thursday, December 11, 2008 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Robert Drinkhall; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Theodore Sares; Dana Hylen; John Edgerton; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

The Minutes of November 13, 2008 should be amended as follows: page 10, under Resignation of Sean McFeeley, paragraph 1 line 2, should read: "...attached hereto). **Ms. Sell made a motion, seconded by Mr. Sares, to appoint John Edgerton. Motion unanimously carried.**"; and page 10, under Adjourn, line 1, should read "Mr. Drinkhall moved, seconded by Mr. Edgerton, to...". **Mr. Drinkhall made a motion, seconded by Mr. Sares, to approve the Minutes of November 13, 2008 as amended. Motion carried with Mr. Hylen abstaining from voting.**

SC LOOKOUT, LLC – MINOR SITE PLAN REVIEW (PID 246-20.001) FILE #MR08-02

Mark Lucy of White Mountain Survey and Roger Williams, Construction Manager of OVP Management, appeared before the Board. This is an application to convert 3,750 square feet of retail space to a 130 restaurant seat/45 lounge seat restaurant. **Ms. Tobin made a motion, seconded by Mr. Drinkhall, to accept the application of SC Lookout for a Minor Site Plan Review as complete. Motion unanimously carried.**

Ms. Sell asked how many parking spaces they were asking to be waived. Mr. Irving stated that they are requesting an alternative parking analysis rather than a waiver. Mr. Lucy explained the parking calculations. Ms. Tobin asked if the restaurant would be part of the existing retail space or a separate business. Mr. Lucy stated that it is a change of use from retail to restaurant. Mr. Williams stated that it is a separate tenant.

Mr. Sares asked if it were a chain restaurant. Mr. Williams answered in the negative and stated that it is a local person. Mr. Edgerton asked if the lounge seats are a part of the 130 seats. Mr. Williams answered in the negative and stated that they are separate. Mr. Porter asked for public comment; there was none. Mr. Irving asked the location of the outdoor seats. Mr. Williams explained under the overhang.

Mr. Porter read a letter requesting the use of a parking analysis. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, to accept the shared parking analysis.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

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Mr. Porter read the waiver requests for §123-20.F/§131-67.C.8.c/§123-29.A.4; and §147.13.8.13.2.4. **Ms. Tobin made a motion, seconded by Mr. Edgerton, to grant the waiver request for §123-20.F/§131-67.C.8.c/§123-29.A.4; and §147.13.8.13.2.4.** Mr. Porter asked for Board comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall made a motion, seconded by Ms. Sell, to approve the Minor Site Plan for SC Lookout, LLC. Motion unanimously carried. The plans were signed.

RICHARD B. EARLE REVOCABLE TRUST – BOUNDARY LINE ADJUSTMENT (PID 283-43 & 44) FILE #S08-09

This is an application to add approximately 36 acres to PID 283-43 from PID 283-44. **Mr. Irving stated that the applicant has withdrawn the application.**

FRAM DONUTS, INC/DUNKIN DONUTS – FULL SITE PLAN REVIEW CONTINUED (PID 277-287) FILE #FR08-06

This is an application to construct a 1,700 square foot/18-seat restaurant and associated infrastructure. This application was accepted as complete on August 28, 2008. **Mr. Drinkhall made a motion, seconded by Ms. Sell, to continue the Fram Donuts, Inc/Dunkin Donuts for a full site plan review until February 12, 2009 with new information to be submitted by Friday, January 30, 2009. Motion unanimously carried.**

RIVER RUN COMPANY, INC / THE STATION HOUSE – FULL SITE PLAN REVIEW (PID 218-56) FILE #FR08-07

This is an application to demolish the existing gas station and construct a 4,623 square foot/6-lodging unit building and associated infrastructure. This application was accepted as complete on October 9, 2008.

Ms. Tobin made a motion, seconded by Mr. Drinkhall, to continue the application of the River Run Company, Inc/ The Station House for a full site plan review until February 12, 2009 with new information to be submitted by Friday, January 30, 2009. Motion unanimously carried.

OTHER BUSINESS

Adventure Suites (PID 202-14) – §123-4.A.5 to replace and make modifications to existing shed: Mr. Irving stated that the applicant has withdrawn this request.

Call for public hearing on proposed Zoning Amendments: Mr. Sares made a motion, seconded by Ms. Tobin, to hold a public hearing on the proposed Zoning Amendments to signs on January 22, 2009. **Motion unanimously carried.**

Mr. Sares made a motion, seconded by Ms. Tobin, to hold a public hearing on petitioned Zoning Amendments on January 22, 2009. Motion unanimously carried.

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Mr. Drinkhall asked, in regard to wind turbines, what are the building permit fees. Mr. Irving answered the current building permit fees would apply. Mr. Drinkhall asked, under item C on page 3, if utility outages affect the amount of noise. Mr. Irving stated that this is part of the model ordinance from the State and he suspects that they meant that if there were a power outage the turbine would be running and would be the only source of power. Ms. Tobin stated it might be more noticeable if there were no other sounds, but the ordinance does measure strictly by decibels.

Mr. Drinkhall stated under item #4 on page 5 should the Board include language for recovery of all legal and all other incurred costs by this action. Ms. Sell stated that she thinks it is a good idea to include that type of language. Mr. Irving stated that he would be hesitant to add the language as it may be overstepping the authority by the State. Mr. Irving suggested keeping the amendment in mind and review it again next year. Mr. Porter suggested where this ordinance is new accepting it as it is and then take the opportunity to review next year. Mr. Sares suggested waiting a while and then modify it as we go along.

Mr. Drinkhall stated it doesn't make it more restrictive just helps enforce it. Mr. Drinkhall suggested at the very end of item #4 on page 5 to include the following language "including recovery of all legal and other expenses incurred by this action". **Ms. Sell made a motion, seconded by Mr. Drinkhall, to amend and include language proposed by Mr. Drinkhall.** Mr. Sares stated that he is reluctant to make changes. Ms. Sell stated that they are trying to make it very clear and help protect the Town from legal expenses. **Motion carried with Mr. Sares abstaining from voting.**

Ms. Tobin made a motion, seconded by Mr. Drinkhall, to hold a public hearing on wind turbines as amended on January 22, 2009. Motion unanimously carried.

The Board agreed not to make any changes to item C on page 3.

Committee Reports: There were none.

Alternate Member: Mr. Sares stated that Steve Hartmann owner of the Nearledge Inn is interested in being appointed as an alternate. Mr. Irving stated that Ray Shakir is also interested in being an alternate. Ms. Tobin stated that she has her reservations regarding Mr. Shakir. The Board agreed to invite Mr. Hartmann to come to the next meeting. Mr. Sares agreed to invite Mr. Hartmann to the next meeting on behalf of the Board.

Meeting adjourned at 7:48 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant