

Minutes, Planning Board, June 14, 2012

Present: Joe Strzegowski, Mike Kurkulonis, Diane Poland, Kate Eugin-Moore, and David Barten

The meeting began as posted at 7:00. There were seven items on the agenda:

(1) election of officers, and representatives chosen for CPA Committee and FRCOG ad-hoc Open Space Committee—Because Joe and Mike were senior members by virtue of their experience with Conway's previous Planning Boards, they were both offered the opportunity to chair the Board. Both declined, and Diane volunteered and was elected, Joe accepting the position of Vice-chair to provide her with back up. Both Diane and Joe were elected unanimously after motions were made and seconded. David was unanimously elected Clerk, the position he held on the previous board, again after a motion was made and seconded.

As for representation on other committees, Kate wanted to be the rep from the Board to the CPA Committee, and after a motion and a second, she was unanimously chosen. Diane wanted to be the rep from the Board to the FRCOG ad-hoc committee charged with updating the Open Space Plan, which has not been updated since it was drafted in 2000. After two motions, she too, was unanimously chosen.

(2) Review of history of Conway Planning Boards—Joe and Mike represent the two earlier phases of Conway's Planning Board, the first when the Select Board of three was the Planning Board, and the second, with Mike as chair, when it was composed of the Selectmen plus two others, these two being Mike and Whit Sanford. David took Whit's place in the Spring of 2011.

The discussion about history quickly became a focus on the present, with the members wanting to identify the Board's responsibilities. The need to create a master plan was put forward. There was interest in why an acceptable one had not been drawn up after a committee had been created by the Town in 2005 to do so, and \$25,000 given to fund its work. Mike responded by saying that the members of the five-member Board, of which he was Chair, found the submitted draft lop-sided because preservation of land and bucolic setting were the focus, with no attention to the need to encourage economic development and building of houses in Conway, as a means to raise the funds required to offset loss of revenue through preservation of land. As it happened, the Committee empowered to create the master plan divided, and quit, leaving Mike and Whit to salvage what they could. Thus, there is a draft of a plan, which is not acceptable, with \$5,000 left to be spent on it.

The discussion shifted to master plans as created by other towns, and their relationship to planning boards. Joe said that most plans—not all towns have plans in place—assumed the Town had accepted the State's insistence that there be a subdivision Bylaw, which encouraged development by developers, and whose plans and activities would be watched over by planning boards. Because Conway had never accepted this suggestion, the Town's Planning Board was not a significant player in the matter of what is built on private land in Conway. Joe said that towns

in the region are beginning to see that acceptance of the subdivision Bylaw created sprawl along road ways, and on their own were adopting Conway's solution of directing development to back lots as the means for preserving bucolic road frontage, and at the same time supporting development. The idea is now called "flexible development." Joe suggested that the Board ask Tom Spiro to get a copy of Worthington's Bylaws to see how they have formulated the idea, since they have instituted "flexible development," and Tom lives there. David volunteered to talk to Tom.

(3) Protective Bylaws—Anticipating that there would be discussion about Conway's protective bylaws David sought the help of the Town Clerk, who updated the "Protective Bylaws of The Town of Conway", so the list of Bylaws are those applicable in the present. These were given each member, along with other documents: Tom Spiro's "What is the Role of the Planning Board? (March 2, 2011), "Outline Of The Planning Board's Responsibilities Concerning The Conway Protective Bylaw" (Drafted February 2, 2010), and "Conway's Protective Bylaws that pertain to the Planning Board".

Joe suggested that each member study the updated Protective Bylaws to see that the role of the new Planning Board is represented correctly, for the Selectmen could be shown still to have the responsibilities that are now those of the new board. The members agreed this was a good idea.

(4) How to proceed—Diane as the new chair wanted the Board to prioritize projects that needed doing. She volunteered to study the draft of the master plan and see what could be salvaged and made the basis for a new plan. She hoped to have this done by the next meeting.

What followed was a discussion about possible projects needing attention. These included the longstanding idea that Conway's center needed to be served by a waste-water treatment plant, that there was need for housing for Conway's elderly population, and that the garage project needs to be moved forward. Joe spoke to matter of housing for the elderly, and Mike about the garage project, since he is member of the Garage Committee.

Mike listed projects that the previous Board had addressed. These were (1) renovation of the Town hall; (2) the condemned house on Academy Hill Rd.; (3) the highway garage; (4) firehouse; (5) storage of Town records; (6) ball field; (7) verbiage in zoning regulations; (8) trust funds. Mike's list was followed by discussion about several of the items, the interest being in the issues involved and whether progress had been made towards resolving problems. Joe thought the matter of Trust Funds, because it was the Select Board's legal responsibility to watch over them, was not a project that lay within the Planning Board's jurisdiction, and should not be pursued, unless it were to suggest a "Trust Commission" be created by the Town to assume responsibility.

One point that emerged from the give and take about this list was the role of the Planning Board in the building of houses or other structures: At present it does not have an actual role, but, out of courtesy, does usually review plans brought before it by persons who assume the Board has a role: If a subdivision bylaw were in effect, this would be different. Joe and Mike both thought that the Board should have a role, which would be "site plan review," of all building projects. The Board would act in an advisory capacity only, and have no legal authority to prevent a project from going forward unless bylaws were violated. The members agreed this was a good idea and should be pursued. Such a role would likely have to be okayed by the Town at a meeting.

(6) A special permit requested—Mike had learned that it was likely Jim Dowd, a Conway resident, would approach the Board asking it to grant a special permit so he could build a shed whose placement on his property would extend into the twenty-five foot buffer zone, a violation of the Town's Protective Bylaw. The Franklin Building inspector would not grant a permit because of the violation, and therefore Dowd was seeking a variance. Joe questioned whether this matter was one for the Planning Board; he thought that it was more likely one for the Conway Zoning Board of Appeals, whose members are Lee Whitcomb, Mark Silverman, and Jeannie Boyden. Joe thought he would look into the matter, talking to both Dowd and the Inspector.

(7) Future meetings—the members all agreed that the Board has much work to do and, therefore should meet twice a month. It was agreed that these days would be the first and third Thursdays of each month, the next two meetings being on July 5 and July 19. Because Rick Bean has been designated by the Select Board as its liaison to the Planning Board, he should be invited to attend the next meetings.

As for the agenda for the July 5 meeting, Diane may have her edited master plan ready for discussion. Joe wants to have Conway's elderly and Senior housing as an agenda item, and he will also present the results of his own search in the Protective Bylaws for where the Select Board is now wrongfully described as having the responsibilities of the Planning Board. Joe pointed out that any change in the Bylaws requires hearings well in advance of the fall Special Town Meeting, where such changes have to be placed before the Town, and so the Board has to have identified these changes at the July 5 meeting.

There being no other items on the agenda, Diane called for an end to the meeting. The motion was made and seconded, and the new Conway Planning Board's meeting ended at 9:10 pm.

Respectfully submitted,

David Barten, Clerk

