

## Conway Planning Board (PB)

February 20, 2020

### Minutes – Meeting

**Members Present:** Beth Girshman (Chair), Joseph Strzegowski (Vice-Chair), Mary McClintock, Bill Moebius, Jennifer Mullins

**Other attendees:** John Moore (Roaring Glen Farms, LLC), Lisa Gustavsen (Roaring Glen Farms, LLC), Elizabeth Potter

**Location:** Conway Town Offices

### Meeting called to order at 6:00 pm

1. Motion by Bill to approve the minutes of February 6, 2020, as presented; seconded by Joe. Motion passes, 5-0-0. Regarding Feb 13 hearing minutes: Revise C. on last page, application for cell tower special permit is on the agenda for March 12th, not on March 5<sup>th</sup>. Motion by Bill to approve the minutes of February 13, 2020, as amended; seconded by Joe. Motion passes, 5-0-0.
2. Roaring Glen Farms, LLC special permit application – deliberations.
  - a. The Planning Board's choices are to either: Deny, grant permit w/o conditions, grant permit with conditions. Motion by that the Planning Board grant a Special Permit application with conditions, seconded by Bill. Roll call vote: Girshman: Aye; McClintock: Aye; Moebius: Aye; Mullins: Aye; and Strzegowski: Aye.
  - b. Planning Board deliberated on specifics of findings and conditions. Joe offered to revise draft and bring to March 5 meeting for further discussion, deliberation and vote.
3. Whately Glen Road as public way – concerns were raised from abutters to Roaring Glen Farms that Whately Glen Road was being treated as private road. Status of this road is that County commissioners did not discontinue this road. County roads are maintained by the town. Whately Glen Road is considered an unmaintained county road and it remains a public way. Beth will ask Select Board to write a letter to Roaring Glen Farms clarifying the status of Whately Glen Road, so that they are aware it is open to public traffic (foot/vehicle/horse/etc.)
4. Vertex Tower Assets special permit/site review
  - a. Town Counsel opinion is that: the (federal) Telecommunications Act does limits local board's authority to some extent. While a local board may rule on issues of the construction, modification or placement of towers, it may not take any action which would discriminate between different providers of personal wireless services.
  - b. *"I note, also, that while our bylaw point to 47 U.S.C. 332(c)(7)(ii) as defining "duly licensed wireless carriers," in fact, that section only defines "personal wireless service facilities " as facilities for the provision of personal wireless services. Given the current practice of using infrastructure developers instead of a traditional wireless carrier (such as Sprint or Verizon), and the statutes mandate not to discriminate among providers, it is my opinion that the Board may, if it so chooses, grant a permit to the Applicant, especially if conditioned as you have suggested. I also don't believe a use variance is necessary. The use here is an allowed use and no variance is needed. In my opinion, for the reasons stated, the Board may condition the permit as suggested to the Applicant."*
5. Multi-hazard action plan – Action items from 2019 mitigation plan update: establishing river corridor overlay. Continued discussion re: adding "reduce or eliminate the potential for

localized flooding events” to Section 32, Environmental Controls of protective by-laws. (Joe)  
– No discussion

6. Tiny houses, affordable housing and Zoning by-laws – No discussion
7. Planning projects discussion for FY 2019-2020, items below – No discussion
  - 8a. *Zoning use table revision (Joe and Mary)*
  - 8b. *Marijuana bylaw – medical additions – for town meeting, May 2020 ?*
  - 8c. *2013 Master plan review and update (one section) (Bill)*
  - 8d. *Multi-hazard mitigation action items*
  - 8e. *Small scale solar bylaw, 15 KW? (Beth)*

*Pending and possible:*  
*SPR(s) Hearings for tentative solar installations (Goodridge; Forcier property)*
8. Mail/email – Nothing additional
9. Old Business – None
10. New Business not reasonably anticipated 48 hours in advance -- Update from Joe on the Citizens’ Petition revising marijuana zoning bylaw.
  - a. Joe met to understand their intention and whether the actual wording meets that intention. He spoke with Attorney Generals’ office to confirm that warrant article wording and format can be changed at Town Meeting, as part of that process.
  - b. Joe also contacted Building Inspector and determined that their office has no jurisdiction to deal with “public nuisances” - if there is an odor complaint that would be forwarded to Conway Board of Health.
  - c. Petitioners are currently revising their text.
  - d. Public hearing – legal notices to paper; posted in town
  - e. Other town committees to be notified: Board of Health, Assessors, Fire, Police, Ag Commission, Conservation Commission
  - f. Mary and Beth will send out press release. They will also check to see if new online Visitor equivalent is available yet.
11. Schedule, PB meetings  
Generally 1st and 3rd Thursdays, 6-7:30pm  
**Note Change of Date for March Meetings:**  
March 5, 2020: Planning Board Meeting  
March 12, 2020: Planning Board Meeting  
March 26, 2020 at Town Hall: Public Hearing on Citizens’ Petition – proposed bylaw change  
There is no meeting on March 19, 2020.

Motion by Mary to adjourn the meeting; seconded by Bill. Motion passes, 5-0-0.

Adjourned at 8:30 pm.

Respectfully submitted,  
Mary McClintock