

**CONWAY PLANNING BOARD**

**MINUTES**

**SEPTEMBER 8, 2022**

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## CONWAY PLANNING BOARD

### MINUTES

SEPTEMBER 8, 2022

A meeting of the Conway Planning Board was held on Thursday, September 8, 2022 beginning at 7:00 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Ben Colbath; Vice Chair, Ailie Byers; Secretary, Erik Corbett [via video]; Eliza Grant; Mark Hounsell; Alternate, Ted Phillips; Alternate, Steven Hartmann; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw.

#### APPOINTMENT OF ALTERNATE MEMBERS

Mr. Phillips and Mr. Hartmann were appointed as voting members during the work session.

#### REVIEW AND ACCEPTANCE OF MINUTES

**Ms. Grant made a motion, seconded by Ms. Byers, to approve the minutes of August 11, 2022 – work session, August 11, 2022 – regular session, and August 25, 2022 as written. Motion carried with Mr. Hartmann abstaining from voting.**

#### BLUEBIRD COMMUNITY DEVELOPMENT, LLC (FILE #FR22-08) – FULL SITE PLAN REVIEW (PID 277-189)

Kate Richardson of Bergeron Technical Services appeared before the Board. This is an application to convert a single-family home to a five-unit apartment building with associated infrastructure. Ms. Grant stepped down at this time. **Mr. Colbath made a motion, seconded by Mr. Hartmann, to accept the application of Bluebird Community Development, LLC for a full site plan review as complete. Motion carried unanimously.**

Ms. Richardson reviewed the project with the Board. Mr. Colbath asked for Board comment; Mr. Colbath stated he loves this project; it is duly needed. Mr. Hounsell asked on a project like this is it a single meter or five meters. Ms. Richardson stated each unit will be charged. Mr. Hounsell asked five meters then. Ms. Richardson answered in the affirmative.

Mr. Hounsell stated he is concerned with the buffer between this property and the Hounsell property. Ms. Richardson stated the trees will remain between Mr. Hounsell's property; nothing beyond the infiltration basin will be removed. Mr. Hounsell asked if there has been consideration given to a privacy fence. Ms. Richardson stated there has not. Mr. Colbath asked if that buffer has a mix of deciduous and conifers. Ms. Richardson stated there are mostly conifers. Mr. Colbath asked if they considered something evergreen to provide year-round shielding. Ms. Richardson stated they didn't want to plant trees that are not going to survive.

Mr. Colbath asked for public comment; Ted Hounsell stated he is glad something positive is happening, but he wants to make sure he is not looking out his living room at something that is

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undesirable. Mr. Ted Hounsell stated he doesn't want to see any of the greenery removed. Ms. Richardson stated the lot was brushed earlier this year; with that extent it is pretty much how it is going to remain. Mr. Hounsell asked if there would be a dumpster. Ms. Richardson answered in the affirmative and stated it would be screened with a stockade fence.

John Colbath, citizen, resident, and who grew up on West Main Street stated this property has always been a beautiful property; it was owned by the Frunzi family. Mr. John Colbath stated he is very much in favor of what is being done here and commend the Bluebird Project for maintaining the architecture and for providing rental units.

Ms. Byers stated the infiltration system and the snow storage area overlap and asked Ms. Richardson to speak to that. Ms. Richardson stated the infiltration is a surface drainage, the soils in the area of Pequawket Pond have a perched water table, so the installation of underground infiltration/drainage systems does not work really well there. Ms. Richardson stated they have a surface infiltration basin; it takes the drainage off the parking lot, spreads it out and allows it to seep into the ground slowly over a larger area.

Ms. Richardson stated if they store snow any where else, because this is a sloped parking lot, when the snow melts that is going to drain across the parking lot and if there is a freeze/thaw cycle the parking lot ends up with ice. Ms. Richardson stated the idea of the infiltration system being adjacent to the snow storage is as that snow melts it goes right into the infiltration system.

Ms. Richardson stated there is a concern with "snow curbing" where snow stops the drainage from going where it needs to go; having the snow storage over the infiltration basin snow can be plowed further into it which will stop that ponding from happening. Ms. Richardson stated the idea of putting snow storage over the infiltration basin is it is being put where you want it to go anyway.

**Mr. Hounsell made a motion, seconded by Ms. Byers, to accept the parking standard alternative.** Mr. Colbath asked for Board comment; Mr. Hartmann asked why they want to use an alternative parking standard. Ms. Richardson answered for space saving purposes and to not create parking where it is not necessary. Ms. Richardson stated there are two studio apartments that we are thinking will not require the two parking spaces. **Motion carried unanimously.**

Ms. Richardson read a waiver request for §110-20.F./§130-66.C.8.(f). **Mr. Hounsell made a motion, seconded by Mr. Hartmann, to accept the waiver request for §110-20.F./§130-66.C.8.(f).** Mr. Colbath asked for Board comment; Mr. Hounsell asked if the granite stones along that edge would be removed. Ms. Richardson answered in the negative. Mr. Hounsell asked why they would not function the same way a granite curb would. Mr. Hounsell stated curbing would not add any benefit; he doesn't see the need for granite curbing in that area.

Mr. Colbath asked how are you going to ensure vehicle tires stay where they are supposed to and not create undo wear and tear on a town road. Ms. Richardson stated there is more of a concern with drainage and creating a problem and a safety concern. Mr. Colbath asked if this is unique to this lot. Ms. Richardson answered in the affirmative. **Motion carried with Mr. Hartmann voting in the negative.**

Ms. Richardson read a waiver request for §110-20.I. **Mr. Hounsell made a motion, seconded by Mr. Hartmann, to accept the waiver request for §110-20.I.** Mr. Colbath asked for Board comment; Mr. Hartmann asked if another catch basin could be installed. Ms. Richardson answered in the affirmative, however, it would require work on the road, and they are trying not to work in the road. Shawn Bergeron of Bergeron Technical Services stated the catch basins on Hobbs Street are piped. Ms. Richardson stated it is a catch basin and not a drainage structure, they are piped together; we would have to pipe it into the drainage system because inground infiltration will not work. **Motion carried with Mr. Hartmann voting in the negative.**

Ms. Richardson read a waiver request for §110-29.A.(2) & (3). **Ms. Byers made a motion, seconded by Mr. Phillips, to accept the waiver request for §110-29.A.(2) & (3).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Ms. Richardson read a waiver request for §110-29.D.(8). **Mr. Hartmann made a motion, seconded by Mr. Hounsell, to accept the waiver request for §110-29.D.(8).** Mr. Colbath asked for Board comment; there was none. **Motion carried unanimously.**

**Ms. Byers made a motion, seconded by Mr. Hartmann, to conditionally approve the full site plan for Bluebird Community Development, LLC conditionally upon Town Engineer approval; providing a detail of the proposed bike rack; submitting a copy of the recorded deed restriction for the units designated as full-time rentals to be leased at least 20 years and indicate book and page number on plan; revising waivers granted table [if necessary]; submitting four copies of revised plans with original stamps and signatures; submitting \$200 for inspection fees; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements [if necessary]; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval expires on September 14, 2023. Motion carried unanimously.**

#### **W. MICHAEL LYNCH AND ELIZABETH ESTEY (FILE #S22-03) – TWO-UNIT SUBDIVISION REVIEW (PID 214-42.01)**

Ms. Grant rejoined the Board at this time. This is an application to create two residential units. Mr. Torres stated that the applicant has asked that this application be deferred to the October 13, 2022 Planning Board meeting.

**Ms. Byers made a motion, seconded by Ms. Grant, to continue the application for W. Michael Lynch and Elizabeth Estey until October 13, 2022. Motion carried unanimously.**

#### **OTHER BUSINESS**

**Profile Mountain Holdings Corporation (File #FR20-03) – Request to extend conditional approval (PID 277-315, 316, 318 & 322):** Shawn Bergeron of Bergeron Technical Services and David Swirk appeared before the Board. Mr. Bergeron stated this project was proposed at the beginning of Covid, and the project cost has increased by 25%. Mr. Bergeron stated they would not be asking for another extension. Mr. Swirk stated they want to be good neighbors, and want to provide events for families.

**Mr. Hounsell made a motion, seconded by Ms. Grant, to extend the conditional approval for Profile Mountain Holdings Corporation until September 14, 2023. Motion carried unanimously.**

**Garg Complex, LLC (File #NA22-10):** Don Bouchard of Horizons Engineering appeared before the Board. This is a request to convert office space to 24 residential units, a caretaker's unit and 10,605 square feet of office space at 15 Washington Street, Conway (PID 265-144). Mr. Bouchard stated the project will not impact the exterior infrastructure, the drainage will stay the same, and the parking spaces exist. Mr. Bouchard reviewed information submitted to the Board [see file].

Mr. Bouchard stated they are not changing the site, they have more parking than they need, the lighting is staying the same, and the tree and greenspace requirements are met; they feel they have met the requirements under §110-4.A.(5).

Mr. Colbath stated he has noticed that trees have been cut down and asked if they are going to be replaced. Mr. Bouchard stated the missing trees could be replaced. Mr. Colbath stated there is a slab from an old garage and asked if there has been any consideration to remove that slab for more greenspace. Mr. Bouchard stated they are leaving things on the site as is so they don't have to go through site plan review, but he can ask the owners.

Mr. Hounsell asked if there will be any consideration given to probable road work from the light on Routes 16/113. Mr. Hounsell stated the State by 2026 will probably redo this whole intersection. Mr. Hounsell stated there may be a taking by the State of some of this property, or an arrangement worked out. Mr. Bouchard stated it is hard to move on any project with the State, to move forward with a development waiting for the State to tell you what they are taking is difficult. Mr. Bouchard stated the owners understand the risks with moving forward with the project.

Mr. Hartmann asked if this were to go to site plan review, is there anything they overlooked here. Mr. Torres stated not sure of anything we would ask for except maybe a potential elimination of a driveway. Mr. Torres stated he thinks generally it is insignificant; there is no increase intensity given the existing use. Mr. Torres asked that they put the ZBA information on the plan.

Mr. Hounsell stated he cannot support not having a site plan review on this property because we just went through a very detailed review on a smaller one off of West Main Street which is not a main throughfare; this is a main throughfare. Mr. Hounsell stated if there ever was a piece of property that needs a site plan review, it would be this one. Mr. Corbett stated we required Settlers Green to go through a site plan and this is just as significant. Ms. Grant asked if the abutters were noticed for this. Ms. Whitelaw answered in the negative. It was indicated that the abutters were notified for the ZBA hearing.

**Mr. Hartmann made a motion, seconded by Mr. Hounsell, to approve the request to be considered non-applicable to full site plan review. Mr. Hounsell stated he is concerned with opening the door to more to short term rentals. Motion defeated with Mr. Hounsell, Mr. Phillips, Mr. Corbett, Ms. Grant and Mr. Hartmann voting in the negative and Ms. Byers and Mr. Colbath voting in the affirmative.**

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**Selectmen's Report:** There was no Selectmen's Report. Mr. Colbath read a letter [attached] addressed to David Weathers, Chairman of the Board of Selectmen dated September 8, 2022 regarding Town's Master Plan rewrite.

**Issues for consideration:** There was none.

Meeting adjourned at 8:22 pm.

Respectfully Submitted,

Holly L. Whitelaw  
Planning Assistant



# TOWN OF CONWAY

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September 8, 2022

David Weathers, Chairman  
Conway Board of Selectmen

Dear David,

I am writing regarding the Board of Selectmen's unanimously approved motion on May 10, 2022 regarding the utilization of up to \$100,000 from the Town's allotment of federal American Rescue Plan Act (ARPA) funds to update the Town's Master Plan.

The Town's Master Plan has not been fully updated since 2003 and is in dire need of a full rewrite. The Planning Board understands the importance of updating the Master Plan and fully supports the utilization of \$100,000 in ARPA funds, as unanimously approved by the Board of Selectmen. This funding, in conjunction with the potential grant funding from the InvestNH program, is critical for the Town to update the Master Plan to help guide the overall character, physical form, growth and development of our community in the future.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Colbath".

Benjamin Colbath, Chairman  
Conway Planning Board