

Minutes of Meeting
CONWAY BOARD OF SELECTMEN
April 27, 2021

The Selectmen's Meeting convened at 4:00 pm in the Meeting Room at the New Town Hall with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Steven Porter, Town Manager Thomas Holmes, and Executive Secretary, Krista Day.

PLEDGE OF ALLEGIANCE

Mr. Weathers led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Mr. Weathers explained that they would be doing public comment at the beginning of the meeting and it would be limited to fifteen total minutes.

Mr. Weather noted that there were three additions:

3a. Discussion of Boat Ramp

6ee. Permit to Sell Raffle Tickets for Carroll County RSVP (12/3/2021)

6ff. Notice of Intent to Cut Wood or Timber on Map/Lot 242-3

6gg. Notice of Intent to Cut Wood or Timber on Map/Lot 239-4

Mr. Colbath moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion carried unanimously.

PUBLIC COMMENT

Rick and Kim Brown appeared before the Board. Mr. Brown explained that they love coming to Conway. He noted that they bought a place and spent money to make it nice. He added that when they rent their property, their guests follow the rules. He added that he was a veteran and a police officer.

Mrs. Brown noted that her parents also own a condo here in Town and they support short-term rental usage.

David Cavanaugh appeared before the Board. He explained that he is a second home owner here in Town and lives in Boston. He added that he loves coming here and invested in his home. He explained that he felt that the locals had voted with their hearts and that they don't realize the short-term rentals are an integral part of the Town.

David Mack appeared before the Board to explain that he owns property in Conway and rents it out sometimes and never once had a complaint.

A gentleman named Jeremiah appeared before the Board to explained that he manages thirty short-term rentals here in the area. He noted that his company employs people in the area and stated that there will be

a ton of backlash if short-term rentals are banned because no one pays for residential cleaning like short-term rental owners.

Jay Burnham appeared before the Board on behalf of the Stonehurst condominiums. He stated that he believes this action by the Town is retaliatory against only a few problem properties and that they had misinterpreted the zoning ordinance.

Rafael Barbosa appeared before the Board. He explained that he is a new owner and supports working through some of these issues with the Town. He noted that he is a professional short-term rental host and runs over 100 short-term rentals in Boston. He stated that the Town should consider a 3% neighborhood inconvenience tax to support short-term rental management.

Executive Secretary Krista Day read the following comment from resident of Conway, Steve Bamsay as written on Zoom:

My name is Steve Bamsey and I hope the board recognizes and that the residents of Conway have voted to reject short term rentals within residential districts. STR are businesses, and should be restricted to commercial districts.

Annalee Moretto appeared before the Board and explained that she had purchased a home in November and need to rent it out to be able to afford it. She noted that she spends tons of money locally and understands some of the issues the Board is facing.

Executive Secretary Krista Day read the following comment from Molly and Carl Kammerer as written on Zoom:

I am writing to you as a second home owner and someone who pays their bills and taxes and makes improvements to their second home with extra income gathered from renting our home when we aren't able to enjoy it.

For some historical family details: my dad used to come up to North Conway on the snow train from Boston to ski in the 50s and he would sweep the floors at a local ski club so that he could sleep there for free. My great uncle and great aunt used to stay at Eastern Slope Inn in the early 1900s. As our families grew, we would stay in different homes around the valley. For over 100 years my family has been enjoying the North Conway area and all that it has to offer.

In 2012, my husband and I took the very nervous step to acquire a second home in Echo Acres which was bank-owned and needed considerable work; our property is zoned as "Residential/Agricultural" or RA. Prior to purchasing our home, we looked at the documents available to us and noted that there were restrictions with the zoning.

To summarize: In the RA zone, homes with a special exception for a second dwelling unit have a limitation on short-term transient occupancy; our home did not have that special exception so we knew we could rent short-term. Based on this information, we moved forward with the purchase knowing that we could afford to purchase and enjoy our home all the while renting it every so often and using the additional income for unexpected expenses and improvements.

I spoke to Tom Holmes and a member of the STR committee about the proposed law this winter and discussed the wording and restrictions on STRs, as presented. I recommended that this use be called a "cottage industry". I was concerned that having the phrase "this is a non-residential use" in the text of the definition, but allowing short term rentals in residential neighborhoods would cause confusion. The towns people voted and the definition got voted down as well as the

funding, but safety and noise are clearly issues. I understand that there is concern that someone might own multiple properties and use it as a business. I can appreciate your concerns, but in our state of "Live Free or Die", do we really want to restrict land ownership use in this manner?

We are conscientious owners and are sensitive to our location within a neighborhood. My tenants are now mostly repeat tenants who love the opportunity to stay at our home and enjoy the valley. The income acquired is turned into improvements to the property which makes for a better neighborhood and helps support local businesses. In the end, we hope to move up to North Conway permanently when we are able to retire, but for now hope the town understands that short term transient occupancy is really part of the fabric of the area.

Steve Martin appeared before the Board. He explained that he recently purchased a home in North Conway and is against the ban.

The Chairman ended public comment and instructed anyone who still have something to say to send it to them via email.

DISCUSSION OF BOAT RAMP

Greydon Turner appeared before the Board to discuss his concerns of the new plan for parking of Boat trailers at Conway Lake.

It was clarified that trailers would not be able to be parked in the parking lot, but could park on the side of the road where permitted.

Mr. Turner explained that having the boat trailers park far away will cause more issues and delays with getting the boats out in a timely fashion. He was concern with traffic backup.

He noted that perhaps the Town should look for a larger property for the Town Beach/boat ramp.

Mr. Turner also added that things could be done to the current parking area such as moving rocks to make it larger.

REAFFIRMATION OF SELECTMEN POLICIES

- a. Board of Selectmen Rules of Procedure
- b. Gifts of Land to the Town
- c. Hardship Tax Deferrals
- d. Parks Commission
- e. Public Records and the Right to Know Law
- f. Scenic Designation Public Ways Maintenance Policy
- g. Security Camera
- h. Shade Tree Policy
- i. Timber Sales Revenue Policy
- j. Town Manager Evaluation Process
- k. 504 Self Evaluation Plan for Handicap Accessibility
- l. Ethical Conduct
- m. Communication between the Conway School District and the TOC
- n. Housing and Community Development Plan Summary
- o. Displacement and Relocation Certification

Mr. Colbath stated that they need to reaffirm meeting procedures at the reorganization meeting every April.

Mr. Porter moved, seconded by Ms. Seavey, to reaffirm the policies listed above in a. through o. The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Memorandum of Agreement Between the NHDOT and the Town of Conway
- b. Warrant for Land Use Change Tax on Map/Lot 258-68.6
- c. Warrant for Land Use Change Tax on Map/Lot 258-68.3
- d. Warrant for Land Use Change Tax on Map/Lot 258-68.2
- e. Warrant for Land Use Change Tax on Map/Lot 258-68.29
- f. Warrant for Land Use Change Tax on Map/Lot 250-41
- g. Warrant for Land Use Change Tax on Map/Lot 263-67
- h. Warrant for Land Use Change Tax on Map/Lot 249-10
- i. Warrant for Land Use Change Tax on Map/Lot 249-11
- j. Warrant for Land Use Change Tax on Map/Lot 276-138.2
- k. Warrant for Land Use Change Tax on Map/Lot 276-262
- l. Municipality Land Use Change Tax Bill on Map/Lot 258-68.6
- m. Municipality Land Use Change Tax Bill on Map/Lot 258-68.3
- n. Municipality Land Use Change Tax Bill on Map/Lot 258-68.2
- o. Municipality Land Use Change Tax Bill on Map/Lot 258-68.29
- p. Municipality Land Use Change Tax Bill on Map/Lot 250-41
- q. Municipality Land Use Change Tax Bill on Map/Lot 263-67
- r. Municipality Land Use Change Tax Bill on Map/Lot 249-10
- s. Municipality Land Use Change Tax Bill on Map/Lot 249-11
- t. Municipality Land Use Change Tax Bill on Map/Lot 276-138.2
- u. Municipality Land Use Change Tax Bill on Map/Lot 276-262
- v. Certification of Yield Taxes Assessed on Map/Lot 283-2
- w. Certification of Yield Taxes Assessed on Map/Lot 245-64
- x. Certification of Yield Taxes Assessed on Map/Lot 255-5.12
- y. Yield Tax Levy on Map/Lot 255-5.12, 245-64, 283-2
- z. Notice of Intent to Excavate on Map/Lot 238-1
- aa. Notice of Intent to Cut Wood or Timber on Map/Lot 235-92
- bb. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 262-83.016
- cc. Permanent Application for Property Tax Credits/Exemptions on Map/Lot 235-6.020
- dd. Gravel Tax Levy on Map/Lot 238-1
- ee. Permit to Sell Raffle Tickets for Carroll County RSVP (12/3/21)
- ff. Notice of Intent to Cut Wood or Timber on Map/Lot 242-3
- gg. Notice of Intent to Cut Wood or Timber on Map/Lot 239-4

Mr. Colbath moved, seconded by Ms. Seavey, to sign the documents listed above in a. through dd., ff., and gg. The motion carried unanimously.

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign ee. Permit to Sell Raffle Tickets for Carroll County RSVP (12/3/2021). The motion carried (4-0-1) with Ms. Seavey abstaining.

CONSIDERATION OF BILLS

- a. AP Manifest dated 4/29/2021

Mr. Colbath moved, seconded by Ms. Seavey, to sign the AP Manifest dated 4/29/2021. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Virginia Moore Art in the Park (8/7/21 & 8/8/21)

Mr. Colbath moved, seconded by Ms. Seavey, to approve the special event permit listed above. The motion carried unanimously.

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 4/20/2021

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the regular and non-public minutes from 4/20/2021 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes noted that he had received a letter from a local student, Eve Battenfelder, regarding why we should not throw trash in the ocean.

Mr. Holmes read the letter to the Board and explained that Miss. Eve should be happy to know that the Town of Conway runs their own landfill and everything that cannot be recycled gets buried and does not go into the ocean.

Mr. Holmes explained that there were some new canvas photographs in the lobby donated by himself. He added that the pictures were taken by his wife, his step-son, and our computer guru, Patrick Ramsay.

Mr. Holmes noted that Valley Pride Day was scheduled for May 8, 2021.

Mr. Holmes explained to the Board that in the past, they had delegated abatement denials to be signed by the Assessor instead of coming before them. However, because they were utilizing a contract Assessor, he wanted to know if the Board would like to have him review and initial the contract assessor's recommended denials, or did they want to sign them at their meetings.

Mr. Colbath moved, seconded by Mr. Porter, to allow Thomas Holmes to initial abatement denials. The motion carried unanimously.

Mr. Colbath inquired as to whether Mr. Holmes had any more information regarding the pickleball courts proposed for behind the old Town Hall.

After some discussion, Mr. Holmes will get more information in order for them to work with the Pickleball group to allow the project to come to fruition.

It was stated that Mr. Holmes would remind Mr. Smith that the playground equipment at the old recreation center site needed to be removed for liability reasons.

There was brief discussion regarding the improvements to be made at Dick O'Brien Field, specifically about the initial idea for raised community garden beds. It was stated that the Marshall's had done some research and were not as much in favor of the idea anymore.

It was stated that this topic would be put on the agenda for May 11, 2021.

BOARD REPORTS AND COMMENTS

Mr. Porter stated that the Planning Board had met the Thursday before to elect new officers and for a site plan review for a self-storage unit for Chris Weiss.

Mr. Colbath stated that the Budget Committee would be meeting the next night for their reorganizational meeting.

Ms. Seavey explained that Valley Vision was looking to see if they could install a small hanging sign under the Town Hall Annex Sign.

Ms. Seavey moved, seconded by Mr. Thibodeau, to allow Valley Vision to have a hanging sign under the Town Hall Annex sign. The motion carried unanimously.

Ms. Seavey noted that Valley Vision had done a ton of work upstairs in their new space and it looks really nice.

MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun inquired as to whether the Board had heard anything regarding the project at the East Conway Road and Route 302 intersection.

They stated they had no. Heard anything on east Conway road? No

At 4:45 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A:3 II (D) to consider the acquisition, sale or lease of real or personal property. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (D) – CONSIDERATION OF ACQUISITION, SALE OR LEASE OF REAL OR PERSONAL PROPERTY

At 4:59 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes from this non-public session. The motion carried unanimously.

Mr. Colbath moved, seconded by Ms. Seavey, to go into non-public session under RSA 91-A (L) for consideration of legal advice. The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (L) CONSIDERATION OF LEGAL ADVICE

At 6:18 pm, the Board returned to public session.

Mr. Colbath moved, seconded by Ms. Seavey, to seal the minutes. The motion carried unanimously.

ADJOURN

At 6:18 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary