

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
September 14, 2021**

The Selectmen's Meeting convened at 2:00 pm at the Pequawket Mitigation Land with the following present: C. David Weathers, Mary Carey Seavey, John Colbath, Steven Porter and Executive Secretary, Krista Day

TOUR OF PEQUAWKET MITIGATION LAND

The following individuals were present for this portion of the meeting: C. David Weathers, Mary Carey Seavey, John Colbath, Steven Porter, Executive Secretary, Krista Day, William Abbott from the Upper Saco Valley Land Trust, Town Engineer Paul DegliAngeli, NHDOT Commissioner Bill Cass, Executive Councilor Joseph Kenney, Representatives from the Conway Daily Sun, Thomas Eastman and Rachel Sharples residents Peter Minnich, Sally McMurdo, Doug Burnell, Rhoda Quint, and Louise Inkell.

Doug Burnell gave a bit of history on the property and showed the attendees a map.

Chris Meier stated that the access road is a private road with public easement rights.

William Abbott from the USVLT explained that they are in a passive position at this point.

He stated that there are unused mitigation credits as the land that had been taken for the bypass was never used. Those mitigation credits are being shuffled over to the recreation path project to mitigate wetland impacts for that project.

He explained that the USVLT was asked if they would be willing to take this property on, they had said yes because it seemed like a win-win for everyone.

Paul DegliAngeli gave history of how the State and the Town had agreed upon allowing the Pequawket Pond parcel to mitigate the impacts of the recreation path project.

Mr. DegliAngeli noted that they had reached out to Tin Mt. about taking ownership of the property first, and they had declined.

Mr. DegliAngeli noted that the Town would be responsible for eradication of invasive species for the first two years as they have staff trained in that.

Mr. Abbott stated that their plans for the property would be to follow up on eradicating the invasive species after the first two years.

Mr. Abbott stated that they would like to put up a kiosk at the site.

Mr. Meier gave an overview of how this mitigation site is a condition of their wetlands permit for the recreation path.

It was stated that the USVLT would put this property on the public land section of their website.

Ms. Seavey noted that she was concerned about access to the pond with the ramp.

Both Ms. Seavey and Ms. Inkell were concerned about increased use of the pond. They did not want to see this property to become as popular as Diana's Bath.

The group took a walk around the property.

Chairman Weathers recessed the meeting at 3:04 pm.

Chairman Weathers reconvened the meeting at 3:26 pm in the Meeting Room at Town Hall with the following present: C. David Weathers, Mary Carey Seavey, John Colbath, Carl Thibodeau, Steven Porter, Town Manager Thomas Holmes and Executive Secretary, Krista Day

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers explained that there were no changes to the agenda, however, they would be taking it out of order as they would not be able to hold the public hearing or open bids until 4:00 pm.

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

ARPA FUND LIST UPDATE

Mr. Holmes explained that Janice Crawford had reached out to local businesses in North Conway Village to help pay to clean the Ski Museum bathrooms as the museum has decided to allow them to open.

Mr. Holmes noted that he added a line to the potential ARPA Fund projects to include helping with this funding.

Mr. Holmes stated that Mr. Porter had requested that they consider using some of the funds to improve the sound quality in the Marshall Gymnasium so that it would be adequate to hold meetings there.

There was brief discussion regarding whether they needed more sound absorption or an improved sound system.

The consensus of the Board was to have Mr. Holmes look into the cost of both projects.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Waiver of Municipal Liability on Map/Lot 299-46
- b. Waiver of Municipal Liability on Map/Lot 272-44
- c. MS-1
- d. Certification of Yield Taxes Assessed for Map/Lot 230-122, 235-56, 235-102 & 245-29.2
- e. Timber Tax Levy on Map/Lot 230-122, 235-56, 235-102, 245-29.2
- f. Notice of Intent to Cut Wood or Timber on Map/Lot 205-12

Mr. Colbath moved, seconded by Ms. Seavey, to sign the documents listed above on a through f. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. AP Manifest dated 9/16/2021

Mr. Colbath moved, seconded by Ms. Seavey, to sign the AP Manifest dated 9/16/2021. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 9/2/21 and 9/9/21
- b. Payroll dated 9/9/21
- c. MS-535
- d. Abatement of Taxes on Map/Lot 225-37
- e. Intent to Cut Wood or Timber on Map/Lot 214-87.2
- f. Special Event Permit for Tri Tek Events Annual ½ Marathon (9/25/21)
- g. Special Event Permit for Cathedral Ledge Distillery Food Vendors (8/20/21)

Mr. Colbath moved, seconded by Ms. Seavey, to ratify the documents listed above on a through g. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 8/17/21 and 8/24/21

Mr. Colbath moved, seconded by Ms. Seavey, to adopt the regular and non-public minutes from 8/17/21 and 8/24/21 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Holmes stated that he was very pleased to announce that they had hired a Planning Director to begin on October 17, 2021.

Jamel Torres, graduate of Fryeburg Academy, would be coming to the Town of Conway from Scarborough, Maine, where he has been serving as Assistant Planner.

Mr. Holmes is very excited for Mr. Torres to join the staff.

Mr. Holmes noted that pickleball paving was done, and they were waiting for a contractor for the fencing to come take a look at it. However, they were running into supply issues for the striping.

Mr. Holmes noted that the Board was invited to a listening session regarding a proposed Habitat for Humanity project in Redstone, which would be held at 5:30 pm on September 22, 2021 at the Redstone Fire Department.

Mr. Holmes stated that Mr. Colbath had expressed interested in purchasing a second bench for outside of Town Hall for the other side of the entrance.

There was discussion regarding whether the Selectmen could purchase one on their own, or if they needed to personally donate to the Lions Club who would help fund one.

Mr. Holmes is going to try and get some figures.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau gave the activity report for the ESAA for the month of August.

He explained that the hangar construction is continuing, but will not be ready to be utilized until the Spring.

Mr. Thibodeau noted that the 101st Airborne would be visiting the airport at some point in October and Sky Dive New England would be at the airport on September 28-29, 2021.

Ms. Seavey stated that the Economic Council would be beginning Eggs and Issues soon and that they are still moving forward with the land development.

Mr. Colbath explained that the Budget Committee would not be meeting again until the start of budget season.

Mr. Colbath added that the ZBA would be meeting the next evening.

Mr. Colbath stated that he had volunteered at Mud Bowl the previous weekend and it was a good example of the community coming together.

Mr. Porter noted that the Planning Board had met the previous Thursday regarding the proposed Intervale Hotel application, and would be continuing on September 23, 2021.

Mr. Weathers stated that the Conservation Commission was back to meeting via Zoom. He noted that at their last meeting they had reaffirmed their support of the State transferring the Pequawket Mitigation land to the USVLT.

TAX SALE SEALED BID OPENING AND DISCUSSION

The Board opened sealed bids that were received for the Town Owned Property located at 188 East Conway Road.

The advertised minimum bid was \$50,000.

The following bids were received:

- \$140,000 from White Mountain Oil contingent upon a clear title.
- \$101,075 from J.W. Mac
- \$65,100 from Harvey Nichols
- \$77,000 - Caitlin Baldwin
- \$72,550.50 -Michael Corbridge
- \$78,000 Edward Sawtell
- \$62,000 Eugene Spelta
- \$72,100 -Daniel Gaynor
- Robert Nelson stated he will “meet and exceed any competing offer by \$3,000 up to a limit of \$120,000.

There was discussion regarding the wording of Mr. Nelson's offer. Mr. Holmes was tasked with asking Attorney Malia.

There was also discussion regarding the issue of a clear title. Mr. Holmes was again tasked with reaching out to Attorney Malia.

Mr. Porter moved, seconded by Mr. Colbath, to award White Mountain Oil the property, contingent on the information received from Attorney Malia. The motion carried unanimously.

PUBLIC HEARING ON PEQUAWKET MITIGATION LAND

Mr. Weathers opened the public hearing at 4:08 pm.

Mr. Weathers gave the background on the bypass proposal and explained how the intent of the transfer of the State's land on Pequawket Pond was intended to mitigate the wetlands area that was being affected for the construction of the recreational path.

Mr. Weathers stated that the 13 acres sat in both Albany and Conway, and the Town had agreed to eradicate the invasive species for the next two years if the Upper Saco Valley Land Trust took over the property as stewards of the land.

Maureen Enos, resident of 514 Pequawket Drive explained that she believed the Upper Saco Valley Land Trust would do an excellent job preserving the land on Pequawket.

She stated that she did not believe that the transfer to USVLT would create issues with more people visiting the area. Instead, she believed that by having the USVLT as stewards of the land, the property would be more well taken care of.

She explained that for years she and her partner have been picking up trash in the area, and she believed that having a local contact for the land would be extremely helpful in addressing these issues.

Ms. Enos noted that the access points for the pond were already on State and Town maps and did not believe that there should be concern about the property being overrun.

Mr. Colbath thanked Ms. Enos for being a steward of the land.

Rebecca McReynolds, also from 514 Pequawket Drive, explained that there had been much debate at previous meetings regarding the difference between conservation and preservation. She stated that they are preserving the land as it is now for community use in order to preserve this critical resource for the benefit of the community.

She noted that it is critical to have a local steward like the USVLT that can respond to concerns.

Rob Adair, Chair of Conservation Commission noted to the Board that the Commission had unanimously supported this transfer of land from the state to the USVLT. He noted that from a personal standpoint, there was no organization more qualified.

Chris Meier, President MWV Trails Association, appeared before the Board.

He explained that the wetlands permit for the construction of the recreation path is contingent on the transfer of the Pequawket mitigation land.

Mr. Meier explained that he had looked into the deed for the property, and there is a strict list of conditions that the USVLT must maintain, most importantly, they must maintain the property in its current condition. He also noted that they will have a community input session.

Ms. Seavey expressed her disappointment that she had not had any of this come to her attention until six weeks ago.

Resident Rhoda Quint echoed Ms. Seavey's thoughts. She was disappointed that they were only holding this public hearing because things had gotten stirred up.

Ms. Quint was concerned because she had not seen a warrant article that would fund the removal of the invasive species by the Town.

Ms. Quint noted she was concerned that because this site would be advertised by USVLT, that more individuals would be coming to the area.

Ms. Enos stated that she did not believe there would be an increase in traffic to the site.

Mr. Holmes read a letter from President of the Cranmore Shore Association:

Greetings Conway Selectmen,

I am writing to request that the concerns of the Cranmore Shores Association be entered into the record at the hearing being held on 9-14-21. The property in question has no public access as the Albany side of Bridge Street leading from Route 16 is not passable due to the bridge being out. This has been the case for over 15 years that I am aware of. The roads leading into this site are private roads once leaving Pequawket Drive and are maintained and plowed by the association for property owners.

Cranmore Shores road from 113 in Albany to the left turn at Bridge Street as well as, the entrance to Street from Pequawket Drive in Conway are not public roads. The Association carries Liability Insurance and we do not want the responsibility of public use of this road. We would like to request the following questions be addressed prior to any transfer taking place.

- 1- Will the Bridge be replaced so the public can gain entry from the publicly owned road in Albany?
- 2- How is it that a site can be opened to the public when there is no Public Access?
- 3- Who is going to be liable for any issues that may arise?

I would like to point out that the homeowners of this association have endured a great deal of aggravation and annoyance with the large number of vehicles on our road from RTE 113 in Albany connecting to Pequawket drive in Conway being used as a cut

through and speedway by non-Cranmore Shores Residents not only during the current construction but for many years before. Please take our concerns into consideration. We await answers to our questions.

Respectfully

Paul Jacobsen
President
Cranmore Shores Association

Mr. Holmes read an email from Paul Saunders regarding the issue at hand:

Hello

Just a quick note to support the transfer of the Pequawket pond peninsula to the USVLT.

USVLT does an excellent job of maintaining their lands and would likely provide far better stewardship of this parcel than it has seen for many years. I do not understand the concerns over kayak use as there is already an official state put in on Pequawket Dr.

As a resident of Cranmore Shores and frequent user of Pequawket Pond, I welcome the opportunity for this land to be conveyed to the excellent folks at the USVLT!

Thank you for your consideration and service to our town.

-Paul Saunders

Mr. Holmes read a letter from Mark Hounsell Regarding the issue at hand:

Dear Chairman Weathers and the Board of Selectmen;

Due to scheduling conflicts, I am unable to attend today's hearing regarding Pequawket Pond. Since many citizens will be watching this hearing on Valley Vision I request, if possible, that these comments be read aloud at the hearing and that they become part of the record.

To begin, I extend my sincere appreciation to Executive Councilor, Joseph Kenney for his attention to this matter. The good councilor was instrumental in getting the Governor and Executive Council to postpone action on the contract between the NH DOT and the Upper Saco Valley Land Trust in order for you to conduct a hearing. They, like I and many others, expect arrangements such as those that impact the quality of life of the citizenry to involve the public and hearings that allows for comments and are compliant with both the Right to Know laws and the time-honored expectation of local control.

I thank the selectmen for scheduling this hearing. Better late than never.

To be clear, my objections to this deal is not a reflection on the work of the UVSLT. They are a key player in land conservation in NH. The personnel of the trust each have excellent reputations. Individually, they each contribute greatly to the community. In 1987, as the Chairman of the then NH State Senate Development, Resource and Recreation Committee, I was instrumental in securing the passage of the \$20 million start-up money for the initial LAND CONSERVATION INVESTMENT PROGRAM. It was our hope that public/private involvement would develop allowing important NH lands to be preserved and conversed. Thirty-four years later, the USVLT is an excellent example of that hope being realized.

My objection, should the trust manage this property, is that they will be obliged to advertise this unique area on their web site. This will assuredly result in over use by the vacationing public which in turn will adversely impact this sensitive ecological pond. We have witnessed in other areas in the valley high tourist activities at special places (i.e., Diana's Baths) are problematic to say the least. I fail to see the advantages to this arrangement? In this instance, whatever the Trust can do, the Conway Conservation Committee can do better. Perhaps the Audubon Society who preserve rather than converse (they DO NOT advertise their management holdings) might be an option? In conclusion, please rescind your previous endorsement of the contract between the State DOT and the ULSVLT. Please convey to the Governor and the Executive Council all the objections from the public in order to allow them to make an informed vote.

PEQUAWKET POND – PRESERVE NOT CONSERVE

Thank you,
Mark Hounsell,
Conway Village

Larry Garland, former board member of the USVLT expressed that the recreation path was being built to benefit the community and this land was needed to mitigate the wetlands impact.

Mr. Garland noted that there has been a lot of speculation regarding whether more people will come to Pequawket and what those affects may be. He said what is known however, is that every property owned and maintained by the USVLT has a management plan. Because of this, if an increase in public use begins to show detrimental impacts, it will be managed.

Mr. Meier addressed the letter written by Mr. Hounsell. He noted that the Audubon Society holds land the same way the USVLT does, however, they are a national organization and therefore would not be as responsive to issues when compared to the local USVLT.

Mr. Meier addressed the concerned raised in the letter from the Cranmore Shoes Association regarding access. He explained that after looking into it, the parcel holds easement rights over the Association Road in order for the public to access it.

William Abbott, Executive Director for the USVLT, explained that they only put the location on their website and in his experience, this does not usually increase the use of the property.

He noted that other than maintaining the invasive species, and adding a kiosk, they were tasked with maintaining the property as it is currently.

He also added that they plan to hold a meeting to gather public input if the parcel is transferred to them.

He asked the public to reach out to him by phone, 662-0008, or email with questions or concerns.

Mr. Weathers closed the public hearing at 4:43 pm.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Executive Councilor Joseph Kenney thanked the Board for his invitation to the meeting. He explained that it was very informative and would help him when he needed to vote on the Pequawket Mitigation Land.

Councilor Kenney also told the Board that Carroll County had an aircraft named after it.

At 4 :47 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (J). The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (J) – COMMERCIAL, CONFIDENTIAL, OR FINANCIAL INFORMATION

The Board returned to public session at 5:34 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as divulgence of the information would render the proposed action ineffective. The motion carried unanimously.

ADJOURN

At 5:34 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary