

**CONWAY PLANNING BOARD**

**MINUTES**

**JUNE 11, 2020**

**PAGES**

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**CONWAY PLANNING BOARD**

**MINUTES**

**JUNE 11, 2020**

A meeting of the Conway Planning Board was held on Thursday, June 11, 2020 beginning at 7:00 pm at the Conway Recreation and Parks Department, 176 Main Street, Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Secretary, Benjamin Colbath; Bill Barbin; Ailie Byers; Earl Sires; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**ELECTION OF OFFICERS**

**Mr. Porter made a motion, seconded by Mr. Colbath, to nominate Mr. Hartmann as Chair. Motion carried with Mr. Hartmann abstaining from voting.**

**Mr. Porter made a motion, seconded by Mr. Hartmann, to nominate Mr. Colbath as Vice Chair. Motion carried with Mr. Colbath abstaining from voting.**

**Mr. Hartmann made a motion, seconded by Mr. Colbath, to nominate Sarah Frechette as Secretary. Motion carried unanimously.**

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Porter made a motion, seconded by Mr. Colbath, to approve the Minutes of May 14, 2020 as written. Motion carried with Ms. Byers and Mr. Sires abstaining from voting.**

**DAVIS HILL FAMILY TRUST/ROBERT P. WILLIG, JR. (FILE #FR20-05) –  
BOUNDARY LINE ADJUSTMENT REVIEW (PID 272-5.1, 6 & 7)**

Loralie Gerard of Thorne Associates appeared before the Board. This is an application to convey 0.54 of an acre to PID 272-6 (Willig) from PID 272-7 (Davis Hill Family Trust); to convey ~~49.09~~ 19.02 acres to PID 272-5.1 (Davis Hill Family Trust) from PID 272-7 (Davis Hill Family Trust); and dissolve PID 272-7 (Davis Hill Family Trust).

**Mr. Colbath made a motion, seconded by Ms. Byers, to accept the application of Davis Hill Family Trust and Robert P. Willig, Jr. for a boundary line adjustment review as complete. Motion carried unanimously.** Mr. Hartmann asked for Board comment; Mr. Porter asked about access to each of the lots. Ms. Gerard stated the two remaining lots meet the frontage requirement. Mr. Hartmann asked for public comment; there was none.

**Mr. Colbath made a motion, seconded by Mr. Hartmann, to conditionally approve the boundary line adjustment for Davis Hill Family Trust/Robert P. Willig, Jr. conditionally upon submitting a Mylar; submitting a check for \$25 made payable to Carroll County Registry of Deeds for the L-CHIP fee; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 10, 2020. Motion carried unanimously.**

**CEDAR STUMP, LLC (FILE #E20-01) – EXCAVATION REVIEW (PID 244-16 & 17)**

Stephen LaFrance of Horizons Engineering appeared before the Board. This is an application to expand the existing pit by 12.75 acres for a total pit area of 32.75 acres and increase the estimated material volume by 1,603,000 cubic yards for a total estimated material volume of 3,265,000 cubic yards. **Mr. Hartmann made a motion, seconded by Mr. Colbath, to accept the application of Cedar Stump, LLC for an excavation review as complete. Motion carried unanimously.**

Mr. Irving stated the waivers requested are the same as the previous applications. Mr. Hartmann asked for Board comment; Mr. Sires asked if it is the same use in the expansion as what is currently being excavated. Mr. LaFrance answered in the affirmative. Mr. Hartmann asked for public comment; there was none.

Mr. Irving read the waiver requests for §47-10.H and §47-10.J. **Mr. Porter made a motion, seconded by Mr. Hartmann, to grant the waiver requests for §47-10.H and §47-10.J.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Colbath made a motion, seconded by Ms. Byers, to conditionally approve the excavation permit for Cedar Stump, LLC conditionally upon Conway Conservation comments; indicating NHDES Alteration of Terrain approval number on plan; submitting a signed Reclamation Agreement; submitting any outstanding fees; submitting four copies of revised plans with original stamps and signatures; submitting \$200 for inspection fees escrow; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 10, 2020. Motion carried unanimously.**

**THOMAS AND VICKI FADDEN (FILE #S20-06) – 3-LOT SUBDIVISION REVIEW (PID 255-5.12)**

Paul King of Paul King Surveying appeared before the Board. This is an application to subdivide 100.37± acres into three lots. **Mr. Porter made a motion, seconded by Mr. Colbath, to accept the application of Thomas and Vicki Fadden for a subdivision review as complete. Motion carried unanimously.**

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann asked for public comment; Mike Cleary asked where his lot is located in relation to this subdivision. Mr. King reviewed the plan with Mr. Cleary.

Mr. Irving read the waiver requests for §130-23.B; 24.B; & 24.E. and §130-66.C.(8)(h). **Mr. Hartmann made a motion, seconded by Mr. Porter, to grant the waiver requests for §130-23.B; 24.B; & 24.E. and §130-66.C.(8)(h).** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

**Mr. Colbath made a motion, seconded by Mr. Barbin, to conditionally approve the subdivision for Thomas and Vicki Fadden conditionally upon indicating the mailing address for PID 255-5.11 on the plan under abutters; submitting a copy of the NHDES Subdivision application; NHDES Subdivision approval and indicating approval number on plan; submitting a written approval from the Conway Board of Selectmen for right-of-way relocation; submitting a written approval from Roger Lee Deschambeault for right-of-way relocation; setting the monuments or providing a performance guarantee to set the monuments; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 10, 2020. Motion carried unanimously.**

**MT. WASHINGTON VALLEY ECONOMIC COUNCIL (FILE #FR20-02 & #S20-07) – CONCURRENT SITE PLAN AND SUBDIVISION REVIEW (PID 262-86.26)**

Josh McAllister of HEB Engineers and Patrick Hess of Avesta Housing Development Corp. appeared before the Board. This is an application to subdivide 61.1 acres into ~~seven~~ six lots; to construct four (4) multi-family residential buildings with a total of 156 units and associated infrastructure; and create 2, 2-unit subdivisions.

**Mr. Porter made a motion, seconded by Mr. Colbath, to accept the application of Mt. Washington Valley Economic Council for a concurrent site plan and subdivision review as complete. Motion carried unanimously.**

Mr. Hess stated Avesta Housing is a non-profit organization based in Portland, Maine; and this is our first project in Conway. Mr. Hess stated we are a long-term manager of the property; we don't sell once we build. Mr. Hess stated this project is a mix of family and senior housing.

Mr. McAllister gave an overview of the project. Mr. McAllister stated the land is largely vacant; it was part of a business park, but received a special exception from the Zoning Board of Adjustment to reduce the business park. Mr. McAllister stated this is now developing a residential lot with the residential requirements.

Mr. McAllister reviewed a *Memorandum of Understanding* [in file] between Avesta Housing and abutters, Jean Bradley and Rik Phillips, and stated the proposed improvements would be incorporated into the plans. The number of proposed lots were reduced to six. Mr. McAllister stated he hopes the Board will find that these improvements are minor and be able to move forward with the project. Mr. McAllister stated these improvements were made to make the project more palatable for an abutter.

Mr. Hartmann asked for Board comment; there was none.

Mr. Hartmann asked for public comment in regards to the waiver requests; there was none.

Mr. McAllister read a parking substitution request for §110-21.A.(2) & 43. **Mr. Colbath made a motion, seconded by Mr. Hartmann, to grant the parking substitution request for §110-21.A.(2) & 43.** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

**Adopted: July 9, 2020 – As Written**

**CONWAY PLANNING BOARD – JUNE 11, 2020**

Mr. Irving read the waiver requests for §110-6.A.; §110-6.B.(2); and §110-29.D.(8). **Mr. Hartmann made a motion, seconded by Mr. Sires, to grant the waiver requests for §110-6.A.; §110-6.B.(2); and §110-29.D.(8).** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Irving stated he would recommend the phasing plan be amended to include the development of the recreational path connecting the Phase I residential development to the Saco Trail where it intersects at the southeastern corner of proposed lot 8. Mr. McAllister stated that is acceptable.

**Mr. Porter made a motion, seconded by Mr. Colbath, to amend the phasing plan to include the development of the recreational path connecting the Phase I residential development to the Saco Trail where it intersects at the southeastern corner of proposed lot 8. Motion carried unanimously.**

Mr. Irving stated that details and design for the proposed trail connecting Phase I to the existing Saco Trail need to be added to the plan set. **Mr. Porter made a motion, seconded by Mr. Colbath, that details and design for the proposed trail connecting Phase I to the existing Saco Trail need to be added to the plan set. Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Mr. Sires, to find that the proposed changes listed in the *Memorandum of Understanding* with the abutter are not substantial enough to require a rehearing. Motion carried unanimously.**

Mr. Hartmann asked for public comment; Shawn Bergeron of Bergeron Technical Services asked if it was a retention or detention area adjacent to Bob Nelson's property. Mr. McAllister stated the drainage of this property goes to this drainage pond. Mr. Bergeron stated Mr. Nelson would like a visual barrier so he's not looking into it. Mr. McAllister stated that they would work with the abutter to address his concern.

Bob DiPace of Evergreens on the Saco inquired about the easement along the river for the Saco Trail. Mr. McAllister stated as part of this subdivision we are required to provide and maintain those trails and easements for public use. Mr. DiPace stated we have a good neighbor policy with the other housing development on Poliquin Drive and they would like to do the same thing for this development. Mr. Hess stated they would be interested in that. Mr. DiPace asked if there was a cemetery nearby. Mr. McAllister answered in the affirmative.

Harrison Kanzler, Executive Director of Mount Washington Valley Housing Coalition thanked Avesta for coming and showing us this project; it is something that we need.

Mr. Sires asked if these will all be rental units. Mr. McAllister answered in the affirmative. Mr. Sires asked what is the balance between affordable housing and senior housing. Mr. Hess stated the first phase will likely be for families, but he is not sure what the mix of the rest of the property will be as of yet. Mr. Sires asked how do you set monthly rent. Mr. Hess stated it is governed by HUD and tied to the area mean income.

**Adopted: July 9, 2020 – As Written**

**CONWAY PLANNING BOARD – JUNE 11, 2020**

Mr. Porter asked if the units would be allowed to be used for short-term rentals. Mr. Hess stated he is not sure of our policy on short-term rentals. Mr. Hess stated we lease the property for a year and we don't allow for subleasing. Mr. Hess stated we haven't had any problems in any of our other properties, and we will be actively managing this property.

Maura Ammendolia of Evergreens on the Saco asked the density or the number of people that will live there. Mr. McAllister stated the Town of Conway has density requirements for lots serviced by municipal water and sewer, and these lots meet the town's requirements. Ms. Ammendolia asked the number of bedrooms per units. Mr. Hess answered the property will have one- and two-bedroom units. Ms. Ammendolia asked when will Phase I start. Mr. Hess stated potentially a year and half from now. Ms. Ammendolia asked if there is on-site management. Mr. Hess stated management does not live there, but there is a very active presence.

**Mr. Colbath made a motion, seconded by Ms. Byers, to conditionally approve the concurrent site plan and subdivision review for Mt. Washington Valley Economic Council conditionally upon Town Engineer approval; Conway Village Fire Chief approval; Conway Village Fire District water and sewer approval; NHDOT Driveway permit and indicate approval number on plan; NHDES Alteration of Terrain permit and indicate approval number on plan; revising tree computations on sheet 11; amending the phasing plan to include recreational trail connection from Phase I to the Saco Trail and revising vesting note "Site Plan to be deemed vested upon completion of Phase I and NHDOT approval of Phase II"; adding design and details for recreational trail connection from Phase I to the Saco Trail; amending plans per *Memorandum of Understanding* with abutter; four sets [three to remain with the Town] of revised plans with original stamps and signatures; a Mylar for recording; \$600 inspection fee escrow; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out-of-session; this conditional approval will expire on June 10, 2021; and a subsequent condition to submit a NHDOT Driveway Permit for Phase 2. Motion carried unanimously.**

**PROFILE MOUNTAIN HOLDINGS CORPORATION (FILE #FR20-03) – FULL SITE PLAN REVIEW (PID 277-315, 316, 317, 318, 319 & 322)**

Shawn Bergeron of Bergeron Technical Services and David Swirk of Profile Mountain Holdings Corporation appeared before the Board. This is an application to construct a 4,840 square foot railroad car storage/event building with associated infrastructure.

Mr. Bergeron stated the proposed building will store two antique cars in the winter. Mr. Bergeron stated patrons would go to the venue on the train. Mr. Swirk stated this is designed for family-oriented events, originating from the station or from a hotel property.

**Mr. Colbath made a motion, seconded by Mr. Porter, to accept the application of Profile Mountain Holdings Corporation for a full site plan review as complete. Motion carried unanimously.**

**Adopted: July 9, 2020 – As Written**

**CONWAY PLANNING BOARD – JUNE 11, 2020**

Mr. Hartmann asked for Board comment; Mr. Sires stated he thinks this is a really neat project, and provides something more in Conway Village. Mr. Sires asked about parking for event staff. Mr. Bergeron stated there are a few parking spaces provided on the site; there is adequate parking for staff and minor event personal. Mr. Porter stated this is a big boost for Conway Village; it is a positive move for Conway.

Ms. Byers asked about wheelchair access to the site. Mr. Bergeron reviewed the handicap access. Mr. Hartmann asked what type of events are proposed; and will there be weddings. Mr. Hartmann stated there still will be people who show up in their own vehicles. Mr. Swirk stated they are focused on train travel, and any event we have will arrive on the train. Mr. Swirk stated all the guests will arrive by train.

Mr. Irving asked if it will be vegetated or left as a parking area. Mr. Bergeron stated it would be cleaned up, but left as a gravel area; there is no plan for it to be vegetated. Mr. Irving stated there are some questions from the reviewing engineer and concerns with drainage. Josh McAllister of HEB Engineers stated there was a mistake in the way we modeled the drainage and it will be modified.

Ms. Byers asked if there are bus parking spaces. Mr. Bergeron answered in the affirmative. Ms. Byers stated since the area is staying gravel and the site is 219 trees short and not to being used for parking could you vegetate some of it. Mr. Bergeron stated the property overall consists of six parcels totaling almost 12-acres. Mr. Bergeron stated 47% of this property is greenspace, and is in the wetland and watershed protection overlay district.

Mr. Bergeron stated they would like to clean it up and leave it gravel. Ms. Byers asked why not merge the lots and have the coverage necessary. Mr. Bergeron stated they are merging three of the six lots; there is really no benefit to merge all the lots at this time. Mr. Bergeron stated there is no access rights to Route 16. After a brief discussion, Mr. Bergeron stated the owner has agreed to combine four of the lots.

Mr. Hartmann asked for public comment; there was none.

Mr. Irving asked the nature of the events; noise being the concern. Mr. Swirk stated they are day-time family type events and stated they are sending concerts to Believe in Books. Mr. Swirk stated the cornerstone of Conway Scenic is family, this here is a family-friendly facility. Mr. Swirk stated he wants to share the history, how they traveled in the earlier days and anything that enhances that is what we are looking to do. Mr. Irving asked if there would be any outdoor concerts. Mr. Swirk answered in the negative.

Mr. Hartmann asked if you merge the tree lot with the gravel lot will it meet the requirements. Mr. Irving stated it would mitigate the waiver request.

Mr. Bergeron read a waiver request for §110-20.E. & 22.B; §110-20.F./§130-66.C.8.g; §110-20.G; §110-21.A; §110-29.A.(2) & A.(3); §110-29.D; and §110-30.C.(3). **Mr. Colbath made a motion, seconded by Mr. Sires, to grant the waiver for §110-20.E. & 22.B; §110-20.F./§130-66.C.8.g; §110-20.G; §110-21.A; §110-29.A.(2) & A.(3); §110-29.D; and §110-30.C.(3).** Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Colbath made a motion, seconded by Mr. Barbin, to conditionally approve the full site plan review for Profile Mountain Holdings Corporation conditionally upon Town Engineer approval; submitting a lot merger form for PID 277-315, 316, 318 & 322; removing the transformer/junction box from setback/buffer; submitting four copies of revised plans with original stamps and signatures; submitting a \$200 inspection fee escrow; submitting a performance guarantee for all on-site improvements; submitting a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on September 10, 2020. Motion carried unanimously.

#### OTHER BUSINESS

**Steven Steiner – Alternate Member request:** Mr. Irving stated Steven Steiner has requested to be an alternate on the Planning Board. Mr. Hartmann made a motion, seconded by Mr. Sires, to appoint Steven Steiner as an alternate Planning Board member until April 2021. Motion carried unanimously.

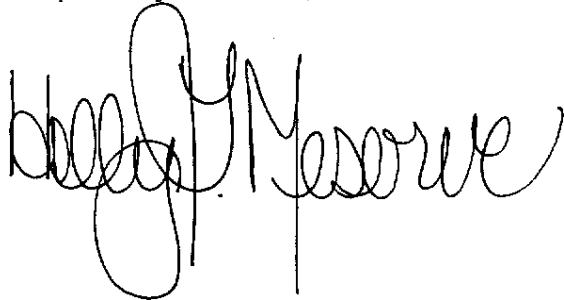
**Vicki Fadden/GSSG New Hampshire, LLC (PID 224-2 & 225-37) – Request for a Concurrent Full Site Plan and Subdivision Review:** Mr. Porter made a motion, seconded by Ms. Byers, to approve the request of Vicki Fadden/GSSG New Hampshire, LLC for a concurrent site plan and subdivision review. Motion carried unanimously.

**Stephen and Olga Morrill/Bradford and Margaret Morrill/Bruce Morrill/Gary and Carol Follmer (PID 260-58) – Request for a Concurrent Full Site Plan and Subdivision Review:** Mr. Hartmann made a motion, seconded by Mr. Colbath, to approve the request of Stephen and Olga Morrill/Bradford and Margaret Morrill/Bruce Morrill/Gary and Carol Follmer for a concurrent site plan and subdivision review. Motion carried unanimously.

**Marshall Gymnasium at Conway Recreation Center – Sound System Request:** Mr. Porter made a motion, seconded by Mr. Colbath, to forward a letter to the Board of Selectmen in support of the expenditure. Motion carried unanimously.

Meeting adjourned at 8:47 pm.

Respectfully submitted,



Holly L. Meserve  
Planning Assistant



## Holly Meserve

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**From:** Krista Day <kday@conwaynh.org>  
**Sent:** Wednesday, June 10, 2020 10:53 AM  
**To:** steven4q2@gmail.com  
**Cc:** Thomas Irving; Holly Meserve  
**Subject:** Request of Planning Board

Mr. Hartmann,

At the Board of Selectmen meeting on June 9, 2020, the Board authorized the expenditure of up to \$40,000 for modifications to the Marshall Gymnasium to allow for Town Boards and Committee to be able to meet in person while still adhering to proper social distancing guidelines during this time where the COVID-19 pandemic is making that impossible in any of our other Town meeting areas. As you are aware, the gym acoustics leave a lot to be desired in terms of being able to run a meeting in which everyone can be heard and understood. The modifications planned include the purchase and installation of a sound system, sound absorbing wall panels, and a floor covering.

We are requesting that your Board/Committee write a letter of support regarding the expenditure of these funds and the need for these modifications so that we can submit it along with our request to the State for reimbursement as we believe this expenditure would not be necessary if it weren't for COVID-19.

Please reach out to my office if you have any questions or concerns.

Sincerely,

Krista Day

447-3811 ext. 210