

Minutes of Meeting  
CONWAY BOARD OF SELECTMEN  
February 7, 2023

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mr. Weathers noted that they would be adding agenda item 3a., Statement by Mark Hounsell Regarding Proposed Casino.

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

STATEMENT BY MARK HOUNSELL REGARDING PROPOSED CASINO

Mr. Hounsell explained that he was appearing before the Board as a member of the Planning Board, but was not speaking for the Planning Board.

He stated that he was not before the Selectmen to be accusatory, but he felt they were in a situation where a large commercial project in the Village of Conway had slipped through the cracks.

He believes that the issuance of a building permit was not done in the correct process.

Mr. Hounsell thanked the Planning and Building Department for doing their jobs, but stated that he believes there is always room for improvement of processes.

He stated that the issue of charity gaming has caught people by surprise.

Until recently, he explained that charity gaming has always been special nights, but was now resulting in charity gaming establishments.

Mr. Hounsell thanked Representative David Paige for looking into the laws governing charity gaming.

Mr. Hounsell stated that he personally knows the applicant and he has contributed to many good projects and is always above board.

He added that he also has much respect for A.W. Rose, the contractor for the project of Conway Casino and Poker Room.

Mr. Hounsell stated that he does not have an issue with gambling, he stated he feels the Town needs to be consistent with their processes.

He contended that the building permit was inappropriately granted.

Mr. Hounsell stated that he hopes a resolution can be achieved without going to the next steps.

Mr. Hounsell stated that if a resolution cannot be achieved, he was seeking that the Board of Selectmen move to rescind the building permit.

Paul DegliAngeli stated that he takes exception about the permit being issued inappropriately.

Mr. DegliAngeli explained that the original building permit was issued by former Planner, Tom Irving under our code of 110-4 A:4.

It was determined that the applicant did not have to go to the Planning Board for site plan review because it was determined to be a “small undertaking”.

Mr. DegliAngeli explained that our code outlines a small undertaking in situations where:

- All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this chapter
- Proposed changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading)
- Any net reduction in greenspace on the lot is less than or equal to 2,000 square feet
- Any increase in structure floor space is less than or equal to 1,000 square feet

Mr. DegliAngeli stated that it was staffs’ opinion that the action of issuing the building permit in 2021 was correct.

He explained that the same project was issued a building permit by Planner Jamel Torres in 2023 under the same owner and for the same purpose.

The only change was the estimated value of work.

Mr. DegliAngeli explained that the Town Planner Jamel Torres looked at the application and reissued the building permit.

Mr. DegliAngeli explained that today, Mr. Agonost contacted Town Staff to fully cooperate and see what the Town needed from him.

He was informed that he may be asked to go before the Planning Board after he provides the Town with with more information such as traffic generation, parking needs, floor plans, etc.

Mr. DegliAngeli noted that under RSA 676-5, any Conway resident could appeal the building permit.

He stated that building permit appeals would be handing by the ZBA.

Mr. Hounsell disagreed that it was a small undertaking as it was a very expensive rebuild.

He stated that the Board of Selectmen have the ability to rescind the building permit today.

He believed that the correct process requires the project to appear before the Planning Board.

Mr. DegliAngeli stated that Mr. Agonost has agreed to work with a traffic engineer.

He noted that statistics actually show that the former grocery store would have a more intensive use of parking, there was not a net reduction in greenspace, and not increase in struction.

Ms. Seavey stated that there was an increase of square footage as they were building into the unit next to the former grocery store.

Mr. DegliAngeli explained that that was already part of the overall footprint of the building.

Mr. Thibodeau stated that he was hung up on the word “small”.

He questioned the change of use.

He said that time of day may affect the intensity of use for parking and traffic.

It was clarified that the whole plaza was taken into account for parking.

If the numbers are such, whole plaza

Mr. Bergeron explained that he was not here to criticize the people in Town Hall, but he believed that his clients were asked to follow the process and this applicant was not.

He added that Tom Irving had issued the last available non-applicable for that site in 2008.

He did not agree with staffs’ opinion to allow the applicant to continue to work before the normal information was provided and the process followed.

He noted that all applications shall be reviewed and no one ever processed a zoning permit application.

Mr. Bergeron stated that he felt they should only issue a building permit for demolition until the proper process is followed.

Ms. Seavey wanted to thank the developer for his willingness to work with the Town.

Mr. Eastman explained that Mr. Torres asked the developer to bring all of the information forward that the Planning Board would normally see.

Mr. Bergeron asked Mr. Eastman if they are to now expect that the developer will be submitting an application for site plan review.

Mr. DegliAngeli stated that at this time, the Developer has said he would provide documentation to the Planning Board and let them decide what they wanted to do.

Mr. Hounsell stated that with this new information he planned to stand down and see what happens.

Bob Pleskie stated that he would have liked the residents to have gotten a say on whether this project was approved or not.

Mr. Eastman explained that last year they had two petitions for keno and sports betting on the warrant to see if they would be allowed in Conway.

However, both petitions failed.

However, charitable gaming does not need a vote as it is legal in all of New Hampshire.

Charitable gaming donates a percentage of proceeds to Non-Profits that have been vetted by both the Lottery Commission and the Attorney Generals Office.

#### DISCUSSION OF ELECTRIC COSTS

Mr. Smith explained that he had been able to lock in a lower price for electric costs for the Town Hall building.

#### DISCUSSION OF WARRANT ARTICLES

##### a. Amendment to Library Article

Mr. Smolen explained that the library had received a \$10,000 grant from the NH Charitable Foundation.

Because of this, he was requesting that the Board amend the warrant article for the library software down \$10,000.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to amend the library software warrant article to read as follows:**

**To see if the Town will vote to raise and appropriate the sum of Twelve Thousand One Hundred Forty Dollars (\$12,140) for the support of HARDWARE AND SOFTWARE FOR A PUBLIC COMPUTING SYSTEM FOR CONWAY PUBLIC LIBRARY .**

**The motion carried unanimously.**

b. Betterment Article for Common Court

Mr. DegliAngeli explained that the Selectmen had previously moved to place an article on the warrant for a betterment assessment for the Town to accept Settlers Green Drive and the private portions of Common Court as public rights-of-way.

However, the Budget Committee felt that it would be better for a petition to be submitted by the developer.

**Mr. Colbath moved, seconded by Ms. Seavey, to rescind the vote to place the betterment assessment for Settlers Green Drive and Common Court on the warrant. The motion carried unanimously.**

Shawn Bergeron asked if the abutter to the roads in question was Mullins.

It was stated that Mullins was the abutter and the Town Attorney sent a confirming email that the Town Staff had had that discussion with Settlers Green counsel.

Mr. Porter stated that he wanted to bring up the potential of a warrant article for paid parking.

He stated that he would like to place it as a warrant so that the people can still cast a vote on the matter, but he was concerned on the potential of either the budget being cut significantly or the result of having to work with the default budget in 2023.

Mr. Colbath stated that originally, he was not for a warrant article for paid parking, but due to the extent of discussions that the Budget Committee has been having, he had changed his mind.

He explained that the cost of at least five major things such as fuel, pavement, etc. have already increased and the Town needs to find a way to increase revenue.

Ms. Seavey stated that with all of the commotion that paid parking has caused, she believed that if the default budget passes, the Town will not be functioning.

She stated that there is a lot at stake.

Mr. Colbath noted that the paid parking program would include North Conway Village, the Recreation sites, and potentially sometime in the future, Conway Village.

It was stated that the Selectmen could take out the parking program from the Operating Budget because it was now in the hands of the Budget Committee, however, anyone at Town Meeting could make a motion to do so.

Mr. Weathers stated for the record that he wanted paid parking to be a warrant article from the beginning.

**Mr. Porter moved, seconded by Mr. Colbath, to place the following on the warrant:**

**To see if the Town will vote to raise and appropriate the sum of Two Hundred Forty One Thousand Nine Hundred Fifteen Dollars (\$241,915) for the purpose of establishing a PARKING PROGRAM in the Town of Conway.**

**The motion carried (4-1-0) with Mr. Thibodeau in the negative.**

NOTICE OF DEMO PERMIT FOR 3351 WHITE MT. HIGHWAY

The Board was notified of a demolition permit application for 3351 White Mt. Highway.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Raffle Permit for Friends of Conway Rec (2/5/23)

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the document listed above. The motion carried unanimously.**

CONSIDERATION OF BILLS

- a. AP Manifest dated 2/9/2023
- b. Payroll dated 2/9/2023

**Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest and Payroll dated 2/9/2023. The motion carried unanimously.**

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

(none)

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

(none)

CONSIDERATION OF MINUTES

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a. Regular Minutes from 1/31/2023

**Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 1/31/2023 as presented. The motion carried unanimously.**

#### TOWN MANAGER REPORT

Mr. Eastman explained that the Conway Master Plan Steering Committee would be holding an open house at Tuckermans Brewing the next evening from 3:30 pm to 7:00 pm.

Mr. Porter explained that the purpose of the open house was to get citizens to come out and give input about the Master Plan process and what they would like to see addressed.

#### BOARD REPORTS AND COMMENTS

Mr. Thibodeau gave the February airport activity report.

He noted that Med Flight of Maine had paid to install a weather monitoring system that has been very helpful at the airport.

Ms. Seavey stated that she hopes people vote for the ESAA warrant article as the airport does so much for the community.

Ms. Seavey noted that the AVESTA project continues to move forward.

Mr. Colbath stated that the Board of Selectmen and the Budget Committee would be meeting the next evening for the non-profit presentations.

He added that the ZBA would be meeting the next Wednesday.

Mr. Porter stated that they would be having their first Master Plan work session on Thursday from 5:30 pm to 7:00 pm prior to the Planning Board meeting.

Mr. Weathers noted that the Conservation Commission was recommending that the Board of Selectmen Reappoint Rob Adair and Nat Lucy as regular members of the Conservation Commission for three year terms.

**Mr. Colbath moved, seconded by Mr. Thibodeau, to reappoint both Rob Adair and Nat Lucy as regular members of the Conservation Commission for a three year term. The motion carried unanimously.**

Mr. Thibodeau wanted to recognize Betty Hounsell who would be turning 100 years old the next day.

He explained that she was and still is a very active member and pillar of the community.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun asked how the permissive ordinance came into play with the Casino in Conway.

Mr. Porter stated that they will let the Planning Board address that.

Mr. Steer asked if they would need special event permits.

Mr. Eastman explained that it is not a special event as charitable gaming is legal as long as they meet zoning, building, and planning requirements.

The Town cannot stop it.

Mr. Steer asked about an alteration of terrain that was made at first bridge.

It was reviewed that this occurred two years prior and it was for parking at First Bridge.

Mr. Steer asked if the Budget Committee can change the budget.

Mr. Eastman stated that he believes they can.

**At 5:36 pm, Mr. Colbath moved, seconded by Ms. Seavey, to go into Non-Public Session under RSA 91-A:3 II (E). The motion carried unanimously.**

NON-PUBLIC SESSION RSA 91-A :3 II (E) PENDING LITIGATION

**At 5:57 pm, the Board returned to public session.**

**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 and . The motion carried unanimously.**

ADJOURN

**At 5:57 pm, the meeting adjourned at the Call of the Chair.**

Respectfully Submitted,

Krista Day  
Executive Secretary