

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 24, 2023**

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

PLEDGE OF ALLEGIANCE

Ms. Seavey led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

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

DOT PRESENTATION ON SALE OF STATE LAND

Town Planner Ryan O'Connor thanked everyone for coming.

Mr. O'Connor made the attached PowerPoint presentation. (See attached).

NHDOT Commissioner Bill Cass and Bureau of the Right-of-Way Administrator Stephen LaBonte Bill Cass and Stephen LaBonte appeared before the Board.

Mr. LaBonte also introduced Lisa Weir and Sloane French.

They explained that part of the process of selling State owned land is to offer it to the Town for first right of refusal.

Mr. LaBonte went through a presentation of all the State-owned surplus land in Conway that would eventually be coming up for sale. (See Attached).

Mr. LaBonte explained that they are looking to sell these lots sooner than later due to recent break ins that are costing the State money.

Ms. Seavey opened the discussion up for public comment.

Mike Marone from Jackson asked about the properties on Hawk Road and Thompson Road that would be coming up for sale in the future.

He wondered about a buffer for the rec path.

It was stated that there would be a 50 foot wide corridor width consistent buffer.

He added that he felt that the condo lot at Settlers Green should remain as housing but expressed his opinion that the Pudding Pond Parcels should remain as green space.

Rob Dapice, Executive Director for the New Hampshire Housing Finance Authority (NHHFA), appeared that they were interested in developing these parcels for housing.

Mr. Colbath asked if they were open to negotiating about restrictions for the property.

Mr. Dapice stated that they were open to discussions.

Mr. Thibodeau asked if NHHFA was to acquire the property, would they concentrate on workforce housing.

Mr. Dapice noted that they go where the market isn't serving the need.

Chairman of the Planning Board Ben Colbath stated that he believed the Town should have been informed that these properties were going to be up for sale well before this summer.

He explained that if they had been notified prior, they would have had more time to get plans and finances together.

He reiterated a point Mr. O'Connor made in his presentation about protecting the watershed.

Planning Board member Eliza Grant read the following statement:

We have a unique opportunity here for DOT, the Town of Conway, NHHFA and other organizations such as the Conway Conservation Commission and the MWV Trails Association to work together on the future of a large amount of land. These lots sit at the confluence of many things- the densest area of commercial development in Conway, the North-South Road, which was designed and functions as a scenic parkway, the new Rec Path, Pudding Pond conservation area, historic Redstone Quarry, and this all sits atop our aquifer in one of the few areas of town that is served by municipal water and sewer.

Conway is located on a high yield stratified drift aquifer- this is the most productive type of aquifer for public water supplies but is also the most vulnerable to contamination from overlying land uses. Land with access to public water and sewer should absolutely be the site of multifamily development, as long as it is done sensibly.

I support the proposal for NHHFA to develop affordable long term housing for our community members on the condo lot with the conditions discussed, including respecting a natural vegetated buffer within 250 feet of the North-South Road. I support a deed restriction to restrict this lot to residential development only. I support use of the Pudding Hill lot as greenspace and preservation land, and the use of that lot's density elsewhere by NHHFA. I support the conservation of the large lots East of the North-South Road and I support the Rec Path land and Whitaker Woods lot being turned over to the town. I support Conway retaining riparian rights for all of this land. In my conversations with community members, I hear from them that they support these balanced, planned solutions as well.

I hope we can work together on a disposition of this land that serves the community first and foremost- those who live and work in Conway and the Mount Washington Valley, those who visit, and future generations of this community as well.

Thank you to everyone here for your hard work serving the Town of Conway and State of New Hampshire, whether you are an elected official, town staff member or state employee.

Planning Board member Bill Barbin supported the presentation by Town Planner Ryan O'Connor.

Planning Board member Mark Hounsell stated that he appreciated Senator Jeb Bradley, Executive Councilor Joe Kenney and the DOT Commissioners for being there.

He urged the DOT to give the Town of Conway a years time to figure things out.

Planning Board member Aili Byers asked what the timeline was from when they identified a lot to be sold and actually sold it.

Mr. LaBonte noted that it was upwards of two years.

She asked if there was a timeframe they had in mind for the Town to decide.

There was not a timeframe mentioned.

Mr. Porter stated that he agreed with the condo lot being used for housing and liked the restrictions for the other parcels.

Mr. Hounsell stated that this was a Parkway and it should be kept as such.

Mr. DegliAngeli explained that they had heard from members of the Board of Selectmen, Planning Board and staff regarding the two pieces of State owned land for sale.

He explained that the real ask is not for time, but for the owners Pudding Pond lot to place deed restrictions on the lot to keep it as greenspace.

Further, to have the NHHFA to purchase the two properties knowing that they would then have the ability for increased density to build more units on the condo lot.

Mr. Cass noted that the ultimate decision on reducing the value and/or placing deed restrictions by the State is not fully up to the State as they have obligations elsewhere.

Mr. Dapice noted that he had concerns regarding the restrictions because they have a certain appraised value to work with but he agreed with the concept.

Executive Councilor Joseph Kenney: local control wants everyone to be happy.

State Representative Mark McConkey noted that this will eventually get to his committee and hoped that everything would be thought through and figured out before that.

Senator Jeb Bradley said "hats off" to what seems like a viable plan.

He added that he would do everything in his power to listen.

Staff Member for Senator Jeanne Shaheen, Chuck Henderson, stated that this was very positive as everyone thinks about housing everyday

Mr. Colbath commended Planner Ryan O'Connor for all of his work.

Mr. Porter moved, seconded by Mr. Colbath, to authorize staff to continue conversations with NHHFA and NH DOT regarding the sale of state-owned property. The motion carried unanimously.

There was brief mention of a potential lease situation of the land that the information booth is on in Conway Village.

Ms. Seavey called a brief recess at 5:21 pm.

Ms. Seavey reconvened the meeting at 5:32 pm.

PARKING PROGRAM UPDATES

Recreation Director Mike Lane gave a report of this year's parking program.

Net revenue for 2023 was \$18,875.67.

He emphasized that this season was effected by lots of rain.

Mr. Lane thanked the Tax Collectors Office for all of their help.

Parking Enforcement employee Linda Burns added that she felt this season went well.

Ms. Seavey thanked Mr. Lane.

QUARTERLY EXPENSE/REVENUE REPORT

Finance Director Kathy Golding gave the quarterly expense and revenue report.

She noted that everyone is liking the new software because it allows them to see where they are in regards to their budget in real time.

She noted that they are right where they are supposed to be in most departments.

She highlighted that the Welfare Department has had an influx of applications and it going to be overbudget.

In terms of revenue, Ms. Golding noted that with the increase cost for building permits, they have brought in much more revenue than anticipated.

Rooms and Meals tax will not be known until closer to the end of the year.

Mr. Colbath moved, seconded by Mr. Porter, to accept the quarterly financial report as presented. The motion carried unanimously.

PUBLIC HEARING ON AMENDMENTS TO PLANNING BOARD FEES

Mr. Eastman noted that they had applied for a housing grant earlier this year, but Planner Ryan O'Connor had applied and received an additional \$21,000.

He added that Vice Chairman Thibodeau had been critical in this process.

Ms. Seavey opened the public hearing at 5:45 pm.

Town Planner Ryan O'Connor explained that the goal is to amend the Planning Board Application Fees to bring them in line with other towns similar to Conway.

The proposed fees are as follows:

Proposed Schedule of Fees

Initial application fees not to exceed \$15,000 for Commercial or Mixed-Use Developments and \$10,000 for non-transient Residential Developments.

Additional engineer review shall be charged at \$250 per submittal.

As per RSA 674:44.V, the applicant has the responsibility to pay the cost of special investigation as required by the Planning Board.

Please note: current application cost are identified in (Red) below:

Site Plan Review

- Filing Fee: \$600 (~~\$200~~)
- Commercial Development
 - New Commercial Floor Space - <.30 per square foot (~~\$. 10 per square foot~~)
 - Motel, Hotel, Transient Unit - \$80 / unit (~~\$40/Unit~~)
 - \$30 per 1000 square feet of impervious coverage, excluding building footprints (~~New~~)
- New Non-Transient Residential Unit @ \$60 / unit (~~\$40/Unit~~)

Minor Site Plan Review (~~New~~)

- Administrative Review: \$100
- Planning Board Review: \$200

Subdivision

- Filing Fee: \$600 (~~\$200~~)
- \$200 per lot being created (~~\$40/lot~~)

Unit Subdivision (Condominium Creation/ Conversion):

- Filing Fee \$250 per unit (~~New~~)

Boundary Line Adjustment

- Filing Fee: \$250 (~~\$100~~)

Lot Combination

- Filing Fee: \$100 (~~\$100~~)

Conceptional Review

- Filing Fee: \$100 (~~New~~)

Design Review

- Filing Fee: \$400 (~~New~~)

Zoning Permit

- Filing Fee: \$50 (~~\$50~~)

Existing fees associated with recording and notification are proposed to remain the same.

Public Notifications:

- Newspaper \$40
- Applicant \$10/each
- Authorize Agent \$10/each
- Engineer/ Surveyor/Architect \$10/ each
- Abutter \$10/ each

Regional Notification

- Regional Planning Commission \$10
- Municipalities \$10 each

Recording Fee

- Plan sheet - \$40 each (Mylar)
- 8.5" x 11" \$20/ each (Notice of Decision)

L-Chip Fee

- \$25 (Separate check made payable to the Carroll County Registry of Deeds)

Tax Map Amendment

- \$75 for each plan set

Scanning Fee

- Plan Sheet \$10 per sheet

Mr. O'Connor added that these proposed amendments were unanimously supported by the Planning Board.

Ms. Seavey closed the public hearing at 5:54 pm.

Mr. Eastman reminded them that this was the first of two public hearings on this topic.

DISCUSSION OF 2 YEAR TRANSFER STATION STICKER

Mr. Smith suggested that they could save on some costs and time by issuing Transfer Station Stickers every two years.

Mr. Colbath moved, seconded by Mr. Porter, to authorize the Public Works Department to issue Transfer Station Stickers every two years instead of every year. The motion carried unanimously.

REVALUATION PRESENTATION

Contract Assessor Mary Beth Walker gave the 2023 Revaluation Presentation (See attached presentation).

Chairman of the Municipal Budget Committee Peter Donohoe asked a question about the numbers that they had been presented with last year compared to these numbers.

Ms. Walker noted that the difference is because of the time period in which they gathered the numbers.

Daymond Steer from the Conway Daily Sun asked about utilities.

Ms. Walker stated that she could get that to him after the Board signs the MS-1.

Mr. Colbath moved, seconded by Mr. Porter, to sign the MS-1 as presented. The motion carried unanimously.

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. 2023 MS-1
- b. Notice of Intent to Cut Wood or Timber on Map/Lot 284-21
- c. Municipal Waiver of Liability on Map/Lot 240-8

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents listed above in b. and c. The motion carried unanimously.

CONSIDERATION OF BILLS

- a. AP Manifest dated 10/26/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 10/26/2023. The motion carried unanimously.

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 10/19/2023
- b. Payroll dated 10/19/2023

Mr. Colbath moved, seconded by Mr. Thibodeau, to ratify the documents listed above. The motion carried unanimously.

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

CONSIDERATION OF MINUTES

- a. Regular Minutes from 10/10/23

Mr. Colbath moved, seconded by Mr. Porter, to adopt the regular minutes from 10/10/23 as written. The motion carried unanimously.

TOWN MANAGER REPORT

Mr. Eastman explained that the Parks and Rec Department had officially decided that trick or treating in Conway would take place on October 31, 2023 from 5:00 pm – 7:00 pm.

Mr. Eastman explained that he had toured Market Basket as they were opening on Friday.

Mr. DegliAngeli explained that they had the eminent domain hearing for the second phase of the Main Street Project and the special commission had voted unanimously in favor that this is an occasion for a taking by eminent domain.

The current projected timeline would be for a late 2025 construction start and a late 2026 completion.

There was a brief discussion on the potential win-win scenario for the State Owned Property for Sale.

The consensus of the Board was that they were hopeful the State and Housing Authority would agree.

Mr. DegliAngeli explained that the state had not evaluated the buildability of the small lots based on current zoning.

Because the first 100 feet is protected by zoning, he does not believe that the types of developers that customarily work with the NHHFA would be interested in those small parcels.

Instead, by keeping them as greenspace, it would maximize the buildability of the condo lot.

Mr. DegliAngeli believed it would be a win for the Town, a win for the NHHFA and a win for the State to liquidate the lots sooner than later.

He added that the Planning Board members in attendance tonight seemed to all be in unanimous agreement.

Mr. Colbath explained that he was encouraged by the presentation today and that he felt everyone in for the Town has done more than their part.

BOARD REPORTS AND COMMENTS

Mr. Thibodeau noted that the ESAA was doing well and gave the September activity report. Fuels for the helicopters for Attitash

Ms. Seavey noted that she had been contacted by Pastor Nathan at the Lutheran Church to say that they would be open to using their steeple for a possible location for a cell tower.

Mr. Thibodeau added that he had also been informed about a potential fiberglass flag pole that also acts as a cell tower that could potentially be erected in North Conway Village.

Mr. Colbath stated that the Economic Council would be meeting the next evening and that the ZBA met the previous week.

He added that they had two hearings coming up the next month.

Mr. Porter stated that the Master Plan Steering Committee would be meeting on Thursday.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Daymond Steer from the Conway Daily Sun wondered if there were set back rules to protect from radiation for the flag pole cell towers.

There was no information available at this time.

There was brief mention that Mr. Colbath would like to get the Solid Waste Committee back to meet again.

At 6:51 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) CONFIDENTIAL, COMMERCIAL OR FINANCIAL INFORMATION

The Board returned to public session at 7:22 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as it may affect adversely the reputation of any person other than a member of the Board. The motion carried unanimously.

At 7:23 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (B). The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (B) HIRING

The Board returned to public session at 7:31 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as it may affect adversely the reputation of any person other than a member of the Board. The motion carried unanimously.

At 7:32 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, 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

The Board returned to public session at 7:50 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as it may affect adversely the reputation of any person other than a member of the Board. The motion carried unanimously.

At 7:50 pm, Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91-A:3 II (D). The motion carried unanimously.

NON-PUBLIC SESSION RSA 91-A :3 II (D) ACQUISITION OF PROPERTY

The Board returned to public session at 7:59 pm.

Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from this non-public session as it may affect adversely the reputation of any person other than a member of the Board. The motion carried unanimously.

ADJOURN

At 7:59 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Krista Day
Executive Secretary