

CONWAY PLANNING BOARD

MINUTES

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CONWAY PLANNING BOARD

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JUNE 13, 2024

A meeting of the Conway Planning Board was held on Thursday, June 13, 2024, beginning at 6:00 p.m. at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steven Porter; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Ted Phillips; Alternate, Nat Lucy; Town Planner, Ryan O’Connor; and Assistant Planner, Holly Whitelaw.

APPOINTMENT OF ALTERNATE MEMBER

Chair Colbath appointed Nat Lucy as a voting member for Ms. Byers.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Phillips, to approve the minutes of April 25, 2024, May 9, 2024, and May 23, 2024, meetings as written. Motion carried, with Mr. Barbin and Mr. Lucy abstaining from voting.

STATE OF NEW HAMPSHIRE (FILE #CR24-02) – CONCEPTUAL REVIEW CONTINUED (PID 235-52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 & 71)

This is a conceptual review to construct 54 residential dwelling units in two buildings on Puddin Pond Drive, North Conway. This hearing was continued from January 25, 2024.

Mr. O'Connor explained this is the conceptual plan for state-owned properties to construct a multi-family unit development. With the approval of the zoning variance to transfer the density from this property to the Common Hill property and reserve this land as open space, this should no longer be applicable.

Mr. Colbath made a motion, seconded by Mr. Porter, to conclude the conceptual review process. Motion carried unanimously.

RGMZ MOUNTAIN VALLEY TRS, LLC (FILE #FR24-01) – FULL SITE PLAN REVIEW CONTINUED (PID 246-38)

This is an application to expand the outdoor display area (11,505 square feet) and provide additional storage areas (12,285 square feet) associated with Lowe’s and create a permanent food truck location at 32 Mountain Valley Boulevard, North Conway.

Mr. O'Connor explained this is the Lowe's application to address the outdoor display of goods and greenspace. The Town has not received updated plans, so he recommended this application be considered incomplete. The applicant can resubmit plans when they are ready.

Mr. Porter made a motion, seconded by Mr. Colbath, to accept the application as complete. Motion defeated unanimously.

OTHER BUSINESS

D & M Demers Real Estate Investments, LLC – Lot Merger (PID 251-149.3 & 150)

Mr. O'Connor explained this is to absorb a small non-buildable lot into an adjacent property. Ms. Whitelaw said there is no history as to how this lot was created.

Mr. Porter made a motion, seconded by Ms. Grant, to approve the lot merger for D & M Demers Real Estate Investments, LLC into one lot of record on Eastern Slope Terrace. Motion carried unanimously.

HOP Grant Committee Update

Mr. O'Connor reported the committee met to discuss the first phase of the zoning ordinance rewrite. They agreed their goal this year is to address housing needs, particularly in the commercial zones, including mixed use, the definition of multi-family structures, and the review process to ensure applications are not overly burdensome. Materials produced so far are available by contacting the Planning Department.

Ms. Grant noted they also discussed drilling down on the future land use map, and encouraged residents submitting input and concerns. This includes treating the west and east sides of Route 16 differently.

Ms. Grant suggested that a discussion is needed regarding Intervale being a heritage district. Chair Colbath said this will be added to a future Board agenda for discussion.

Selectmen's Report

Mr. Porter stated there was nothing to report.

Issues for Consideration

North Conway Recreation Path: Mr. Phillips has received inquiries about the North Conway Recreation Path, and asked how the Board could be involved in the process. He noted there has been transparency between the Boards and the Town, but there are still a lot of questions.

Chair Colbath asked if a public hearing could be held.

Mr. Porter said a public hearing has been held. There will be another one to gather information and hear concerns before the final project is presented to the public. He questioned why there are concerns now, when none were expressed when the other rec path was built. He urged Board members to attend the next hearing and ask questions so that the Conservation Commission can take their concerns into consideration.

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Mr. Lucy said the Conservation Commission voted in favor of the rec path, as they felt it would be an asset to the community. He clarified the rec path is not a Conservation program, but is supported by the Commission through Whitaker Woods. It is a Mount Washington Valley Trails Association project. He noted the path has been on the Commission agenda twice.

Chair Colbath expressed his desire for the Boards to work together and ensure people are informed. He asked why the Planning Board is being left out of this project, since it is charged with stewardship of the Town.

Mr. O'Connor suggested holding a joint Planning/Selectboard meeting.

Mr. Barbin agreed the Planning Board needs to be more involved in this process, even though the Board does not approve projects like this. The Board could vote to recommend, once they have had an opportunity to scrutinize the project.

Mr. Phillips asked for clarification regarding paving the path. Mr. O'Connor said this can be addressed at the public hearing. He added they need to gather as much information as possible to make an informed decision. Mr. Porter said the corridor being proposed for the path is the least impactful on Whitaker Woods and other areas. It will follow the rail corridor as much as possible.

Mr. Porter will discuss how to approach this issue with Mr. O'Connor and Town Manager, John Eastman. He said this is being talked about due to a section being paved as opposed to using crushed gravel, which is being done for ADA accessibility to qualify for federal funds. He agreed there should be a joint conversation or a public hearing between both Boards so that Planning Board members can voice their opinions.

Mr. Lucy asked if verbiage regarding paths was put into the zoning ordinance in the past. Mr. O'Connor said this was regarding pedestrian connectivity, to be able to get around town. He said the Trails Association was behind this initially. Chair Colbath asked Mr. O'Connor to forward this information to the Board. Mr. Lucy asked if it was intended to be a requirement that an allowance for pathways be included in new developments. Mr. O'Connor agreed, but said it is not in the current zoning.

Mr. Phillips asked if Town counsel should opine on the legality of the paving requirement. Mr. Porter said this is a valid question, but reiterated the explanation the Selectboard was given.

Ms. Grant asked if a walk of the proposed path could be set up. She noted the trails in the area are wet. Mr. Lucy will look into this.

Mr. Phillips thanked the Board for the discussion and Staff for their hard work.

Development North of Town: Mr. Lucy asked if the Board is concerned about the field for sale on Route 16 across from the White Trellis. Chair Colbath said the size of the lot limits what can be done. They are setting parameters to make it harder to develop small lots in a manner that the Board does not want to see in Town. Mr. Porter noted developers are looking outside of the Village, as it is more enticing. He said the Board continues to discuss how to address this issue. Mr. O'Connor agreed this is a priority area of concern.

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Drinking Water Protection Ordinance: Mr. O'Connor said an RFQ was received from FB Environmental for the drinking water protection ordinance. Hopefully they will see changes to expand the wellhead protection areas and drinking water protection areas for next spring.

FEMA Mapping: Mr. Lucy asked about the last time FEMA mapping was done. Mr. O'Connor said they are pursuing funding to reestablish those lines and figure out where flood storage areas are. Ms. Whitelaw said she believes it was done in 2013. Ms. Grant said they are using a percentage chance terminology, instead of a X-year flood.

Media Questions

Tom Eastman of the Conway Daily Sun asked for clarification regarding what prompted the discussion about the rec path and the Planning Board not being included in the process. Chair Colbath explained it was about the process, but also that the path involves development through Town, which is something a Planning Board might typically weigh in on. He clarified that the Board's issue is not that they are not being included. It is that they would like to have a productive plan moving forward to ensure the appropriate questions are being asked, as all of the Selectboard members are not planners.

Mr. Eastman asked Mr. Porter when the next public hearing will be held. Mr. Porter said it has not been scheduled. Mr. Eastman asked if Mr. Porter has received comments regarding the paving issue. Mr. Porter said he has received comments from two individuals. He added the Selectboard has not voted on this issue, so there is still room for discussion.

Meeting was adjourned at 7:11 p.m.

Respectfully submitted,
Beth Hanggeli