

CONWAY PLANNING BOARD

MINUTES

AUGUST 22, 2024

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CONWAY PLANNING BOARD

MINUTES

AUGUST 22, 2024

A meeting of the Conway Planning Board was held on Thursday, August 22, 2024, beginning at 6:02 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steven Porter; Vice Chair, Ailie Byers; Secretary, Erik Corbett; Bill Barbin; Ted Phillips; Town Planner, Ryan O’Connor; and Assistant Planner, Holly Whitelaw.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Colbath, to approve the minutes of August 8, 2024, as presented. Motion carried unanimously.

PUBLIC HEARINGS – PROPOSED AMENDMENTS TO SITE PLAN REGULATIONS

§110-29.B.(5) – Greenspace Reduction Incentives

This amendment is to allow Low-Impact Development stormwater controls as an incentive for reduced Greenspace by adding the following language: “In all zoning districts, greenspace may be reduced by 5% when proposed developments meet or exceed the stormwater requirements described in §190-28.C. & D.”

Mr. O’Connor reviewed the proposed amendment.

Chair Colbath asked for Board comment; there was none.

Chair Colbath opened the public hearing at 6:04 pm. He announced the public hearing would be left open for the duration of discussion of the amendments.

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment.

Mr. Porter made a motion, seconded by Ms. Byers, to adopt the proposed amendment to §110-29.B.(5) – Greenspace Reduction Incentives as written. Motion carried unanimously.

Chair Colbath noted Ms. Grant (who is on vacation) is in support of this amendment.

§110-29.A.(8) – Vegetative Buffer Requirements within Village Commercial Districts

This is an amendment to establish vegetative buffer requirements based on structure square footage within Village Commercial districts by adding the following language: “In Village Commercial districts, parcels fronting White Mountain Highway, Main Street, or East Main Street are subject to an additional buffer area. Development which exceeds 10,000 square feet of occupiable floor

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area shall provide an increased buffer of one foot for each additional 1,000 square feet of occupiable floor area. This requirement may be waived or reduced for developments which incorporate restricted long-term residential units. Redevelopment proposals which prioritize the preservation of existing facades, rooflines, scale, walkability and character of the site, as determined by the Planning Board, are not subject to this requirement.”

Mr. O’Connor reviewed the proposed amendment.

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment.

Chair Colbath asked for Board comment; there was none.

Mr. Porter made a motion, seconded by Mr. Phillips, to adopt the proposed amendment to §110-29.A.(8) – Vegetative Buffer Requirements within Village Commercial Districts as written. Motion carried unanimously.

Chair Colbath noted Ms. Grant (who is on vacation) is in support of this amendment.

§110-3 – Definition of Redevelopment

This is an amendment to add a definition for Redevelopment as follows: “Any site development on previously disturbed land for other than agricultural or silvicultural practices, which increases predevelopment impervious coverage no greater than 10%.”

Mr. O’Connor reviewed the proposed amendment.

Chair Colbath asked for Board comment; there was none.

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment.

Mr. Porter made a motion, seconded by Mr. Corbett, to adopt the proposed amendment to §110-3., definition of Redevelopment as written. Motion carried unanimously.

Chair Colbath noted Ms. Grant (who is on vacation) is in support of this amendment.

§110-3 – Definition of New Development

This is an amendment to add a definition for New Development as follows: “Any site development for other than agricultural or silvicultural practices, which increases the predevelopment impervious coverage by greater than 10%.”

Mr. O’Connor reviewed the proposed amendment.

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Chair Colbath asked for Board comment. Mr. Porter asked if this could be made more stringent as the Board reviews the zoning regulations. Mr. O'Connor said this could be considered.

Chair Colbath asked for public comment; there was none.

Mr. Porter made a motion, seconded by Ms. Byers, to adopt the proposed amendment to §110-3., definition of New Development as written. Motion carried unanimously.

Chair Colbath noted Ms. Grant (who is on vacation) is in support of this amendment.

Master Plan Amendment, Housing & Community Development Report

To adopt the findings of the Housing Opportunity Planning (HOP) project as an appendix to the 2024 Master Plan. The report outlines a plan to amend Conway's land use regulation and ordinance language to support the development of housing. The Planning Board will use this document as a guide for amending the zoning ordinance to reflect the vision of the Master Plan.

Mr. O'Connor reviewed the proposed amendment and statistics on housing in the Town. The goal of the HOP project is to create affordable and attainable opportunities for long-term housing. He noted how zoning can incentivize developers to build housing that meets their and the community's goals. The Town wants to ensure what is being promoted is in line with the Master Plan and addresses the community's needs. The Board will discuss zoning amendments, which would go to a Town vote next year.

Mr. Barbin joined the meeting at 6:13 p.m.

The rewrite of the zoning ordinance will begin in the next few months. It will take 18 to 24 months to have a solid draft. Mr. O'Connor reviewed amendments that could be worked on for the next warrant.

He discussed regulations that could be explored, including density, mixed use, the affordable housing ordinance, housing outreach, lot sizes, and redevelopment of existing sites. Site plan changes that could be considered include parking maximums, road standards for driveways, water and sewer, and greenspace.

This report is available on the Master Plan link on the Town website.

Chair Colbath asked for public comment.

Josh Brustin, owner of Pinkham Real Estate and Board chair of the Mount Washington Valley Housing Coalition, was a member of the group that worked on the report. He said the collaborative effort and diversity of the group helped shape the outcome. The Coalition is excited about the Town embarking on this process and is available as a resource to help educate the community.

Michael Mitchrone asked if there were any surprises encountered during the process. Mr. O'Connor said it was consistent with what the Master Plan said: housing is an issue. However, the report dove into feasible solutions. It also mentioned potential solutions in other communities.

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Mr. Brustin said that Alex Lowe works in large-scale development and was a member of the group. He noted housing in Conway is not affordable for most people, which is a crisis point.

Alex Lowe is excited to see the Town taking a proactive approach to the housing problem. He noted that marketing this plan will be a challenge and offered to help.

Mr. Brustin thanked Mr. O'Connor for his work on this project. Mr. O'Connor thanked everyone involved.

Mr. Colbath made a motion, seconded by Mr. Porter, to adopt the findings of the Master Plan Amendment, Housing & Community Development Report as written. Motion carried unanimously.

OTHER BUSINESS

Discussion of Amendment to Chapter 195, Affordable Housing; to amend the ordinance to reflect Phase 1 of the Housing Opportunity Planning project

Mr. O'Connor noted direction is needed to determine where the Board would like to focus its energy. He listed changes that could broaden the affordable housing ordinance, including density, long-term restrictions, height increase, and the title of the ordinance. He also noted possible changes to the ADU ordinance.

Michael Mitchrone asked about shortening timelines for deed restrictions as an incentive, which the Board discussed.

Alex Lowe added his thoughts about obtaining funding for housing development, subsidies, and tax-related incentives, which the Board discussed. Josh Brustin also shared his thoughts.

Mr. Porter, Ms. Byers, and Mr. Phillips will form a sub-committee and work with Mr. O'Connor to solidify the language.

North Conway Water Precinct (PID 218-124) – Temporary Cell Tower at 16 Seavey Street, North Conway

Jason Gagnon, Superintendent of the North Conway Water Precinct, and Chip Fredette of Verizon Wireless appeared before the Board. Josh MacMillan, Assistant North Conway Fire Chief, was in attendance.

Mr. Gagnon reviewed the difficulties accessing a cell signal in the Village, which is impacting emergency communications and asset management. They propose placing a temporary cell tower in the Fire Department storage building lot on Seavey Street for five months. There have been favorable responses from the immediate abutters regarding the visual impact.

Assistant Chief MacMillan noted the goal is to fix a problem without disruption and this solution is reasonable. The tower will generally not extend into the view shed. He addressed safety issues

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presented by the lack of reliable cell communications, as EMS is 100 percent dependent on cell phones due to HIPAA concerns.

Chair Colbath asked for Board comment.

Mr. Phillips asked what other alternatives have been explored, to avoid having to look at the tower. Mr. Fredette said he has reviewed other locations, but they are not suitable for a temporary tower. There is an active project to improve coverage on a permanent basis, but he had little information on it. He reviewed the potential timeline of such a project and added that Verizon does not view temporary deployments as a permanent solution.

Mr. Barbin asked why the temporary tower is being deployed over the next five months and then removed; he was told that is when it is available. Mr. Barbin asked what other projects would take precedence to move the tower, as this is a safety issue for Conway. Mr. Fredette said they recognize this is an issue, but the temporary tower deployment schedule is full. He will ask if a temporary tower will be available next summer.

Mr. Porter said this does not solve a long-term problem and that summer is a better time to deploy a tower. He voiced concern that this might be a gateway to installing a permanent tower in the Village. Mr. O'Connor said site plan review would be needed to place a permanent tower in the Village.

Ms. Byers appreciates the Fire Department needing the tower for safety reasons and noted that the cell signal problem needs to be resolved permanently.

Chair Colbath asked if the temporary tower meets federal emissions regulations and if there is a certification process. Mr. Fredette said it is bound by the same parameters as a permanent cell site.

Chair Colbath asked for public comment.

Evan Lucy said EMS safety is important to consider. He asked how much a tower costs to rent/buy. Mr. Fredette did not have that information. He noted that the Town has control over where a permanent tower is installed.

Alex Lowe said it is shocking that a utility cannot serve their customers adequately, although he is not aware of the restrictions they are up against. He noted this is not a new problem and is year-round, and that Verizon should want to better serve their customers. He said COWs are easy to procure, but the utility imposes restrictions on them. He asked if Verizon would be paying to use this site and Mr. Gagnon said they were.

Michael Mitchrone has used COWs and said they worked well. He asked who would receive the payment for leasing the site and Mr. Gagnon said the North Conway Fire Department would. The funds will go into the Precinct budget.

Tom Eastman of the Conway Daily Sun asked if residents near the cell tower should be worried about their safety from a health perspective. Mr. Fredette said the temporary cell site is subject to

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the same FCC standards that govern permanent sites. Mr. Eastman asked how visible the tower will be and Mr. Gagnon showed him photos.

Mr. Phillips asked if Verizon is held to a federal standard in terms of performance on its own network. Mr. Fredette said they have met the FCC standard in Carroll County. The temporary tower will not relieve the pressure to provide a permanent solution.

The Board asked why this is a five-year lease and Mr. Fredette said it is for convenience; however, they hope not to need it for five years. Assistant Chief MacMillan added there is infrastructure that would be put into place that could be used later, if a COW is needed for individual events.

Mr. Gagnon noted this is a municipal project on municipal land for municipal purposes. While they want to address the Board's concerns, they will be moving ahead with this project. Board members expressed concern that they have no input as to whether and where this tower will be installed. Mr. O'Connor said under the ordinance, this falls into the governmental use, due to it providing emergency services. A recommendation from the Planning Board is needed, although it is non-binding. He asked if they would be willing to add screening and was told they would.

Chair Colbath closed public comment at 7:53 p.m.

Mr. O'Connor asked if they would be willing to submit something to the Town annually that the temporary tower is still needed, if co-location is feasible elsewhere. Mr. Fredette said this is reasonable.

Mr. Colbath made a recommendation, seconded by Ms. Byers, to support the temporary cell tower on the North Conway Water Precinct property. A vote was taken: Phillips - no, Corbett - yes, Byers - yes, Colbath - yes, Porter - no, Barbin - no.

Selectmen's Report

Mr. Porter reported the Selectboard heard public input regarding Route 302. The second round of paving will begin on August 27th. Paving was paused due to inclement weather.

He expressed concern about comments made in the Conway Daily Sun Tele-Talk about the Board. He stressed the Board is a transparent group of individuals and invited the editor to attend a Planning Board meeting. Mr. Porter believes the Board is moving in the right direction regarding limiting commercial growth. Chair Colbath clarified the restrictions of the moratorium. The Board discussed commercial growth in Conway and how zoning impacts it. They also discussed how zoning ordinances are created via warrant articles, which are voted on by the residents. They urged the public to attend Board meetings and offer input.

Mr. Phillips expressed disappointment in the comments made by unnamed individuals in the Tele-Talk, as ignorance breeds misinformation. He hoped the Conway Daily Sun would raise its standards regarding publishing unnamed comments, as they degrade the reputation of the paper.

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Mr. Porter said the Selectboard is probably going to vote to sell the Old Town Hall Annex. However, there will be verbiage to keep the front façade of the building as is to preserve the historic nature of it.

Issues for Consideration

Preservation of Historic Buildings

Chair Colbath had a conversation with Andy Chalmers of the Zoning Board regarding creating stronger language to protect historic buildings. He would like to discuss this at the next meeting.

Rec Path Subcommittee

Mr. Phillips reported the subcommittee sent a letter to the Selectboard. He will provide an update at the next meeting.

Meeting was adjourned at 8:27 p.m.

Respectfully submitted,
Beth Haggeli

Proposed Site Plan Changes

To increase the Greenspace Buffer Area in Village Commercial Districts and to allow a 10% Greenspace reduction as an incentive for increased stormwater treatment

§ 110-29. Landscaping.

Every lot shall comply with the following standards in order to: enhance site design; enhance privacy; separate, screen and shield potentially conflicting land uses or abutters from undue impact; reserve a portion of the lot to remain undeveloped, permeable, and vegetated; control excessive stormwater runoff; prevent soil erosion and pollution of water bodies; reduce heat, glare and dust; not detract from the Town's aesthetic qualities; and help integrate the built environment with the natural environment.

A. Buffer areas. Every lot shall reserve a buffer area along and within its perimeter boundaries in accordance with the following:

- (1) The buffer area shall be defined as that area within the front, sideline, and back lot line setbacks as specified in Chapter 190, Zoning, of the Conway Code, and 100 feet from the platted right-of-way of the North-South Road between the extension of the center line of Barnes Road and the center line of Depot Road, except as limited in Subsection A(5) below, and setbacks from natural resources (such as from rivers or lakes) shall not apply;
- (2) The buffer area shall be vegetated with a mixture of deciduous and coniferous plantings, except for driveways and other features approved by the Board. The plantings shall be placed to shield structures and uses from the view of abutting properties where the abutting properties would otherwise be adversely impacted. [Amended 5-12-2022]
- (3) The buffer area shall not be used for merchandise display, vehicle parking or storage, or any other use which conflicts with the purpose and standards of this landscaping section;
- (4) Driveways shall cross the buffer areas at an angle of $90^{\circ} \pm 15^{\circ}$ to the perimeter boundary;
- (5) In the Conway Village Commercial and North Conway Village Commercial Districts, the buffer shall not include the area within the front setback. The purpose of this exception is to permit activities related to the primary use within this area, such as outdoor restaurant seating or merchandise display. Such uses shall require Board approval under this chapter, and related site improvements such as additional parking and drainage shall be required; and
- (6) In order to mitigate nuisance to abutting residential uses and residentially zoned lands, the Planning Board may increase the buffer depth to as much as 50 feet. The Board may also require additional mitigation (including but not limited to vegetation and fencing) or a combination of mitigation strategies to protect abutting residential properties.
- (7) In Highway Commercial districts, parcels fronting on White Mountain Highway, North-South Road, or Eastman Road are subject to an additional buffer area. Development which exceeds 10,000 Square Feet of occupiable floor area shall provide an increased buffer of 1 foot for each additional 1,000 Square Feet of occupiable floor

Proposed Site Plan Changes

To increase the Greenspace Buffer Area in Village Commercial Districts and to allow a 10% Greenspace reduction as an incentive for increased stormwater treatment

area. This requirement may be waived or reduced for developments which incorporate restricted long-term residential units or for the redevelopment of existing sites.

(7)(8) In Village Commercial districts, parcels fronting on White Mountain Highway, Main Street, or East Main Street are subject to an additional buffer area. Development which exceeds 10,000 Square Feet of occupiable floor area shall provide an increased buffer of 1 foot for each additional 1,000 Square Feet of occupiable floor area. This requirement may be waived or reduced for developments which incorporate restricted long-term residential units. Redevelopment proposals which prioritize the preservation of existing facades, rooflines, scale, walkability and character of the site, as determined by the Planning Board, are not subject to this requirement.

B. Greenspace. Greenspace, defined as a permeable area of vegetated ground surface, may be landscaped or left in its natural state and is calculated in all zoning districts as exclusive of wetlands, water bodies, 1-percent annual chance flood areas (also called one-hundred-year floodplains), ten-year floodplains adjacent to Pequawket Pond, and slopes over 25%.

(1) In all Residential and Industrial zoning districts (RA, CCVR, CVR, NCVR, I-1, I-2), greenspace shall comprise no less than 30% of the total lot area.

(2) In the Highway Commercial (HC) and Center Conway Village Commercial (CCVC) districts, greenspace shall comprise no less than 35% of the total lot area.

a. The redevelopment of a site in the HC and CCVC districts with less than 35% greenspace is required to provide a greenspace increase of 2.5% per site plan application. Redevelopment proposals should seek to bring existing sites into as close conformance with requirements as is practical.

b. New development with an occupiable floor area exceeding 10,000 square feet shall be subject to an additional 10% greenspace requirement. This requirement may be waived or reduced by the Board for developments which incorporate restricted long-term residential units.

(3) In the Conway Village Commercial (CVC) and North Conway Village Commercial (NCVC) districts, greenspace shall comprise no less than 20% of the total lot area.

a. Redevelopment proposals should prioritize the preservation of existing facades, rooflines, scale, walkability and character of the site while increasing greenspace as practicable.

(4) Impervious surface coverage within the WWPO shall not exceed 25%; including but not limited to buildings, sidewalks, driveways, and parking areas as per 190-28 C.

(4)(5) In all zoning districts, Greenspace may be reduced by 10% when proposed developments meet or exceed the stormwater requirements described within 190-28 C and D.

C. Industrial uses in the Industrial-1 District shall plant, at a minimum, trees 50 feet on center

Proposed Site Plan Changes

To amend § 110-03; Definitions, to include language for Redevelopment and New Development.
These definitions apply only to Site Plan requirements.

§ 110-03. Definitions.

Redevelopment – Any site development on previously disturbed land for other than agricultural or silvicultural practices, which increases predevelopment impervious coverage by no greater than 10%.

New Development - Any site development for other than agricultural or silvicultural practices, which increases the predevelopment impervious coverage by greater than 10%.



August 19, 2024

Town of Conway Planning Board

Re: Proposed Temporary Cell Tower
Seavey Street

Honorable members of the Conway Planning Board:

In advance of Thursday's Planning Board meeting, during which the Precinct will answer questions about a proposed temporary cell tower to be located in the parking lot of NCWP's Seavey Street Fire Storage Building, I wanted to provide a brief memo outlining the proposal and answering questions provided to me by Town Planner Ryan O'Connor.

The purpose of this proposal is, first and foremost, to improve cellular communication for NCWP's emergency and water/sewer personnel. The need for improved emergency personnel communication is fairly self-explanatory. For water/sewer services, the Precinct has recently adopted asset management software that allows our technicians to access asset data and complete work orders in the field using mobile devices. There are many times during the year when cellular data simply isn't available due to overloading of the existing local cellular network and we anticipate this temporary tower will alleviate that for a portion of the year, at least. And, of course, the temporary cell tower will also have a net public benefit for all cellular data users in North Conway village.

The proposed temporary unit (called a "COW" by Verizon, short for Cellular on Wheels) will be located in the parking lot of North Conway Fire's Seavey Street garage, along the eastern edge, approximately halfway between the sidewalk and the building. The COW is proposed to be the smallest one Verizon Wireless (VZW) has, with a maximum tower height of 40 feet. The Precinct recently set up North Conway Fire's Tower (ladder) truck in this parking lot to demonstrate the proposed height. It was lower than the abutting tree and did not significantly impact the viewshed. Photos were distributed to the Planning Board for those not able to see the demonstration in person. Cabling will come from the adjacent utility pole and be run along the ground to the COW, approximately 25 to 30 feet.

VZW proposes to have the temporary tower in place between November 1 and March 31 each year. It is my understanding that although they recognize the need for additional cellular capacity throughout the year, that is the only time they have a COW asset available for deployment here.

This institution is an equal opportunity provider and employer.

The questions provided by Planner O'Connor, and answers, are:

1. *What is the timeframe for deployment? I've noted that this would only be in the winter months but when the more permanent tower is constructed, would the need for this unit be reassessed?*

The proposed contract contemplates deployment 5 months out of the year, from November through March. To my knowledge, this is the only time of year VZW has an asset available for deployment. It is also my understanding that VZW recognizes the need for additional capacity at other times of the year as well and prior to resolving the issue with a permanent tower at another location may consider using a temporary tower at this location for additional months of the year. My sense is that when a permanent tower solution is found, there will no longer be a need for the temporary tower.

2. *Could screening be considered for the trailer unit? (Verizon was willing to include this with the last proposal)*

Screening is something that can be considered. Because the lot where the tower will be located is actively used by North Conway Fire, screening could not in any way interfere with fire activities.

3. *Most seemed okay with the height at 40' but would be concerned if it went above that.*

We could certainly put language in the contract with Verizon Wireless to limit tower height to 40 feet.

4. *Have there been any conversations with abutting properties?*

Chief McCarthy has spoken to all immediate abutters and received favorable responses from all.

5. *There was some concern that the tower would become permanent. Possibly the need could be readdressed after so many seasons or something like that?*

My understanding is that the need for the temporary tower will not go away until a permanent solution is found. I understand the concern that a suitable temporary location could take away some urgency from finding a permanent solution. This can be addressed in the contract between Verizon Wireless and NCWP.

If you have any other questions before Thursday's meeting, I would very much appreciate having a heads-up on those before being surprised on camera with a question I may not have the answer to. Thank you for your time, and we'll see you on Thursday.

Respectfully,

Jason Gagnon
Superintendent





For Lease
COMMERCIAL
Contact: Ralph Croftin
603-356-5757
Ralph@Realty.com





STARBUCKS CAFE

REAL ESTATE RENTALS

Barbara & Henry D. Smith





STAIRWAY CAFE

REAL ESTATE Rentals

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The Daily Sun
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August 19, 2024

Conway Board of Selectmen
Town of Conway
23 Main Street
Conway, NH 03818

Dear Board of Selectmen,

The Planning Board Recreation Path Phase 2 Sub-committee seeks to identify, research and advise regarding questions and concerns from the Planning Board, community stakeholders and the public in a collaborative and transparent manner. We aim to ensure that this project is designed and constructed in a way that is consistent with Conway's Master Plan and public feedback.

The following quote from the updated Conway Master Plan is apt here:

"Recognizing that our natural beauty is our greatest asset, our commitment is to balance growth with the needs of the environment and the community."

It is our understanding that the grant funding for the Rec Path Phase 2, including the federal EDA grant, are both the responsibility of the MWV Trails Association and not the Town of Conway at this time.

If the Town of Conway is going to take this on as a municipal project (as the MWV Trails Association has expressed as their intent), we ask that the following questions be answered before the Town takes on the financial, legal and organizational responsibility of this project.

1. Who is physically and financially responsible for the following aspects of this project:
 - a. Design
 - b. Construction
 - c. Maintenance

2. What are the responsibilities of the Town in this agreement?
 - a. How are reimbursement requests processed?
 - b. Will the Town accept any funding as part of this project?

3. If any of the funding sources are concerned that the project is not executed as promised, who holds the liability?

4. Since the path will cross private land, at some point the Town will need to accept easement agreements or hold some form of land ownership in certain areas. When would the Selectboard review and accept that land or applicable easements?
 - a. If any injuries, property damage, or other lawsuits occur during construction, who is financially responsible and who is liable in those scenarios?

5. What is the process of this (currently private) project becoming a municipal project? Will this be put to the voters like Phase 1 was?
 - a. Will there be an agreement in place ahead of construction for what Town responsibilities may become and when the Town may make a formal decision on acceptance?

We look forward to working with the Board of Selectmen and all stakeholders to expand the Rec Path in a way that fits our community's goals and needs while protecting the interests of the Town of Conway residents.

Respectfully submitted,

Ted Phillips
Eliza Grant
Erik Corbett
Planning Board Recreation Path Subcommittee