

CONWAY PLANNING BOARD

MINUTES

JANUARY 26, 2017

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CONWAY PLANNING BOARD

MINUTES

JANUARY 26, 2017

A meeting of the Conway Planning Board was held on Thursday, January 26, 2017 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Steven Hartmann; Michael Fougere; Sarah Verney; Raymond Shakir; Alternate, Steven Steiner; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

ALTERNATE MEMBER

Mr. Drinkhall appointed Mr. Steiner as a voting member.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Hartmann, to approve the Minutes of December 8, 2016 as written. Motion unanimously carried.

KEVIN AND JOAN MACMILLAN – TWO-LOT SUBDIVISION REVIEW (PID 219-246) FILE #S17-01

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to subdivide 1.54 ± acres into two-lots of 0.62 of an acre and 0.92 of an acre at 271 Artist Falls Road. **Mr. Porter made a motion, seconded by Mr. Steiner, to accept the application of Kevin and Joan MacMillan for a 2-lot subdivision review as complete. Motion unanimously carried.**

Mr. Smith reviewed the project. Mr. Drinkhall asked for Board comment; Mr. Shakir asked if this is a residential area. Mr. Smith answered in the affirmative. Mr. Shakir asked what is the lot sizing. Mr. Irving answered ½ acre.

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

Mr. Shakir made a motion, seconded by Mr. Fougere, to conditionally approve the two-lot subdivision for Kevin and Joan MacMillan conditionally upon North Conway Fire Chief approval; North Conway Water Precinct approval; Conway Police Chief approval; submitting a \$25 check made payable to Carroll County Registry of Deeds for the L-CHIP fee; submitting four copies of revised plans with original stamps and signatures (if necessary); submitting a Mylar for recording; a performance guarantee for all site improvements (if necessary); when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 27, 2017. Motion unanimously carried.

ETHAN AND SHANNON MCKENNEY – TWO-UNIT SUBDIVISION REVIEW (PID 255-10.001) FILE #S16-13

Wes Smith of Thaddeus Thorne Surveys appeared before the Board. This is an application to create two residential units at 2163 East Conway Road. **Mr. Porter made a motion, seconded by Mr. Shakir, to accept the application of Ethan and Shannon McKenney for a 2-unit subdivision review as complete. Motion unanimously carried.**

Mr. Smith reviewed the project. Mr. Irving stated there is one waiver request relative to driveways. Mr. Drinkhall asked for Board comment; there was none.

Mr. Smith read a waiver request for §131-3. **Mr. Porter made a motion, seconded by Mr. Fougere, to grant the waiver for §131-3.** Mr. Drinkhall asked for Board comment; Mr. Hartmann asked if there would be an easement. Mr. Irving answered in the affirmative and stated there would be a cross-easement for the shared driveway. Mr. Porter stated there appears to be loam piles within the Wetland and Watershed Protection Overlay District. Mr. Irving stated it was a zoning encroachment that was approved by the Zoning Board of Adjustment. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

Mr. Drinkhall asked for further Board comment; there was none. Mr. Drinkhall asked for public comment; there was none.

Mr. Fougere made a motion, seconded by Mr. Shakir, to conditionally approve the two-unit subdivision for Ethan and Shannon McKenney conditionally upon NHDES Subdivision approval and indicating approval number on plan; NHDOT driveway permit and indicating permit number on plan; East Conway Fire Chief approval; Conway Police Chief approval; submitting a copy of a recorded cross-easement for a shared driveway between PID 255-10.101, 10.102 and 10.002 and indicating book and page on plan; indicating the Wetland and Watershed Protection Overlay District buffer on the plan; indicating Zoning Board of Adjustment (ZBA) Approval on plan; changing “existing” unit 2 to “proposed” unit 2 on the plan; submitting four copies of revised plans with original stamps and signatures; submitting a Mylar for recording; submitting a performance guarantee for all site improvements (if necessary); when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 27, 2017. Motion unanimously carried.

NORTH CONWAY COMMUNITY CENTER AND TOWN OF CONWAY – BOUNDARY LINE ADJUSTMENT AND 2-UNIT SUBDIVISION REVIEW (PID 218-29 & 30) FILE #S17-02

Ron Briggs of Briggs Land Surveying appeared before the Board. Randy Cooper of Cooper Cargill Chant was in attendance. This is an application to convey 7,280 square feet of land to Norcross Circle right-of-way from PID 218-30; to convey 2,231 square feet of land to PID 218-29 from PID 218-30; and create a two-unit subdivision on PID 218-29 at 2628 White Mountain Highway and 78 Norcross Circle.

**Adopted: February 23, 2017 – As Amended
CONWAY PLANNING BOARD – JANUARY 26, 2017**

Mr. Briggs stated lot 30 is owned jointly by the North Conway Community Center and the Town of Conway; it is comprised of parcels A, B and C. Mr. Briggs stated the boundary line adjustment will eliminate an existing non-conforming setback issue for the old community center building. Mr. Briggs stated PID 218-30 will remain jointly owned by the North Conway Community Center and the Town of Conway. Mr. Briggs stated the two-unit subdivision is located on PID 218-29; one unit is the new community center and the other unit is the older community building.

Mr. Cooper stated that the Board should be aware of this project as it had to go through the Board of Selectmen and they then requested comment from the Planning Board as well as the Conservation Commission.

Mr. Porter made a motion, seconded by Mr. Hartmann, to accept the application for North Conway Community Center and Town of Conway for a boundary line adjustment and 2-unit subdivision review as complete. Motion unanimously carried.

Mr. Drinkhall asked for Board comment; Mr. Hartmann asked why are we doing this. Mr. Irving stated under the boundary line adjustment the triangle piece of land has no particular value to the Town, but does have value to the North Conway Community Center. Mr. Irving stated the right-of-way of Norcross Circle will now be owned exclusively by the town. Mr. Hartmann stated it has been like this forever. Mr. Irving stated it is in order to be able to do the unit subdivision. Mr. Shakir stated there are no tax implications. Mr. Cooper stated they are both non-profit organizations. Mr. Drinkhall asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Fougere, to conditionally approve the boundary line adjustment and two-unit subdivision for North Conway Community Center and the Town of Conway conditionally upon North Conway Fire Chief approval; North Conway Water Precinct approval; submitting a check for \$25 made payable to the Carroll County Registry of Deeds for the L-CHIP fee; submitting four copies of revised plans with original stamps and signatures (if necessary); submitting a Mylar for recording; a performance guarantee for all site improvements (if necessary); when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on April 27, 2017. Motion unanimously carried.

North Conway Community Center (PID 218-29) - §123-4.A.5 (File #NA17-02): Ron Briggs appeared before the Board. This is a request to construct an ADA compliant ramp and expand the front vestibule/entrance at 2628 White Mountain Highway. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Fougere, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of an ADA compliant ramp and the expansion of the front vestibule/entrance is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Mr. Drinkhall asked for Board comment; there was none. Motion unanimously carried.

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD

§147 – Zoning Ordinance: This is a proposed amendment to revise the Chapter Title and numbering system used to organize Chapter 147 (Zoning Ordinance) as proposed in the Draft Conway Code dated 03/2016. Mr. Irving stated this is a housekeeping matter; the Conway Code is a compilation of all the codes and charter into a single document.

Mr. Drinkhall opened the public hearing at 7:24 pm. Mr. Drinkhall asked for public comment; Mr. Cooper stated the Town of Conway used to have one code book. Mr. Irving agreed and stated this is a new one. Mr. Drinkhall closed the public hearing at 7:25 pm.

Mr. Porter made a motion, seconded by Mr. Fougere, to recommend the proposed amendment to §147 – Zoning Ordinance to the warrant as written. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried (7-0-0).**

§147-A – Small Wind Energy Systems Ordinance: This is a proposed amendment to revise the Chapter Title and numbering system used to organize Chapter 147-A (Small Wind Energy Systems Ordinance) as proposed in the Draft Conway Code dated 03/2016.

Mr. Drinkhall opened the public hearing at 7:25 pm. Mr. Drinkhall asked for public comment; there was none. Mr. Irving stated there are no substantive changes. Mr. Drinkhall closed the public hearing at 7:26 pm.

Mr. Fougere made a motion, seconded by Mr. Shakir, to recommend the proposed amendment to §147-A – Small Wind Energy Systems Ordinance to the warrant as written. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried (7-0-0).**

§90 – Life Safety Code: This is a proposed amendment to revise the Chapter Title and numbering system used to organize Chapter 90 (Life Safety Code) as proposed in the Draft Conway Code dated 03/2016.

Mr. Drinkhall opened the public hearing at 7:27 pm. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:27 pm.

Mr. Porter made a motion, seconded by Mr. Fougere, to recommend the proposed amendment to §90 – Life Safety Code to the warrant as written. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried (7-0-0).**

§91 – Sprinkler System Code: This is a proposed amendment to revise the Chapter Title and numbering system used to organize Chapter 91 (Sprinkler System Code) as proposed in the Draft Conway Code dated 03/2016.

**Adopted: February 23, 2017 – As Amended
CONWAY PLANNING BOARD – JANUARY 26, 2017**

Mr. Drinkhall opened the public hearing at 7:28pm. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:28 pm.

Mr. Porter made a motion, seconded by Mr. Fougere, to recommend the proposed amendment to §91 – Sprinkler System to the warrant as written. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried (7-0-0).**

§88 – Building Construction: This is a proposed amendment to revise the Chapter Title and numbering system used to organize Chapter 88 (Building Construction) as proposed in the Draft Conway Code dated 03/2016.

Mr. Drinkhall opened the public hearing at 7:29 pm. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:29 pm.

Mr. Porter made a motion, seconded by Mr. Fougere, to recommend the proposed amendment to §88 – Building Construction to the warrant as written. Mr. Drinkhall asked for Board comment; there was none. **Motion unanimously carried (7-0-0).**

PUBLIC HEARING – PETITIONED ZONING AMENDMENTS

§147.13.19.2: This is a petition to exclude from the Special Highway Corridor Overlay District all land located within 1,500 feet of the southerly limits of the New Hampshire Route 113 right-of-way. Peter Malia, Attorney for the Town, was in attendance.

Mr. Drinkhall stated according to the Supervisors of the Checklist the signatures were not all valid, so this item is a moot point. Mr. Irving stated the petition will not be considered this evening, however, it did highlight the relevance of the Special Highway Corridor Overlay District (SHCOD). Mr. Irving stated in 2011 the Planning Board entertained a petition article to eliminate the SHCOD north of the Saco River; the Planning Board supported that article, it was adopted at Town Meeting and it the Zoning Ordinance was amended.

Mr. Irving stated one argument made was that the bypass wasn't coming and it was not protecting anything from anything. Mr. Irving stated the question is, is the southern portion going to occur and if the district has any relevance. Mr. Irving stated the Board might want to choose to propose their own amendment in lieu of the petition. Mr. Irving stated the Board could consider the language as proposed or repeal the district in its entirety.

Mr. Steiner stated that the State of New Hampshire is starting to sell off some of the properties on Thompson Road. Mr. Irving stated this could be surplus property and not necessarily for the corridor. Mr. Shakier stated the corridor goes through there. Mr. Irving agreed.

Mr. Hartmann asked if this is just to send it to the ballot. Mr. Irving stated if the Board decides to propose an amendment to the Zoning Ordinance the Board would have to hold a public hearing at the February 9th Planning Board meeting; then make a decision whether to post to the warrant and send to the voters.

**Adopted: February 23, 2017 – As Amended
CONWAY PLANNING BOARD – JANUARY 26, 2017**

Mr. Steiner asked if the amendment would be abolishing the whole thing. Mr. Irving stated the Board could propose to repeal the SHCOD which extends from Route 113 to the Madison Town Line and along Cranmore Shores back to the Madison Town Line. Mr. Irving stated this would be getting rid of the district, eliminating the corridor is up to the State.

Mr. Steiner asked what is the impact. Mr. Irving stated the zoning that would apply to those lands would be all the underlying zones; most are within the Residential Agricultural District and the Wetland and Watershed Protection Overlay District. Mr. Irving stated the land would still have zoning, it would just be treated like any land that is not within the SHCOD.

Mr. Fougere asked who owns this land. Mr. Irving stated a significant amount is owned by the State of New Hampshire, but there are 115 parcels along this area. Mr. Fougere asked if it is privately owned. Mr. Irving answered State owned and privately owned. Mr. Shakir asked if the overlay district is removed how does it affect the privately-owned parcels. Mr. Irving stated the stricter development restrictions would be removed.

Mr. Hartmann stated if people who own land in the district are concerned about it then they could come up with a petition. Mr. Irving stated that he spoke with Don Lyford of NHDOT and asked if there is any official stand on the corridor; he said there was nothing official, but he does not think it is going to get built. Mr. Irving stated it is not an issue for the NHDOT if the district was repealed; it didn't matter to them whether it was there or not.

Mr. Irving asked if the Board wanted to consider an amendment to the Zoning Ordinance were by removing the small area that is indicated in the petition that the Board is not considering or repeal the district.

Mr. Irving stated there is no statutory ~~position~~ provision for another petitioned article for the 2017 warrant, the window has closed; the only mechanism is a zoning amendment through the Planning Board. Mr. Porter stated it would actually behoove everyone to speed this process up and close the door on this chapter; he doesn't see the State coming up with the funds to do this. Mr. Porter stated he thinks it would be beneficial for the Planning Board to present a warrant article for 2017.

Mr. Steiner made a motion, seconded by Ms. Verney, to propose an amendment to 147 to repeal §147.13.19, the Special Highway Corridor Overlay District. Motion carried with Mr. Hartmann voting in the negative.

Mr. Porter made a motion, seconded by Mr. Steiner, to hold a public hearing on February 9, 2017 regarding the proposed amendment to repeal §147.13.19, the Special Highway Corridor Overlay District. Motion unanimously carried.

OTHER BUSINESS

Adopted: February 23, 2017 – As Amended
CONWAY PLANNING BOARD – JANUARY 26, 2017

Type C Design, LLC (PID 215-32) – §123-4.A.5 (File #NA17-01): Jason Zube and Matt Spofford appeared before the Board. This is a request to construct a 12' x 28' shed at 3046 White Mountain Highway.

Mr. Porter made a motion, seconded by Mr. Fougere, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a 12'x28' shed is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Mr. Drinkhall asked for Board comment; there was none.
Motion unanimously carried.

Request from Thomas Holmes for appointment to North Country Council: Mr. Porter stated Mr. Holmes has been attending several meetings and believes he would be a good representative for the Town. **Mr. Porter made a motion, seconded by Mr. Shakir, to appoint Thomas Holmes to the North Country Council. Motion unanimously carried.**

Meeting adjourned at 7:49 pm.

Respectfully submitted,



Holly L. Meserve
Recording Secretary

Holly Meserve

From: Thomas Irving <tirving@conwaynh.org>
Sent: Thursday, November 3, 2016 2:42 PM
To: Steven Hartmann; Steven Porter; Steve Steiner; Sarah Verney; Michael Fougere; Ray Shakir; Kevin Flanagan
Cc: Holly Meserve
Subject: November 17th meeting cancelled and homework for Dec. 8th meeting
Attachments: Town of Conway Chapter 90 and 91 (002).pdf

As usual, if you have comments or questions please send them to me... **please do not** "reply all".

Please be advised that we have no new applications for the November 17th meeting. The Chair has therefore cancelled that meeting. Your next meeting is December 8th.

For December 8th...

As you may be aware the Town Manager and Board of Selectmen have been working on updates and revisions to the "Conway Code" (http://conwaynh.org/wp-content/uploads/2014/04/Conway-NH_Final-Draft.pdf). The Conway Code is a formal compilation of the Town's Charter, ordinances, regulations and policies. The amendments to several chapters of the Conway Code require both Planning Board and Town Meeting actions. Those chapters are addressed in the following proposed warrant articles:

Article 2: To see if the Town will vote to adopt amendment No.1 to Chapter 147 (Zoning Ordinance): to revise the Chapter Title and numbering system used to organize Chapter 147 (Zoning Ordinance) as proposed in the Draft Conway Code Dated 03/2016, including any revisions necessary to incorporate amendments to Chapter 147 (Zoning Ordinance) adopted by the 2016 and 2017 Town Warrants. This amendment shall be effective upon the adoption of the proposed Conway Code.

Proposed by the Planning Board. Recommended by the Planning Board (0, 0, 0)

Article 3: To see if the Town will vote to adopt amendment No.1 to Chapter 147-A (Small Wind Energy Systems Ordinance): to revise Chapter Title and the numbering system used to organize Chapter 147-A (Small Wind Energy Systems Ordinance) as proposed in the Draft Conway Code Dated 03/2016, including any revisions necessary to incorporate amendments to Chapter 147-A (Small Wind Energy Systems Ordinance) adopted by the 2017 Town Warrant. This amendment shall be effective upon the adoption of the proposed Conway Code.

Proposed by the Planning Board. Recommended by the Planning Board (0, 0, 0)

Article 4: To see if the Town will vote to adopt amendment No.1 to Chapter 90 (Life Safety Code): to revise the Chapter Title and numbering system used to organize Chapter 90 (Life Safety Code): as proposed in the Draft Conway Code Dated 03/2016, including any revisions necessary to incorporate amendments to Chapter 90 (Life Safety Code) adopted by the 2017 Town Warrant. This amendment shall be effective upon the adoption of the proposed Conway Code.

Proposed by the Planning Board. Recommended by the Planning Board (0, 0, 0)

Article 5: To see if the Town will vote to adopt amendment No.1 to Chapter 91 (Sprinkler Systems Code): to revise Chapter Title and the numbering system used to organize Chapter 91 (Sprinkler Systems Code) as proposed in the Draft Conway Code Dated

03/2016, including any revisions necessary to incorporate amendments to the Chapter 91 (Sprinkler Systems Code) adopted by the 2017 Town Warrant. This amendment shall be effective upon the adoption of the proposed Conway Code.

Proposed by the Planning Board. Recommended by the Planning Board (0, 0, 0)

Article 6: To see if the Town will vote to adopt amendment No.1 to Chapter 88 (Building Construction): to revise Chapter Title and the numbering system used to organize Chapter 88 (Building Construction) as proposed in the Draft Conway Code Dated 03/2016, including any revisions necessary to incorporate amendments to the Chapter 88 (Building Construction) adopted by the 2017 Town Warrant. This amendment shall be effective upon the adoption of the proposed Conway Code.

Proposed by the Planning Board. Recommended by the Planning Board (0, 0, 0)

There are no substantive changes to the permitted uses, restrictions or requirements. These amendments are all relative to the formatting and numbering system to make all the chapters consistent.

Here are the links to the latest draft of the Conway Code and the current regulations affected by these articles:

<http://conwaynh.org/wp-content/uploads/2015/01/2016-Zoning-041216.pdf>

<http://conwaynh.org/assets/pdf/2009SWESOrdinance041409.pdf>

<http://conwaynh.org/wp-content/uploads/2015/01/CH88-Adopted-04-14-2015.pdf>

I have also attached a PDF of Chapter 90 and 91.

At your December 8th meeting you will be expected to call for a public hearing on these articles to be held on January 26, 2017.

Regards,
Tom

Thomas B. Irving, Planning Director
Town of Conway
1634 East Main Street
Center Conway, NH 03813
E-mail: tirving@conwaynh.org
Phone: (603) 447 3811
Fax: (603) 447 5012

Holly Meserve

From: Thomas Irving <tirving@conwaynh.org>
Sent: Tuesday, January 17, 2017 11:58 AM
To: Holly Meserve
Subject: FW: Petition
Attachments: January 17.docx

From: Denise Leighton [mailto:churchoffice@firstchurchnc.com]
Sent: Tuesday, January 17, 2017 11:07 AM
To: tirving@conwaynh.org
Subject: Petition

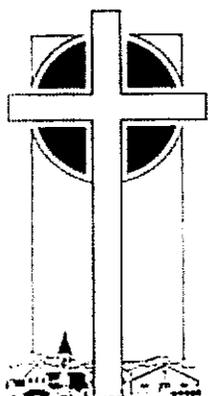
Hi Tom:

Please see attached, I hope this is sufficient.

Faithfully,

Denise Leighton

Administrative Assistant
First Church of Christ, Congregational
United Church of Christ
(P) 603 356-2324 (F) 603 356-7104
churchoffice@firstchurchnc.com



January 17, 2017

Thomas Irving
Town of Conway
Planning Board

Dear Thomas:

The Petition for "To see if the town will vote to amend Chapter 147 (Zoning Ordinance) to exclude from the Special Highway Corridor Overlay District (147.13.19) all land located within One Thousand Five Hundred Feet (1,500 feet) of the southerly sideline of New Hampshire Route 113. Section 147.13.19.2 shall be amended by adding a sentence to read: 'Also excluded from the district is all land located within 1,500 feet of the southerly limits of the New Hampshire Route 113 right of way'.
Petitioned pursuant to RSA 674:4 by voters of the Town of Conway;"

This petition has been rejected by the Supervisors of the Town of Conway. Only 22 signatures were registered votes in the Town of Conway. One was not readable.

Sincerely,

Denise F. Leighton
Supervisor for the Town of Conway

RECEIVED
JAN 11 2017
TOWN OF CONWAY NH

Petitioned Amendment to Zoning Ordinance

To see if the Town will vote to amend Chapter 147 (Zoning Ordinance) to exclude from the Special Highway Corridor Overlay District (147.13.19) all land located within One Thousand Five Hundred Feet (1,500 feet) of the southerly sideline of New Hampshire Route 113. Section 147.13.19.2 shall be amended by adding a sentence to provide: "Also excluded from the District is all land located within 1,500 feet of the southerly limits of the New Hampshire Route 113 right of way".

Petitioned pursuant to RSA 675:4 by voters of the Town of Conway:

Printed:

Kathy Bennett
Name - printed

Royal View Drive
Street

Melody Nester
Name - printed

312 Beechnut Dr.
Street

Rebecca Adams
Name - printed

Haynesville Ave.
Street

Ethel Garner
Name - printed

OVERLOOK DR
Street

Signature:

K Bennett
Signature

Melody Nester
Signature

Rebecca Adams
Signature

EM Garner
Signature

~~1/11/17~~

Memo

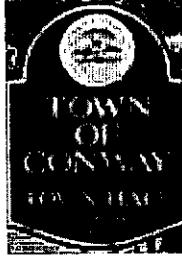
To: Tom Irving
From: Tom Holmes
Date: January 9, 2017
Re: North Country Council

Tom,

Could you please pass this along to the Planning Board for their consideration.



Tom H



Town of Conway

January 9, 2017

Planning Board
Town of Conway

Dear Honorable Board,

I am writing to request your recommendation for appointment to the North Country Council. I understand that there is currently an opening for a representative from Conway and that your board is the appointing authority.

I believe I could be an asset to both the council and to Conway as one of its representatives. I am also eager to broaden my understanding of the region and the challenges that it faces going forward.

Please feel free to call me if you have any questions. You can reach me at 447-3811 ext. 11.

Regards,

Tom Holmes, Assessor