

**CONWAY PLANNING BOARD**

**MINUTES**

**AUGUST 22, 2019**

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**CONWAY PLANNING BOARD**

**MINUTES**

**AUGUST 22, 2019**

A meeting of the Conway Planning Board was held on Thursday, August 22, 2019 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Sarah Frechette; Secretary, Benjamin Colbath; Steven Steiner; Raymond Shakir; Bill Barbin; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Barbin made a motion, seconded by Mr. Colbath, to approve the Minutes of July 25, 2019 as written. Motion carried with Ms. Frechette and Mr. Steiner abstaining from voting.**

**STEVEN AND OLGA MORRILL/BRADFORD AND MARGARET MORRILL/BRUCE MORRILL/GARY AND CAROLINE FOLLMER/VERTEX TOWER ASSETS, LLC/NEW CINGULAR WIRELESS PCS, LLC – FULL SITE PLAN REVIEW (PID 260-58) FILE #FR19-05**

Francis Parisi of Parisi Law Associates appeared before the Board. Jesse Marino with Pro Terra Design Group, LLC was in attendance. This is an application to construct a 165-foot wireless communication tower (171-feet to top of lightning rod) with associated infrastructure. Mr. Parisi gave an overview of the project.

**Mr. Porter made a motion, seconded by Mr. Steiner, to accept the application of Steven and Olga Morrill/Bradford and Margaret Morrill/Bruce Morrill/Gary and Caroline Follmer/Vertex Tower Assets, LLC/New Cingular Wireless PCS, LLC for a Full Site Plan Review as complete. Motion unanimously carried.**

Mr. Parisi reviewed the plans with the Board. Mr. Parisi stated the structure itself is 165-feet tall, and there is a lightning rod that goes up to 171-feet. Mr. Parisi stated the structure is a lattice tower; and it is an unmanned facility. Mr. Irving stated the structure itself was addressed by the Zoning Board of Adjustment.

Mr. Hartmann asked for Board comment; Mr. Shakir asked if this would alleviate the problem of drop outs in this area. Mr. Parisi answered in the affirmative. Mr. Shakir asked if anyone can buy space on the tower. Mr. Parisi answered in the affirmative. Mr. Hartmann asked for public comment; there was none.

Mr. Irving read the waiver request for §110-6.A.; §110-6.B.1.; §110-6.B.4.; §110-20.C.; §110-20.E.; §110-20.G.; §110-20.I.; §110-21.I.; §110-24.; §110-29.B., D. & E.; and §110-36.

Mr. Colbath made a motion, seconded by Mr. Steiner, to grant the waiver requests for §110-6.A.; §110-6.B.1.; §110-6.B.4.; §110-20.C.; §110-20.E.; §110-20.G.; §110-20.I.; §110-21.I.; §110-24.; §110-29.B., D. & E.; and §110-36. Mr. Hartmann asked for Board comment; there was none. **Motion carried unanimously.**

Mr. Barbin made a motion, seconded by Mr. Colbath, to conditionally approve the Full Site Plan for Steven and Olga Morrill/Bradford and Margaret Morrill/Bruce Morrill/Gary and Caroline Follmer/Vertex Tower Assets, LLC/New Cingular Wireless PCS, LLC conditionally upon Town Engineer approval; NHDES Wetlands Permit and indicating permit number on plan; revising waivers granted table on plan; submitting \$500 for Inspection Fees; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met the plans can be signed out-of-session; and this conditional approval will expire on March 26, 2020. **Motion carried unanimously.**

#### OTHER BUSINESS

**Richard J. Vanderveer 1996 Trust (File #NA19-06) – §110-4.A.(5)(a):** Josh McAllister of HEB appeared before the Board. Greg Vanderveer was in attendance. This is a request to allow the construction of a 252 square foot deck, a 240 square foot pavilion with a perimeter of paver stones and a shade structure, 28-outdoor seating, drainage modifications and the construction of a 95-foot long retaining wall at 2028 and 2050 White Mountain Highway (PID 230-2 & 3).

Mr. McAllister reviewed the project. Mr. McAllister stated the intent of this project is to provide an ice cream service window. Mr. McAllister stated there is an increase of 336 square feet of impervious area between the two parcels. Mr. Hartmann asked for Board comment; Mr. Shakir asked when will construction begin. Mr. McAllister stated interior construction is ongoing. Mr. Shakir asked what happens in the winter. Mr. Vanderveer stated they hope to have the outside space open through Christmas; and the inside will have ice cream, hot chocolate and coffee.

Mr. Steiner asked how drainage effects the abutting property. Mr. McAllister stated there is no impact on the abutting property. Mr. Hartmann asked if there would be any waivers under the full site plan review process. Mr. Irving stated this site was developed some time ago, so there would a number of waivers relative to the existing development. Mr. Irving stated the buffer requirement, additional street trees, parking and landscaping would probably have triggered some wavier requests. Mr. Hartmann stated this will definitely be an improvement.

Mr. Hartmann asked for public comment; there was none. **Mr. Colbath made a motion, seconded by Mr. Steiner, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, that the construction of a 252 square foot deck, a 240 square foot pavilion with a perimeter of paver stones and a shade structure, 28-outdoor seats, drainage modifications and the construction of a 95-foot long retaining wall is not subject to a 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. Motion carried unanimously.**

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**Town of Conway/One80 Solar (File #FR19-02) – Conditional approval expiring (PID 253-17 & 19): Mr. Steiner made a motion, seconded by Mr. Colbath, to extend the conditional approval for the Town of Conway/One80 Solar until December 12, 2019. Motion carried unanimously.**

**Draft Solar Collection Systems Amendment discussion:** Mr. Irving submitted draft definitions and special exception revision to the Zoning Ordinance for Solar Collection Systems to the Board. Mr. Irving stated this is a proposal to facilitate solar generating facilities, to clarify where they are allowed, the scale permitted, and to expand the areas where they are permitted.

**Mr. Barbin made a motion, seconded by Mr. Hartmann, to discuss 2020 Zoning Amendments relative to Solar Collection Systems at the September 12, 2019 Planning Board meeting. Motion carried unanimously.**

**Short-Term Rentals:** Steve Porter stated short-term rentals need to be regulated as they are creating a housing shortage problem and they are creating a problem with their neighbors. Mr. Hartmann stated he agrees there needs to be a discussion, but it is not the purview of this Board.

Mr. Irving stated there is no question there a problem with short term rentals, but he would urge this Board to allow the Board of Selectmen [BOS] to address the issue first. Mr. Irving stated he could suggest changes to the site plan review regulations and/or to the master plan, but he needs the guidance of the BOS first. Mr. Irving discussed two bills; SB69 which is relative for towns to license, and HB655 that would regulate disorderly housing. Mr. Irving stated there has to be common ground.

Mr. Colbath stated the bigger issue is the lack of housing and this issue has created that. Mr. Shakir stated he wants to have more of a discussion on this issue; he is not favoring either way, but it is definitely a double edge sword. Mr. Irving suggested letting the BOS address this issue first. Mr. Porter stated the BOS is putting this subject on their agenda; they do set policy, and this is not going to disappear.

Mr. Hartmann asked for public comment; Christine Kluff stated this may not be a Planning Board issue and a BOS issue, but it is not going anywhere if we don't work together. Ms. Kluff asked that this Board send a written memo to the BOS suggesting that they put together a subcommittee, and she will happily volunteer to be on such a committee. Mr. Hartmann stated he agrees with putting this in writing.

Wendy Kaslow stated she has contacted the Police and they have said this is a big problem; it is becoming a bigger and bigger problem. Ms. Kaslow stated there has to be some regulation; it is hard to live in your own home due to the amount of noise. Ms. Kaslow stated it is expanding outward and affecting us; it is our rights as homeowners to enjoy our homes.

Tom Reed of 29 Champney Road stated that 99 Sunset Hill Road is advertised as sleeping 20 people. Mr. Reed stated there does not need to be any more laws, we already have zoning. Mr. Reed stated if the zoning ordinance does not expressly permit it then it is not permitted, and it is

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a misdemeanor to operate it. Mr. Reed stated he lives in the residential agricultural district and 20 hotel beds are not permitted in that district; there are no exceptions unless they are owner occupied and none of them are.

Mr. Reed stated we need to take advantage of the laws we have. Mr. Reed stated there is a way for this to be done by the Town itself, it is a Town problem not an individual problem. Mr. Reed stated if it is not a permitted use it is in violation of the zoning ordinance. Mr. Reed stated we have the tools to do it, it is whether or not you will use those tools.

Maureen Seavey stated she is on Kearsarge Road and she has a short-term rental located behind her. Ms. Seavey stated the property has a very narrow driveway and they back into the driveway and stop traffic; it is a danger and a safety issue.

Ryan Wallace stated at the February 5<sup>th</sup> meeting the BOS chose not to back HB69; they missed the opportunity to register these properties. Mr. Wallace stated other communities have this in place, and they charge fees. Mr. Wallace stated there was an opportunity to capitalize and improve the facilities of the Town.

Tom Eastman of the Conway Daily Sun asked if the Board considered looking at setting a time; if it is rented more than so many days a year it is commercial and if less than it is residential. Mr. Eastman stated if a committee is formed, it is one idea that could be considered.

Sandy Callahan stated the local people should be considered first. Ms. Callahan stated if the owners are always in the Valley, the local people can do the renting and not outside people purchasing all the houses it would be more easily acceptable. Ms. Callahan stated we won't have anyone left in the valley to take care of these people if this continues.

Chris Cronin stated one of the difficulties with calling the police is the violation is aimed at the renter who is gone in a few days and then there is a new renter. Mr. Cronin stated you need to hold the property owners accountable, and come up with a way to regulate the owners that will help curb some of the issues.

Mr. Shakir stated short-term rentals is a boom in the valley; he has not seen it this crowded in a long time. Mr. Shakir stated he has no problem with people coming here, but there should be some consideration given to the people who live there year-round. Mr. Shakir stated we have to come to a compromise that benefits everyone.

Mr. Steiner stated as an owner he would rather have a short-term rental than a long-term rental; he doesn't want to have to chase the rent or evict people. Mr. Steiner stated there was an application before the Zoning Board of Adjustment last night in regard to J1 housing; he voted in favor as he had the word from an Engineer that he was going to make this building safe.

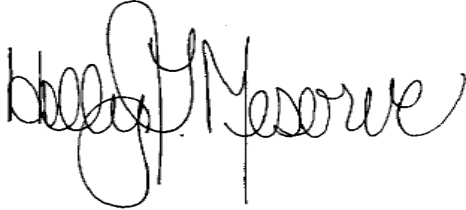
Mr. Porter stated under the Planning Board Report at the BOS meeting this discussion will be highlighted.

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**Mr. Barbin made a motion, seconded by Mr. Colbath, to write a letter to the BOS. Motion carried with Ms. Frechette, Mr. Steiner and Mr. Porter voting in the negative.** Ms. Frechette stated she voted against writing a letter only because she entrusts Mr. Porter to do accurate reporting at the Selectmen meeting and not because she doesn't think this is an important topic.

Meeting adjourned at 8:30 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large initial "H" and "M".

Holly L. Meserve  
Planning Assistant