

**Minutes of Meeting
CONWAY BOARD OF SELECTMEN
October 27, 2020**

The Selectmen's Meeting convened at 4:00 pm in the Marshall Gymnasium in the Conway Recreation Center with the following present: C. David Weathers, Mary Carey Seavey, Carl Thibodeau, John Colbath, Steven Porter, Town Manager, Thomas Holmes, and Planning Assistant, Holly Meserve. Paul DegliAngeli, Town Engineer, and John Eastman, Recreation Director, were in attendance.

PLEDGE OF ALLEGIANCE

Mr. Weathers led the Board in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

Mr. Weathers stated he would like to move item 5, Signing of Old Recreation Center Agreement, until Mr. Colbath joins the meeting, and add two Intent to Cuts to item 13 for PID 268-104 and PID 210-19. **Mr. Thibodeau moved, seconded by Ms. Seavey, to approve the agenda as amended. The motion carried unanimously.**

REQUEST FOR SECOND DRIVEWAY PERMIT ON MAP/LOT 262-22

Mr. DegliAngeli stated the Town road standards stipulate that there is one driveway per lot per road, with the exception being that special cases come before the Board of Selectmen. Mr. DegliAngeli stated over the years people have had circumstances why a second driveway made sense. Mr. DegliAngeli stated we are now seeing a new trend with accessory dwelling units and wanting second driveways; this is an example of that.

Mr. DegliAngeli stated the proposed second driveway does not quite comply with our standard as the proposed setback from the corner is 100-feet and our standard is 125-feet. Mr. DegliAngeli stated being this is a short, dead-end cul-de-sac he doesn't see this as a problem. Mr. DegliAngeli stated this is an accessory dwelling lot and they want two driveways.

Ms. Seavey asked what type of accessory dwelling is it. Mr. DegliAngeli stated it has been indicated that it would be a mother-in-law apartment; however, we don't know and if these owners sell, it will be two-units on a lot.

Mr. Weathers asked where the existing driveway is located. Mr. DegliAngeli stated it is further away from the corner. Mr. DegliAngeli stated they could have a shared driveway, but they are asking for separate driveways.

Mr. Porter stated it could be turned into a short-term rental, and asked if that could cause a problem down the road with traffic congestion. Mr. DegliAngeli stated he does not see that as the case here, but we have seen parking problems with short-term rentals and that is why he is in favor of them going through the site plan review process.

Ms. Seavey asked if the driveway was not adequate to handle the accessory dwelling unit. Mr. DegliAngeli answered in the negative and stated they obtained a building permit for the accessory dwelling and said they would be using the existing driveway. Mr. DegliAngeli stated they took out a temporary construction driveway permit and then approached us to turn it into a permanent driveway; we denied that.

Mr. Thibodeau stated you indicated that there is another driveway that is not shown on the plan. Mr. DegliAngeli stated there is another driveway on this lot. Mr. Thibodeau stated is there any reason why they cannot utilize the existing driveway and split it after it comes off the road. Mr. DegliAngeli answered in the negative and stated that is a possibility. Mr. Thibodeau stated that would not require any permission from anybody. Mr. DegliAngeli agreed.

Mr. Thibodeau asked if there was any reason to deny the request. Mr. DegliAngeli stated after this application he thinks we should take a look at the road standards and create guidelines on when to grant second driveways. Mr. DegliAngeli stated the intent was to have one driveway per lot per road that you front, and go before the BOS if you have a special exception.

Mr. DegliAngeli stated if we are going to start allowing these accessory dwelling units, and they are going to request two driveways, perhaps we should study that and have a position on it.

Ms. Seavey stated they were allowed to have a temporary driveway and this is the same spot they are now looking to put a permanent driveway. Mr. DegliAngeli stated they issued a temporary driveway for construction and then they requested that it become a permanent access, which we denied because it was right at the crook of the corner.

Mr. DegliAngeli stated they moved it so it was 100-feet from the corner and asked if they could have it there. Mr. DegliAngeli stated they were going to do originally what Mr. Thibodeau suggested and build off the existing driveway.

Mr. DegliAngeli stated he is also getting lots of requests to widen driveways and when he indicates we have standards for the maximum width they want to know once they get beyond the right-of-way if they can widen it because they are looking to park six cars. Ms. Seavey stated we are dealing with a lot of this with the short-term rentals.

Ms. Meserve stated that this accessory unit was granted under a Special Exception through the Zoning Board of Adjustment. Ms. Meserve stated under the provisions of a special exception one of the units has to be owner-occupied and neither units can be used for short-term rentals.

Mr. DegliAngeli stated we denied the request for the temporary access to become permanent because it was problematic, it doesn't comply with the site distance standard and it becomes problematic during winter operations. Mr. DegliAngeli stated the ordinance, however, does allow two accesses if it is a horseshoe driveway. **Mr. Porter made a motion, seconded by Ms. Seavey, to grant the second driveway. Motion defeated unanimously (0-4-0).**

USVLT REQUEST FOR FUNDING

Rob Adair of the Conway Conservation Commission and Abby King of the Upper Saco Valley Land Trust appeared before the Board. Mr. Adair stated they would like to purchase a conservation easement on the Lucy Brook Farm and purchase a 134-acre lot to expand the Pine Hill Community Forest.

Mr. Adair stated the funding request is \$12,000 for the Lucy Brook Farm and \$30,000 for the Pine Hill Community Forest expansion. Mr. Weathers stated the Lucy Brook Farm is conservation easement and the Pine Hill Community Forest is for a purchase and the property would be owned by the Upper Saco Valley Land Trust. Ms. King stated that is correct. Ms. King stated we have a MOU with the Town of Conway for the management of that property with a joint management committee.

Mr. Weathers stated the BOS granted \$10,000 back in 2018 for 400 plus acres, and they are now requesting \$30,000 for 134-acres. Ms. King stated even though the expansion lot is smaller in acreage it is key for functionality as it solves a lot of issues with public access, parking and trail heads. Ms. King stated the new piece, the 134-acre lot that that are seeking to purchase, has a lot more value as a community forest.

Ms. King stated a reason they are asking for more money this time then with the first piece is because they are in a really competitive fund-raising environment right now for conservation land and the funders that we are applying to for the purchase of this parcel are looking to see that the Town is supporting the project financially.

Mr. Holmes asked what fund could be accessed to pay for this. Mr. Adair stated there is a LCHIP match fund account which is only good if the land trust receives an LCHIP grant; and there are two acquisition land accounts, one is a conservation land account and the other is a current use account. Mr. Adair stated the funds could come out of any of those accounts.

John Colbath joined the meeting at this time.

Mr. Weathers stated he has a reservation on the \$30,000 request on land that we are not going to own, and he would suggest reducing it from \$30,000 down to \$20,000 because we don't have direct control over the land.

Mr. Weathers made a motion, seconded by Mr. Thibodeau, to grant the use of \$12,000 for the Lucy Brook Farm conservation easement. The Motion carried unanimously (5-0-0).

Mr. Weathers moved, seconded by Mr. Colbath, to grant the use of \$20,000 for the Pine Hill Community Forest. The motion carried with Mr. Porter voting in the negative (4-1-0).

Mr. Holmes asked what fund should the money be expended from. Mr. Adair stated his recommendation would be the Change-of-Use account which has \$169,000. **Mr. Colbath moved, seconded by Ms. Seavey, to use \$32,000 out of the land acquisition account. The motion carried unanimously (5-0-0).**

SIGNING OF OLD RECREATION CENTER AGREEMENT

Sut and Margaret Marshall were in attendance. **Mr. Colbath moved, seconded by Mr. Porter, to sign the agreement as presented in the agenda on packet pages 4, 5 & 6. The motion carried unanimously (5-0-0).**

DISCUSSION OF DISPOSITION OF ELECTRONIC EQUIPMENT – TOWN AND VALLEY VISION

After a brief discussion, it was determined that it was equipment that belongs to the Town purchased for Valley Visions use. **Mr. Porter moved, seconded by Ms. Seavey, to waive the fees for the disposition. The motion carried unanimously (5-0-0).**

DISCUSSION OF GRANITE STATE INTENTION TO SELL

Mr. Holmes stated it is Granite State College's intent to sell a condo unit and it is required to offer the Town the first right of refusal if they sell any of their real estate. **Mr. Colbath moved, seconded by Mr. Porter, that the Town purchase the property. The motion was defeated unanimously (0-5-0).**

DISCUSSION OF COMMUNICATIONS DISTRICT PLANNING COMMITTEE

Mr. Colbath stated at the last County Broadband meeting after much discussion it was decided to be able to have political and financial clout that the Carroll County Broadband Committee needed to, under RSA 53-G, create itself as a communication district. Mr. Colbath stated there was approximately \$50 million worth of covid money for grants that would be available for investigating and developing broadband networks, and Carroll County was not able to apply, only individual Towns could apply.

Mr. Colbath stated it was suggested that the committee would, over a process of time which will take approximately two years, disband as a committee and become a Communications District, if the Town so voted to do that. Mr. Colbath stated to do that it would need to be on the warrant.

Mr. Thibodeau stated at this point we are not committed to the expenditure of any funds. Mr. Colbath stated that is correct. Mr. Thibodeau stated this is just establishing a committee. Mr. Colbath stated that is correct.

Ms. Seavey stated this would be a committee for all of Carroll County. Mr. Colbath suggested the Board review the information, get input and decide at a future selectmen's meeting if we want to support and make it a warrant article. The Board agreed.

DISCUSSION OF NEW TOWN HALL SIGNAGE

After a brief discussion, it was determined to have the sign indicate Conway Town Hall, to have black letters on a white background and there should be a directory on the back of the building. Mr. Colbath stated if the freestanding sign is going to stay it would be nice to have it state Town Hall front and bank in the back.

AUTHORIZATION FOR TOWN MANAGER TO SIGN VALLEY VISION LEASE

Mr. Colbath moved, seconded by Ms. Seavey, to authorize the Chair to sign said lease on behalf of the Board of Selectmen. Mr. Weathers asked for Board comment; Mr. Thibodeau stated there is no provision for trash removal. Mr. Holmes stated it is Valley Vision's responsibility to remove their own trash. Mr. Thibodeau stated he would like to see it in there so it does not become a question. **The motion carried unanimously (5-0-0).**

REVIEW OF RECEIPTS

The receipts were available for review.

SIGNING OF DOCUMENTS

- a. Yield Tax Levy on Map/Lot 203-119
- b. Certification of Yield Taxes Assessed on Map/Lot 203-119
- c. Notice of Intent to Cut Wood or Timber on Map/Lot 296-6
- d. Notice of Intent to Cut Wood or Timber on Map/Lot 226-5
- e. Municipality Land Use Change Tax on Map/Lot 258-68.14
- f. Municipality Land Use Change Tax on Map/Lot 269-68
- g. Municipality Land Use Change Tax on Map/Lot 269-67
- h. Municipality Land Use Change Tax on Map/Lot 250-49
- i. Warrant for Land Use Change Tax on Map/Lot 258-68.14
- j. Warrant for Land Use Change Tax on Map/Lot 269-68
- k. Warrant for Land Use Change Tax on Map/Lot 269-67
- l. Warrant for Land Use Change Tax on Map/Lot 250-49
- m. Notice of Intent to Cut Wood or Timber on Map/Lot 268-104
- n. Notice of Intent to Cut Wood or Timber on Map/Lot 210-19

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the documents listed above a. through n. The motion carried unanimously (5-0-0).

CONSIDERATION OF BILLS

- a. AP Manifest dated 10/29/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest dated 10/29/2020. The motion carried unanimously (5-0-0).

RATIFICATION OF DOCUMENTS SIGNED OUT OF SESSION

- a. AP Manifest dated 10/22/2020
- b. Payroll dated 10/22/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to sign the AP Manifest and Payroll dated 10/22/2020. The motion carried unanimously (5-0-0).

REVIEW AND CONSIDERATION OF SPECIAL EVENT APPLICATION(S)

- a. Saco Valley Gem and Mineral Club – Gem and Mineral Show – North Conway Community Center (October 24, 2020)

Mr. Colbath moved, seconded by Ms. Seavey, to sign the special event application for the Saco Valley Gem and Mineral Club. The motion carried unanimously (5-0-0).

CONSIDERATION OF MINUTES

- a. Regular and Non-Public Minutes from 10/13/2020

Mr. Colbath moved, seconded by Mr. Thibodeau, to adopt the regular and non-public minutes from 10/13/2020 as written. The motion carried unanimously (5-0-0).

TOWN MANAGER REPORT

Mr. Holmes stated he met with Congressman Pappas and discussed possible further covid funding.

Mr. Holmes stated the old rec center is gone; they did find an underground oil tank that we didn't know about.

Mr. Holmes stated we received a \$5,000 check this week for a grant for elections; we can use this money as our 20% match for the Secretary of State's grant.

Mr. Holmes stated three employees have been out sick; two tested negative for covid and the third is asymptomatic and stayed home.

Mr. Holmes stated Peter Gagne has been appointed to the Saco-Swift Rivers Advisory Committee.

Mr. Holmes stated an RFP for cleaning services at the new town hall have been sent out.

Mr. Holmes asked if the Board wants to go forward with the skating rink this winter. Mr. Colbath asked what is the recommendation of the Parks and Rec Department. Mr. Eastman stated they are in favor of opening the skating rink. Mr. Eastman stated the rink is outside, and we could limit the amount of people in the warming hut and require masks to be worn.

Mr. Colbath asked if they have attendants lined up. Mr. Eastman stated he thinks so; there is a college student and a high school student interested. Mr. Eastman stated they would need to have three people, and may have to put an ad in the paper for another person.

Mr. Colbath asked if their duties would include enforcement of covid restrictions. Mr. Eastman answered in the affirmative, however, he has not met with the people he had last year to see if they are comfortable doing that. Mr. Eastman asked if there is any guidance on what the Board would like to see for such enforcement. Mr. Weathers stated they should be required to wear a mask, and the attendants should remind people of that, but not get into a verbal confrontation over it.

Mr. Colbath stated he agrees, and stated there are more places that are saying no mask no entrance. Ms. Seavey asked what other Towns with skating rinks are doing. Mr. Eastman stated some leave unattended all day, some just have benches outside; we've always had an attendant.

Mr. Colbath moved, seconded by Mr. Thibodeau, to open the Schouler Park skating rink this coming year under the recommendation of the Rec Department. The motion carried unanimously (5-0-0).

Mr. Holmes stated he would like permission from the Board to approach businesses in North Conway Village to have a discussion regarding sanitation facilities. Mr. Holmes stated he would like the Board to consider having no porta potties in Schouler Park next summer; 15 porta potties were required this summer.

Mr. Holmes stated he would like to find another location to put them to get them out of the park. Mr. Porter agreed and stated he never really appreciated looking at porta potties in the park. Mr. Colbath agreed and stated he would like to not see them there, and would like to see a building to house bathroom facilities in order to maintain them better than porta potties. The Board agreed for Mr. Holmes to set up a meeting.

Mr. Holmes stated the BOS tables and oak benches have been moved to the new meeting room, and it is possible that the next meeting could be at the new town hall.

BOARD REPORTS AND COMMENTS

Mr. Porter stated the Planning Board met last Thursday night; they reviewed a two-lot subdivision, a few proposed zoning amendments and was given some short-term rental material from the Planning Director to look over and discuss at the next meeting.

Mr. Colbath stated the Zoning Board of Adjustment met last week. Mr. Colbath stated there were three hearings; two were related to apartments and one was a variance wishing to add a screened porch within the wetland buffers. Mr. Colbath stated on apartment was granted, one was continued to the next meeting and the variance was denied. Mr. Colbath stated the Budget Committee doesn't meet for another month.

Mr. Thibodeau stated he had nothing to report.

Ms. Seavey stated the Economic Council meets tomorrow. Ms. Seavey stated Valley Vision is hoping to move furniture in on November 3rd, and the earliest for Spectrum to do some work would be November 8th. Ms. Seavey stated they are currently off-air until the Spectrum work is done. Ms. Seavey stated Spectrum will not come in after 5 pm, and they would have to take the internet down for 45-minutes, which cannot be done to the Town Clerk/Tax Collector's office with everything that is going on with voting.

Mr. Colbath asked if there is an update on the elevator at the Town Hall in Center Conway. Mr. Holmes stated the Building Inspector is working on getting prices for parts. Mr. Holmes suggested going with parts first to see if that works.

Mr. Weathers stated he had nothing to report.

PUBLIC COMMENTS AND MEDIA QUESTIONS

Tom Eastman of the Conway Daily Sun asked how many porta potties were there this summer. Mr. Holmes answered 15, and it still was not enough. Mr. Tom Eastman asked who would Mr. Holmes meet with. Mr. Holmes stated he has already met with Janice Crawford, and he would like to meet with some of the local business owners and property owners. Mr. Holmes stated he would like to disperse the porta potties throughout the Village.

Mr. Tom Eastman asked about the Ski Museum. Mr. Holmes stated they are not allowing them to be open to the public. Mr. Holmes stated the Town owns a parking lot on Depot Street, and we have the Whitaker Homesite. Mr. Holmes stated he would like to see them dispersed somewhat so they are not so obvious.

Mr. Tom Eastman asked if Mr. Holmes feels providing bathroom facilities is a Town responsibility. Mr. Holmes stated that is not for him to decide. Mr. Eastman asked the Board if they feel the Town needs to address this issue. Ms. Seavey stated she doesn't think Schouler Park should be filled with porta potties, and the businesses in North Conway Village need to take some responsibility for it.

Mr. Porter stated he doesn't think Schouler Park should be littered with porta potties, and the businesses do need to take some of the responsibility. Mr. Colbath stated he would agree, and stated since he was a kid, there has been a discussion that bathrooms are needed in North Conway Village. Mr. Thibodeau stated the porta potties were an eyesore and he doesn't want to see them in Schouler Park, but we do have to do something.

NON-PUBLIC SESSION RSA 91-A:3 II (C) -TAX MATTER

At 5:30 pm, **Mr. Colbath moved, seconded by Mr. Thibodeau, to go into non-public session under RSA 91: A:3 II(C) – Tax Matter. The motion carried unanimously by roll call vote.**

At 5:38 pm, the Board returned to public session. **Mr. Colbath moved, seconded by Mr. Thibodeau, to seal the minutes from the non-public session. The motion carried unanimously by roll call vote.**

ADJOURN

At 5:38 pm, the meeting adjourned at the call of the Chair.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant