

CONWAY PLANNING BOARD

MINUTES

MAY 9, 2024

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CONWAY PLANNING BOARD

MINUTES

MAY 9, 2024

A meeting of the Conway Planning Board was held on Thursday, May 9, 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; Vice Chair, Ailie Byers; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Ted Phillips; Alternate, Nat Lucy; Town Planner, Ryan O'Connor; and Zoning Officer, Nicholas DeVito.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Byers, to approve the minutes of the December 14, 2023, non-public meeting, as written. Motion carried unanimously.

Ms. Byers made a motion, seconded by Mr. Porter, to approve the minutes of the April 11, 2024, meeting as written. Motion carried unanimously.

CONTINUUM AT NORTH CONWAY, LLC (FILE #FR24-02) – FULL SITE PLAN REVIEW (PID 246-65.1)

Mr. Barbin made a motion, seconded by Ms. Byers, to accept the application of Continuum at North Conway, LLC for a full site plan review as complete with the staff report. Motion carried unanimously.

Kate Richardson of Bergeron Technical Services appeared before the Board, representing Continuum at North Conway. This is an application to construct a 1,500 square foot drive-thru restaurant with associated infrastructure on Commercial Drive, North Conway.

Chair Colbath asked for Board comment.

The Board expressed concern regarding the placement of the drive-thru window, preferring that it be located on the blind side of the building. Ms. Byers suggested adding screening, if it cannot be moved.

The Board discussed the phasing of the project and noted that the townhouses were originally scheduled to be built first. Chair Colbath reminded the Board they cannot define what is built on a lot.

Shawn Bergeron of Bergeron Technical Services appeared before the Board, representing Continuum at North Conway. He noted the plan was approved by the Board on July 5, 2022. He explained that the economics are changing, which impacts the phasing. The next approval Ridgeline will seek is for residential and moving of the medical facilities.

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The Board agreed they would like as much screening as possible. Mr. O'Connor noted stacking dictates the location of the drive-thru window and that year-round screening could be added as a condition of approval.

Ms. Richardson agreed to remove the driveway in the buffer. She verified the DOT permit allows for a drive-thru restaurant.

Chair Colbath asked for public comment.

Mr. O'Connor said the waivers were approved as part of the original site plan. He verified that the propane tank will be buried.

Chair Colbath closed public comment.

Mr. O'Connor read the conditions of approval.

Mr. Barbin made a motion, seconded by Mr. Porter, to conditionally approve the full site plan review for Continuum at North Conway, LLC conditionally upon Town Engineer approval; a revised NHDOT Driveway Permit and indicating permit number on plan or confirmation from NHDOT that the existing permit includes the proposed project; indicating abutters PID 246-62 (Walmart) and PID 246-38 (RGMZ) on plans; adding uses for abutters to plans (per §110-6.A.); removing the “Proposed Pylon Sign” located on the northeast corner of the property; adding landscaping to the plan which sufficiently screens the drive-thru pickup window from Eastman Road; adding a plan note stating any propane for fuel storage tanks must be buried; adding a plan note that all mechanical equipment shall be fully screened; all pavement within the vegetative buffer shall be removed; revising waivers granted table if necessary; submitting four copies of revised plans with original stamps and signatures; \$200 for Inspection Fees; submitting a cost estimate for site improvements and landscaping; a performance guarantee for all on-site improvements [if necessary]; a performance guarantee for all off-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 November 14, 2024. Motion carried unanimously.

PUBLIC HEARING – TREE REMOVAL ON A SCENIC ROAD – RSA 231:158

This is a public hearing for trimming and removing trees and brush along designated scenic roads West Side Road, Crown Hill Road, Greeley Road, Gulf Road, and Leavitt Road to facilitate utility services.

Bob Berner, Eastern Region Arborist for Eversource, appeared before the Board. He reviewed the trimming specifications. All property owners impacted will be contacted. The contractor is Asplundh Tree Expert. Work is scheduled to begin around the fourth quarter of 2024.

Chair Colbath asked for Board comment.

Ms. Byers asked for details about the process of notifying residential property owners regarding trimming and removing trees.

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Mr. Berner said some trees are exhibiting signs of the Emerald ash borer, which can ultimately kill the tree.

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment.

Mr. Porter made a motion, seconded by Mr. Barbin, to approve the proposed tree cutting on scenic roads. Motion carried unanimously.

OTHER BUSINESS

Continuum at North Conway, LLC (File #NA24-07):

Shawn Bergeron of Bergeron Technical Services appeared before the Board representing Continuum at North Conway. This is a non-applicable request to construct a 6,985 square foot District Heating Plant and a 1,200 square foot maintenance garage with associated infrastructure on Ridgeline Circle, North Conway (PID 246-65.7). Mr. Bergeron reviewed the full site plan, which was approved on July 5, 2022.

All 17 first step housing foundations are in place. This aspect of the plan will be completed in 2024. Lot 3 was originally approved for a heat plant; this will be changed to residential housing. Lot 4 was approved as a daycare, but they have not been able to secure a tenant; they are considering building an athletic club instead. Lot 5 was originally a group of first step housing units; the medical office buildings will be moved here instead. Lot 6 will be 55+ single-family homes. Lot 7 is planned for assisted living/memory care/skilled nursing, but will not be completed for at least two years. Lot number 8 will be residential. Lot number 9 is being reworked and will need site plan review in the future.

Mr. Bergeron asked for a non-applicable for the proposed district heating facility and the maintenance facility located on Lot 7. The cleared area in front of it will be loamed and seeded until the planned structure is built. The primary heat source is wood chips, with a propane backup. The facility will provide domestic hot water and heating, plus snow melt for sidewalks and driveway in lots 4,5, 6,7, and 8. It will also providing air conditioning for some structures.

Chair Colbath asked for Board comment. Chair Colbath asked for details on the heating facility. Mr. Bergeron said the emissions from the plant are heavily regulated by the NHDES. He noted the boilers produce little sound and the buildings will be insulated.

Ms. Grant asked where the rerouted recreation trail will be located and Mr. Bergeron said it will be behind the heat plant.

Mr. Colbath asked about the delivery of wood chips and the stormwater runoff. Mr. Bergeron said Benitas Way (sp) will be modified to accommodate heavier truck traffic. The storm runoff has been taken into consideration by Jones & Beach. He noted that full bonding has been provided for Lot 7.

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Ms. Byers asked about the green space reduction due to the facility being moved from Lot 3 to Lot 7. Mr. Bergeron said it is within the green space requirements. The wetland setback will be met.

Ms. Byers asked how the deadlines would be affected, if the non-applicable was denied. Mr. Bergeron said it would affect the project timing and they could miss their window of opportunity.

Ms. Grant said the rule with non-applicable is that it is a function of an existing development. However, there is no existing development on the lot. Mr. Bergeron said he has discussed this with Mr. O'Connor.

Mr. O'Connor voiced concern over the abutters not being notified. He would be more comfortable getting everything on the plan as part of a site plan review. He noted it is a unique use of this site.

The Board reiterated their concern over abutters not being notified, especially regarding the smokestack.

Mr. Bergeron said they will be happy to do whatever the Board requests.

Chair Colbath asked for public comment.

Evan Lucy asked if there would be a stockpile of wood chips. Mr. Bergeron explained trucks will deliver wood chips into a hopper.

Chair Colbath closed public comment.

Chair Colbath made a motion in the affirmative, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, that the construction of a 6,985 square foot District Heating Plant and a 1,200 square foot maintenance garage with associated infrastructure 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 did not carry 0-6-1, with Chair Colbath voting present.

Settlers R1, Inc. (File #NA24-08):

Michael Mitchrone of OVP Management appeared before the Board. This is a non-applicable request to allow a food truck at 2 Common Court, North Conway (PID 235-99). Mr. Mitchrone explained they requested approval for a food truck in this location last year before the zoning ordinance was in place, and it was approved. He noted all requirements are met.

Mr. Barbin asked if a zoning permit application was submitted. Mr. O'Connor said not at this time. The zoning permit will need to be obtained. Mr. Mitchrone said he would do this.

Mr. O'Connor reviewed the new application process. Mr. Barbin noted there is information missing from the application.

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Mr. Mitchronev said the application was submitted prior to the April 9th vote.

Mr. O'Connor reviewed the conditions of approval.

Ms. Grant made a motion, seconded by Mr. Porter, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, a food truck 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 *conditionally upon* any Food Truck operating within the designated area is required to submit a current state health permit, based on where the vehicle is registered, with any application. A current state permit is required to be on display during operation; hours of operation are limited to the operating hours of the primary commercial use which the Food Truck is located; the Town of Conway reserves the right to inspect any establishment and revoke approval if the conditions are not being met or maintained or if the use is deemed to exceed the capacity of the site; and complying with conditions as stated in §170, Vending Carts and Food Trucks. Motion carried unanimously.

1675 WMH, LLC (File #NA24-09):

Michael Mitchronev of OVP Management appeared before the Board. This is a non-applicable request to allow a permanent food truck location at 1675 White Mountain Highway, North Conway (PID 235-85).

Mr. Porter expressed concern over the location, due to retail windows being blocked. Mr. Mitchronev said there have been food trucks in this location in the past and they do not block the front windows. He noted the other side of the walkway is not wide enough. There is also no lease violation.

Chair Colbath asked if they have received Fire Chief approval and Mr. Mitchronev said he has not spoken with him yet. It was not brought up in the past, when other food trucks were in this location. The Board agreed they would like to see this occur before appearing before the Board in the future.

Mr. O'Connor reviewed the conditions of approval.

Mr. Porter made a motion, seconded by Mr. Corbett, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, a food truck 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 *conditionally upon* any Food Truck operating within the designated area is required to submit a current state health permit, based on where the vehicle is registered, with any application. A current state permit is required to be on display during operation; hours of operation are limited to the operating hours of the primary commercial use which the Food Truck is located; the Town of Conway reserves the right to inspect any establishment and revoke approval if the conditions are not being met or maintained or if the use is deemed to exceed the capacity of the site; and complying with conditions as stated in §170, Vending Carts and Food Trucks. Motion carried unanimously.

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Evan Lucy noted he visited Settlers Green and that the Board is doing a good job.

Christopher and Tracy Roberge Strout (File #S23-18) – Request to extend conditional approval (PID 216-73.1):

Mr. O'Connor explained they are close to meeting conditional approval.

Mr. Porter made a motion, seconded by Ms. Grant , to extend the conditional approval until November 14, 2024. Motion carried unanimously.

HOP Grant Committee Update:

Mr. O'Connor gave an update on the grant committee.

Selectman's Report:

Mr. Porter had no report at this time. Ms. Byers asked if they were considering the budget. Mr. Porter said they will be closely monitoring potential budget increases. Mr. O'Connor noted they have applied for funding from Invest New Hampshire, which they will find out about this month.

Issues for Consideration

Chair Colbath asked the Board if they would be amenable to adding wording regarding a maximum amount of fill that can be added or topsoil that can be removed to the site plan review. Mr. O'Connor will do this and present it to the Board.

Ms. Grant suggested looking into large-scale commercial development around rivers. Mr. O'Connor said this will be addressed at the next workshop.

Ms. Grant suggested changes to the green space requirements.

Mr. Colbath made a motion, seconded by Mr. Porter, to move this topic to a public hearing on May 23, 2024. Motion carried unanimously.

The Board discussed proposed changes to the application checklist.

Mr. DeVito said up-lighting on buildings is starting to occur around town. He noted there are zoning ordinances against up-lighting signs, but not buildings. He asked the Board how this should be handled. They agreed this is a zoning violation, as lighting needs to be dark sky compliant. Mr. O'Connor noted the need to meet requirements regarding maximum illumination on a site as well.

Media Questions

Tom Eastman, Conway Daily Sun, asked for Board reaction to the reader board at Eagles Way, and if they view it as visual pollution. Chair Colbath said the ordinance states no reader boards are allowed, and ordinances are the will of the people. Mr. Eastman said he felt that a reader board at a busy intersection is a safety issue. The Board noted the bank is paying to relocate the existing sign to accommodate the addition of a turning lane.

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Mr. Eastman asked why the Board continued the Ridgeline project. The Board reiterated they do not feel comfortable granting a non-applicable. They are in support of the project, but feel more of a public process would be fitting for the site.

Meeting was adjourned at 7:49 p.m.

Respectfully submitted,
Beth Haggeli

Planning Board
Town of Conway
24 Main Street
Conway, NH 03818

January 24, 2024

RECEIVED

MAR 29 2024

TOWN OF CONWAY

Dear Planning Board Members:

This letter is to inform the Town of Conway that Eversource is planning to remove trees adjacent to and beneath some of its power lines within the town. This work is necessary to ensure the safe distribution of power and to improve the reliability of electric service for our customers

According to Eversource records West Side Road, Crown Hill Road, Greeley Road, Gulf Road, and Leavitt Road have been designated as scenic roads by the Town. Please consider this letter a request from Eversource for a public hearing for the trimming and removal of trees and brush along these roads within the proposed work area pursuant to RSA 231:158. Please inform this office of the time and place of said meeting so that we may have a representative present. A map highlighting the areas to be trimmed is enclosed.

Eversource specifications call for the removal of brush and limbs which are located within eight feet to the side, ten feet below or fifteen above conductors. Trees which present a threat to Eversource lines or other equipment because of decay, or another defect will be removed on a case-by-case basis. A list of "risk" trees identified for removal by Eversource has been included. All trees are marked with a blue and white checkered ribbon.

All work will be performed in accordance with accepted arboricultural standards. Eversource has contracted with Asplundh Tree Expert to perform the actual clearing of trees. Eversource requires that our clearing contractor contact each landowner where trees are to be trimmed or removed prior to commencement of work on that property. Individual concerns will be addressed at this time.

All brush and limbs cut on roadside locations will be chipped. In wooded, undeveloped locations, these chips may be dispersed into the woods taking care not to allow chips to accumulate in piles or in ditches. Near developed land, the chips will be blown into a truck and disposed of offsite. The chips make good mulch and are often given to nearby property owners for landscaping purposes. If a central dumping location could be arranged, Eversource would be happy to make any unclaimed chips available to the Town at no cost. Brush and limbs cut on inaccessible lines will be stacked to the side of the right-of way and cut low to the ground. All wood will be left on site unless otherwise directed by the landowner.

Work is scheduled to begin in the near future.

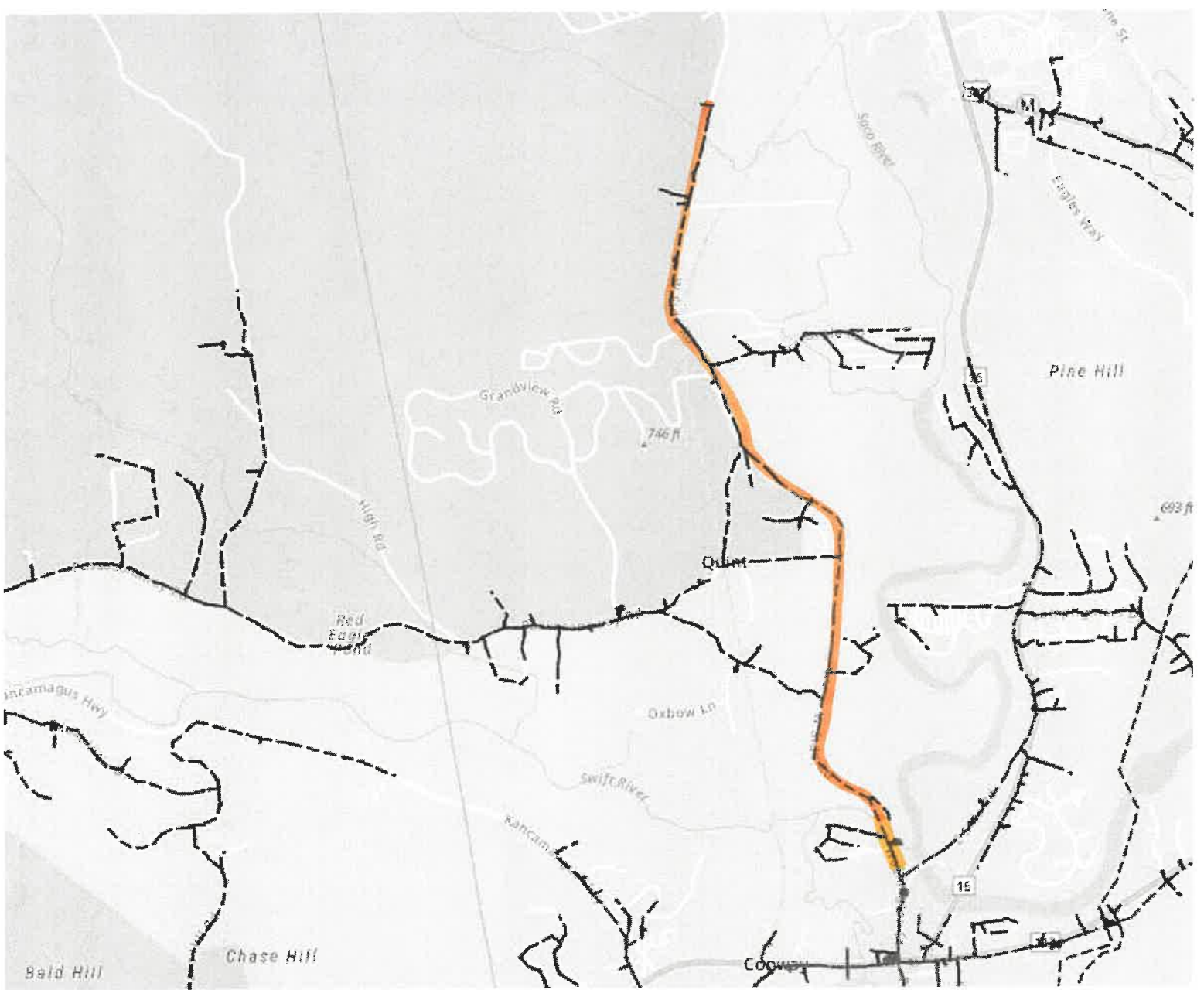
If you have any questions or comments, please feel free to contact me at the above address, by telephone at 603-634-3469 or by e-mail at Robert.Berner@Eversource.com.

Thank you for your concern and assistance.

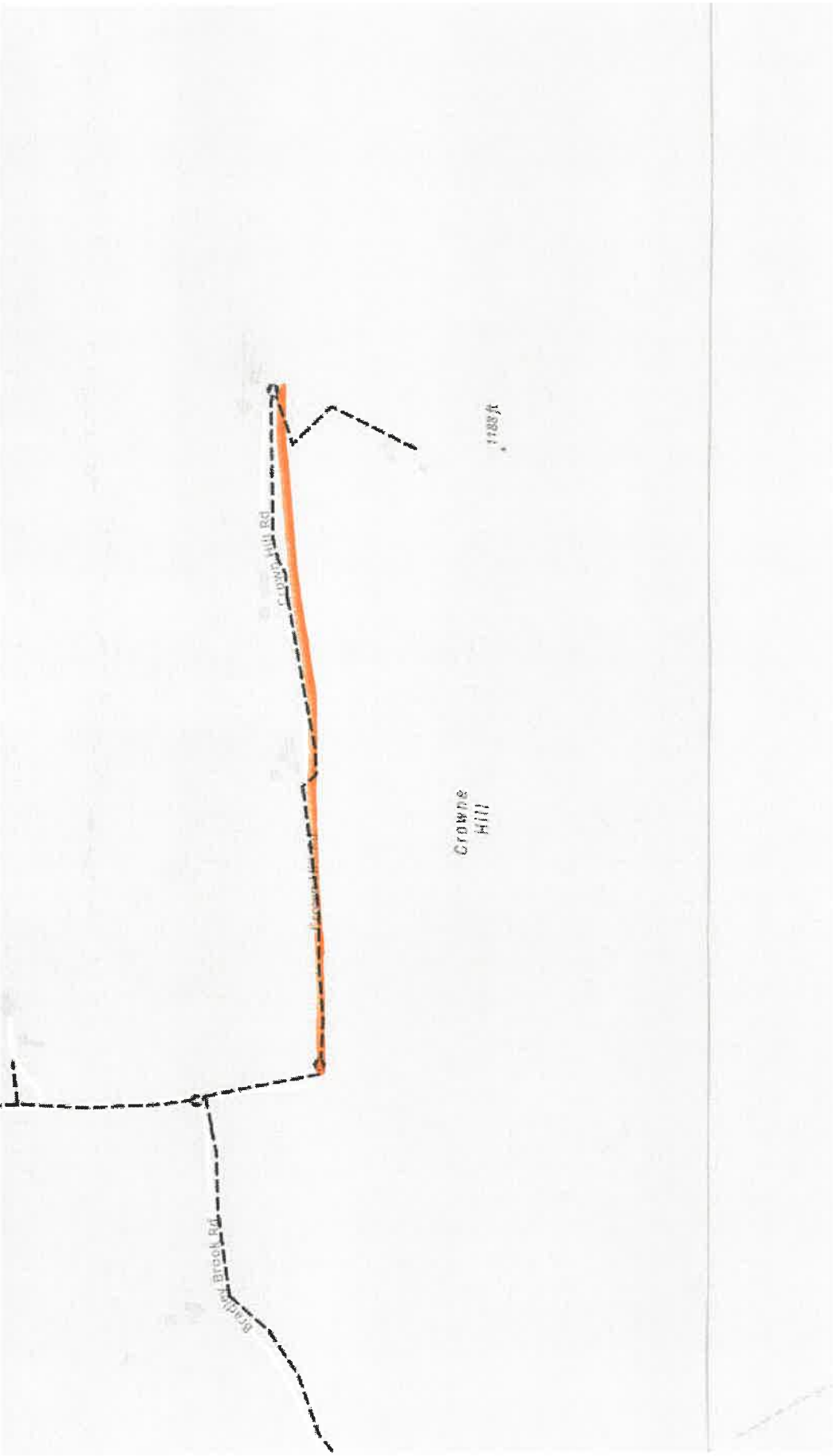
Respectfully,



Robert J. Berner
Eastern Region Arborist
Eversource



WEST SIDE ROAD



Crowne Hill Rd



GREELEY RD



GOLF RD + LEAVITT RD

Conway Scenic Road's (R.O.W.- only) Potential Hazard Trees

3/13/2024

	AWC	Circuit	Town	Address	Route Pole	DBH	Genus	Notes
1	Chocorua	347_45	Conway	389 W Side Rd	3/32 to 3/28	20	Oak	Storm damaged/rotten leaning stem
2	Chocorua	347_45	Conway	389 W Side Rd	3/32 to 3/28	25	Oak	dying top, overhanging
3	Chocorua	347_45	Conway	549 W Side Rd	3/43 to 3/44	22	Pine	Overhanging, w/Rotten stem 1/2 way up at junction point
4	Chocorua	347_45	Conway	W Side Rd	3/47 to 3/48	14	Elm	Dying Top, overhanging
5	Chocorua	347_45	Conway	W Side Rd	3/48 to 3/47	14	Locust	3/4 declined, leaning
6	Chocorua	347_45	Conway	733 W Side Rd	3/53-2 to 3/53-3	25	Locust	3/4 declined, w/hollow trunk & cavities 1/2 way up
7	Chocorua	347_45	Conway	733 W Side Rd	3/53-2 to 3/53-3	13	Cherry	declining, hard lean, large cavity backside
8	Chocorua	347_45	Conway	733 W Side Rd	3/53-3 to 3/53-2	11	Cherry	3/4 Declined, leaning
9	Chocorua	347_45	Conway	W Side Rd	3/53-4 to 3/53-5	9	Pine	dead & leaning
10	Chocorua	347_45	Conway	W Side Rd	3/53-4 to 3/53-5	8	Locust	3/4 dead & leaning
11	Chocorua	347_45	Conway	W Side Rd	3/53-4 to 3/53-5	8	Pine	dead & leaning
12	Chocorua	347_45	Conway	W Side Rd	3/53-4 to 3/53-5	7	Pine	Dead stem
13	Chocorua	347_45	Conway	W Side Rd	3/53-5 to 3/53-4	10	Pine	dead & leaning
14	Chocorua	347_45	Conway	W Side Rd	3/53-4	8	Pine	leaning, overhanging w/rotting stem
15	Chocorua	347_45	Conway	W Side Rd	3/53-4 to 3/53-5	13	Pine	leaning, overhanging, w/rotting stem
16	Chocorua	347_45	Conway	W Side Rd	3/53-5 to 3/53-4	10	Poplar	leaning, overhanging w/rotting stem
17	Chocorua	347_45	Conway	815 W Side Rd	3/80-6 to 3/80-4	17	Elm	leaning, overhanging, eroding potential uproot
18	Chocorua	347_45	Conway	815 W Side Rd	3/80-3 to 3/80-4	29	Maple	declining, overhanging, w/ dying top
19	Chocorua	347_45	Conway	879 W Side Rd	3/80-2 to 3/80-3	19	Maple	3/4 declined, Hard leaning, dying top
20	Chocorua	347X3_45	Conway	Greeley Rd	24/40 to 24/41	40	Pine	Leaning, overhanging, w/rotten hollow trunk/stem
21	Chocorua	347X3_45	Conway	645 Greeley Rd	24/40 to 24/41	15	Pine	Rotting trunk
22	Chocorua	347X3_45	Conway	645 Greeley Rd	24/42 to 24/41	8	Maple	leaning, w/dying top
23	Chocorua	347X3_45	Conway	Greeley Rd	24/42 to 24/43	13	Beech	dead stem W/ top 1/2 curling towards line
24	Chocorua	347X3_45	Conway	645 Greeley Rd	24/42 to 24/41	17	Maple	hard leaning, overhanging, potential uproot
25	Chocorua	347X3_45	Conway	Greeley Rd	24/42 to 24/43	11	Maple	bent over, overhanging, w/dying top
26	Chocorua	347X3_45	Conway	Greeley Rd	24/44 to 24/45	14	Ash	rotten trunk & stem, top broken temporarily hung up, potential swing back failure at base with top falling back towards line
27	Chocorua	347X3_45	Conway	Greeley Rd	24/45 to 24/46	21	Hemlock	dead & leaning, overhanging
28	Chocorua	347X3_45	Conway	Greeley Rd	24/46 to 24/45	19	Maple	bent over, w/ rotten open cavity backside
29	Chocorua	347X3_45	Conway	443 Greeley Rd	24/49 to 24/50	10	Birch	dying top
30	Chocorua	347X3_45	Conway	443 Greeley Rd	24/49 to 24/50	19	Poplar	Overhanging w/dying top

Conway Scenic Road's (R.O.W.- only) Potential Hazard Trees

3/13/2024

AWC	Circuit	Town	Address	Route Pole	DBH	Genus	Notes
59	347X3_45	Conway	130 Crown Hill Rd	266/31 to 32	15	Maple	Leaning, w/ Hollow Cavity in stem
60	347X3_45	Conway	1011 Gulf Rd	266B/2 to 266B/1	21	Maple	Dead, leaning, w/rotten hollow trunk& rotting stem
61	347X3_45	Conway	Gulf Rd	266B/4 to 266B/3	21	Maple	Leaning, overhanging, w/rotting trunk & plow damaged
62	347X3_45	Conway	Gulf Rd	266B/4 to 266B/3	20	Basswood	Leaning, overhanging w/cavity in main stem 1/2 way up
63	347X3_45	Conway	Gulf Rd	266B/5 to 266B/4	20	Maple	Proximity <2' from primary,leaning,w/ dying top, rotting trunk,rotten cavity in base, plow damage
64	347X3_45	Conway	Gulf Rd	266B/5 to 266B/4	19	Maple	Proximity <2' from primary,Leaning, overhanging, w/ dying top
65	347X3_45	Conway	Gulf Rd	266B/5 to 266B/6	17	Basswood	3/4 declined, leaning, overhanging, w/ plow damage
66	347X3_45	Conway	Gulf Rd	266B/5 to 266B/6	14	Basswood	Dead & leaning
67	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	14	Basswood	3/4 declined, leaning, overhanging
68	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	11	Ash	3/4 declined, leaning, overhanging
69	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	17	Ash	3/4 declined, w/ dying top, leaning, overhanging
70	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	11	Basswood	Bent over, overhanging, 6' over primary,potential uproot
71	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	17	Maple	Leaning, overhanging, w/rotting trunk
72	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	18	Ash	Leaning, overhanging, w/rotting trunk
73	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	21	Maple	Leaning, overhanging, w/rotting trunk & plow damage
74	347X3_45	Conway	Gulf Rd	266B/6 to 266B/5	13	Basswood	Leaning, overhanging, w/rotting trunk & plow damage
75	347X3_45	Conway	Gulf Rd	266B/7 to 266B/6	14	Beech	Dead and leaning
76	347X3_45	Conway	Gulf Rd	266B/7 to 266B/6	14	Maple	Leaning, overhanging, w/rotting trunk & plow damage
77	347X3_45	Conway	Gulf Rd	266B/8	14	Birch	Proximity,overhanging, w/dying top & rotting stem
78	347X3_45	Conway	Gulf Rd	266B/10 to 266B/11	19	Basswood	Proximity,overhanging, w/dying top & large cavity in trunk