



Review of the proposed 2nd Phase of the Conway Rec Path. Mount Cranmore to Intervale Crossroad 12 March 2025

Over the past several months there has been a lot of conversation about the design and eventual development of Mount Washington Valley Trails Association “Multi-Use Pathway Phase II.” This proposed path would be an extension of the previously constructed Rec Path that runs from Hemlock Lane near Walmart to Mount Cranmore. This extension of what is now the Town of Conway’s “Rec Path” has been designed by HEB Engineers who is working with and for The Mount Washington Valley Trails Association which is a private A 501(c)(3) business. It has been explained by both the Trails Association and the town that no Town of Conway funds have been spent on this project to date. Should this project come to fruition, the intent is that at some point the Town of Conway will take an undetermined level of ownership, the ownership piece being unclear as much of this project is located on property that the Town of Conway does not own. The land ownership matter remaining to be considered, it is not clear if the town’s “ownership” will be before or after the path is built but once transferred from the Trails Association to the town, this will become a Town of Conway maintenance responsibility in perpetuity.

Early last summer Bergeron Technical was asked to review this project and identify any concerns that we might see or questions that we feel should be answered. In response to that request, we looked at this project in the same manner that we would any planning project and applied the same review methodology that we apply to our own projects or that our projects have been submitted to by regulatory agencies over the past three decades. While Bergeron Technical is not taking a position regarding whether or not this Multi-Use Pathway should be constructed, we offer the following questions, observations, and thoughts.

Notes & Facts from the plans or noted documents in black font.

BTS Questions/Observations/Thoughts in Blue Font

Sheet C1.01

1. Station 100+00 to 114+00
2. Gravel parking area with 19 spaces, 1 HC space **The Town of Conway (T.O.C) Site-Plan Review Regulations require parking areas to be paved with parking spaces 9’ wide by 18’ depth. The proposed parking area for the Rec Path alongside Intervale Crossroad is to be gravel, which would require a waiver under typical T.O.C review. Additionally, parking spaces on gravel are typically designed at 10’-11’ wide by 20’ depth. The reason for the larger size being that spaces on gravel are not permanently defined so therefore drivers tend to park somewhat haphazardly. 19 spaces will likely not be available.**
3. **How has the required number of parking spaces been calculated? While a recreation path can often require less parking than many land uses, the paths beginning and end points, in relationship to where the users come from, will drive this requirement. At the northern end (Intervale) the 20-space lot will likely be inadequate as most users will drive there, park and then enter the path. Also not considered is the new Viewpoint Hotel. This hotel offers 70 guest rooms and it’s likely they will promote the Rec Path as an amenity, after all, it will be a short 750’ walk to the beginning of the Path. If the rooms are calculated at double-occupancy and twenty-five percent of the guests choose to walk to the Rec Path that could be 35 pedestrians each day walking to and from the Rec Path along Intervale Crossroad**

where there's no sidewalk. Should the Intervale Crossroad parking lot be full, it's likely that north-end users will use the Scenic Vista parking area on the opposite side of NH Rte. 16. That means additional pedestrian traffic crossing Rte. 16 where there are no provisions for pedestrian crossing and then walking alongside Intervale Crossroad or the railroad corridor where there are no sidewalks.

4. Edge of parking is approximately 22' off centerline of RR Tracks
5. No fence separating parking from RR – a fence is required by NHDOT.
6. Pedestrian crossing Intervale Crossroad. A new pedestrian crosswalk will be striped across Intervale Crossroad to allow Path users to walk, bike or be wheeled from the parking area to the beginning of the Rec Path. Has the probable number of crossings per day been determined? It's likely the number of pedestrian/vehicle interactions will be significant. With the proposed crosswalk located where it is vehicles will be approaching with significant curves in the road from both directions.
7. At station 113+00 less than 15' centerline of path to centerline of tracks. Standard spacing of RR tracks is 14.5' centerline to centerline. See the NHDOT "Typical X-Section" dated Feb 21, 2008.
8. At station 113+00 the fence between Rec Path and centerline of RR is $\pm 5.5'$. A train car is 11' – 12' in width. Note reads "existing abandoned railroad to remain."
 - Who determined that this has been "abandoned"? That needs verification from the State of NH/CSRR.
 - General Railroad Proximity Note: This section of railroad is owned by the State of New Hampshire and is used regularly by the Conway Scenic Railroad. From conversation that we have had with State of NH (Louis Barker NHDOT Bureau of Rail & Transit) and Conway Scenic Railroad (David Swirk, President and GM) it is our understanding that neither the State of New Hampshire and/or the Conway Scenic Railroad have been communicated with during the design phase of this project and at present, no agreements are in place with either entity to construct the Rec Path where designed. A legal agreement between the Rec Path group and the State of New Hampshire will be necessary. Additionally, an agreement with Conway Scenic Railroad may also be necessary. Lastly for this topic – there are ongoing discussions to reopen the rail lines between northern NH (and beyond) to Portland. There's a likelihood that the number of trains per day and the types of trains (passenger and/or freight) will increase in the somewhat near future.

Sheet C1.02

1. Station 115+00 to 139+00
2. Note re: Existing abandoned RR ties to be removed. Has this been confirmed with CSRR/State of NH?
3. At PC 128+80.71 path turns to cross over active railroad tracks. This is a particular concern item. As explained earlier there does not seem to have been a railroad "traffic study" or an estimated number of Rec Path users determined. Similar to the noted concerns where pedestrians are going to be interacting with automobiles at the Intervale Crossing crosswalk, those same uses will potentially be interacting with trains at this railroad crossing. Adults, children, and pets. Walkers, bikers, people in wheelchairs all moving over an active railroad.
4. After crossing tracks, moves onto PID 215-106 T.O. Conway
5. Shows tree line to tree line dimension of 30' This is the overall tree line to tree line width indicated for the path. While 30' tree line to tree line may eventually be the case, years after the path is constructed and the adjacent earth "healed", the construction tree line-to-tree line width will be closer to 50' – 60'. A Caterpillar (brand) 725 articulated dump truck has an SAE turning radius of 294" (24.5'). A 24.5' radius means a 45' outside turning radius.

6. At station 137+00 center line of Rec Path is less than 20' from edge of wetland. Tree line is indicated as approximately 5' off edge of wetland. [As mentioned early – this is the post construction “healed” tree line. Where will the cutting limits be in relationship to this wetland?](#)
7. At 138+50 edge of wetland/tree line is less than 20' from center line of Rec Path. [Same question as at #6 above.](#)

Sheet C1.03

1. Station 139+00 to 163+00
2. At station 146+00 “Construct 60' long boardwalk over wetland area. Boardwalk design to be by others.” [“design by others” – what will the likely end result of this crossing be – how will it be accomplished so as to not harm the wetland during construction and afterward? Are wetland crossing permits required and have they been obtained? Why is this design not being done at this time?](#)
3. Still on T.O. Conway property, PID 215-106
4. At station 147+50, similar note: “Construct 40' long boardwalk over wetland area. Boardwalk design to be by others.” [Same questions as at #2 above.](#)
5. At station 151+00, similar note: “Construct 65' long boardwalk over wetland area. Boardwalk design to be by others.” [Same questions as at #2 above.](#)
6. At PC 152+00 path moves onto State of NH land PID 214-27.1
7. At station 152+00, similar note: “Construct 135' long boardwalk over wetland area. Boardwalk design to be by others.” [Same questions as at #2 above.](#)
8. At station 156+00 the path moves onto T.O. Conway land, PID 214-31.2 [This is the Whitaker Deed Restricted parcel.](#)

Sheet C1.04

1. Station 160+00 to 183+00
2. Path moves across T.O. Conway property PID 214-31.2 [This is the Whitaker Deed Restricted parcel.](#)
3. At station 171+00 the path moves onto State of NH land, PID 214-27.1
4. At station 175+00 the path becomes generally parallel with 99' wide NH Electric Co-Op Easement.
5. At station 179+00 the edge of pavement is less than 8' from edge of wetland. [Proximity to wetland notes from earlier pertain here too.](#)
6. At station 181+50 the path crosses Kearsarge Road
 - [At this location, the Path is on State of NH property and within the NH Electric Co-Op Easement. This will require approval of NH Electric Co-Op and a modification of the existing easement. Has an approval to locate the path within the NH Electric Co-Op easement been obtained? Utility companies are quite particular about what takes place within their easement areas.](#)
 - [The pedestrian crossing at Kearsarge Road is a particular concern. Kearsarge Road has become the northern extension of the North/South Road – an unanticipated bypass to and from Intervale around North Conway Village. The increase in traffic counts on Kearsarge Road over the past few years is reportedly significant. Traffic counts should be determined to fully understand the likely number of vehicle/Rec Path user interactions that will occur at this location. A simple crosswalk marked on the pavement may not be a safe option for this crossing.](#)

Sheet C1.05

1. Station 181+00 to 204+00

2. Path moves onto New Hampshire Electric Co-Op land PID 214-94. Shown as within “proposed easement” area. This appears to be where the need for new easements begins. The Co-Op will need to grant an easement for the path over this parcel. Has this easement been obtained?
3. At station 183+50 “Construct 30’ long bridge over existing stream. Bridge to be designed by others.” The construction of this bridge will likely need wetland permitting along with addressing the “design by others.” Why is this not being designed and permitted as part of the project overall? Who will do this design/when will the design be completed?
4. At station 186+25 Path moves onto property of Geoffrey Zorzy PID 214-87.1 and within the “proposed easement” area. Note this is within the NH Electric Co-Op easement area on Zorzy property.
 - Zorzy will need to provide an easement along with a modification of the NH Electric Co-Op easement. An easement atop an easement atop privately owned property. Has the property owner been made aware the construction clearing area will be greater than the 30’ width indicated on the plans?
 - At station 186+00 the path begins to abut the Jeanne R. Fernandez Rev. Trust property, PID 214/95. In conversations that I have had with a Fernandez Trust representative they do not want the Rec Path on their property, nor do they want the limits of clearing to extend onto their property. This will affect a few other associated properties in this area.
5. At station 187+65 Path moves onto the property of Lindsay & Sampson B. Leone PID 214-87.2 and within the “proposed easement” area. Note this is within the NH Electric Co-Op easement on the Leone property. Edge of clearing is on or extended onto PID 214-95 (Fernandez Trust) property – see 2nd bullet point at #4 above. An easement of some type will be needed to extend clearing onto Fernandez property. Additionally, Leone will need to provide an easement along with a modification of the NH Electric Co-Op easement. An easement atop an easement atop privately owned property.
6. At station 189+50 path moves onto property of Whitaker Lane Common Land/Michael & Kristen Leonard, PID 214-87.3 and within the “proposed easement” area. Note this is within the NH Electric Co-Op easement on the Leone property. Edge of clearing is on or extended onto PID 214-95 (Fernandez Trust) property. An easement of some type will be needed to extend clearing onto Fernandez property. Additionally, Leonard will need to provide an easement along with a modification of the NH Electric Co-Op easement. An easement atop an easement atop privately owned property.
7. At station 191+50 “Construct 80’ long bridge over Kearsarge Brook. Bridge to be designed by others.” This area is indicated on Conway’s GIS mapping as very close to being in the Floodplain Conservation Overlay District and the Wetland and Watershed Protection Overlay District. The design of this bridge will need to take the flooding issue into consideration. Additionally, it will likely need wetland permitting. Who will permit and design this bridge? When will this be done and why is it not being done as a component of the overall project design?
8. At the aforementioned bridge, the path moves onto the property of Kyle & Jennifer Jacques, PID 214-87.5, crossing a small wetland at station 193+50. This property is within the “proposed easement” area and within the NH Electric Co-Op easement.
 - Jacques will need to provide an easement along with a modification of the NH Electric Co-Op easement. An easement atop an easement atop privately owned property.
 - How will the crossing of the small wetland be permitted and accomplished? When will this be designed?
9. At PC 194+48.39 the path moves onto the property of Mt. Cranmore Condos, Brookside Common Land PID 214-86. The path runs parallel to PID 214-86 boundary and Old Bartlett Road R.O.W. Easement extends onto PID 214-86. The path crosses over two condominium driveways from/to Old Bartlett Road.

- Brookside Common Land will need to provide an easement.
- The Rec Path crosses both driveways of Brookside Condominiums. Have the condominium unit owners been made aware of the predicted number of pedestrian crossings per day?
- There are many magnificent trees along Old Bartlett Road that will have to be taken down for this project. Have the property owners been made aware of the necessary tree removal? The removal of these trees will forever affect the appearance of the frontage of the Old Bartlett Road properties.
- Will the removal of existing trees take any of the affected properties out of compliance with Town of Conway landscaping regulations?

Sheet C1.06

1. Station 204+00 to 214+78 (terminus of this phase – interconnection with Phase I terminus)
2. At PC 207+63.89 the path turns to cross Old Bartlett Road. This is another location where there will be opportunities for vehicle/pedestrian interactions. Is a simple crosswalk striped on the road surface adequate for Rec Path user safety?
3. At PC 208+21.56 the path turns to run parallel to Old Bartlett Road towards Skimobile Road.
 - At this point, the Path is back into/onto the NH Electric Co-Op easement. A modification of the existing easement will be necessary.
 - There is a plan note “EXISTING TREES ALONG OLD BARTLETT ROAD TO BE PROTECTED DURING CONSTRUCTION.” This is inadequate and misleading. The trees that will need to be removed should be clearly marked so interested parties can see what the effect will be. Additionally, mature trees whose root systems will be damaged will die a few years after construction of the path is complete. A certified arborist, not a forester, should be brought onto the project team to devise a plan to appropriately save and/or protect as many of the Old Bartlett Road trees as possible.
4. At Station 211+00 the path crosses Skimobile Road. This is another location where there will be opportunities for vehicle/pedestrian interactions. Is a simple crosswalk striped on the road surface adequate for Rec Path user safety?
5. At Station (approx.) 211+69.09 the path enters onto a 66’ wide “Cranmore/Franchi cross-easement The existing easement will need to be modified/added to in order to permit the Rec Path to be atop/within this easement area. There are two different owner entities that have specific rights to the easement as it presently exists. Both parties will have to accept modifications to the existing easement. Have these parties agreed to such modifications?

Highlights & Additional Notes/Thoughts

- The total number of parking spaces provided is twenty, which seems inadequate.
- Road crossings – Four. Intervale Crossroad, Kearsarge Road, Old Bartlett Road and Skimobile Road. Adequate safety measures do not appear to have been considered.
- Railroad crossings – one. Reportedly the crossing design has not been reviewed and/or approved by the State of New Hampshire or Conway Scenic Railroad.
- Wetland impacts – the plans show 360’ of boardwalk/wetland crossings that have not been designed and/or permitted.
- We believe that an Alteration of Terrain Permit (AOT) will be required for this project due to the size of the disturbed area. See NH Env-Wq 1503.03 (d).
- Bridges – two. Neither bridge has been designed and/or permitted.
- Driveway crossings – three. Two at Brookside Condominiums and one at Mount Cranmore Parking.
- Private properties affected/passed over – seven. Easements do not appear to be in place for the path to be on any of these parcels.

- The width indicated for the Rec Path is the final or constructed width. The “during construction” width, or disturbed width, will likely be significantly greater.
- A subcommittee of the Conway Planning Board provided two documents to Conway’s Board of Selectmen regarding the Rec Path Project. One document is dated August 19, 2024, the second dated October 25, 2024. In these two documents important points were made and important questions were asked. All points should be addressed appropriately, and all questions should be answered.
- The WARRANTY DEED that grants a portion of Whitaker Woods over which the Rec Path would be constructed should be reviewed by an independent party – specifically the listed covenants numbers one (1) and two (2) on the last page. This property was given to the Town of Conway with a deed covenant that says, “used for public recreational purposes and shall be maintained forever in a wild and natural state.” Those words are not difficult to understand but may be being misconstrued by some who are involved in the development of the Rec Path over the subject Whitaker parcel. Additionally, this covenant or deed restriction does not affect all of Whitaker Woods, just the area covered by one specific deed – the area that is presently being considered for this path.

A Rec Path Scenario to Be Considered

Path usage – A Saturday in June. 6:00 A.M. until 8:00 P.M. 14 hours. If twenty cars are parked at the Intervale Crossroad lot with an average of 1.5 occupants/car – 30 occupants. This does not account for Path users that step on from other locations, for example from the Viewpoint North Hotel, Mount Cranmore or coming from other locations via bicycle, walking, etcetera. Some path users will be “through hikers” that park at and begin at Hemlock Lane. These folks may travel all the way to Intervale and then back to their car. Let’s say overall 50 participants x 14 hours = 700 participants throughout the day. Regardless of where/how the participants enter the Path, if they cross Kearsarge Road, the railroad or any associated driveway in both directions, that’s 1400 pedestrian crossings on one trail-use day.

Associated Documents for Consideration – Included as Attachments

- WARRANTY DEED – Whitaker to Town of Conway dated July 15, 1971, Carroll County Registry of Deeds Liber 490 pages 32 & 33.
- Conway Planning Board Recreation Path Phase II Sub-Committee letter to Conway Board of Selectmen August 19, 2024
- Conway Planning Board Recreation Path Phase II Sub-Committee final report to Conway Board of Selectmen October 25, 2024
- NH Code of Administrative Rules Env-Wq 1503.03 (c) & (d)
- NH Code of Administrative Rules Part Env-Wt 517.01
- NH Code of Administrative Rules Part Env-Wt 517.02
- NH Code of Administrative Rules Part Env-Wt 517.03
- NH Code of Administrative Rules Part Env-Wt 517.04
- NH Code of Administrative Rules Part Env-Wt 517.05
- NH Code of Administrative Rules Part Env-Wt 517.06
- NH Code of Administrative Rules Part Env-Wt 517.07