

**CONWAY PLANNING BOARD**

**MINUTES**

**JANUARY 26, 2012**

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CONWAY PLANNING BOARD

MINUTES

JANUARY 26, 2012

A meeting of the Conway Planning Board was held on Thursday, January 26, 2012 beginning at 7:03 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Porter; Selectmen's Representative, Mary Seavey; Vice Chair, Martha Tobin; Secretary, Patricia Sell; Steven Hartmann; Scott Lees; Kevin Flanagan; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Ms. Tobin made a motion, seconded by Ms. Sell, to approve the Minutes of December 8, 2011 as written. Motion carried with Mr. Lees abstaining from voting.**

The Board agreed to take the agenda out of order.

**LUKE FX IRA, LLC – TWO UNIT SUBDIVISION (PID 251-157) FILE #S12-01**

Diane Smith of Thaddeus Thorne Surveys and Luke Pinkett appeared before the Board. This is an application to subdivide the existing building into two-units. Ms. Smith stated that the applicant received ZBA approval for the second unit. **Ms. Sell made a motion, seconded by Ms. Tobin, to accept the application of Luke FX IRA, LLC for a unit-subdivision review as complete. Motion unanimously carried.**

Mr. Lees stated that he has an issue with the gravel parking. Mr. Irving stated that this is a subdivision and not a site plan; pavement is a site plan issue. Mr. Porter read a waiver request for §131-67.C.8.b. & f. **Mr. Hartmann made a motion, seconded by Ms. Sell, to grant the waiver for §131-67.C.8.b. & f. Motion unanimously carried.**

Mr. Porter asked for public comment; there was none. **Ms. Sell made a motion, seconded by Mr. Lees, to approve the 2-unit subdivision for Luke FX IRA, LLC. Motion unanimously carried.** The plans were signed.

**BRENDA EINSTEIN – FULL SITE PLAN REVIEW CONTINUED (PID 277-134) FILE #FR11-05**

Andy Fisher of Ammonoosuc Survey Company appeared before the Board. This is an application to add a third unit to a two-unit apartment building. This hearing was continued from October 13, 2011 and November 17, 2011.

**Ms. Sell made a motion, seconded by Mr. Lees, to continue the Full Site Plan Review for Brenda Einstein until March 22, 2012 and advise the applicant that this is the last time the Board will continue this application for this reason. Motion unanimously carried.**

**BALSAM RIDGE LODGE, LLC – FULL SITE PLAN REVIEW (PID 251-157) FILE #FR12-01**

Mark Lucy of White Mountain Survey Company appeared before the Board. This is an application to convert a fraternal lodge to 5,700 square feet of retail space. **Ms. Sell made a motion, seconded by Mr. Lees, to accept the application of Balsam Ridge Lodge, LLC for a full site plan review as complete. Motion unanimously carried.**

Mr. Hartmann asked if the entire parking lot is paved. Mr. Lucy answered in the affirmative. Mr. Lees asked if the building has two floors. Mr. Lucy answered in the affirmative. Mr. Lees asked how many businesses. Mr. Lucy stated that they are not sure yet and this property could also go on the market as it is more valuable with permits than with no permits. Mr. Porter stated any improvement would be good for this site. Mr. Porter asked for public comment; there was none.

Mr. Porter read a waiver requests for §123-20.F/§131-67.C.8.f; §123-21.A.2.a; §123-29.A.2 & A.3; §123-29.A.4; and §123-29.D.8. **Ms. Tobin made a motion, seconded by Ms. Sell, to grant the waiver requests for §123-20.F/§131-67.C.8.f; §123-21.A.2.a; §123-29.A.2 & A.3; §123-29.A.4; and §123-29.D.8. Motion unanimously carried.**

**Ms. Sell made a motion, seconded by Mr. Lees, to conditionally approve the Full Site Plan Review for Balsam Ridge Lodge, LLC conditionally upon Town Engineer approval; Conway Village Fire Chief approval; Conway Village Fire District Water approval; NHDOT Driveway Permit and indicate permit number on plan; NHDES Septic approval and indicate approval number on plan; NHDES Shoreline Protection approval and indicate approval number on plan; a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out of session; and this conditional approval will expire on January 24, 2013. Motion unanimously carried.**

**EASTERN SLOPE INN ASSOCIATES/BANCROFT HOUSE – CONCEPTUAL REVIEW CONSULTATION REGARDING PROPOSED PHASING PLAN (PID 218-34, 25, 51.01 & 52) FILE #FR11-02**

Mr. Irving stated that the applicant has requested that this be continued. **Ms. Tobin made a motion, seconded by Ms. Sell, to continue Eastern Slope Inn Associates/Bancroft House conceptual consultation until February 9, 2012. Motion unanimously carried.**

**OTHER BUSINESS**

**CMR Properties, LLC/Cranmore Mountain (PID 214-84) - §123-4.A.5 (File #NA12-01):**

Ben Wilcox, General Manager, appeared before the Board. This is a request to replace the east double chairlift with a triple chairlift and the addition of a new zip line.

Mr. Wilcox stated they would like to replace the east double chair, which was installed in the 1950's. Mr. Wilcox stated that it is the longest continuous running chairlift in NH. Mr. Wilcox

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stated that they would like to replace it with a triple chairlift and move the location to the south side of the mountain. Mr. Wilcox stated that it would be a little longer than the existing, but has the same amount of chairs. Mr. Wilcox stated since it would be running a little longer distance, the chair would load every 9 seconds rather than every 7 seconds. Mr. Wilcox stated that the new lift will have 11 towers where the existing has 9 towers. Mr. Wilcox stated that this would help spread the skiers out a bit and reduce some of the lines at the bottom.

Mr. Hartmann asked the buffer between the base of the new chair and Artist Falls Road. Mr. Wilcox stated it would be on the mountain side of the service road, just by the Beginner's Luck trail. Mr. Wilcox stated that it would be approximately 150' to 200' to the property line. Mr. Hartmann asked the distance to the closet house. Mr. Wilcox stated that he did not know the distance to the closet house. Mr. Porter asked if there would be any new snowmaking in that area. Mr. Wilcox answered in the negative; not at this time. Mr. Irving stated after a review of the GIS system, there is at least 800 feet before any homes that are currently built.

Mr. Wilcox stated in regard to the zip line, they are proposing a 45-foot pole at the top of the tubing park and a 10' x 20' platform at the bottom. Mr. Wilcox stated there is a chair that pulls you to the top and then you zip line back to the bottom. Mr. Wilcox stated that you sit in a chair and are seat belted in. Mr. Wilcox stated that it is about 800-feet in length. Mr. Wilcox stated that this is more of a summertime attraction. Mr. Lees asked how long the ride to the top is. Mr. Wilcox stated about 10 to 20 seconds. Mr. Lees asked if there is an age limit. Mr. Wilcox answered approximately age 6 and older.

Mr. Hartmann asked if anyone has done a site line with this. Mr. Hartmann asked what is going to be visual at this point. Mr. Wilcox stated if you can see the tubing park, it will be next to it. Mr. Wilcox stated that he doesn't think there is a home that will see this directly. Ms. Sell asked if the pole is comparable to the chairlift towers. Mr. Wilcox stated more like a telephone pole height.

**Ms. Sell made a motion, seconded by Mr. Lees, that the Planning Board determined that based on the provisions of §123-4. A. 5, regarding applicability, that the replacement of the east double chairlift with a triple chairlift and the addition of a new zip line are 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. Motion carried with Mr. Flanagan abstaining from voting.**

**Great Bridge Conway LTD Partnership/Conway Pines (PID 265-161.2) - §123-4.A.5 (File #NA12-02):** Chris Davies, Developer of Conway Pines, appeared before the Board. This is a request to add an array of solar panels to the roof. Mr. Davies stated that this is the workforce

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housing project. Mr. Davies stated that the panels are flushed mounted and parallel to the roof and will not be seen from the road.

Ms. Sell stated they have done a fabulous job with this project so far. Mr. Lees stated that he doesn't understand why it had to come to the Board. Mr. Irving stated this is not an approved material and he was not comfortable making that decision.

**Ms. Sell made a motion, seconded by Mr. Lees, that the Planning Board determined that based on the provisions of §123-4. A. 5, regarding applicability, that the addition of an array of solar panels to the roof 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. Motion unanimously carried.**

**James and Linda Digiandomenico (PID 262-64) – Conditional approval expiring (File #S11-06):** Diane Smith of Thaddeus Thorne Surveys appeared before the Board. **Ms. Sell made a motion, seconded by Mr. Hartmann, to extend the conditional approval for James and Linda Digiandomenico until June 28, 2012. Motion carried with Ms. Tobin abstaining from voting.**

**Concordia Partnership – Lot Merger (PID 202-177, 178 & 204):** Ms. Tobin made a motion, seconded by Ms. Sell, to approve the lot merger for Concordia Partnership to merge PID 202-177, 178 & 204. Motion carried with Mr. Hartmann abstaining from voting.

**Daryl and Naomi Robinson (PID 225-50) - §123-4.A.5 (File #NA12-03):** This request was withdrawn.

**PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD**

**§147.13.16.8 – Earth Disturbance:** This amendment addresses the new standard used by NHDES. Mr. Porter asked for Board comment; there was none. There was no public in attendance. **Ms. Sell made a motion, seconded by Mr. Hartmann, to post the proposed amendment to §147.13.16.8 to the warrant as written. Motion unanimously carried (7-0-0).**

**§147.13.14 – Floodplain Conservation Overlay District:** This amendment was recommended by FEMA to maintain compliance with the NFIP requirements. Mr. Porter asked for Board comment; there was none. There was no public in attendance. **Ms. Sell made a motion, seconded by Mr. Hartmann, to post the proposed amendment to §147.13.14 to the warrant as written. Motion unanimously carried (7-0-0).**

**§147.15 – Revisions and additions to definitions recommended by FEMA:** This is an amendment to add or amend definitions as recommended by FEMA to maintain compliance with the NFIP requirements. Mr. Porter asked for Board comment; there was none. There was no

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public in attendance. **Ms. Sell made a motion, seconded by Mr. Hartmann, to post the proposed amendment to §147.15 to the warrant as written. Motion unanimously carried (7-0-0).**

**PUBLIC HEARING – PROPOSED ZONING AMENDMENTS - PETITIONED ARTICLES**

**§147.13.6.10 Yard Sales:** This is an amendment to increase the number of days a yard sale is allowed from six to twelve days per calendar year in Conway Village Commercial District. Mr. Irving stated that the sponsor of this amendment has requested that the public hearing be continued until the next meeting as he was unable to attend this evening.

Mr. Porter opened the public hearing at 8:06 pm. **Ms. Tobin made motion, seconded by Ms. Sell, to continue the public hearing regarding §147.13.6.10 until February 9, 2012. Motion carried with Mr. Hartmann, Mr. Lees and Mr. Porter voting in the negative.**

**OTHER BUSINESS CONTINUED**

**Committee Reports:** There was none.

**Member Attendance:** Mr. Lees stated that he will not be able to attend the next three meetings for a personal reason.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,



Holly L. Meserve  
Recording Secretary

**147.13.16.8 EARTH DISTURBANCE.** Prior to any work activity in which digging will occur or the ground's vegetative cover will be removed or substantially disturbed, sufficient erosion and sedimentation control measures shall be installed in accordance with RSA 485-A:17 and NH Code of Administrative Rules Env-Ws 415 for alteration of terrain and the specifications of the 1992 publication entitled "~~Stormwater Management and Erosion and Sedimentation Control for Urban and Developing areas in NH~~", ~~DES and RCCD, April, 1992~~ the NH Stormwater Manual (Vol. 3 Erosion and Sediment Controls During Construction). Such measures, which may include hay bales and silt fences, shall be maintained in proper working order until the ground surface is stabilized and no longer subject to erosion. The control measures shall be installed to protect ~~both~~ the water, the wetland and the buffer (in order to preserve the buffer's natural filtering capacity).

**147.13.14 FLOODPLAIN CONSERVATION OVERLAY (FCO) DISTRICT.** The FCO District is primarily designed to promote and protect the health, safety and general welfare of the Town by providing reasonable regulations governing development and use of the floodplain. Land Uses permitted in this district are represented in §147.16 Table of Uses.

**147.13.14.1 DISTRICT BOUNDARIES.** The Floodplain Conservation Overlay District is hereby determined to be those areas identified and delineated as a floodplain with a one-percent-or-greater chance of flooding in any given year, which is designated on the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) of Conway issued by the Federal Emergency Management Administration as amended from time to time.

**147.13.14.2 DISTRICT MAP.**

**147.13.14.3 SPECIAL EXCEPTIONS.** The following land use(s) shall be allowed within the floodplain, except those areas within the floodway, unless expressly allowed in the floodway hereunder if granted a special exception by the Zoning Board of Adjustment:

**147.13.14.3.1** Uses, but not structures, compatible to open space.

**147.13.14.3.2** Limited agricultural extraction of sand, gravel and other materials for noncommercial use.

**147.13.14.3.3** Boat landings and boat access areas within the floodway.

**147.13.14.3.4** Railroads, streets, driveways, bridges, utility, transmission lines and pipelines.

**147.13.14.3.5** Storage yards for equipment, machinery or materials accessory to adjacent permitted uses.

**147.13.14.3.6** Fill or materials to be deposited in the floodplain may be allowed by special exception, provided that the purpose is consistent with the permitted uses represented in §147.16 and the amount thereof is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by riprap, vegetation cover or bulkheading.

**147.13.14.3.7** Municipal and school district facilities.

**147.13.14.3.8** Agricultural buildings that do not require septic systems.

**147.13.14.3.9** The construction or maintenance of farm, forest or recreational service roads.

**147.13.14.3.10** River or floodway maintenance.

**147.13.14.3.11** In the area around Pequawket Pond between the one-hundred-year and the ten-year-flood level [464.1 feet to 460.5 feet], as shown on the maps described herein, development, substantial improvements and building, provided that it is serviced by precinct water and sewerage and the lowest floor is above the one-hundred-year-flood level.

**147.13.14.3.12** Signs for permitted uses and existing nonconforming uses as provided in 147.14, provided that the signs meet the minimum standards and intent for signs in the underlying district.

**147.13.14.3.13** Accessory industrial-commercial uses limited to loading areas, parking areas and aircraft landing strips.

**147.13.14.3.14 HELIPORTS.** A special exception may be granted to permit heliports, as a private/business accessory use. The requirement for a special exception to be granted under this section shall not be applied to the use of helicopters, or any other type of aircraft, being used on a



temporary basis for such purposes as emergency response, medical necessity, ongoing construction projects that have been permitted by the Town of Conway, or temporary (less than 7 days) news media coverage. Before a special exception for a heliport can be granted by the Zoning Board the following conditions must be met:

**147.13.14.3.14.1** The use of the site for a heliport shall not be offensive to the character of the neighborhood;

**147.13.14.3.14.2** The use of the site for a heliport shall not decrease abutting property values. Evidence supporting property values must be submitted by any party with an interest in the granting of the special exception from a creditable source that is knowledgeable of land evaluation and property values.

**147.13.14.3.14.3** Any site being considered to contain a heliport must be, at a minimum, five (5) acres in size.

**147.13.14.3.14.4** Other site dimensions, above and beyond the overall acreage requirement listed above, shall be sufficient to provide safety areas suitable to meet all FAA suggested dimensions and requirements.

**147.13.14.3.14.5** Previous to zoning board considering any application for a special exception for this land use, all Federal and State approvals, which are required, must be obtained by the applicant with copies of these approvals submitted as part of the request for special exception.

**147.13.14.3.14.6** A major site plan approval shall be required of the applicant from the Planning Board for the heliport, which is accessory to an approved business. As a condition for the granting of the special exception, no use of the heliport may be engaged by the applicant until all conditions of the special exception, including a major site plan approval, have been satisfied by the applicant.

**147.13.14.4 CONDITIONS.** No special exceptions shall be granted, however, until the following conditions are met:

**147.13.14.4.1** All development and substantial improvements shall comply with the minimum standards of the regulations of the National Flood Insurance Program contained in 44 CFR 60.3 and 44 CFR 60.6 (Code of Federal Regulations), as amended.

**147.13.14.4.2** New and replacement water supply, replacement septic systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

**147.13.14.4.3** All fill, new construction, substantial improvements and other development within the floodway shall be prohibited unless the applicant's New Hampshire registered engineer can show through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the activity would not result in any increase in flood hazard within the Town of Conway.

**147.13.14.4.4** The granting of the special exception would not violate the general spirit of the ordinance nor would it create a public health or safety hazard.

**147.13.14.5** A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

**147.13.14.6 SPECIAL PROVISIONS.**

**147.13.14.6.1** There shall be no expansion of present nonconforming buildings or pre-existing septic systems in the floodplain, provided that this shall not prohibit the maintenance, repair

and/or correction of such pre-existing septic systems, which malfunction. There shall be no allowance of a new septic system in the floodplain.

**147.13.14.6.2** Existing nonconforming buildings within this district, which have been substantially damaged, may be repaired within one year, provided that they comply with the minimum standards of the regulations of the National Flood Insurance Program (See definition of substantial damage in Section 147.15.102). Buildings not rebuilt to such standards shall be removed completely.

**147.13.14.6.3** Changes to watercourse.

**147.13.14.6.3.1** In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the NHDES Wetlands ~~Board~~ Bureau and submit copies of such notification to the Board of Selectmen, in addition to the copies required by RSA 48~~23~~-A:31~~b~~. Further the applicant shall be required to submit copies of said notification to those adjacent towns as determined by the Board of Selectmen, including notice of all scheduled hearings before the Wetlands ~~Board~~ Bureau.

**147.13.14.6.3.2** Along watercourses with a designated Regularly Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Building Inspector shall obtain, review and reasonably utilize any floodway data available from Federal, State or other sources as criteria for requiring that development meet the floodway requirements of this section.

**147.13.14.6.3.3** Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within zones A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**147.13.14.6.4** All developments which are flood proofed shall be certified by a New Hampshire registered professional engineer or architect that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

**147.13.14.6.5** Where the Floodplain Conservation District is superimposed over another zoning district, the more restrictive regulations shall apply.

**147.13.14.6.6** Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood-carrying capacity of the watercourse has been maintained.

**147.13.14.6.7** In Zone A, the Building Inspector shall obtain, review and reasonably utilize any floodway data available from a federal, state or other source as criteria for requiring that development meets the floodway requirements of this section.

**147.13.14.6.7.1** In special flood hazard areas, the Building Inspector shall determine the one-hundred-year-flood elevation in the following order of precedence according to the data available:

**147.13.14.6.7.1.1** In Zones ~~AE and AH~~, refer to the elevation provided in the community's Flood Insurance Study and accompanying FIRM ~~or FHAM~~.

**147.13.14.6.7.1.2** In A Zones, the Building Inspector shall obtain, review and reasonably utilize any one-hundred-year-flood elevation data available from

federal, state, development proposals submitted to the community (for example subdivisions, site approvals, etc.) or other sources.

**147.13.14.6.7.1.3** In Zone AO, the one-hundred-year-flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

**147.13.14.6.8** Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**147.13.14.6.9** The Building Inspector shall maintain for public inspection and furnish upon request any certification of flood proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including the basement) of all new or substantially improved structures and include whether or not such structures contain a basement, and if the structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed. This information must be furnished by the applicant.

**147.13.14.6.10** Excavation shall be prohibited in the Floodplain Conservation District.

**147.13.14.7 VARIANCES.** A variance is a relaxation or setting aside in a specific case, of certain specified terms of this ordinance. In accordance with RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under State law:

**147.13.14.7.1** That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

**147.13.14.7.2** That, if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and

**147.13.14.7.3** That the variance is necessary, considering the flood hazard, to afford relief.

**147.13.14.7.4** The ZBA shall notify the applicant in writing that:

**147.13.14.7.4.1** The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

**147.13.14.7.4.2** Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

**147.13.14.7.5** The community shall:

**147.13.14.7.5.1** Maintain a record of all variance actions, including their justification for their issuance; and

**147.13.14.7.5.2** Report such variances issued in its annual or biannual report submitted to FEMA's Federal Insurance Administrator.

**147.15 DEFINITIONS.** As used in this chapter, the following terms shall have the meanings indicated:

**147.15.7 BASE FLOOD:** The flood having a one percent probability of being equaled or exceeded in any given year.

**BASEMENT:** Any area of a building having its floor subgrade on all sides.

**147.15.20 DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**147.15.29 FIRM:** Flood Insurance Rate Map, an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Conway.

**FIS:** Flood Insurance Study, and examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

**147.15.31 FLOODPLAIN:** Land subject to a one-percent-or-greater chance of flooding in any given year which is designated as Zone A and/or A-1 ~~99E~~ on the Flood Insurance Rate Map ~~issued by the Federal Insurance Administration for the Town of Conway and on the Flood Hazard Analysis of 1974 (SCS).~~

**147.15.32 FLOODWAY:** The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the flood having a one-percent chance of being equaled or exceeded in any given year without cumulatively increasing the water surface elevation more than one (1) foot. ~~The floodway is delineated on the Flood Boundary and Floodway Map issued by the Federal Insurance Administration for the Town of Conway.~~

**HISTORIC STRUCTURE:** Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (i) by an approved state program as determined by the Secretary of the Interior, or
  - (ii) directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement

area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**147.15.51 MANUFACTURED HOME:** A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailer, travel trailers and other similar vehicles. This includes manufactured homes located in a manufactured home park.

**147.15.53 MOBILE HOME PARK:** A parcel of land, under single ownership, with accommodations for two (2) or more mobile homes, travel trailers or recreational vehicles in use as dwellings, regardless of whether or not a charge is made for such accommodations.

**NEW CONSTRUCTION:** For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**147.15.73 RECREATIONAL VEHICLE:** A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer or mobile home.

**147.15.95 SPECIAL FLOOD HAZARD AREA:** Any area having flood, mudslide and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, Ao, A1-30, AE, A99, AH, VO, V1-30, VE, V, M or E.

**START OF CONSTRUCTION:** Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**147.15.100 STRUCTURE:** Anything constructed or erected, on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, permanent or temporary; signs; carports; porches; and other building features, including stacks and antennas, but not including sidewalks; fences; driveways; septic systems; utility poles; boundary markers and field or garden walls or embankment retaining walls. For floodplain management purposes, ~~walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home~~ is a structure.

**147.15.102 SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal or exceed 50 percent of the market value of the structure before the damage occurred.

**147.15.103 SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure either

before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The market value of the structure should equal:

- a. the appraised value prior to the start of the initial repair or improvement, or
- b. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**VIOLATION:** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Chapter 44 of the Code of Federal Regulations §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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 TOWN OF CONWAY NH

Petition To Amend  
 Town Of Conway Zoning Ordinance

The undersigned, being twenty-five or more registered voters in the Town of Conway, New Hampshire, hereby petition pursuant to the provisions of RSA 675:4 that the following amendment to the Town of Conway Zoning Ordinance (Chapter 147), to increase the six (6) day yard sale limitation to twelve (12) per household, be submitted to the voters of the Town of Conway:

147.13.6.10 Yard Sales. Yard Sales shall be permitted, provided that no one household holds sales for longer than ~~six~~ twelve days per calendar year.

| Name Printed       | Name Signed        | Address                      | Phone #        |
|--------------------|--------------------|------------------------------|----------------|
| Randy DAVISON      | Randy Davison      | 96 E. MAIN ST. Conway, NH    | 447-3821       |
| Therese Davison    | Therese            | 96 East Main St. Conway, NH  | 447-3821       |
| William R. Vose    | William R. Vose    | 205 E. Main St Conway, NH    | 447-4426       |
| Carol Vose         | Carol Vose         | 205 E. Main, Conway NH       | 03818 447-4426 |
| Seborah Vachon     | Seborah            | 113 Sargent Rd Ctr Conway NH | 447-3432       |
| MATT CASSIDY       | Matt Cassidy       | 113 SARGENT RD BOX 6         | 447-3432       |
| JAN VACHON         | Jan Vachon         | 113 Sargent Rd Ctr Conway    | 447-3432       |
| Elizabeth Barker   | Elizabeth Barker   | 137 VFW ST                   | 447-2418       |
| Elizabeth Barker   | Elizabeth Barker   | 181 E Main St                | 447-6924       |
| ELIZABETH M BARKER | Elizabeth M Barker | 181 E Main St                | 447-2190       |
| Amy SNOW           | Amy Snow           | 189 East Main                | 447-5896       |
| NANCY HILDEBRAND   | Nancy Hildebrand   | 99 E. Main St, Conway        | 447-6145       |
| Cathy A. Gray      | Cathy Gray         | 240 Allens Siding            | 447-3803       |
| HANS K. HILDEBRAND | Hans K. Hildebrand | 99 E. MAIN ST.               | 447-6145       |
| Dale Anderson      | Dale Anderson      | 27 River St.                 | 447-5828       |