

CONWAY PLANNING BOARD

MINUTES

OCTOBER 26, 2023

PAGES

- | | |
|---|--|
| 1 | Review and Acceptance of Minutes |
| 1 | Appointment of Alternate Member |
| 1 | Agenda out of order |
| 1 | Work Session <ul style="list-style-type: none">• The Residences at Saco River, LLC (File #FR23-07 & S23-08) – Request to modify notice of decision (PID 246-23)• Wendy Scribner, County Forester w/UNH Cooperative Extension – Greenspace, landscaping and tree regulation discussion• Jon P. Marquis (formerly Nelson-Bergman Associates) File #S21-15 – Request to extend conditional approval (PID 258-68)• The Residences at Saco River, LLC continued• Watershed Protections discussion• Food Trucks discussion• Selectmen’s Report• Issues for Consideration• Reports on subcommittees• Media Questions |

CONWAY PLANNING BOARD

MINUTES

OCTOBER 26, 2023

A meeting of the Conway Planning Board was held on Thursday, October 26, 2023, beginning at 7:15 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steve Porter; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Mark Hounsell; Alternate, Debra Haynes; Town Planner, Ryan O’Connor; and Assistant Planner, Holly Whitelaw.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Barbin made a motion, seconded by Mr. Porter, to approve the minutes of September 28, 2023, and October 12, 2023, as written. Chair Colbath asked for Board comment; there was none. **Motion carried unanimously.**

APPOINTMENT OF ALTERNATE MEMBER

Chair Colbath appointed Ms. Haynes as a voting member.

AGENDA OUT OF ORDER

Mr. Barbin made a motion, seconded by Ms. Grant, to take agenda items out of order. Chair Colbath asked for Board comment; there was none. **Motion carried unanimously.**

WORK SESSION

The Residences at Saco River, LLC (File #FR23-07 & #S23-08) – Request to modify Notice of Decision (PID 246-23)

Mark Lucy of Horizons Engineering appeared before the Board. This is a request to modify the Notice of Decision by moving condition #12, provide a copy of recorded deed restriction per ZBA approval #22-27, and indicate book and page on plan, to a condition subsequent to final approval.

Mr. O'Connor agreed the subdivision needs to be recorded prior to the deed. Making #12 a subsequent condition would be reasonable.

Mr. Hounsell made a motion, seconded by Mr. Porter, to provide a copy of deed restriction per ZBA approval #22-27 prior to any issuance of a Certificate of Occupancy. Chair Colbath asked for Board comment; there was none. **Motion carried unanimously.**

Wendy Scribner, County Forester w/UNH Cooperative Extension – Greenspace, landscaping and tree regulation discussion:

Wendy Scribner, County Forester with UNH Cooperative Extension, appeared before the Board to discuss greenspace, landscaping, and tree regulations. She spoke on how to maintain healthy trees on commercial lots. She recommended maintaining protection zones around trees to protect the root structure and how this can be accounted for in planning. She discussed whether it is preferable to save trees in a development or to plant new ones. She presented information on native, invasive, and salt-tolerant species. The Board asked for recommendations for the ideal diameter measurement of trees for new developments. She recommended planting diverse species to ensure survival of some. She also discussed planting in the watershed to utilize/capture water, as well as plantings to prevent contaminants from farm fields entering rivers and stabilizing soils. She presented information on Tree City USA and the requirements to qualify as one.

Jon P. Marquis (formerly Nelson-Bergman Associates) File #S21-15 – Request to extend conditional approval (PID 258-68)

Steve Harding of Sebago Technics and Jon Marquis appeared before the Board to request a two-year extension for the Saco River Run Phase II development. Mr. Marquis is working with non-profits on affordable housing and is also surveying land to be entered into conservation. Mr. O'Connor recommended a 12-month extension; they can return to request another 12-month extension at that point. The conditions of approval would remain as originally listed.

Mr. Hounsell made a motion, seconded by Mr. Barbin, to extend the conditional approval until October 24, 2024. Chair Colbath asked for discussion. Mr. O'Connor asked about the logging on the property and the impacts to the wetlands. He asked if dredge and fill permits need to be submitted. Mr. Harding said there are existing dredge and fill permits as well as AOT and subdivision permits that need to be transferred into Mr. Marquis' name. Mr. Harding said a restoration plan has been submitted to the DES to resolve issues with slash in the wetlands. Bonding for Phase I issues was also discussed. **Motion carried unanimously.**

The Residences at Saco River, LLC Continued:

Marge McIntyre of the Mount Washington Cooperative asked if the Sawmill Lane issue has been approved. Chair Colbath said the Board is still waiting to hear if the DOT issues a driveway permit. If there are substantial changes, they will need to return and present them to the Board.

Ms. McIntyre asked why the DOT is concerned about the road from the drive-in to Sawmill Lane, as it has not been used since the 1950s. The Board clarified the DOT is interested in this road as it goes onto Route 16. Mr. O'Connor clarified it will impact traffic flows. The driveway permit is for what is off of Route 16; they are considering how many cars will be leaving the approved driveway. Ms. McIntyre noted there are sewage trucks and semi-trucks using the road. Chair Colbath said the DOT is aware of these concerns and not much can be done until the driveway permit is issued. Mr. Porter noted the DOT is involved with this road due to the development being proposed on the property.

Watershed Protections discussion:

Mr. O'Connor reviewed changes to the wetland watershed protection overlay: 1) expand overlay from 100 feet to 300 feet from the edge of all waterbodies; 2) limit lot coverage to 25 percent within the overlay; 3) change structure setbacks from 75 feet to 100 feet; and 4) include aspects of low-impact developments.

Mr. Porter made a motion, seconded by Mr. Barbin, to post to a public hearing on December 14, 2023. Chair Colbath asked for discussion. Ms. Grant asked if language could be added regarding animal passage through culverts. Mr. O'Connor noted there is no bottom to culverts, which is intended to facilitate animal passage. **Motion carried unanimously.**

Food Trucks discussion:

Mr. O'Connor presented an amendment to Chapter 170, which will allow food trucks in a commercial or industrial zone. The term "vending carts" will be changed to "mobile food units." This will be a recommendation to the Select Board, who would move it to a public hearing. He offered new definitions applying to this amendment.

The Board discussed whether a campground is considered a commercial use. Mr. Porter noted the Board already determined a campground is considered private property. Any individual is allowed to have a food truck on their private property. After discussion, the Board agreed to exempt campgrounds from this amendment.

The Board discussed not allowing tables and chairs. Mr. O'Connor noted the intention is to keep the operation mobile.

Mr. Porter made a motion, seconded by Chair Colbath, to forward this to the Select Board with their recommendations. Motion carried unanimously.

Selectmen's Report:

Mr. Porter reported the DOT is willing to work with the Town of Conway to ensure the outcome of the properties involved with the condos on the North South Road (or Parkway). The state agreed they will be more forthcoming about informing the Town of the right of first refusal on properties for sale in the future. He said Mr. O'Connor's slideshow was very beneficial and Chair Colbath echoed this. The Board expressed their approval of this outcome and commended the Selectmen and Mr. Porter for their actions. Mr. Porter commended the Planning Board on their efforts.

Issues for Consideration:

Ms. Grant requested that the Board consider, as part of the Groundwater Overlay District, increasing the protective radius around the municipal wells. Mr. O'Connor noted the Groundwater Protection grant application is due next week, which would provide a comprehensive review of all groundwater. The Board discussed tabling this discussion.

**Adopted: November 16, 2023 – As Written
CONWAY PLANNING BOARD – OCTOBER 26, 2023**

Mr. Porter made a motion, seconded by Chair Colbath, to table this discussion until after the grant application is submitted. Chair Colbath asked for discussion. Mr. Hounsell noted a discussion cannot be tabled until; it must be tabled or not tabled. **Mr. Porter withdrew his motion.**

Reports on subcommittees:

Mr. Hounsell said he needs to meet with Mr. O'Connor before he can hold a meeting to write their final report.

Chair Colbath said they are preparing to write their final report.

Mr. Corbett said there hasn't been much change since the last meeting. The next step is to have Mr. O'Connor meet with the school. Chair Colbath cautioned Mr. O'Connor that perceived definitions of housing versus actual uses of housing, such as workforce housing, are different. The Board discussed housing terminology.

Mr. Hounsell reported the Police Department has hired a consultant to work on their budget for building improvements.

Ms. Whitelaw passed around the certification for changes made to the site plan and subdivision regulations for the 30 days for signatures.

Mr. Barbin said he is confused and discouraged regarding gambling and charitable gaming, and how it is now a viable business in Conway. He questioned why it is allowed. Chair Colbath said he believes this topic will be before the Board at a future meeting to obtain a clearer understanding of the situation. The Board shared their opinions on this issue.

Mr. O'Connor reported the Town has received additional funding from the Housing Opportunity grant, for a total of \$50,000. They will create an outreach plan to reach parts of the community that have not been engaged with yet to define housing needs and what can be done regarding the ordinance rewrite. The Board will discuss this at the next meeting.

Media Questions:

Tom Eastman of the Conway Daily Sun expressed his satisfaction with how the meeting with the DOT went and offered kudos to Mr. Porter. He asked if special approval will be required to have tables and chairs at a food truck. Mr. O'Connor said they would need to be in a safe location, so approval would be necessary.

Chair Colbath adjourned the meeting at 9:12 p.m.

Respectfully submitted,
Beth Hanggeli



TOWN OF CONWAY

23 MAIN STREET · P.O. BOX 2680 · CONWAY, NEW HAMPSHIRE 03818

(603) 447-3811
WWW.CONWAYNH.ORG

Memo

To: Planning Board
From: Planning Staff
Date: October 17, 2023
Re: Proposed Changes to the Wetland and Watershed Overlay District

Following our discussion at the September 28, 2023 Planning Board meeting, the following proposes updated Zoning Ordinance language to amend the Wetland and Watershed Overlay District.

The proposal expands the overlay district from 100 to 300 feet from year-round watercourses and wetlands. This allows for greater stormwater controls to be put in place to protect these waterbodies. Several recommendations outlined below require low-impact development designs for projects within the overlay districts. These techniques ensure watercourses are not modified and pollutants are removed from stormwater prior to being discharged from a site.

The language also recommends limiting impervious surfaces to 25% for portions of a development within the WWPO. The WWPO language is below and changes are outlined below in red.

§ 190-28. Wetland and Watershed Protection Overlay (WWPO) District.

The WWPO District is primarily designed to protect the public health, safety and general welfare by protecting valuable wetland and water resources; preventing the harmful filling, draining, sedimentation, or alteration of wetlands and watercourses; protecting unique and unusual natural areas; preventing the development of structures and land uses on naturally occurring wetlands, which could contribute to pollution of surface water and groundwater by sewage; preventing the destruction or significant degradation of wetlands which provide flood and storm control by the hydrologic absorption and storage capacity of the wetland; protecting fish and wildlife habitats by providing breeding, nesting, and feeding grounds for many forms of plant and animal life, including rare, threatened, or endangered species; protect existing and potential water supplies, aquifers and aquifer recharge areas; providing pollution treatment to maintain water quality; preventing expenditures of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands; providing for compatible land uses in and adjacent to wetlands or surface waters which serve to enhance, preserve, and protect wetland areas and water bodies as natural resources. Excavation shall be prohibited in statutory wetlands. Land uses permitted in this district are represented in the Permitted Use Table included as an attachment to this chapter.

(1) Each structure shall have a ~~seventy-five foot~~ one-hundred-foot minimum setback from the edge of the water or edge of wetland, whichever is farther landward. Boat storage sheds, however, may be set back a minimum of 50 feet from the edge of the water or edge of wetland. In the Residential/Agricultural District, storage sheds shall be set back a minimum of 50 feet from the edge of water or edge of the wetland. Only one storage shed is allowed per lot within the buffer.

(2) Special provisions.

(a) No septic tank or leach field may be constructed or enlarged closer than 100 feet to any wetland.

C. Lot coverage shall not exceed 25% within the WWPO. Lot coverage shall include structures and impervious surfaces, including but not limited to buildings, driveways and sidewalks.

D. Any development within the WWPO which requires Site Plan review shall meet the following performance standards and apply methodologies from the New Hampshire Stormwater Manual Volumes 1, 2, and 3 as amended or other equivalent means.

(1) Low-impact development (LID) site planning and design strategies must be used to the maximum extent practicable. LID strategies must maintain pre-development site hydrology, reduce stormwater runoff volumes, and protect water quality. The applicant must provide justification when LID strategies are not appropriate to manage stormwater.

(2) Runoff from impervious surfaces shall be treated onsite and achieve at least 80% removal of total suspended solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the New Hampshire Stormwater Manual, Volumes 1 and 2, as amended or other equivalent means.

(3) All stormwater treatment areas shall be planted with native plantings appropriate for site conditions in sufficient numbers and density to prevent soil erosion and to achieve LID water quality treatment requirements.

(4) The design of stormwater management systems shall incorporate a fifteen-percent increase in precipitation for twenty-five-year storms.

(5) A proposed site plan must include erosion and sediment control measures, limits of disturbance, and temporary and permanent soil stabilization measures in accordance with the NHDES Stormwater Manual Volume 3 as amended or other equivalent means

(6) Any required culverts within the WWPO shall preserve the natural stream substrate and not disturb the streambed.

- E. Shoreline and wetland buffer. There shall be a fifty-foot-wide vegetated buffer along the edge of the water or edge of wetland, whichever is farther landward. This buffer serves as a natural filter to protect the waters and wetlands from contaminated surface runoff, provides habitat for terrestrial wildlife, protects aesthetic qualities of the water and wetland environment and helps prevent erosion of the shoreline. The following restrictions shall apply to the buffer:
- (1) One access path across the buffer, up to 10 feet in width (measured parallel to the shoreline), is allowed for each 150 feet of water frontage. Such paths shall be designed to prevent erosion and runoff into the water or wetland. Path installation may occur only after receipt of a zoning permit from the Zoning Officer.
 - (2) Municipal trails on government lands and municipal trails across other lands (for which the Town of Conway has accepted trail easements) may be located within shoreline and wetland buffers, provided that they are designed and maintained to prevent erosion and runoff into the water or wetland.
 - (3) No vegetation less than four inches in diameter, measured at 4 1/2 feet above ground level, shall be cut, trimmed, pruned or removed, except to provide for permitted access paths.
 - (4) For vegetation four inches or more in diameter, measured 4 1/2 feet above ground level (hereafter referred to as "trees"), no more than 10% of the basal area of trees may be removed from the buffer (not including the area of permitted access paths) in any five-year period. Before any cutting may occur, the Zoning Officer shall be provided with a plat indicating the size and location of all trees in the buffer, which indicates the total basal area before and after the proposed cutting and which indicates all measures to be taken to prevent destruction of the buffer and protect the water quality. Cutting may occur only after receipt of a zoning permit from the Zoning Officer.
 - (5) No cutting or trimming of living tree limbs shall be permitted.
 - (6) Dead trees and dead limbs may be cut down only after receipt of a zoning permit from the Zoning Officer.
 - (7) For beaches permitted herein, where some clearing of land within the buffer is required, in no case shall such clearing for a beach extend inland more than 10 feet from the normal high- water elevation, and such clearing shall be no longer than the permitted beach.
 - (8) Agricultural and timber harvesting activities and operations shall be permitted uses within the buffer area, provided they conform to best management practices established by the United States Department of Agriculture Natural Resources Conservation Service, Cooperative Extension and/or the New Hampshire Department of Agriculture and RSA Ch.227-J.
- F. Docks. Docks which are completely removed from the water for the winter season shall be permitted as follows:
- (1) Maximum number of docks shall be one per 150 feet of water frontage, but lots with less than 150 feet of water frontage are permitted one dock.

beach, with a design certified by a New Hampshire licensed professional engineer and reviewed by the Carroll County Conservation District.

- (f) A New Hampshire licensed professional engineer shall inspect the site three times: before construction; after grubbing but before sand is added; and when construction is completed. The professional engineer shall certify that all work is completed in accordance with the plans provided to the Town and in accordance with these requirements.
 - (g) All other required permits and approvals are obtained.
- H. Shorefront common areas. Shorefront common areas are those areas used for water recreation and/or access by users living off-site. Such areas shall comply with the following:
- (1) Shorefront common areas shall not be located on lots smaller than two acres.
 - (2) The lot shall have, at a minimum, 50 feet of water frontage per family or household having rights of use; provided, however, that no more than 500 feet of water frontage shall be required for any one shorefront common area.
 - (3) Parking lots for shorefront common areas shall be set back a minimum of 200 feet from the normal high-water elevation. The parking area shall be screened from view of the water by a strip, at least 25 feet wide, of trees and shrubs.
 - (4) Creation or alteration of shorefront common areas shall be subject to site plan review. [1] Editor's Note: See Ch. 110, Site Plan Review.
- I. 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 the New Hampshire Code of Administrative Rules, as amended. 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 the water, the wetland and the buffer (in order to preserve the buffer's natural filtering capacity). [Amended 4-11-2017 ATM by Art. 2]
- J. Water quality. In order to afford maximum protection to water quality, the application of chemical fertilizer, insecticides or other chemicals shall be prohibited in the district. In addition, drainage shall be controlled and treated as best as is reasonably possible for any construction or activity, or as a result of any land use, such as access paths. Local regulation of pesticide management is preempted by RSA 430:49.
- K. Special exceptions. The following shall be prohibited unless granted a special exception by the Zoning Board of Adjustment. If granted a special exception under this section, a site plan review approval shall be required prior to construction. References to the "shoreline" shall be considered either the shoreline of the water body/watercourse or the edge of wetland, whichever is farther landward. Any special exception shall be granted only after having found that there is no better feasible alternative, in keeping with state and federal standards for the issuance of development permits in 404 jurisdictional wetlands.
- (1) Protective riprap. Riprap to protect shores from erosion shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions

are met:

- (a) All required state and federal permits are obtained; and
 - (b) The shoreline is being eroded by action of the waters and the riprap will protect the shoreline from further erosion without enhancing erosion at another location on the shoreline.
- (2) Building on undersized lots. Building on pre-existing lots with insufficient acreage shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:
- (a) There is a state-approved septic system or connection to a municipal sewer.
 - (b) Any building to be constructed shall be configured and located on the lot to create the maximum shoreline setback practical. If appropriate, rear and sideline setbacks may be reduced by the Zoning Board of Adjustment by up to 50% to facilitate maximum shoreline protection.
 - (c) Clearing of lots may be limited by the Zoning Board of Adjustment as a condition of approval so as to prevent erosion runoff problems.
- (3) Municipal and state facilities. Municipal and state facilities, including beaches and boat launches, shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:
- (a) All required state and federal permits are obtained.
 - (b) Sand for a beach shall not be deposited in water which is deeper than 4.5 feet nor farther than 75 feet out from the high-water elevation. For erosion control of the beach area, a barrier shall be constructed between the water and the sand on the beach. The site shall not be normally subject to erosion by action of the water nor by the grade of the shoreline slope.
 - (c) In order to shield the view of parked vehicles from the water and to protect the water from runoff from parking areas, parking shall be located behind a landscaped area of natural or planted vegetation at least 50 feet in depth. Parking areas shall be gravel. Appropriate drainage controls shall be constructed and maintained to protect the Great Pond.
 - (d) Footpaths may be cleared across the vegetated area for access to the beach. They shall be kept at a minimum width which serves pedestrian access to the water.
- (4) Wetland or stream crossing: the construction of a wetland or stream crossing for purposes of streets, roads and other access ways and utility right-of-way easements, including power lines and pipelines. A special exception for these uses may be granted if the following conditions are met:
- (a) The use is essential to the productive use of land not in the district; and
 - (b) The use is so located and constructed as to minimize the detrimental impact upon the wetlands.

- (5) Water storage or impoundment: the construction of a water storage or impoundment.
- (6) Any use not otherwise permitted or otherwise allowed by special exception in a wetland, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of a wetland. A special exception may be granted, provided that the following conditions are met:
 - (a) The proposed use will not conflict with the purpose and intent of the district. To support this claim, the applicant shall provide proper written evidence, which shall be accompanied by the findings of a review by the United States Natural Resources Conservation Service; and
 - (b) The use is permitted in the underlying zoning district.



TOWN OF CONWAY

23 MAIN STREET + P.O. BOX 2680 + CONWAY, NEW HAMPSHIRE 03818

(603) 447-3811
WWW.CONWAYNH.ORG

Memo

To: Planning Board
From: Planning Staff
Date: October 18, 2023
Re: Proposed Changes to Chapter 170, Vending Carts

Following our discussion at the August 24, 2023 Planning Board meeting, the following proposes updated language to Chapter 170, Vending Carts to address the use of food trucks.

The proposal does not change requirements for permitting Vending Carts but adds definitions, standards, and process for allowing food trucks. This chapter would permit Food Trucks in Commercial and Industrial zones and would require a Mobile Food Unit permit to operate in the Town of Conway.

Food Truck locations would be permitted as a Small Undertaking to create a permanent location on existing commercial sites where any authorized operator could occupy. Food Trucks may also be permitted by a Temporary Event Permit when operating for 14 days or less on public or private property.

§ Chapter 170 - Mobile Food Units

Purpose

The purpose of these regulations is to provide a controlled means of allowing Vending Carts and Food Trucks in the Town of Conway. Regulations are in place to preserve the aesthetics and character of the Town while allowing Mobile Food Units to successfully operate and serve our community.

Definitions

MOBILE FOOD UNIT

A mobile food vendor which provides services from a self-contained and mobile facility. A Mobile Food Unit shall include Vending Carts and Food Trucks.

VENDING CART

A nonmotorized, wheeled cart, designed for pushing as the sole form of locomotion, and designed with the capacity to store food/beverage products and used for retailing such goods. If the primary product sold is not food/beverage products, then the cart shall not be considered a vending cart and shall be required to obtain site plan approval from the Town.

FOOD TRUCK

A food establishment that is contained in a vehicle, where food or beverage is prepared and served. A food truck shall not be considered a Restaurant or exceed twenty-feet in length.

SIGN

Any device, fixture, placard, structure or attachment thereto that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any person or entity, or to communicate information of any kind to the public, whether commercial or noncommercial. Any portion of any awning, either freestanding or attached to a structure, decorated with any sign element, either attached or part thereof, shall be considered a wall sign.

TEMPORARY EVENT

An event whose occurrence is limited to not more than 14 days per calendar year.

DESIGNATED FOOD TRUCK LOCATION

A location which has received Site Plan or Small Undertaking approval as defined by Site Plan Regulations 110-4. The designated area shall not exceed 1000 square feet to include the placement of the Food Truck and any pedestrian area associated with the operation. Locations shall be limited to six parking spaces and must not obstruct or limit safe passage of any pedestrian or vehicle travel way.

Applicability

Any Vending Cart and Food Truck operating in the Town of Conway shall be responsible for obtaining a permit and approval pursuant to this chapter and shall be responsible for complying with applicable Site Plan and Zoning regulations.

A. Standards

(1) Food Trucks

- a. Food Trucks are permitted in Commercial and Industrial Districts on parcels with an existing commercial use.
- b. Food Trucks may operate only on private property with a Designated Food Truck Location reviewed as a Small Undertaking or by Temporary Event Permit.
- c. Food Trucks on public property may only be permitted by a Special Event Permit.
- d. All Food Truck applications shall provide the following:
 1. A plot plan, drawn to scale indicating the Food Truck location and dimensioned to included and immediately adjacent physical features such as fire hydrants, trees, structures, sidewalks, and pedestrian or vehicular travel ways.
- e. Food Trucks shall meet all setbacks and are not permitted on greenspace.
 1. A minimum 3' setback is required from all fire hydrants, bicycle parking, public benches, or any public amenity.

- f. Pedestrian Safety. Standing, waiting, or any pedestrian interaction shall not be located in a travel way. All locations require fire chief approval to ensure pedestrian safety.
- g. Restroom facilities shall be available. A portable restroom may be required if facilities are not readily and publicly accessible within the property the Food Truck operates.
- h. Hours of operation are limited to the operating hours of the primary commercial use which the Food Truck is located.
- i. One trash receptacle is required to be provided during operation.
- j. One Food Truck is permitted per lot. Additional Designated Food Truck Locations may be permitted for every two acres of lot area. This restriction does not apply to Temporary Events.
- k. No greater than six parking spaces may be utilized by each Food Truck or any associated pedestrian area.
- l. The placement of tables or chairs is prohibited.
- m. Approvals may consist of additional restrictions as necessary to facilitate safe operation and may be suspended or revoked with reasonable notice due to noncompliance with regulations or public safety concerns.

(2) Vending Carts

- a. Vending carts shall be allowed only in the Commercial and Industrial Districts as an accessory to a commercial use.
- b. Vending carts shall not be located in areas subject to vehicular traffic (i.e., parking lots, roads, driveways, etc.).
- c. Vending carts shall comply with setbacks.
- d. One Vending Cart is permitted per lot. Locations with greater than 300 feet of road frontage shall be permitted an additional Vending Cart.

B. Signage

- (1) Mobile Food Units are permitted signage which is a physical part of the Food Truck or Vending Cart.
- (2) Approved Mobile Food Units are permitted one A-Frame sign not to be placed within any public Right-of-Way or exceed 6 square-feet of message area per side.
- (3) No additional signage is permitted

C. State Approval

- (1) Operators shall possess a valid permit from the New Hampshire Department of Health and Human Services.

D. Permit Required

- (1) The operator shall secure a Mobile Food Unit Permit from the Board of Selectmen or its designated agent prior to commencement of operation of a Food Truck or Vending Cart.

(2) Food Trucks

- a. Food Trucks may operate in locations which have received Site Plan or Small Undertaking approval as defined by Site Plan Regulations 110-4, or by Temporary Event Permit.
- b. Food Trucks operating in a Designated Food Truck Location are not limited in duration unless specified in a location approval.
- c. A Temporary Event Permit is required for any Food Truck to operate on a parcel without approval of a Designated Food Truck Location.

(3) Vending Carts

- a. Vending Cart permits shall specify starting and ending dates, and the maximum duration shall not exceed six months.
- b. Vending carts shall be permitted only on private property, with written authorization of the landowner provided at the time of application.

Mobile Food Unit Approval Process

