

**CONWAY PLANNING BOARD AND
MASTER PLAN STEERING COMMITTEE**

MINUTES

NOVEMBER 16, 2023

PAGES

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Work Session

**CONWAY PLANNING BOARD
AND MASTER PLAN STEERING COMMITTEE**

MINUTES

NOVEMBER 16, 2023

A meeting of the Conway Planning Board and the Master Plan Steering Committee was held on Thursday, November 16, 2023 beginning at 5:30 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen's Representative, Steve Porter; Vice Chair, Ailie Byers; Secretary, Erik Corbett; Bill Barbin; Eliza Grant; Mark Hounsell; Alternate Ted Phillips; Ben Wilcox; Jason Gagnon; and Town Planner, Ryan O'Connor.

WORK SESSION

The Board and Committee reviewed the attached Thoughtfully Manage Commercial Development and Steward Conway's Unique Natural Resources & Open Spaces documents.

Meeting adjourned at 7:00 pm.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant



Settlers Green (Photo: Wiseguy Creative)

B. Thoughtfully Manage Commercial Development

B. Thoughtfully Manage Commercial Development

INTRODUCTION

This chapter presents goals and strategies related to commercial development in Conway, including recommendations for updates to the Town land use code. Though commercial development makes up just 2.1% of Conway’s overall land area, it greatly shapes the experience of visiting and living in Conway. Commercial development along Route 16, known as “The Strip,” has grown significantly since the adoption of the last Master Plan in 2003. The business mix in this area includes several large-scale commercial uses, including hotels, big-box stores, grocery stores, and chain restaurants. This business mix is very different from that of the village centers, which contain a range of small-scale commercial uses, such as offices, retail shops, and smaller restaurants. Conway also contains several small commercial strips along main roadways, such as the Story Land commercial strip in the Intervale area and the Family Dollar strip just outside of Conway Village. There is currently a moratorium on commercial developments over 50,000 sf and on hotel development. At the time of writing, Town voters have approved a one-year moratorium set to expire in April 2024 with the possibility of being extended.

Through public engagement conducted during the Master Plan process, residents indicated a strong opposition to further large-scale commercial development. They expressed that recent developments (particularly hotel developments) were too large, and in the case of a hotel under construction in the Intervale area, were out of character with the surrounding area. Residents’ top priority was housing development and expressed great concern about a lack of housing supply and the subsequent strain on the local economy. Residents also noted that strengthening the villages was a top priority – residents noted that village areas are primary gathering spaces and the center of community culture in Conway.

Conway finds an appropriate balance between commercial development, residential development, and other uses. Future commercial development is constrained to existing commercial areas and is largely limited to redevelopment that increases transportation options and/or housing opportunities in those areas.

B. Thoughtfully Manage Commercial Development

Recent And Planned Commercial Development Projects

Recent Projects:

- An estimated 500 hotel rooms were built in Conway in 2021 and 2022

Planned Projects:

- At the time of this Master Plan update, there were two hotels and one large commercial building currently under construction in Conway. These projects were approved before the Town of Conway placed a moratorium on commercial and hotel development in April 2023. Thus, the scale and number of planned projects is likely lower than it would be ordinarily.



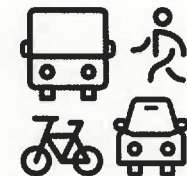
Desired Outcomes

- Conway thoughtfully regulates commercial development with updated land use regulations; new commercial development is largely limited to infill that is compatible with and scaled appropriately to the surrounding area
- Conway's commercial development continues to support the Town's tourism economy, but restrictions on future commercial development restrict hotels and other large-scale visitor-facing businesses to targeted areas
- Conway's village centers are vibrant and inviting; visitors and residents alike can find what they need within Conway's villages
- Conway residents feel that the general direction and slower pace of commercial development in Conway aligns with their vision for the community; commercial development in Conway does not outpace or outcompete needed residential development

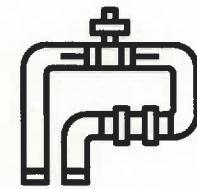
RELEVANT MASTER PLAN TOPIC AREAS



Land Use & Housing



Transportation



Infrastructure



Municipal Services

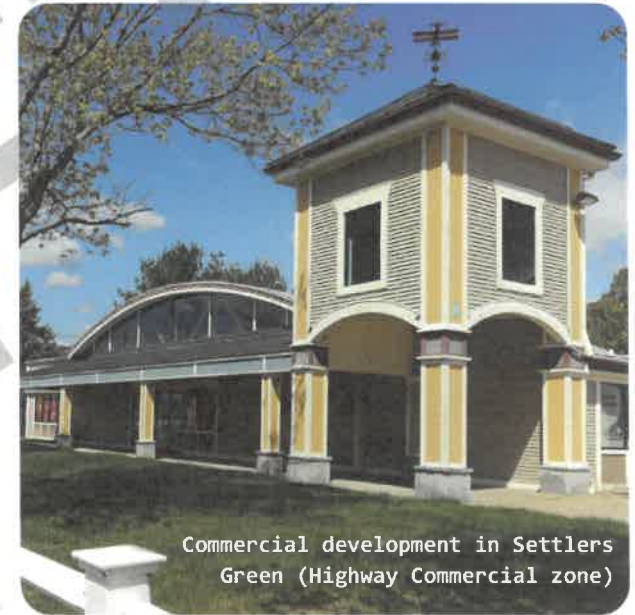
GOAL B-1:

“Right-size” Commercial Development in Conway to Support Thriving Village Centers, Encourage Orderly Development, and Create a Healthy Balance of Land Uses.

CHALLENGE #1:

Conway’s current zoning policies allow large-scale commercial development in areas where it is not desired by the community. Current land use regulations around commercial development permit large-scale developments to occur in locations and in forms that are generally unpopular with the community. Conway’s land use code currently applies one district – Highway Commercial – to commercial areas of very different sizes and characters. As a result, community members consider some recent and under-construction commercial developments to be out of scale with their immediate surroundings. In particular, a hotel development approved in the Intervale area in North Conway was very unpopular with community members, who considered the area to be scenic and not appropriate for larger scale commercial development.

STRATEGIES:



Commercial development in Settlers Green (Highway Commercial zone)

B-1.1: Create different zones that allow commercial development of different scales in Conway.

- See the **Future Land Use Map** for further detail on this recommendation. The recommended Commercial Core area, which covers the Settler’s Green area, should allow the highest density and building intensity of all areas to promote a walkable environment. The recommended Village Core zone, which encompasses North Conway Village and Conway Village, should allow small-scale commercial and mixed-use development, along with other uses typical of village areas (e.g., residential and civic uses). The recommended MU-R area includes Center Conway, Intervale, and areas outside Conway Village. This area should incorporate neighborhood-scale commercial uses, as well as some light industrial uses. All areas except the Commercial Core would prohibit large-scale commercial development but would allow infill development to support a walkable pattern of development.

B. Thoughtfully Manage Commercial Development

CHALLENGE #2:

Hotel development in Conway has proliferated at a fast pace in recent years; residents have not been supportive of this development. The development of these hotels has generally added to Conway's housing crunch; staff at these new hotels need affordable places to live, placing further demand on the housing market.

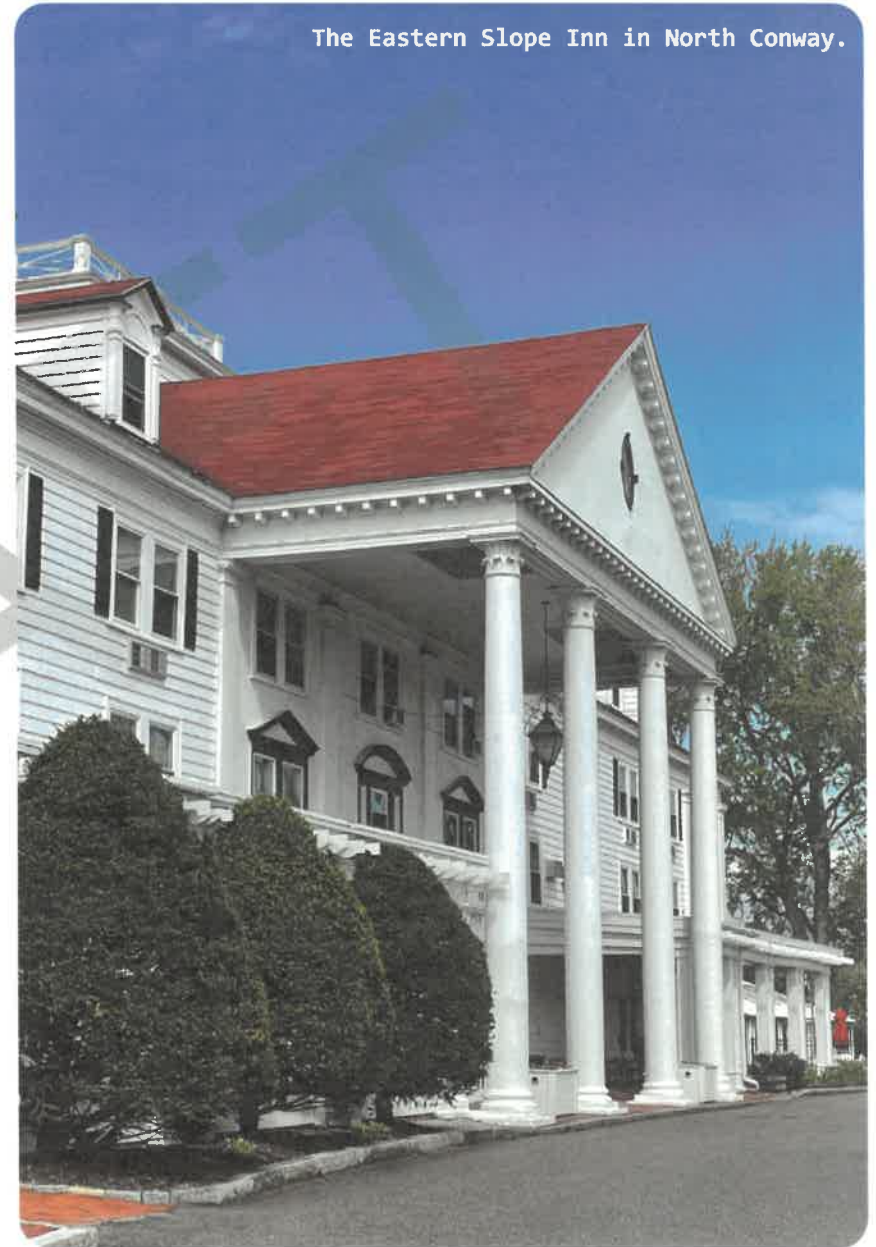
STRATEGIES:

B-1.2: Extend the current moratorium on large commercial structures and hotels until zoning changes have been adopted.

- The current moratorium on large commercial structures (over 50,000 sf) and hotels will expire in April 2024. At the time of writing, the Planning Board is moving to present a warrant article to Conway voters to extend the moratorium an additional year.

B-1.3: Consider amending the land use code to limit new hotel construction to small boutique hotels, or hotels that exist in a mixed-use structure. Hotels should be a conditional use in any district where they are allowed.

The Eastern Slope Inn in North Conway.



B. Thoughtfully Manage Commercial Development

CHALLENGE #3:

There is no linkage between commercial development and increases to housing supply. Recent commercial developments have created large associated workforce needs amidst a highly constrained local housing supply.

STRATEGIES:

B-1.4: Consider leveraging impact fees on future large-scale commercial developments and hotels to help fund improvements and/or expansion of the Town water and sewer infrastructure and/or other infrastructure improvements needed to enable multifamily housing development.

- Impact fees are fees levied on new developments that account for the increased needs for services and infrastructure associated with the development. Impact fees can help communities cover the costs of increased services, including water and sewer upgrades that can protect drinking water quality and enable the development of affordable housing
- Conway could also require future commercial and hotel developments to provide some sort of community benefit associated with their development, such as a public open space or recreational path or a contribution to affordable housing.
- Previous applications of impact fees in Conway did not have clear direction on how those funds should be spent. The town should develop a prioritized list of needs that impact fees could support and/or identify a specific project or set of projects to be supported by impact fees.

Using Commercial Development to Fund Affordable Housing

One of the most common mechanisms used by local governments to fund affordable housing is a linkage fee. Through this type of program, there is a fee “linked” to a certain scale of commercial development that is paid by the developer and supports housing/affordable housing development. The State of New Hampshire does not enable communities to do traditional linkage fees for housing. Communities can use impact fees, but only for specific purposes outlined in the state law. Impact fees are fees levied on developers that aim to fund any necessary improvements that the town must make associated with that development (e.g., upgrades to roads, water treatment and distribution, schools, and more). This plan recommends assigning impact fees to large-scale commercial development to help fund the construction and maintenance of water and sewer infrastructure, which is a necessary step towards the construction of affordable housing in Conway. The state requires that municipalities use the impact funds for 6 years.

GOAL B-2:

Support Village-Scale Commercial and Mixed-Use Development & Redevelopment in Conway's Villages

CHALLENGE:

Current development patterns and zoning regulations inhibit village-style development, particularly mixed-use buildings. Conway is a network of village centers - although residents highly value the architectural character and close-knit feel of the Town's village centers, village-style development is effectively illegal in the Town code. Mixed-use buildings, which typically have a commercial use on the ground floor and residential units above, are the most limited by the lot size and parking requirements, which require large quantities of parking associated with each different use. For example, the code currently requires new development to occur on larger lots and to provide significant parking areas - a challenging proposition in compact village areas. To build, rebuild, or retrofit traditional village-style buildings in Conway, many developers and property owners have had to rely on zoning variances.



According to a 2020 Report developed for the New Hampshire Housing Finance Agency, multi-story buildings with a mix of residential units and ground-floor commercial uses consistently produce the most tax value for municipalities compared to other types of properties in New Hampshire communities. These types of buildings are classic in New England village-style development.

B. Thoughtfully Manage Commercial Development

STRATEGIES:

B-2.1: Through reductions to minimum lot size requirements, allow and encourage small-scale commercial and mixed-use buildings that align with the historical patterns of Conway's villages.

- The Town should align dimensional requirements with current built forms in Conway's villages. There are multiple examples of older buildings in the heart of Conway's villages that do not conform to current zoning requirements.
- Encourage redevelopment of existing structures that promotes a walkable, compact pattern of development.

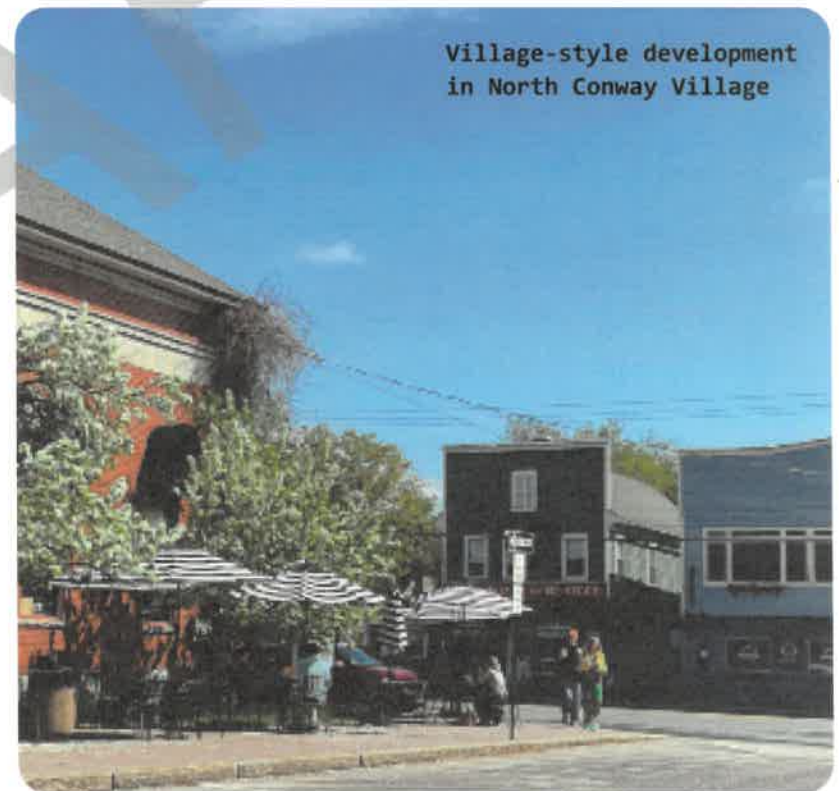
B-2.2: Consider moving to parking maximums and adopting shared parking standards to encourage the efficient use of land, particularly in village and commercial areas.

B-2.3: Revise zoning to allow and promote mixed-use infill development to permit large-scale residential development in and around the Settler's Green area.

B-2.4. Adopt standards to support a walkable, inviting environment in the Commercial Core area.

- Create block perimeter standards for the recommended Mixed-Use Core district. Limiting the perimeter of blocks can limit the distance between destinations and can make a place more inviting to walk.

- Adopt standards that encourage or require parking in the back of buildings.
- Adopt standards that require pedestrian infrastructure or shared-use paths as a part of new developments.
- Require pedestrian connectivity to neighboring developments.
- As noted in the Transportation chapter, this change will require lessening or removing parking requirements, which are often too onerous and can inhibit infill development.



GOAL B-3:

Support Small-Scale Industrial Uses in Conway

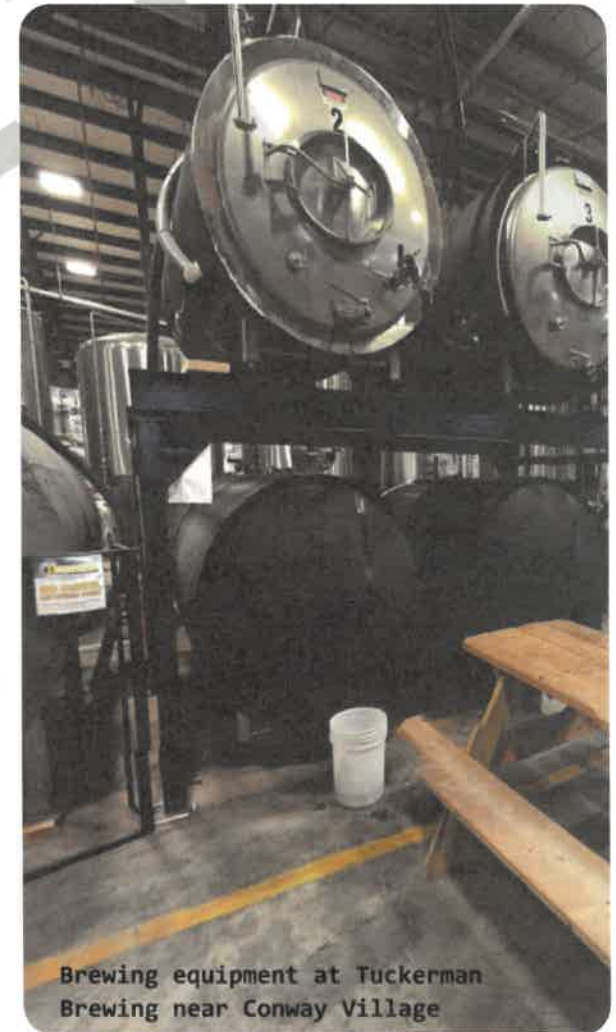
CHALLENGE:

Conway has struggled to sustain its industrial districts. One of Conway's Industrial zoning districts, I-2, does not have water and wastewater service, which limits the area's ability to support more intensive development. While Conway used to rely on logging and other heavy industries as a main economic driver, smaller-scale industrial uses are much more appropriate for Conway today. Light industrial uses are an important type of commercial development and can include businesses like artist studios, bespoke manufacturing, breweries and beer production facilities, and metalworking shops. These types of businesses should be thoughtfully incorporated into Conway's revised zoning ordinance as allowed uses in certain areas of town.

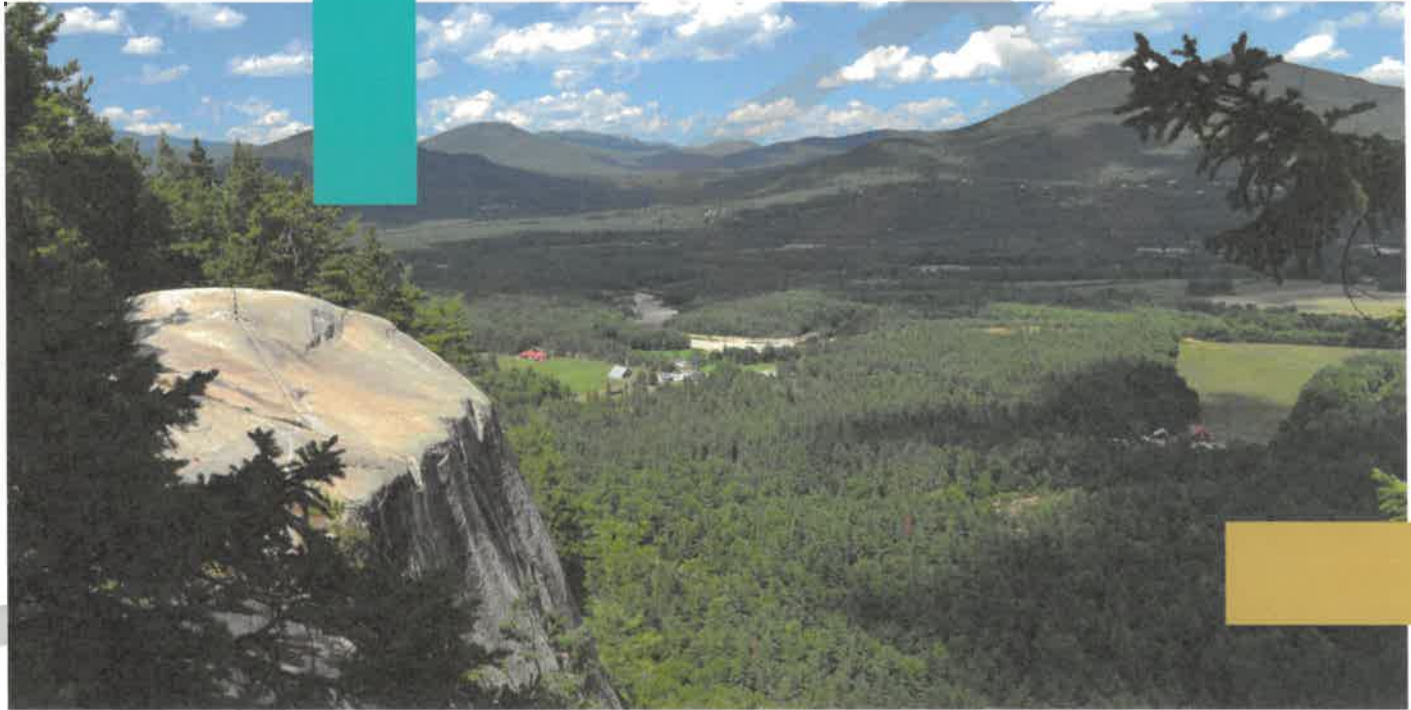
STRATEGIES:

B-3.1: Allow light-industry uses as conditional uses in appropriate zoning districts. Consider not allowing light-industrial uses outside of areas served by water and wastewater.

B-3.2: Consider adopting performance-based zoning standards that aim to address common complaints and potential issues with light industrial uses. For example, create a condition for conditional use permitting related to noise levels to ensure that noise levels for the associated use are minimized or mitigated in some way.



Brewing equipment at Tuckerman Brewing near Conway Village



D. Steward Conway's Unique Natural Resources & Open Spaces

INTRODUCTION

This chapter presents goals and strategies for conserving and enhancing natural resources in Conway, including water resources, critical habitats, and farmland. It also includes strategies related to managing flood risk and balancing future development with environmental considerations.

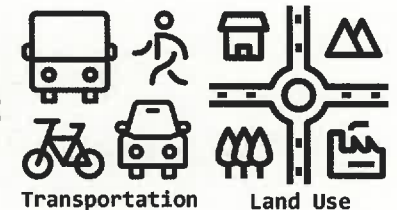
The Town of Conway is indelibly shaped by its natural resources. Rivers and streams form the valleys where much of the Town resides. Scenic mountain vistas line the major thoroughfares and conserved lands host critical habitats as well as outdoor recreation opportunities that draw many to visit or reside here. Productive local aquifers provide all the Town's drinking water. Throughout the Master Plan process, residents clearly expressed the importance of stewarding these resources for the future health of the community.

Conway is a town with many environmental sensitivities. It is located at the confluence of two major river corridors that form the gateway to a large mountainous region, with elevations ranging from just 400 feet along the Saco River to over 6,000 feet at the summit of Mount Washington. The region's topographic and climactic zones support a variety of ecosystems and habitats that are interconnected through an increasingly fragile series of corridors. The health and connectivity of these habitats is threatened by development as well as changing climactic conditions. Maintaining intact wildlife migration corridors has become a key climate resiliency strategy for conservation organizations with anticipated northward species migrations.

Rivers and streams like the Saco and Swift are dynamic ecosystems,

The sensitive natural resources upon which Conway relies should be stewarded, protected, and enhanced for the environmental, social, and economic wellbeing of the Town and the ecological health of the Mount Washington Valley.

RELEVANT MASTER PLAN TOPIC AREAS

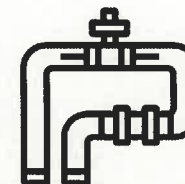


Transportation

Land Use



Municipal Services



Infrastructure



Commercial Development

D. Steward Conway's Unique Natural Resources & Open Spaces

with channels moving and changing over time from continual erosion and periodic flood events. When human development encroaches on these riverine systems, it often negatively impacts both the natural resource and the development. In the Mount Washington Valley, these impacts are compounded by steep and mountainous terrain of the and by a changing climate where the frequency and severity of precipitation events are both increasing.

The future of Conway's environmental, social, and economic health will be heavily dependent on the stewardship of natural resources and adaptation to a changing climate. This will necessitate thoughtful land use regulation, careful planning for municipal infrastructure, and coordination with local and regional conservation partners.

Desired Outcomes

- *Conway maintains healthy groundwater aquifers and provides a high-quality municipal water supply.*
- *Surface water quality is protected.*
- *Future development is resilient to increasing flood risks and minimally impacts natural habitats.*
- *Areas of ecological significance are conserved.*
- *Farmland is environmentally healthy and economically viable.*
- *Conserved wildlife corridors facilitate species migration in the face of a changing climate.*

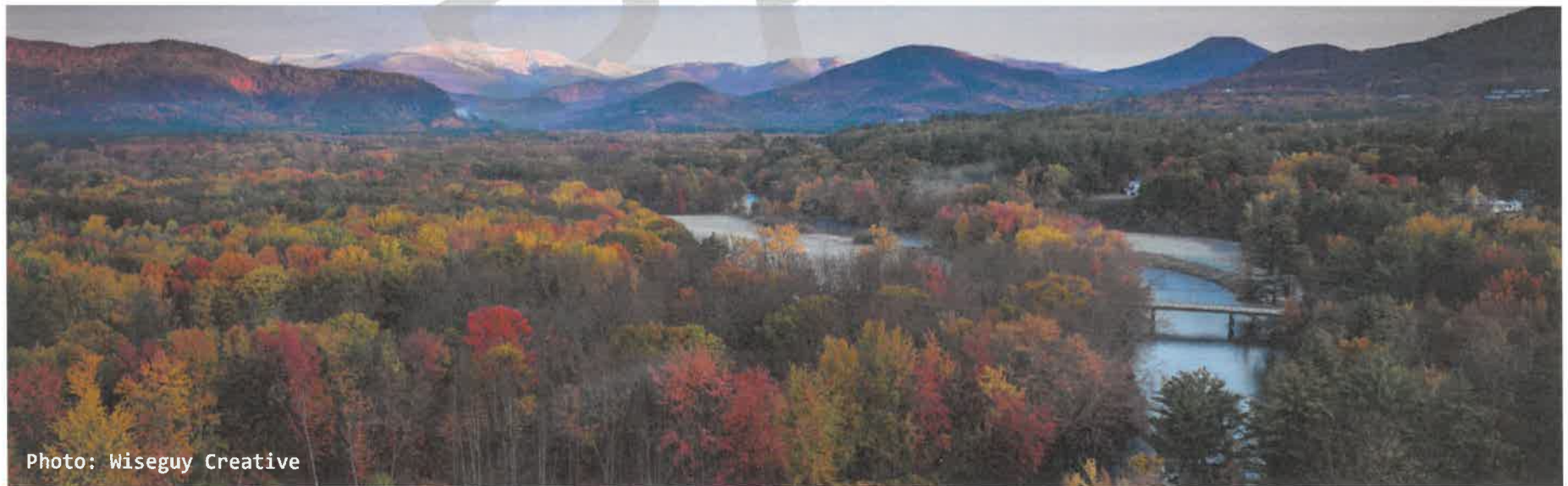


Photo: Wiseguy Creative

GOAL D-1:

Protect & Enhance Conway's Critical Water Resources

CHALLENGE #1:

Conway's drinking water resources face threats to water quality. All drinking water in Conway comes from local groundwater aquifers within Town boundaries. While there are many benefits to this level of local control, the Town must thoughtfully manage the use and protection of these groundwater resources to ensure that safe drinking water is provided in perpetuity.

There is also an overreliance on private wells and water systems in Conway. Many current residential subdivisions are served by private individual wells or private community water systems. Private individual wells need wellhead buffer areas of a certain size for long-term viability, requiring larger lot sizes for residential subdivisions. Private community water systems can enable a greater density of development; however, most existing private community water systems in Conway have significant issues with substandard capacity or infrastructure condition, and these systems are often cost-prohibitive for new development.

STRATEGIES:

- D-1.1: Consider expanding municipal water systems to reduce reliance on private wells and community water systems.**
- D-1.2: Provide protections for key groundwater recharge areas and consider strategies to limit or reduce the impact of development in these areas.**
- D-1.3: Include future increases in costs for water purification and regulatory compliance into long-term operational and capital planning for water treatment facilities.**

D. Steward Conway's Unique Natural Resources & Open Spaces

CHALLENGE #2:

Conway's surface waters face development pressures and increasing flood risks. Development in river and lake shoreland areas in Conway has resulted in an increase in impervious surfaces and a loss of riparian vegetation buffers, which leads to higher levels of runoff and erosion in waterbodies. Along river and stream corridors, there is an added flood risk for buildings and infrastructure - a risk that is increasing with more frequent severe precipitation events.

STRATEGIES:

D-1.4: Consider low-impact development measures for managing stormwater in new developments, including reduced impervious surface areas and enhanced on-site stormwater retention and detention.

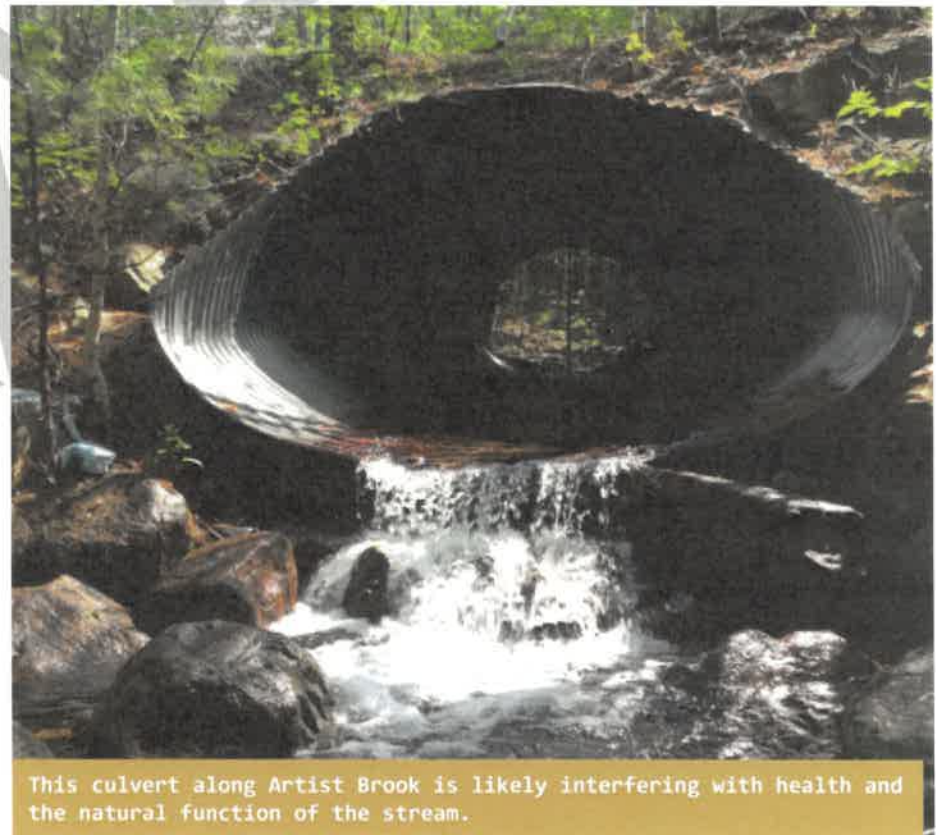
D-1.5: Consider further limiting vegetation clearing in shoreland and river corridor areas.

D.1.6: Reevaluate shoreland and floodplain-related overlay district boundaries and standards for river and stream corridors to account for changing flood risks and meandering river and stream channels.

- Consider going beyond FEMA-identified flood hazard areas in designating overlay district boundaries.

D.1.7: Proactively upgrade river and stream crossing infrastructure (culverts and bridges) to increase flood resiliency, minimize impacts to stream health, and provide safe wildlife crossings.

D-1.8: Support efforts to improve riparian buffers and streambank stability through plantings and other natural techniques.



This culvert along Artist Brook is likely interfering with health and the natural function of the stream.

GOAL D-2: Conserve Open Spaces and Keep Them Connected

CHALLENGE:

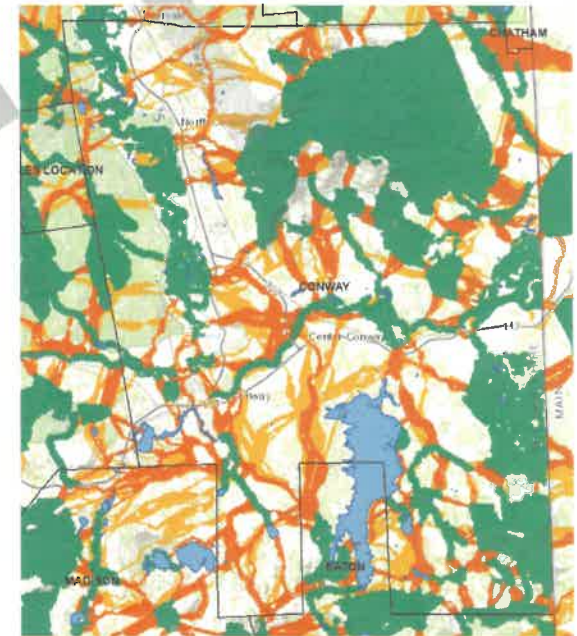
Ecologically sensitive areas of Conway face development and climate pressures. While Conway's forested valleys and hills provide valuable habitats and help form its picturesque aesthetic, these areas can also be desirable for future residential development. In recent decades, significant residential development has occurred in previously undeveloped rural areas of Town. The Town will need to identify an approach to conserving critical wildlife corridors and high-value habitat areas while thoughtfully managing future development.

STRATEGIES:

D-1.9: Update the Town's 1996 Natural Resource Inventory, including providing information on key wildlife corridors.

D-1.10: Consider preparing a Town Open Space and Connectivity Plan that articulates local priorities for conserving lands with high ecological, scenic, and/or recreational value. Such a plan could be informed by existing land conservation priorities of organizations like the Conway Conservation Commission, the Upper Saco Valley Land Trust, White Mountain National Forest, and the Mount Washington Valley Trails Association.

D-1.11: Encourage and enable infill development in village and commercial areas to reduce development pressure in more ecologically sensitive rural areas.



Interconnected wildlife corridors are critical for species health. Areas in green on the map represent high priority habitat blocks of 50 or more acres. Areas in orange and yellow represent potential wildlife corridor connections between habitat blocks. Additional local studies can help verify the on-the-ground location of critical wildlife corridors. Source: New Hampshire Fish & Game Wildlife Corridors Map (2021).

D. Steward Conway's Unique Natural Resources & Open Spaces

D-1.12: Consider amending the Town's cluster housing development provisions using "conservation subdivision" standards where a minimum percentage of the subdivided area is set aside for conservation.

- Encourage subdivision design that limits habitat fragmentation, maintains wildlife corridors and connections to recreational lands, and protects water quality.
- Continue to require cluster housing to be connected to municipal water and sewer.
- Consider additional subdivision standards to reduce habitat segmentation, such as limiting driveway length, encouraging shared driveways, and clustering housing units on smaller sized lots.
- Consider removing standards requiring additional land area for duplexes and removing standards that restrict the types of housing units allowed.
- Consider adopting a subdivision review process that begins with review of natural resources and proposed conservation set-aside area(s) before further designs are reviewed.

D-1.13: In rural and/or ecologically-sensitive areas, consider adopting "minimum developable area" standards to ensure there is a suitable land area for development within a parcel when natural resource factors (e.g., wetlands, steep slopes, flood hazard areas) are considered.



D-1.14: Consider creating a conservation-oriented zoning district or overlay district that can be applied to lands with high ecological sensitivity and importance in partnership with landowners and/or conservation organizations (see Future Land Use Map).



Existing Landscape

Subdivision Sprawl

Conservation Neighborhood

D-1.15: Support efforts to permanently conserve lands with high ecological sensitivity and importance, as well as lands that host important recreational trail connections.

Conservation-oriented subdivision design can promote residential development that is less impactful to natural resources. *Source: Better Town Toolkit*

GOAL D-3:

Sustain Healthy Local Farmland and Working Landscapes

CHALLENGE:

Modern farming operations experience various pressures that can affect their viability. Local farms are beloved in Conway; however, they are not immune from climate impacts and real estate market pressures. High land prices can encourage farmers to sell their lands to residential developers, and increasing severity and frequency of major precipitation events can result in crop loss and the loss of farmland to erosion.

STRATEGIES:

D-1.16: Support efforts for long-term preservation of farmland and working lands in Conway, such as agricultural easements.

D-1.17: Support efforts to improve riparian buffers and stream bank stability adjacent to farms through plantings and other natural techniques to reduce runoff and loss of farmland to erosion.

D-1.18: Require appropriate buffers and screening for new residential developments adjacent to existing farms.

D-1.19: Ensure that land use regulations reflect the unique operations of agricultural businesses. For example, road standards should not preclude the development of access roads that are needed for farm operations.



Farmland bordering the Saco River in East Conway and Fryeburg, ME