

**CONWAY PLANNING BOARD  
MINUTES  
JANUARY 25, 2024**

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**CONWAY PLANNING BOARD**

**MINUTES**

**JANUARY 25, 2024**

A meeting of the Conway Planning Board was held on Thursday, January 25, 2024, beginning at 6:02 p.m. at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steven Porter; Vice Chair, Ailie Byers; Secretary, Erik Corbett; Eliza Grant; Bill Barbin; Mark Hounsell; Town Planner, Ryan O’Connor; and Assistant Planner, Holly Whitelaw. Alternate Ted Phillips was in attendance.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Porter made a motion, seconded by Ms. Byers, to approve the minutes of December 14, 2023, as presented. Motion carried unanimously.**

**AGENDA OUT-OF-ORDER**

**Mr. Barbin made a motion, seconded by Mr. Porter, to take the agenda out of order to discuss Mountain Top Music Center. Motion carried, with Mr. Hounsell present.**

**OTHER BUSINESS**

**Mountain Top Music Center (File #NA24-01):** This is a request to install a community solar array at 36 Main Street, Conway (PID 265-45).

Mr. O'Connor noted this is a request for review of a ground-mounted solar installation. It will not affect the current approved parking area. He asked the Board to consider if the area under the solar panels could be considered a reduction of greenspace. He believes this meets the criteria of the non-applicable.

Sarah Kimball, Mountain Top board member, and George Wiese, executive director, appeared before the Board. They would like to utilize solar energy to reduce costs and carbon dioxide in the atmosphere, and to increase their green energy. Ms. Kimball said the logical place to install the solar array is on top of the building, but it is not structurally capable of supporting the weight. Much of the property where Mountain Top is located is flood plain.

Chair Colbath asked for Board comment.

Mr. Hounsell asked if there was toxic or hazardous material in the solar array, as it will be located in the flood plain. Ms. Kimball clarified it will not be located in the flood plain.

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment.

**Mr. Porter made a motion, seconded by Mr. Barbin, that the Planning Board determined that based on the provisions of §110-4. A.(5), regarding applicability, the installation of a community solar array is not subject to a Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion carried unanimously.**

**STATE OF NEW HAMPSHIRE (FILE #CR24-01) – CONCEPTUAL REVIEW (PID 235-93)**

Josh McAllister of HEB Engineers, Ben Frost of NH Housing Finance Authority, and Andy Dean of Cooper Cargill Chant appeared before the Board. This is a conceptual review to demolish the existing buildings and construct 66 residential dwelling units in two buildings at Common Court, North Conway. While the property is owned by NH DOT, NH Housing Finance Authority is considering taking ownership of the parcels and would like to explore opportunities for multi-family residential/affordable housing.

The property is 5.63 acres located in the highway commercial district and qualifies for the highway commercial special exception. Proposed parking is 96 spaces, which would require consideration for an alternative parking standard. Mr. McAllister said this has been granted by the Board on most of their multifamily residential projects adjacent to amenities, so they would be seeking this to reduce the pavement area below the Town requirement. Municipal water and sewer would be extended into this development. They do not intend to request waivers.

Mr. Frost noted these two projects should be viewed in tandem, although they are separate.

Mr. Porter said his premise is to protect the North-South Road. The housing proposed on the site of the current condos is a definite win. He noted that presenting two potential developments at the same time is confusing.

Mr. Hounsell said he does not want a three-story building to be visible from the North-South Road. He recommended illustrating where the ridge line of the building would be in a future presentation and Mr. McAllister agreed. Mr. McAllister said the distance from the right-of-way is approximately 90 feet and there will be natural screening.

Mr. Corbett asked if the NH Housing Finance Authority will be the developer of this property. Mr. Frost said they finance development, maintaining a high level of oversight of the properties they finance for a long period of time. Once they are confident this development will move forward, they will put out an RFP for developers to present proposals. That developer would then present a formal site plan application to the Board.

Mr. Hounsell asked about Mr. McAllister's involvement moving forward. Mr. Frost said they will keep him involved, but it would be up to the developer to assemble their team.

Chair Colbath asked for public comment.

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Michael Mitchrone of OVP Management asked how long before plans are stamped and ready to go. Mr. McAllister said about 12 months, once a developer is on hand. Mr. Frost said financing of the project is complex and will take time to secure. Ideally, construction could begin at the end of 2025/beginning of 2026.

Josh Brustin, resident, asked if Avesta is a candidate for this project. Mr. Frost said they have not spoken with Avesta but he assumes they would be interested.

Chair Colbath closed public comment.

Mr. O'Connor noted the applicant has 12 months to submit a formal application. Mr. Frost clarified they are seeking a continuance of this discussion to March 14, 2024, after the ZBA decision. The 12 months will start when the Board declares design review to be complete.

**Mr. Porter made a motion, seconded by Ms. Grant, to continue the design review process to March 14, 2024. Motion carried unanimously.**

**STATE OF NEW HAMPSHIRE (FILE #CR24-02) – CONCEPTUAL REVIEW (PID 235-52, 53, 54, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 & 71)**

Josh McAllister of HEB Engineers, Ben Frost of NH Housing Finance Authority, and Andy Dean of Cooper Cargill Chant appeared before the Board. This is a conceptual review to construct 54 residential dwelling units in two buildings on Puddin Pond Drive, North Conway. The parcels total 6.73 acres and are in the residential-agricultural zone. While the property is owned by New Hampshire DOT, NH Housing Finance Authority is considering taking ownership.

They propose construction of two 16,300 square foot buildings, each with 27 units. They will be utilizing the affordable housing ordinance to achieve this density. This project will include a paved parking lot with 80 spaces. Municipal water and sewer services would be extended to this development. They do not intend to apply for waivers.

Mr. McAllister noted the previous conceptual review covered many of the topics of consideration for this lot.

Chair Colbath asked for Board comment.

Mr. Porter said he hopes the state would work with the Town to use this parcel as greenspace waivers/credits for additional housing. He does not believe structures built on this parcel will benefit anyone.

Mr. O'Connor said they are still working towards the transfer of density from one lot to the other. He noted their purpose of appearing before the Board is to preserve their right, in case the zoning steps fall through.

Mr. Frost said their ultimate objective is not to build on these parcels. However, in order to gain the density needed on the Common Court property, they need to find a mechanism to transfer density from one property to the other.

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Mr. McAllister said they submitted a variance request to apply the density from these parcels to the Common Court parcel. The goal of these meetings is to explore options, should there not be a mechanism to do this. They are reserving the ability to consider these lots for development, if the density cannot be transferred.

Mr. Porter said he does not think this is a very good idea for the people of the Town of Conway.

Chair Colbath asked for public comment.

Janet Hudson, Village of North Conway, said her condo abuts one of the parcels and asked for assurance that no more woods will be lost. Chair Colbath said they are working towards preserving this property as woods and greenspace. Ms. Grant noted there will a Warrant Article that will include additional protections for the North-South Road, but it will not apply to this property. This is why they are working to protect these parcels. Mr. Hudson asked for clarification regarding transferring greenspace and Chair Colbath provided it.

Chair Colbath closed public comment.

Mr. Frost said it is helpful for the Planning Board to clearly articulate its opinion of this matter. Mr. Porter said the Planning Board should articulate to the ZBA that they should look at this matter carefully.

Chair Colbath said he is very hopeful this is not the avenue that is pursued. He hopes that something transpires at the ZBA meeting that will allow the density to be moved.

**Mr. Barbin made a motion, seconded by Mr. Porter, to continue the design review process to March 14, 2024.**

Mr. Hounsell said if the ZBA does not transfer the density, the Board would need time to regroup.

**Mr. Hounsell made the motion, seconded by Ms. Grant, to amend to the first meeting in June. Motion carried, with Ms. Byers opposed.**

**Mr. Barbin made a motion, seconded by Mr. Porter, to continue the design review process to June 13, 2024. Motion carried unanimously.**

**VARAHI NORTH CONWAY REALTY, LLC (FILE #FR23-10 & #S23-14) – DESIGN REVIEW/CONCURRENT FULL SITE PLAN AND 2-UNIT SUBDIVISION REVIEW (PID 230-119)**

Josh McAllister of HEB Engineers appeared before the Board. This is an application to construct a 2,200-square foot residential dwelling unit on a commercial site with associated infrastructure and create one commercial unit and one residential unit at 2039 White Mountain Highway, North Conway. They would like to add a single-family residential unit to the rear of the existing gas station. It is located in the highway commercial district.

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Mr. McAllister said per the Fire Department, there is no allowance for access off Amethyst Hill Road. The Fire Department asked for two access ways to the side of the building, which would be six-foot-wide concrete stairs leading to a landing area. Mr. McAllister said there is access for fire equipment at the rear of the building. They propose to reconstruct the dumpster enclosure and will plant trees along Amethyst Hill Road and the front of the property. He listed the waivers this project will require.

Mr. O'Connor said this is technically a redevelopment of the site and the goal is to get it as close to conforming with current regulations as reasonably possible. The Town received a letter from the abutters, asking for no access from Amethyst Hill Road and a 45-foot buffer at the rear of the property.

Chair Colbath asked for Board comment.

Mr. Hounsell thought the waivers requested were reasonable, but questioned the safety of concrete stairs in icy weather. Mr. Porter expressed concern about putting a house on top of a hill with no driveway access and only stair access. Mr. McAllister said the owner is considering adding a walkout basement and Mr. Porter said this was preferable.

Mr. Barbin approves of the mixed use of the property. He asked for dark-sky lighting and noted his desire to bring the commercial use into compliance.

Ms. Grant asked if there is anything problematic on the site. Mr. McAllister said there are not operational problems with the site, although there are challenges.

Ms. Byers suggested adding more greenery to the front of the property.

Chair Colbath asked for public comment.

Shawn Bergeron of Bergeron Technical Services noted the drainage issues across the street at the Hilton. He asked if anything could be done to reduce runoff from this property into the state highway. Mr. McAllister noted there is not a robust drainage system on the site. He will discuss this issue with Mr. Bergeron and rethink the waiver from drainage design. Mr. Hounsell noted the drainage issues on Route 16.

Glenn Saunders, abutter, said the access from Amethyst Hill Road has been addressed. He asked about the 45-foot buffer on the east side of the property. Mr. McAllister said they will create the existing buffer as a permanent solution.

Chair Colbath closed public comment.

**Mr. Porter made a motion, seconded by Mr. Hounsell, to continue the Concurrent Full Site Plan and 2-Unit Subdivision Review for Varahi North Conway Realty, LLC until August 8, 2024, with new information by July 9, 2024. Motion carried unanimously.**

**EDWARD SARRO REVOCABLE TRUST (FILE #S23-19) – 2-LOT SUBDIVISION REVIEW (PID 280-77.11)**

This is an application to subdivide 11.58 acres into two lots at 876 Eaton Road, Conway. Mr. O'Connor asked that the application be continued until March 14, 2024, to give the applicant time to go before the Zoning Board of Adjustment regarding an accessory dwelling unit.

**Mr. Corbett made a motion, seconded by Ms. Grant, to continue the Edward Sarro Revocable Trust for a 2-lot subdivision review until March 14, 2024. Motion carried unanimously.**

**CMR PROPERTIES, LLC (FILE #S24-01) – UNIT SUBDIVISION REVIEW (PID 214-84.2)**

Josh McAllister of HEB Engineers, Ken Cargill of Cooper Cargill Chant, and Ben Wilcox of Cranmore Resort appeared before the Board. This is an application to create a unit subdivision of Building 6 at 239 Skimobile Road, North Conway.

**Mr. Porter made a motion, seconded by Ms. Grant, to accept the application of CMR Properties, LLC for a unit subdivision review as complete with staff report. Motion carried unanimously.**

Mr. McAllister described the details of the project.

Mr. Cargill described the steps necessary to create a condominium.

Chair Colbath asked for Board comment.

Mr. O'Connor noted this is a straightforward application that is part of a very complex condo document.

Mr. McAllister requested a waiver from 130-24.E.

**Mr. Barbin made a motion, seconded by Ms. Grant, to grant the waiver as verbally requested.**

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment.

**Motion carried unanimously.**

Ms. Whitelaw reviewed the conditions of approval.

**Mr. Barbin made a motion, seconded by Mr. Porter, to conditionally approve the unit subdivision for CMR Properties, LLC conditionally upon Town Engineer approval; North Conway Fire Chief approval; revising waivers granted table [if necessary]; submitting four**



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**copies of revised plans with original stamps and signatures; submitting a Mylar for recording; a performance guarantee for all site improvements [if necessary]; when the conditions have been met, the plans can be signed out-of-session; this conditional with an expiration date of May 9, 2024; and subsequent conditions of final approval providing recording information of current and amended condominium declarations; and working with Town staff to create an addressing plan for the property which clearly indicates building numbers, unit numbers, and parcel identification numbers. Motion carried unanimously.**

**GREP WMH II, LLC (FILE #FR21-15 & #S21-19) – CONCURRENT FULL SITE PLAN AND 3-UNIT SUBDIVISION REVIEW (PID 235-87)**

Chris Meier of Cooper Cargill Chant and Randy Morin with Bohler Engineering appeared before the Board. This is an application to amend the conditionally approved plans by removing the proposed 2,475 square foot bank building, relocating the 5,460 square foot restaurant building from the northwest property corner to the rear of the property, relocating the 2,228 square foot drive-thru restaurant to the northwest property corner, and increasing the 5,148 square foot retail building to 6,000 square feet at 1657 White Mountain Highway, North Conway.

Mr. Meier reviewed the history of the project and the reason for this application. Mr. Morin explained the changes to the proposed project.

Chair Colbath asked for Board comment. He noted the other buildings on the property have not changed and were previously approved. This discussion covers the fast-food restaurant.

Mr. Morin said they are requesting a waiver from the glazing requirement on the fast-food restaurant. Chair Colbath suggested false windows would meet the requirement. He noted ACM panels are not approved for exterior use. He questioned the color red being proposed. The Board discussed adding cladding and possibly a pitched roof to the freezer/cooler at the rear of the building.

Ms. Grant said the amount of flat roof might require a waiver and suggested adding an architectural feature, such as a dormer. Mr. O'Connor said they have tried to meet the New England architecture standard and it does not qualify for a roof waiver.

Ms. Grant asked why housing is not included above the restaurant. The Board noted this is not desirable and would be difficult, with the mechanical equipment on the roof. Ms. Grant said that commercial development without additional second-story residential is disappointing.

Mr. Hounsell recused himself from discussion of this application. Chair Colbath appointed Ted Phillips as a voting member.

The Board discussed the traffic flow on this property. Chair Colbath said there are concerns from the abutter regarding the flow of traffic onto his property, now that there is a drive-through restaurant on this site.

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Mr. O'Connor noted there has been discussion of the cross-connect between commercial properties. They have received feedback from the abutter, who would be amenable to shifting the cross-connect to the lower part of the lot. Mr. O'Connor said the Town would like a cross-connect, but either location is suitable. He said it could be a condition that the Town Engineer review this and the final location be determined during that process.

Chair Colbath asked for public comment.

Mike Mitchrone of OVP Management, representing the abutter, said the connecting drive has changed locations, but the use has changed as well. Consistent with the previous concerns, the natural flow of traffic will be directed to that lot and exiting onto Route 16. This is not in the spirit of the design of connecting drives.

Mark Hounsell, resident, said he has had enough of trying to determine what is New England-style architecture. He is weary of junky buildings, such as fast-food restaurants, with a marketing strategy that doesn't speak to the Town's needs. He doesn't like the appearance of the Strip. The Conway he knew is gone; his intention is to preserve what is left. He commended the Planning Board for the work they do. He cannot vote for any of this as a Board member in good conscience, although he also cannot deny the applicant their legal rights.

Mr. Phillips said with this use, the volume of cars accessing this location will create problems as compared to the original plan. Mr. Morin said they included a queueing analysis as part of the traffic report, which lists the average max queue as eight vehicles. He said they provide a stack for 11 vehicles from the window. Ms. Grant noted the increase in population of the Town during tourist season and the impact that has on traffic. Mr. O'Connor said the traffic analysis took this into account and the stacking didn't show up as a concern. He said the Town Engineer could take another look at this as part of the approval process.

Ms. Grant said a shared parking analysis should be done for this site to ensure there are no extra parking spaces. Chair Colbath said the property meets the greenspace requirements. He noted the zoning process needs to be reevaluated, after the Master Plan is complete. Mr. Morin said they are willing to eliminate parking spaces.

**Mr. Porter made a motion, seconded by Ms. Grant, to continue until March 14, 2024, with new information to February 13.**

Chair Colbath closed public comment. **Motion carried unanimously.**

The Board took a 10-minute recess. Mr. Hounsell rejoined the Board at this time.

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

**§190-30 – Parkway Protection Overlay District** – The purpose of this amendment is to create a Parkway Protection Overlay District to preserve scenic parkways, including but not limited to the North-South Road.

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Chair Colbath asked for Board comment; there was none.

Chair Colbath opened the public hearing at 8:25 p.m.

Chair Colbath asked for public comment.

Daymond Steer of Conway Daily Sun asked if the parkway will affect the proposed project at Common Court and Puddin Pond Drive. Chair Colbath said it would not, as the developers have reserved their rights by holding a design review meeting.

Chair Colbath closed public comment at 8:26 p.m.

**Mr. Porter made a motion, seconded by Ms. Grant, to post §190-30 Parkway Protection Overlay District to the warrant. Motion carried unanimously.**

**§190-31 – Definition of Funeral Home and Crematorium; and 190 Attachment 2 – Permitted Use Table** – The purpose of this amendment is to add the definitions of Funeral Home and Crematorium, and to allow crematoriums in the Highway Commercial District and Funeral Homes in all Commercial Districts.

Chair Colbath asked for Board comment; there was none.

Chair Colbath opened the public hearing at 8:27 p.m.

Chair Colbath asked for public comment; there was none.

Chair Colbath closed public comment at 8:27 p.m.

**Ms. Grant made a motion, seconded by Mr. Porter, to post §190-31 – Definition of Funeral Home and Crematorium; and 190 Attachment 2 – Permitted Use Table to the warrant. Motion carried unanimously.**

**PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY PETITION**

**§190-27. – Shoreland Protection Overlay District and §190-31. – Definition of Boat Storage Shed** – The purpose of this amendment is to make additions and deletions to §190-27.C., Development density; §190-27.D., Shoreline setbacks; §190-27.F.(1), (3), (6) & (7), Buffer; §190-27.G., Docks; §190-27.H., Private Beaches; and §190-27.K, Water Quality; and modify the definition of Boat Storage Shed.

Mr. O'Connor noted that Conway Lake is the jurisdiction of the state. If this passes, the Town might have significant concerns regarding enforcing that section of the regulation. The Town recommends that this ordinance be reviewed with the Board to put forward the protections of the lake, but to then review it with state statute to ensure it is in compliance.

As this is a petition article, it will appear on the warrant. Mr. O'Connor recommended exploring the ordinance and revising this amendment for the warrant next year.

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Chair Colbath asked for Board comment; there was none.

Chair Colbath opened the public hearing at 8:30 p.m.

Chair Colbath asked for public comment.

Rick Blank, board member of the Conway Lake Conservation Association, said they are concerned about activity on the west side of Conway Lake, and that there were challenges regarding enforcement. They felt this petition would clear up gray areas, including paths to the waterfront, use of fertilizer and chemicals, location of boat sheds, grass to the water's edge, cutting of trees in the 50-foot buffer, and docks/ramps.

Mark Guerringue, board member of the Conway Lake Conservation Association, said the Town incorrectly issued a building permit on the lake that complied with state but not Town regulations. He said the ordinance already addresses the 30-foot dock, which Conway has never had jurisdiction over. He said to not recommend this petition due to something that the Board wouldn't have known about unless the Association brought it up would not be appropriate. The goal of this petition is to improve and tighten up the existing regulations.

Mr. Hounsell said he is going to recommend this be presented to the voters. He appreciates the Town Staff comments. However, he thinks this is a good opportunity to get the state to listen to the Town and consider changing state law to give local communities sovereignty over their lakes.

Ms. Grant asked for clarification about what the Town cannot enforce in this petition. Mr. O'Connor said there is language regarding dock lengths, swim rafts, and dock rental that would be difficult to enforce.

Chris Meier of Cooper Cargill drafted this petition at the request of the Association. He said there are issues in the ordinance the Town cannot enforce. However, the general rule is that DES preempts Town regulations with respect to anything in the lake. Since they were already there, they tried to conform to what the state requires.

Chair Colbath said he supports what the Association is trying to accomplish. However, he is concerned about the legal aspects and does not want to cause more issues for the Town.

Chair Colbath closed public comment at 8:41 p.m.

**Mr. Hounsell made a motion, seconded by Ms. Grant, to recommend the proposed amendment to §190-27 – Shoreland Protection Overlay District; and §190-31 to the warrant.**

Mr. Hounsell said this is an opportunity to ensure the state understands the importance of the lake to the Town of Conway. He commended the petitioners for the time and effort spent on this petition.

Ms. Grant said the next step in completing the Master Plan is redoing zoning. She noted some of these issues may only exist until the zoning is refined. **Motion carried unanimously.**

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**§190-13.B.(4)(b), §190-14.B.(4)(b), §190-15.B.(4)(b), §190-16.B.(4)(b), §190-17.C.(5)(b), §190-18.B.(5)(b), §190-19.B.(5)(b), §190-20.B.(5)(b), and §190-24.B.(4)(b) – Accessory Dwelling Unit (ADU)** – The purpose of this amendment is to permit one accessory dwelling unit accessory to a single-family dwelling unit or duplex by right of the Building Inspector and not requiring a special exception; to allow a second accessory dwelling unit accessory to a single-family dwelling or duplex by special exception; to require the second accessory dwelling unit to be reserved as an affordable unit for an eligible renter as defined in §195-8 of the Conway Zoning Ordinance; and to remove the existing definition of accessory dwelling unit (ADU) and replace with a new definition.

Mr. O'Connor suggested if the article passes, the petitioner work with the Board to develop guidance for homeowners who have the deed restriction and create templates for those covenant restrictions. Chair Colbath clarified that allowing an ADU by right means the property owner will no longer need to appear before the ZBA.

Chair Colbath asked for Board comment.

Ms. Grant noted the need for site plan review (SPR) for multi-family dwellings and asked if item 7 conflicts with current SPR standards. Mr. O'Connor agreed that it does. Ms. Grant recommended revising this item in the future, if the amendment passes.

Chair Colbath opened the public hearing at 8:50 p.m.

Chair Colbath asked for public comment.

Andy Dean of Cooper Cargill Chant said he drafted this warrant article. He outlined their goals, which include providing a vehicle for creating affordable housing and giving homeowners relief from the increase in tax bills. He said a similar legislative act is before the state to create the ability to have a second ADU for single-family homes. He said this amendment also increases buying power.

Mr. Hounsell advised that no one support the legislative act, as it removes local zoning authority.

Josh Brustin, resident, clarified that this will increase buying power. He said there are numerous illegal in-law apartments in Conway and this may be an incentive for property owners to legalize them. He noted the opportunity for further education about this issue.

Jennifer Stillwell, resident and director of the Mount Washington Valley Housing Coalition, noted ADUs are being used across the country to close the housing gap. She said it is important step in the right direction for Conway. She commended Mr. Dean for his work on this amendment.

Chair Colbath closed public comment at 8:56 p.m.

**Ms. Grant made a motion, seconded by Mr. Barbin, to recommend the proposed amendment to §190-13.B.(4)(b), §190-14.B.(4)(b), §190-15.B.(4)(b), §190-16.B.(4)(b), §190-17.C.(5)(b), §190-18.B.(5)(b), §190-19.B.(5)(b), §190-20.B.(5)(b), and §190-24.B.(4)(b) – Accessory Dwelling Unit (ADU) to the warrant. Motion carried unanimously.**

**§190-31 - Definitions, §190 – Permitted Use Table, and §23, Building Construction – Residential Short-Term Rental** – The purpose of this amendment is to add a definition of Residential Short Term Rental; to modify the table of permitted uses to restrict residential short-term rentals to the following zones; CCVC (§190-17), CVC (§190-18), NCVV (§190-19), HC (§190-20), I-1 (§190-22), I-2 (§190-23), RR (§190-24); and FC (§190-26) if permitted in the underlying district; and within §23-12 to classify residential short-term rentals as R-1 occupancies.

Mr. O'Connor explained this amendment would limit the number of properties that could be constructed for or converted to short-term rentals (STRs) in specific zones, effectively concentrating new STRs to commercial areas. The Board would need to determine how existing legal non-conforming uses would be addressed. He said the Town will need to have a conversation with counsel about this, as he is not willing to speculate what that threshold is.

He said the Town has concerns regarding the requirement of the structures being designated as Group R-1 construction. Legally, the Town cannot treat this type of units differently than a single-family home or duplex. The Fire Marshal has reiterated that the Town has the power to create stricter standards for life safety in zoning, but not necessarily the power to reclassify properties. Due to this portion of the language, the Town is concerned that there could be legal challenges.

Chair Colbath asked if legal counsel had been sought. Mr. Hounsell asked for a point of order and said that legal advice should be considered in non-public, not in a public meeting. He said this petition has been reviewed to his satisfaction.

The Board discussed continuing the hearing in order to review counsel's advice in a non-public meeting. They agreed to hear public comment and then make a recommendation.

Chair Colbath asked for Board comment; there was none.

Chair Colbath opened the public hearing at 9:03 p.m.

Chair Colbath asked for public comment.

Mr. Gueringue said the intent is to balance property rights and preserve residential neighborhoods, and discourage investors who are using STRs as hotels. It does not affect 90-day rentals, seasonal rentals, long-term rentals, multi-unit buildings including condos, or residents from renting their property less than 30 calendar days/year.

Shawn Bergeron of Bergeron Technical Services asked how RSA 540 would apply. In response, Chris Meier of Cooper Cargill Chant said all long-term tenancies are protected by the provisions of RSA 540. He said there is an exemption in New Hampshire law for short-term and vacation rentals that removes the protections of RSA 540.

Mr. Bergeron said, regarding amending Section 23 of the building code to add Section 23-12, there already is a Section 23-12. In response, Mr. Meier said it would be recodified after.

Mr. Bergeron said there is a state building code and a state fire code. The Town of Conway has never adopted the building code. It adopts the Life Safety code in Section 23. He said per RSA

**Adopted: February 8, 2024 – As Written**  
**CONWAY PLANNING BOARD – JANUARY 25, 2024**

155, a Town cannot recodify or make amendments to the state building code, which is what is being done here by classifying a structure as an R-1. He said the building code review board has to approve the Town's request to amend a STR to an R-1 occupancy.

In response, Mr. Meier disagreed. He said the Town is not amending the building code; it is classifying an occupancy according to the building code. He said Towns are allowed, under both building and Life Safety codes, to enact more restrictive requirements.

Mr. Bergeron respectfully disagreed with Mr. Meier.

Mr. Hounsell said the Town has adopted the state building code in that they are enforcing it. He believes the Select Board did formalize this recently. Mr. Bergeron clarified the Town has adopted an enforcement mechanism that allows them to enforce the requirements of the state building code.

Ms. Grant said most STRs will not fall under R-1 occupancy. If the Town decides to put them into this category, that is a change to how the building code is written. Mr. Meier said the Town is allowed to adopt more restrictive requirements. Mr. Bergeron said his concern is that R-1 occupancy is from the commercial code. There is nothing in the IRC that says they cannot be transient occupancy. He believes the Town is making a leap to the commercial code for what is covered in the residential code. He said there are significant differences in the construction requirements of R-1 versus IRC.

Mr. Bergeron said this is changing the definition within the zoning ordinance but modifying sections of Chapter 23, which are two separate and distinct codes. The zoning ordinance would have an effect on new STRs. He asked if everything currently existing will be grandfathered non-conforming. In response, Mr. Meier said there are particular items in the Life Safety code that provide grandfathering. He said existing STRs would be grandfathered from Section 190.31. However, the code application and classification of STRs as a transient use would apply to new and existing units. He said this will apply the provisions that are not grandfathered to the existing STRs.

Quentin Lewis, resident, recommended the Town tread carefully and do the right thing, as they seem to get into a lot of court cases.

Josh Brustin, resident, said his son cannot afford to buy a home in Conway. He has purchased long-term rental properties to provide housing for his staff. He said the intent is good, but the Town doesn't need to reinvent the wheel. He recommended taking time to speak with counsel. He has done research regarding this subject and said it is critical to find a baseline. He said the Town should understand the problem before seeking a solution. He noted Jackson, NH, has a Conditional Use Permit (CUP) that is addressing many problems. He offered to be part of a group to discuss this issue. Mr. Meier noted a CUP doesn't apply to existing STRs.

Mr. Barbin and Mr. Meier debated the Freedom, NH, case. Mr. Meier said he anticipates that anything related to STRs in Conway will be litigated.

Mr. Hounsell said this is a politically charged issue and it should not scare the Board. He said the people of Conway need this protection. He said STRs have ruined a good part of the Town.

**Adopted: February 8, 2024 – As Written**  
**CONWAY PLANNING BOARD – JANUARY 25, 2024**

Mr. Bergeron said he is a proponent of doing something about STRs. However, he doesn't like the prospect of creating something that might end up in court.

Daymond Steer of the Conway Daily Sun asked how these regulations would be enforced and who would do the inspections. Mr. Meier said Town Building staff and Fire Department staff have joint authority to perform inspections.

Chair Colbath closed public comment at 9:43 p.m.

**Mr. Hounsell made a motion, seconded by Ms. Grant, to continue the application until 7:00 p.m. on February 1, 2024. Motion carried unanimously.**

**§190-24.F.(14) – Recreational Resort District – Signs** – The purpose of this amendment is to exempt from the provisions of this ordinance any signage which is on and/or associated with a recreational resort property and is greater than two hundred (200) feet from the edge of any state or Town highway or a Class I, II, III, IV or V classification.

Mr. O'Connor said a better avenue may be to approach the Town to amend the zoning ordinance rather than being exempt from all sign regulations.

Chair Colbath asked for Board comment.

Mr. Hounsell said this does not speak well of how they think the Board will consider this.

Chair Colbath opened the public hearing at 9:46 p.m.

Chair Colbath asked for public comment.

Mr. Meier, on behalf of Cranmore Resort, explained that the ski industry requires that changing signage for the safety and welfare of guests be completed quickly. To appear before the Planning Board and the ZBA for every signage change would be onerous and take them out of compliance with resort industry standards. He said this amendment protects the roadway corridor and only applies to the recreational resort district, which is Cranmore.

Ben Wilcox of Cranmore Resort said this is in no way an effort to supersede the work of the Master Plan group to clarify zoning. This is to allow that every sign not visible from the road is managed by the resort. He said they are updating numerous existing non-conforming signs.

Mr. Hounsell asked how many times they have requested a variance. Mr. Wilcox said once or twice a year.

Chair Colbath explained how having no restrictions on signs could impact the area.

Mr. Barbin asked if this precludes advertising signs. Mr. Meier said it would cover any signage.

Mr. O'Connor said they are willing to work with the resort to correct some of the issues with the sign ordinance. However, this petition would remove all control for lighting, size, and architectural



**Adopted: February 8, 2024 – As Written**  
**CONWAY PLANNING BOARD – JANUARY 25, 2024**

features. Mr. Wilcox said he hopes they can look at the zoning and figure out the right language for the ski resort to avoid being non-compliant.

Mr. Hounsell said while he does not believe Mr. Wilcox will erect problematic signage, someone in the future could do so.

Mr. Meier said it is difficult to fashion an ordinance that meets the resort's signage needs without creating an illegal content restriction.

Chair Colbath closed public comment at 10:01 p.m.

**Mr. Hounsell made a motion, seconded by Mr. Porter, to recommend the proposed amendment to §190-24.F.(14) – Recreational Resort District – Signs to the warrant.**

Ms. Byers said she is in favor of approving this, and then using the Master Plan review process to modify the ordinance.

**Motion was not recommended 1-5-1, with Ms. Byers in favor and Chair Colbath abstaining.**

**OTHER BUSINESS CONTINUED**

**Echo Acres Association, Inc. – Lot Merger (PID 234-69 & 70):**

**Mr. Colbath made a motion, seconded by Ms. Byers, to approve the lot merger for Echo Acres Association, Inc. Motion carried unanimously.**

**Wetland and Watershed Protection Overlay District Discussion:**

Mr. O'Connor reviewed the changes, primarily reducing the buffer from 300 to 250 feet to align with state statute.

**Ms. Byers made a motion, seconded by Ms. Grant, to hold a public hearing on February 8, 2024, at 6:00 p.m. Motion carried unanimously.**

**Kennels Discussion:**

Mr. O'Connor said this is to address the decibel ratings and how to better explain the barriers.

**Ms. Byers made a motion, seconded by Ms. Grant, to hold a public hearing on February 8, 2024, at 6:00 p.m. Motion carried unanimously.**

**ACLU Committee Update:**

Mr. Hounsell read the final report from the ACLU Committee.

**Mr. Hounsell made a motion, seconded by Chair Colbath, to disband the committee. Motion carried unanimously.** Chair Colbath thanked the Committee members for their work.

**Infrastructure Review Ad-Hoc Committee Update:**

Mr. Corbett reported the Committee hasn't met in a while. He noted the School Board decided to close a school, but not which one.

Mr. Hounsell noted the missed opportunities of the Charter Commission to corral the School District into a Town government. He said major changes are needed and the Town cannot afford all of the schools. He noted that 70% of taxes go to the school.

**Selectmen's Report:**

Mr. Porter had no report. Chair Colbath asked Mr. Porter to discuss the DOT drainage easement with Town Engineer DegliAngeli.

**Issues for Consideration:**

Chair Colbath said they are moving towards the end of the Master Plan process and asked if a committee is needed. Mr. O'Connor said this will be discussed at the February work session.

Mr. Hounsell said he will be submitting his resignation from the Planning Board on February 8, 2024, and hopes Ted Phillips runs for his seat.

**Media Questions:**

Tom Eastman of Conway Daily Sun asked for an update on the Master Plan process. Mr. O'Connor explained a draft has been submitted for review. There will be a public outreach event before it is considered for adoption by the Planning Board. The document will potentially become publicly available by the end of the month.

Meeting was adjourned at 10:18 p.m.

Respectfully submitted,

Beth Hanggeli

## § 190-30 Parkway Protection Overlay District

### Purpose and intent:

The Parkway Protection Overlay District (PPO) is primarily designed to preserve scenic parkways, including but not limited to the North-South Road. Land uses permitted in this district are represented in the Permitted Use Table.

#### A. District boundaries.

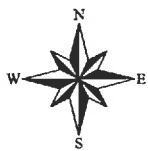
- a. The PPO District shall be comprised of a two-hundred and fifty foot (250) protective buffer from the centerline of any Parkway, designated by the Board of Selectmen, extending on both sides of the road.
- b. District map. The PPO District Map is included as an attachment to this chapter.

#### B. Definition:

- a. PARKWAY. A landscaped thoroughfare, most commonly a road or portion of a road with no curb cut and or crossroad access, that has a protected vegetated buffer along either side for the purpose of maintaining scenic beauty. Vehicles with more than 2 axles are prohibited from driving on parkways.

#### C. Restrictions:

- a. Within the PPO District, no cutting of trees or land disturbance is permitted. A Special Exception may be granted for the cutting of trees which are deemed hazardous. No approval for a Special Exception under this section shall be granted unless the ZBA makes a finding that the removal trees or vegetation is necessary to prevent a hazard to life or safety.
- b. Prior to development or redevelopment of a parcel which contains any portion of the PPO District, the entirety of the overlay within that parcel shall be deed restricted as open space. The deed must indicate a vegetative buffer be established and maintained; and no disturbance, development, or alteration of terrain be permitted within the district.
- c. Previously disturbed areas within the PPO District shall be restored with adequate trees and vegetation to fully screen any proposed development within a parcel containing any portion of the overlay.
- d. No curb-cut or driveway shall be created onto a designated Parkway.
- e. Nonconforming uses. A pre-existing use which is nonconforming with respect to the protective PPO District restrictions shall not be entitled to the same rights as are established in § 190-30A. The nonconforming use shall be eliminated or changed to a conforming use which improves the vegetated buffer prior to any redevelopment of a parcel within the PPO District.



# Parkway Protection Overlay District

Town of Conway, NH

1 inch = 1000 Feet



www.cai-tech.com

January 9, 2024



The property data available on this site is updated periodically. The Town of Conway makes no warranties with regard to its accuracy or completeness and assumes no liability associated with the use of this data.

**§190-31 Definitions:**

**FUNERAL HOME:** An establishment with facilities for burial or cremation preparation of the deceased and for memorial services.

**CREMATORIUM:** An establishment or structure in which human remains are cremated in a cremation retort.

**§190 Attachment 2; Permitted Use Table:**

Crematorium: Permitted in I2 & HC

Funeral Home: Permitted in all Commercial Zones

## TOWN OF CONWAY

To be filed by: January 10, 2024

### RSA 675:4 PETITION TO AMEND ZONING ORDINANCE

Pursuant to RSA 675:4, the undersigned voters of the Town of Conway, being more than twenty-five (25) in number, hereby submit to the Board of Selectmen the following petition to amend the Town of Conway Zoning Ordinance, to be included on the Warrant for the 2024 Annual Town Meeting scheduled for April 9, 2024:

1. To see if the Town will vote to amend Section 190-27 (Shoreland Protection Overlay District) of the Zoning Ordinance as redlined below (additions to text in **bold**, and deletions in ~~strikethrough~~):

C. Development density. The overall density of development on a lot shall be determined with standard zoning and subdivision criteria such as lot size and natural resource constraints. However, the density of development allowed within 300 feet of the normal high-water elevation shall be restricted by the amount of water frontage. In case of conflicting results **between state statute, state regulation, any other provision of municipal ordinance, and this subsection, the most**~~re~~ restrictive regulation shall apply. Density within 300 feet of the normal high-water elevation shall be as follows: ...

D. Shoreline setbacks. Each structure shall have a one-hundred-foot minimum setback from the normal high-water elevation in all underlying zoning districts; with the exception of a **single** boat storage sheds, which shall be set back a minimum of 50 feet from the normal high-water elevation.

F. Buffer. There shall be a fifty-foot-wide vegetated buffer .... 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 lake. **If any lot is allowed more than one access path, such access paths shall be not less than 50 feet apart from another such access path.**

(3) 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. **Any such cutting shall be dispersed evenly within the entire buffer area of the lot, excepting that clearing is allowed within an access path permitted by Subsection F (1) hereof, and/or within a beach permitted by Subsection H hereof.** 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, **which shows**

**appropriate dispersal of the 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 written authorization from the Zoning Officer.

(6) For **existing** beaches permitted ~~in~~ by Subsection H, 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, **deeper, or wider** than the permitted beach **as it existed on or before April 9, 2023**.

**(7) In order to afford maximum protection to the lakes' water quality, the application of chemical fertilizer, insecticides or other chemicals shall be prohibited in the district, including without limitation within the buffer. No vegetation normally requiring fertilization, including grass lawn, shall be planted within the buffer, including without limitation in beach or access path areas.**

G. 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.

(2) A dock, **including all ramps and accessory structures**, shall not extend more than 30 feet into the water **from the edge of the water**.

(3) A dock shall not be ~~a~~-wider than 10 feet in width.

(4) **The location or length of a dock or a swim float shall not present a hazard to boating.**

(5) **Docks shall be for the exclusive use and enjoyment of the residents of the lot from which it extends, and shall not be transferred, rented, or leased apart from the entirety of the lot.**

H. Private beaches. Beaches, as defined by N.H. Code of Administrative Rules Env-Wt 102.16 (2019), and which shall also include a "perched beach" as defined in Env-Wt 103.51, on a Great Pond which are not owned by a unit of government shall be regulated as follows: ...

K. Water quality. In order to afford maximum protection to the lakes' water quality, the application of chemical fertilizer, insecticides or other chemicals shall be prohibited in the district, **including without limitation within the buffer**. 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.

2. And further amend Section 190-31 (Definitions) of the Zoning Ordinance as redlined below:

**BOAT STORAGE SHED** A structure used **exclusively** for the storage of boats and **accessory equipment**, having no plumbing or heating installed, having a floor area of 250 square feet or less, and being no more than 15 feet in height.



Received  
1/4/24


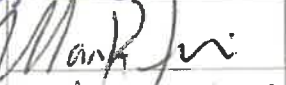
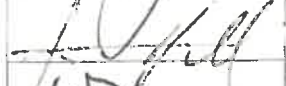

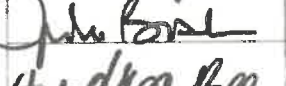

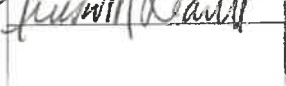
So petitioned, by the following registered voters of the Town of Conway:

SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
<i>Thomas F. Gross</i>	THOMAS F. GROSS	496 POTTER Rd Center Conway 03813
<i>Maria M. Gross</i>	MARIA M. GROSS	496 Potter Rd Center Conway 03813
<i>Richard Jacques</i>	RICHARD JACQUES	16 BROWNFIELD RD CENTER CONWAY, NH 03813
<i>Bette Jacques</i>	Bette Jacques	16 Brownfield Rd Ctr Conway NH 03813
<i>James Proulx</i>	James Proulx	52 Little Kate Rd. Center Conway, NH 03813
<i>Victoria Schiduan</i>	Victoria Schiduan	52 Little Kate Rd Center Conway, NH 03813
<i>Maria Proulx</i>	Maria Proulx	52 Little Kate Rd Center Conway NH 03813
<i>Michael Wolf</i>	Michael Wolf	402 Mudgett Rd. Center Conway, NH 03815
<i>Dorcas H Deans</i>	Dorcas H Deans	353 Potter Rd Ctr Conway, NH 03813
<i>Thomas Deans</i>	THOMAS S DEANS	353 POTTER ROAD CENTER CONWAY, NH 03813
<i>Susan West</i>	Susan West	34 Davidson Way, <sup>Conway</sup> Center, NH. 03813
<i>Judy Caporalla</i>	Judy Caporalla	51 Brownfield Rd. Cat Conway 03815
<i>Margaret Goodland</i>	Margaret Goodland	26 Blackbird <sup>Ln</sup> Ctr Conway 03813
<i>Jim Goodland</i>	JAMES Jim Goodland	26 Blackbird Ctr Conway 03813
<i>Steven Gagne</i>	Steven Gagne	42 Arlberg Dr Conway 03815
<i>Gaven Gagne</i>	Gaven Gagne	42 Arlberg Dr. Conway 03818



So petitioned, by the following registered voters of the Town of Conway:

SIGNATURE PRINTED NAME PHYSICAL ADDRESS (not PO Box)

SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
	Jim Salmon	909 STITCH RD. CENTER CONWAY NH
	Monk Gouinque	61 Merrill Lane
	Dudley A. Hull	741 Stitch Rd, Conway
	Lauroni Harper	1016 Stich Rd, Ctr Conway
	Julie Bosak	1016 Stich Rd Ctr Conway
	Audra Bosak-Harper	1016 Stich Rd, Ctr Conway
	Teresa M Leavitt	336 Allard Farm Cir. North Conway

?

not registered

RSA 675:4 PETITION TO AMEND ZONING ORDINANCE

Received  
1/9/24

Pursuant to RSA 675:4, the undersigned voters of the Town of Conway, being more than twenty-five (25) in number, hereby submit to the Board of Selectmen the following petition to amend the Town of Conway Zoning Ordinance to be included on the Warrant for the 2024 Annual Town Meeting scheduled for April 9, 2024:

To see if the Town will vote to expand the use of accessory dwelling units in all zoning districts from one accessory dwelling unit to two accessory dwelling units, and to expand the use of accessory dwelling units to duplexes, all subject to certain conditions set forth below.

1. § 190-13.B.(4)(b), § 190-14.B.(4)(b), § 190-15.B.(4)(b), § 190-16.B.(4)(b), § 190-17.C.(5)(b), § 190-18.B.(5)(b), § 190-19.B.(5)(b), § 190-20.B.(5)(b), and § 190-24.B.(4)(b) are all hereby deleted in their entirety and replaced with the following:

- (b) In order to help provide year-round housing, one accessory dwelling unit shall be permitted without a special exception and by right by the Building Inspector as an accessory to a single-family dwelling on any size lot, subject to the enumerated conditions below.

The Zoning Board of Adjustment may grant a special exception for a second accessory dwelling unit as an accessory use to a single-family dwelling, or one (1) accessory dwelling unit as an accessory use to a duplex, on any size lot, subject to the following conditions:

[1] The accessory dwelling unit is designed to ensure architectural compatibility with the neighborhood.

[2] Sufficient parking is located on site with a minimum of one (1) space per accessory dwelling unit.

[3] The accessory dwelling unit is subject to all other applicable zoning regulations including setbacks, elevations, and overlay district restrictions.

[4] The primary single-family dwelling, duplex, and accessory dwelling units, as applicable shall be used for long-term residency, and short-term transient occupancy of any dwelling unit is prohibited. The applicable occupancy restrictions shall be recorded at the Carroll County Registry of Deeds.

[5] A second accessory dwelling unit associated with a single-family dwelling and the sole accessory dwelling unit associated with a duplex shall be reserved as an affordable unit for an eligible renter as defined in §195-8 of the Town of Conway Zoning Ordinance. The applicable affordability restrictions shall be recorded at the Carroll County Registry of Deeds.

[6] Adequate water supply and sewage disposal for an accessory dwelling unit shall be provided in accordance with RSA 485-A:38.

[7] Site plan approval shall not be required or be a condition to the Zoning Board of Adjustment granting a special exception under this subparagraph (b).

2. The definition of ACCESSORY DWELLING UNIT (ADU) as set forth in § 190-31 is hereby deleted in its entirety and replaced with the following definition:

ACCESSORY DWELLING UNIT (ADU) – a dwelling unit accessory to a single-family dwelling or duplex, either attached or detached. Such dwelling units shall be not less than 300 square feet and no greater than 1,000 square feet; provided any second accessory dwelling unit shall be not less than 300 square feet no greater than 850 square feet.

So petitioned, by the following registered voters of the Town of Conway:

SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
	Andrew Dean	568 Intervale Cross Rd. Intervale (Conway) NH
	Kimberly Zipt	93 Timber Shore Drive Center Conway NH
	ALEXIS MEIER	197 Wynn Ave, Conway
	Sara McCarthy	189 Redstone St. Gr Conway
	LESLIE LEONARD	15 Yellow Birch Rd N Conway NH
	Benjamin E. Wilcox	59 Sparhawk Lane North Conway, NH
	DONNA Kennedy	220 Old BARTLET Rd North Conway, NH 03860
	Sheryl Doulet	50 Dinsmore Rd Intervale, NH 03845
	JAN MACKAY	51 TENT AVE CONWAY NH 03816
ALBERTA MOTTOLA	Albert A Mottola	25 TENT AVE CONWAY, NH 03860
	Glenn Harmon Jr	45 Ash St North Conway n.h 03860
	KAREN DOLAN	89 Wallace Way Keearsarge, NH 03847
	Kristen Barbin	10 Beechwood DR Center Conway NH 03813
	Susan Twombly	105 Eagle Ledge Loop C-Conway
	Sarah McKeen	18a Snett St., North Conway
	Michael Rennie	503 Blueberry Lane North Conway
	Sabrina Rennie	503 Blueberry Ln N Conway
	Kelly Hunt	900 Northbrook Rd N Conway NH

2. The definition of ACCESSORY DWELLING UNIT (ADU) as set forth in § 190-31 is hereby deleted in its entirety and replaced with the following definition:

ACCESSORY DWELLING UNIT (ADU) – a dwelling unit accessory to a single-family dwelling or duplex, either attached or detached. Such dwelling units shall be not less than 300 square feet and no greater than 1,000 square feet; provided any second accessory dwelling unit shall be not less than 300 square feet no greater than 850 square feet.

So petitioned, by the following registered voters of the Town of Conway:


SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
	Timothy J. Charboneau	229 Odell Hill Rd, Conway 03813
	Maureen Lynch	35 Merrill Dr. N Conway 03860
	LAWRENCE H. HUEMMER	39 LOON MT. LANE, CENTER Conway 03813
	Robin Davenport	10 Seavey St. UNIT 2 N Conway NH 03840
	Jon-Philip Zamarron	32 Laurent Lane #9 Intervale, NH 03845
	Paul J. Kasianchuk	140 TOWNLINE ROAD Conway, NH 03818
	Gertrude T. Kasianchuk	140 TOWNLINE Rd. Conway, NH 03818
	Courtney Carnevale	147 Washington St Apt 1 Conway, NH 03818
	Samuel Conley	147 Washington St Apt 1 Conway, NH 03818
	LUIS RAMIREZ	272 PEMMIGEWASSETT DR CENTER CONWAY, NH 03813
	Mary Yokabaskas	148 MAIN ST APT 5 Conway NH 03813
	MATT LAY	368 INTERVALE CROSS RD WORTH Conway, NH
	Kaitlyn Fay	1644 Eaton Rd Center Conway, NH 03813
	Cody Floyd	1424 Passaconway Rd. Conway, NH 03818
	Alane Bamberger	394 Dull off Hill Rd Conway NH 03818
	Louise O'Halloran	65 Sunset Shores Center Conway, NH 03813
	MARCELA GREGSTON	729 STARK Rd Ctr Conway NH
	Diane W. Johnson	121 Quint St Conway NH









<del>Lucy Howland</del>	Lucy Howland	19 SACO ST #26, CTR CONWAY NH 03813
Colin Billings		30 D St Conway NH 03818
Alex Billings	Alexandra Billings	30 D St Conway NH 03818

~~Lucy Howland~~

Colin Billings

Alex Billings



Alexandra Billings

19 SACO ST #26, CTR CONWAY NH 03813

30 D St Conway NH 03818

30 D St Conway NH 03818

TOWN OF CONWAY

Received  
1/9/24  
[Signature]

To be filed by: January 10, 2024

**RSA 675:4 and RSA 39:3 PETITION TO AMEND ZONING ORDINANCE AND MUNICIPAL CODE**

Pursuant to RSA 675:4 and/or RSA 39:3, the undersigned voters of the Town of Conway, being more than twenty-five (25) in number, hereby submit to the Board of Selectmen the following petition to amend the Town of Conway Municipal Code, including the Zoning Ordinance, such Article to be included on the Warrant for the 2024 Annual Town Meeting scheduled for April 9, 2024:

To see if the Town will vote to, for the purpose of prohibiting new residential short term rentals in certain residential districts (RA, CCVR, CVR, NCVR, MC, GWP, SP, and WWP), and ensuring that pre-existing residential short term rentals in those districts, and all residential short term rentals in districts where they are allowed, all meet certain life safety criteria applicable to units where occupants are primarily transient in nature, all for the health, safety, and general welfare of the occupants, the surrounding properties, and the Town, to amend the Zoning Ordinance of the Town of Conway as follows):

1. Amend Section 190-31 (Definitions) to add:

**RESIDENTIAL SHORT TERM RENTAL.** Any dwelling consisting of, or within, a residential single family or two-family (duplex), or a mobile home, which is rented or leased for more than thirty (30) total nights in a calendar year, and where any tenant or lessee of the dwelling is not protected by the provisions of RSA 540, the occupancy is transient in nature, and/or where the term of any lease or rental is less than 30 days; except that none of the following shall constitute a residential short term rental: 1) a seasonal rental with a term of over ninety (90) days; or 2) any lease or rental of a dwelling unit within a boardinghouse, an owner-occupied boardinghouse, a hotel, a lodging house, and owner-occupied lodging house, a motel, a multifamily, a nursing home, an accessory dwelling unit, a resort hotel, a rooming house, an owner-occupied rooming house, a tourist home, and/or an owner-occupied tourist home.

2. Amend Section 190 Attachment 2 (Permitted Use Table) to add a line for **Residential Short Term Rental, with N noted for RA, CCVR, CVR, NCVR, MC, GWP, SP, and WWP; P noted for CCVC, CVC, NCVC, HC, I1, I2, and RR; Pu for FC.**
3. Amend Section 23, Building Construction, of the Municipal Code, to add § 23-12 as follows:

**Residential short term rentals shall be classified as Residential Group R-1 for purposes of requirements of the New Hampshire Building Code and this Section 23 of the Conway Municipal Code; shall be classified as an R-1 occupancy, a**

[Signature]







transient occupancy, and/or a Lodging or Rooming House (whichever is most restrictive) for purposes of the requirements of the National Life Safety Code, NFPA Doc. No. 101, edition currently being enforced by the State of New Hampshire Fire Marshal's Office, the State Fire Code, and this Section 23 of the Conway Municipal Code; and shall not be considered "only for residential purposes" for purposes of the requirements of the State Fire Code and this Section 23 of the Conway Municipal Code. For the purposes of this Section 23 of the Conway Municipal Code and this subsection, the definition of residential short term rental shall be as provided by § 190-31.

So petitioned, by the following registered voters of the Town of Conway:

SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
<i>[Signature]</i>	Mark Guerrigie	61 Merrill Lane <sup>CT - Conway</sup>
<i>[Signature]</i>	John Cuddy	3553 White Mtn Highway
<i>[Signature]</i>	Barbara J. Harmon	75 Ash St N Conway, NH 03860
<i>[Signature]</i>	Marissa Harmon	75 Ash St N Conway, NH 03860
<i>[Signature]</i>	Larry McCrene	230 Odell Hill Rd
<i>[Signature]</i>	Barbara E Slater	13 Lion Mtn Lane 03513
<i>[Signature]</i>	Virginia Nossiff	184 Brownfield Rd Ctr. Conway
<i>[Signature]</i>	Bradley Gaudreault	184 Brownfield Rd Ctr Conway
<i>[Signature]</i>	MARIE GROSS	496 Potter Rd, Ctr. Conway
<i>[Signature]</i>	Thomas Gross	496 Potter Rd, Ctr. Conway
<i>[Signature]</i>	FRED GODBOLD	136 BROWNFIELD RD CTR Conway
<i>[Signature]</i>	SARAH GODBOLD	" " "
<i>[Signature]</i>	Davey Farrar	277 E. Conway Rd. Ctr. Conway

*[Handwritten mark]* 222









Received  
1/10/24  
K...

TOWN OF CONWAY

To be filed by: January 10, 2024

RSA 675:4 PETITION TO AMEND ZONING ORDINANCE

Pursuant to RSA 675:4, the undersigned voters of the Town of Conway, being more than twenty-five (25) in number, hereby submit to the Board of Selectmen the following petition to amend the Town of Conway Zoning Ordinance, to be included on the Warrant for the 2024 Annual Town Meeting scheduled for April 9, 2024:

- To see if the Town will vote to amend Section 190-24.F. (Recreational Resort District, Signs) of the Zoning Ordinance to add:

**(14) Recognizing that recreational resorts within the Recreational Resort District have unique needs for signage, and to account for Ski Area Industry Standards and Safety Practices at recreational resorts, including without limitation the need for trail signage, lift signage, directional signage, trail map signage, and other safety signage to ensure the safety and welfare of resort guests and the public, and notwithstanding any other provision of this Subsection, any sign which is on and/or associated with a recreational resort property and is greater than two hundred feet (200') from the edge of any state or Town highway with a Class I, II, III, IV or V classification shall be exempt from the provisions of this Ordinance.**

So petitioned, by the following registered voters of the Town of Conway:

SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
	CHRISTOPHER MEIRA	197 WYMAN AVE, CONWAY
	Kimberly S. Zipf	93 Timber Shore Drive Center Conway NH
	Andrew Dew	520 Inland Cross Rd. Conway, NH
	LESLIE LEONARD	15 Yellow Brick Rd N. Conway NH
	Charles C. Seltzer	305 Birch Hill Road Warth Conway NH
	Sara McCarthy	189 Redstone St. Conway
	KENNETH B. CARGILL	59 AMETHYST HILL RD, N. Conway

**TOWN OF CONWAY**

To be filed by: January 10, 2024

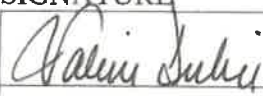

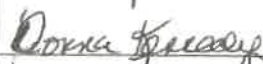

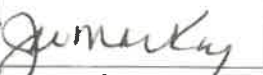



**RSA 675:4 PETITION TO AMEND ZONING ORDINANCE**

Pursuant to RSA 675:4, the undersigned voters of the Town of Conway, being more than twenty-five (25) in number, hereby submit to the Board of Selectmen the following petition to amend the Town of Conway Zoning Ordinance, to be included on the Warrant for the 2024 Annual Town Meeting scheduled for April 9, 2024:

1. To see if the Town will vote to amend Section 190-24.F. (Recreational Resort District, Signs) of the Zoning Ordinance to add:

**(14) Recognizing that recreational resorts within the Recreational Resort District have unique needs for signage, and to account for Ski Area Industry Standards and Safety Practices at recreational resorts, including without limitation the need for trail signage, lift signage, directional signage, trail map signage, and other safety signage to ensure the safety and welfare of resort guests and the public, and notwithstanding any other provision of this Subsection, any sign which is on and/or associated with a recreational resort property and is greater than two hundred feet (200') from the edge of any state or Town highway with a Class I, II, III, IV or V classification shall be exempt from the provisions of this Ordinance.**

So petitioned, by the following registered voters of the Town of Conway:

SIGNATURE	PRINTED NAME	PHYSICAL ADDRESS (not PO Box)
	VALERIE DUBIE	652 WEST SIDERD CONWAY NH
	BENJAMIN F. WILCOX	59 Sparhawk Lane, W. Conway, NH
	DONNA KENNEDY	270 OLD BARTLETT RD, NH
	Sheryl Doucet	50 Danmore Rd Intervale NH
	JAN MACKAY	51 Tent Ave Conway NH 03814
	ALBERT A. MOTTOLA	25 TENT AVE, CONWAY, NH 03860
	Brian McHugh	7 Henry Coffin Rd Conway N.H. 03813
	KAREN DOLAN	89 Crown Ridge Rd Keasarge N.H. 03847

<del>142 King</del>	HARRISON Hunt	122 Westland Grove
<del>Alan Bush</del>	Steven Bush	47 Oak St. N. Conway
<del>Steve Russ</del>	Steve Russ	193 Kearsarge Rd N.C.
Karyl Bisson	Karyl Bisson	67 Holly Ridge La Conway
Edgar Bisson	Edgar Bisson	67 Holly Ridge La Conway
Jean Wilson	Jean Wilson	124 Whitaker La Conway
Stacy Young	47 Fox Hill Lane	Ctr. Conway, NH
Lois Caff	228 Taylor Hill Rd	Conway NH
Bruce Greble	Bruce Greble	158 Interstate Cross Rd N.C.
Bruce Miller	Bruce Miller	112 Holly Ridge La Conway
D. E. Bergeron	H. Edmund Bergeron	2018 West Side Rd.
Nancy Morris	Nancy Morris	114 Maple St. N. Conway
N. Gray	NORM GRAY	9 White Horse Rd, N. Co
<del>Stefan Kaarpp</del>	Stefan Kaarpp	45 Dixey Ct Kearsarge NH 03847
Brad Butler	Brad Butler	292 Interstate Cross Rd
Jennifer Gibson	A Gibson	21 B St. Conway NH
Terri Maresca	Terri Maresca	79 Thorne Hill Rd
<del>Morgan Edenbach</del>	Morgan Edenbach	134 Grove St North Conway
<del>Allen Groul</del>	Allen Groul	90 Sargent Rd Center Conway
<del>Jeffrey Moxe</del>	JEFFREY MOXE	300 CRAWFORD E N. Conway
Anne Nestor	Anne Nestor	25 Hawke Rd # 7 N. Conway
Paul Nestor	PAUL Nestor	25 Hawke Rd # 7 N. Conway

K Beech	Kristen Barbin	10 Beechwood DR Conway
Susan Tumbly	Susan Tumbly	105 Eagleledge loop C-Conway
<del>Susan</del>	Sarah McKean	18a Sweet St. North Conway
Michael Rennie	Michael Rennie	503 Blueberry lane North Conway
Salove Rennie	Salove Rennie	503 Blueberry Ln N Conway
<del>Kelly Hunt</del>	Sabrina Ward-Rennie	
Kelly Hunt	<del>Kelly Hunt</del>	56 Northbrook circle F44 N. Conway
(Rebecca) Becca Deschamps	<del>Becca Deschamps</del>	16 Mountain Meadow Cir N. Conway
Patricia Puccio	<del>Patricia Puccio</del>	104 Crescent Dr. N Conway NH
Elsie Linnert	<del>Elsie Linnert</del>	5 Mt. Lyman Way Chr. Conway
Alan Tare	<del>Alan Tare</del>	77 Old Westside Rd N.C.
Breton Hines	<del>Breton Hines</del>	457 Old Bartlett Rd. N. Conway
Mary Miller	Mary Miller	110 Merrill Dr. N-Conway NH
Gress E. Ludvigson	Gress E. Ludvigson	99 Pine St #2 N. Conway NH
Richard Poireu	Richard Poireu	153 Highlands Dr Conway
Glenn Harmon Jr	Glenn Harmon Jr	75 Ash. St. North Conway
Branly B. Ludington Jr.	Branly B. Ludington Jr.	30 Lizum Pl Conway, NH.





# 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: January 18, 2024  
Re: Proposed Changes to the Wetland and Watershed Overlay District

Following our discussion at the December 14, 2023 Planning Board meeting, the following proposes updated Zoning Ordinance language to amend the Wetland and Watershed Overlay District based on public comment.

The changes work to clarify the requirements and amend the buffer area to 250' from qualifying wetlands. The 250' buffer aligns with State requirements and provides the area necessary for filtration of ground water. The changes also detail the Low Impact Designs criteria that will be necessary for Site Plan Review.

### § 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 unless permitted by New Hampshire Department of Environmental Services (NH DES). Land uses permitted in this district are represented in the Permitted Use Table included as an attachment to this chapter.

District boundaries and map.

(1) District boundaries.

(a) The WWPO District shall be comprised of all land within 250 feet from the edge of:



- [1] All water bodies, excluding Great Ponds, which are covered under the Shoreline Protection Overlay District; and certain man-made water bodies, such as fire ponds, agricultural/irrigation ponds, sedimentation/detention basins, and sewerage lagoons;
  - [2] All year-round watercourses;
  - [3] All wetland areas of three or more contiguous acres, excluding constructed or legally altered wetlands that are not part of a wetland mitigation plan, and vegetated swales and roadside ditches;
  - [4] All wetland areas as shown on the Town of Conway 1997 Wetlands Composite Map abutting a water body or year-round watercourse [defined on the Town's GIS mapping resource](#), regardless of the wetland acreage involved;
  - [5] All perennial watercourses and hydric areas depicted as having poorly or very poorly drained soils according to the Soils Survey of Carroll County, New Hampshire (approved in 1973, and issued in 1977); and
  - [6] All wetland areas, except wet woodlands (designated as WW-1 and WW-2), identified and delineated in a report entitled "The Wetlands of Conway, New Hampshire - An Inventory and Evaluation," United States Department of Agricultural Extension Service Wetlands Project, Report No. 1, dated 1979.
- (b) Disputed or incorrectly delineated wetlands. When there is a dispute over the delineation of a mapped wetland, or in cases where an unmapped wetland is delineated, it may be resolved with a plan certified by a wetland or soil scientist licensed by the State of New Hampshire that delineates the wetlands in accordance with the criteria established in and defined by the Corps of Engineers Wetlands Delineation Manual Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987 and Regional Field Indicators for Identifying Hydric Soils in New England, New England Interstate Water Pollution Control Commission, 1998.

(2) District map. The WWPO District Map is **included as an attachment to this chapter**.

B. Shoreline and wetland setbacks.

- (1) Each structure shall have a [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. Impervious surface coverage within the WWPO shall not exceed 25%; including but not limited to buildings, driveways, and sidewalks. Qualifying areas within the WWPO may be used to meet greenspace requirements as defined by Site Plan Regulations §110-29.B.
- 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 Volume 1, 2, and 3 as amended or other equivalent means, all such methods shall be indicated on any proposed site plan.
- (1) Low-impact development (LID) site planning and design strategies shall be used to the maximum extent practicable to achieve the following:
    - [1] Recharge groundwater and reduce total runoff volumes
    - [2] Control peak rates for flood control
    - [3] Reduce pollutant loading
  - (2) Stormwater directed to a qualifying wetland 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 bioretention 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. Standard wet ponds and other stormwater treatment areas shall meet NH DES stormwater standards.
  - (4) The design of stormwater management systems shall be based on the 100-year storm as indicated in the most recent edition of the NH Stormwater Manual as published by the NH DES.
  - (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 NH DES Stormwater Manual Volume 3 as amended or other equivalent means.
  - (6) The placement and installation of any required culverts within the WWPO shall use methods that minimize impacts to the natural stream substrate and limit disturbance to streambeds. All such methods shall be indicated on proposed site plans.
- 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.
- (2) A dock shall not extend more than 30 feet into the water.
- (3) A dock shall not be wider than 10 feet in width.
- (4) A zoning permit must be obtained prior to the installation of a dock.

G. Private beaches. Beaches which are not owned by a unit of government shall be

regulated as follows:

- (1) Existing beaches may be maintained without the use of any machines or motorized equipment below the high-water elevation. Washed sand shall be the only material which may be added to the beach. The amount of washed sand added shall not exceed one cubic yard per three feet of beach length in any five-year period. A zoning permit and all applicable state permits shall be required before any sand is deposited, and it shall be the responsibility of the Zoning Officer to maintain records to monitor beach maintenance.
- (2) New beaches may be created only when the following conditions are met:
  - (a) The lot shall be considered to have an area suitable for a beach if it meets each of the following criteria:
    - [1] The slope of land from the high-water elevation to a line 10 feet inland shall not have slopes steeper than 10%.
    - [2] The slope of the land from the high-water elevation to a line 20 feet out into the water shall have slopes greater than 10%.
    - [3] The proposed beach site shall be determined by an independent wildlife biologist to be of minimal importance as fish habitat and/or spawning area (written report from the wildlife biologist shall be provided to the Town).
    - [4] The area proposed for a beach above the high-water elevation is not on or within 10 feet of poorly or very poorly drained soils or wetlands.
    - [5] All proposed beaches must comply with the requirements set forth in RSA Ch. 482-A and the New Hampshire Code of Administrative Rules, as amended.  
[Amended 4-11-2017 ATM by Art. 2]
  - (b) A beach shall be no longer than 10% of the length of water frontage, except that no beach shall be required to be less than 15 feet in length.
  - (c) No more than one cubic yard of sand per three feet of beach length shall be used to create the beach. Compliance with this requirement shall be documented to the Zoning Officer by means of providing all receipts for beach construction. Only washed sand shall be used for beach construction.
  - (d) Once established, the maintenance requirements listed in Subsection E(1) shall apply.
  - (e) Erosion control measures shall be provided such that runoff shall not run across the 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 municipalsewer.
  - (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  
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## MEMO

To: Planning Board

From: Planning Staff

Date: January 18, 2024

Re: Kennel Definition and Regulations

Following our discussion at the December 14, 2023 Planning Board meeting regarding Kennels, the language below outlines the proposed changes.

The amendment would include the addition of a definition and restrictions to limit potential noise for abutting property owners. The noise level is suggested to be limited to 70 decibels at the property line. This level of noise is often compared to a vacuum cleaner but less than noise produced from a lawn mower or heavy traffic.

The proposed amendments are outlined below in **Red**.

### **§190-31 Definitions:**

**Kennel – An establishment or domicile which houses 10 or more Domestic Animals for any period of time. Kennels shall include any establishment as defined by RSA 466:4.III, Commercial Kennels; and are subject to RSA 466:6, Group Licensing.**

The proposed amendments below would alter the Special Exception criteria in the Residential Agricultural, Center Conway Village Residential, and Recreational Resort Districts. Kennels are permitted by right in all Commercial and Industrial Districts.

(11) Kennels. A special exception may be granted to permit kennels for transient (fewer than 30 days) housing of domestic animals or commercial breeding facilities for domestic animals, provided that:

(a) The minimum lot size is two acres.

(b) Animal housing areas, if indoors, shall be set back 40 feet from side and rear property lines and 60 feet from rights-of-way. Pastures/Outdoor exercise areas shall be set back 15 feet from any property line.



(c) A written plan for the disposal/removal of animal waste must be submitted along with the application requesting the special exception from the Zoning Board of Adjustment. This plan must be approved by the Board as a condition of the special exception approval, if granted.

(d) All animals shall be kept in an indoor area between the hours of 6:00 p.m. and 8:00 a.m.

(e) The values of surrounding properties are not diminished.

[Added 4-11-2023 ATM by Art. 11]

(f) There will be no nuisance to abutters and/or neighbors preventing the peaceful enjoyment of their property and home.

[Added 4-11-2023 ATM by Art. 11]

(g) Additional conditions may be attached to this special exception by the Board of Adjustment consistent with the intent and purpose of this chapter to protect the health, safety, and general welfare of the Town's residents.

[Added 4-11-2023 ATM by Art. 11]

(e) At no time shall noise from a Kennel operation exceed 70 decibels when measured at a property line. Sound barriers or additional setback area may be required to limit sound impacts on abutting properties. At any time, the Town may demand noise levels be verified by a qualified engineer.

**APPROPRIATE CASINO LAND USE AD HOC STUDY COMMITTEE FOR INCLUSION TO THE TOWN OF CONWAY'S ZONING ORDINANCES.**

**Final Report**

**AD HOC**

**A.C.L.U. Study Committee**

**January 3, 2024**

**Appointed members: Chairman Mark Hounsell, Chairman, Erik Corbett, and Eliza Grant**

**This is the final report of the APPROPRIATE CASINO LAND USE AD HOC STUDY COMMITTEE FOR INCLUSION TO THE TOWN OF CONWAY'S ZONING ORDINANCES.**

**By unanimous consent and by mutual agreement the committee offers no further recommendations for the Conway Planning Board's consideration on the matter of APPROPRIATE CASINO LAND USE provisions or new ordinances relating to casinos or charitable gaming within the town of Conway.**

**We reiterate and remain supportive of all findings and recommendations recorded in the committee's minutes of;**

**ACLU Minutes July 18, 2023,**

**ACLU Minutes July 31, 2023,**

**ACLU Minutes August 29, 2023, and**

**ACLU Minutes Oct 2, 2023.**

**With this final report the work of this committee has been concluded. The committee is hereby disbanded.**

**Signed, Mark Hounsell, Chairman for the committee.**