

**CONWAY PLANNING BOARD**

**MINUTES**

**DECEMBER 5, 2002**

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CONWAY PLANNING BOARD

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A public information meeting was opened at 7:03 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Vice Chair, Robert Drinkhall; Secretary, Conrad Briggs; Brian Glynn; Martha Tobin; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**AMENDMENT 131-68.I. – AS BUILT PLANS**

Mr. Irving reviewed the attached changes. Ms. Duane asked if the Board had any questions; there was none. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Glynn, to post the amendment to Article 131-68.I. as written to a public hearing on January 9, 2003. Motion unanimously carried.**

**AMENDMENT 123-4.A. – SMALL UNDERTAKINGS**

Mr. Irving stated that the only change to this section would be to 123-4.A.2.a. by adding the wording “reasonably conform to”. Mr. Irving stated that the other proposed changes would not be a part of this amendment. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Drinkhall, to post the amendment to Article 123-4.A. as amended to a public hearing on January 9, 2003. Motion unanimously carried.**

Mr. Glynn asked the definition of “intensity”. Mr. Irving stated that they look at septic loading, parking, infrastructure, etc. Shawn Bergeron stated that the word should be put in the definitions. Mr. Irving stated during the rewrite of the ordinances it will probably be added to the definitions.

**AMENDMENT 147-14 – FLOODPLAIN CONSERVATION DISTRICT**

Mr. Irving reviewed the changes to Article 147-14 and stated that the last added sentence under Article 147-D.(1)(f) is being removed because the Selectmen were concerned with who was going to police it and how it was going to be mandated. Ms. Duane asked for public comment; there was none. **Mr. Briggs made a motion, seconded by Mr. Glynn, agreeing to the changes to Article 147-14. Motion unanimously carried.**

**AMENDMENT 147-19 – SIGN LIGHTING**

Mr. Irving stated that this amendment would require lighting for signs to shine downward rather than up. Ms. Duane asked for public comment; Earl Sires stated that this is a great change and would solve a problem that exists. Luigi Bartolomeo asked if there would be

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any retroactive enforcing. Mr. Irving answered in the negative and stated that it would be grandfathered. Mr. Bartolomeo stated that it is a great improvement, however, the Town should review allowing internally lit signs. Mr. Bartolomeo stated that internally lit signs have an unobtrusive glow. Mr. Bartolomeo stated that neon signs should still not be allowed. Mr. Bartolomeo stated that the Town should also require a whiter light rather than a yellow light.

Ed Bergeron stated that grandfathering needs to be further defined as there is never an opportunity for something to come into compliance. Mr. Irving stated that there has been a sunset clause employed in this State. Mr. Irving stated that the City of Keene won a court case allowing the grandfathered items to come into compliance, however, the City had to compensate them.

Mr. Sires stated that he agrees with Mr. Bartolomeo in regard to allowing internally lit signs as they are more toned down and have less of an impact. Mr. Sires stated that he also agrees with limiting the wattage. Mr. Irving stated that they could revisit this during the rewrite of the zoning ordinance. Mr. Briggs stated that he would prefer the white light vs. the yellow light. Mr. Briggs also stated that he does not know why we have to wait for the State in regard to the grandfathering when we can contact our local legislatures.

**Mr. Briggs made a motion, seconded by Mr. Drinkhall, to ask the Board of Selectmen to contact our local legislatures to consider amending the RSAs to authorize Town's to sunset grandfathering status. Motion unanimously carried.** The Board agreed to add to the amendment that no metal halite or halogen lights would be allowed.

**AMENDMENT 147-15 – ACCESSORY DWELLING UNITS AND AMENDMENT  
147-15 – WORKFORCE HOUSING SPECIAL EXCEPTION**

Ed Bergeron, Luigi Bartolomeo, and Gina Hale appeared before the Board. Ms. Duane stated that Ed Poliquin and Charles Greenhall were also a part of the committee, but were unable to attend this evening. Mr. Bergeron stated that we need to provide a source of work force housing, as well as the ability for an accessory apartment or living spaces in existing homes. Mr. Bergeron stated that these places are invisible to the rest of the community as the owner of the property is living there and carefully screening the tenants.

Ms. Duane stated that this is a quick way to introduce housing to the community in a way that is accepted in other communities. Mr. Bergeron stated that they used models from several other communities. Ms. Duane stated they increased the number of dwelling units from a maximum of four units per an acre with water and sewer to twelve units per an acre if certain criteria are met. Ms. Duane stated that it would help the private developers recover some of the cost by helping to buy down the note, with the remainder being rental units.

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Mr. Bergeron stated that there is no new rental property being built because of the density requirement. Mr. Bergeron stated that this proposal allows a higher density where there is municipal water and sewer. Mr. Bergeron stated that they are not impacting the ground with septic or the aquifer by drilling a lot of wells. Mr. Bergeron stated that this is another opportunity to allow workforce housing.

Mr. Glynn asked under the current regulations how does the accessory units come into play. Mr. Irving stated three or more units are considered multi-family and require site plan review and are required to be inspected by the Building Inspector. Mr. Irving stated that duplexes do not need site plan approval, nor will the Building Inspector for life safety or building codes inspect them. Mr. Glynn stated that he thinks that is happening now. Mr. Irving stated probably, but not with the proper permits. Ms. Duane stated that if it does not have a kitchen then it is not a dwelling unit.

Ms. Duane asked for public comment; Mr. Sires stated that he appreciates the volunteers who have addressed this issue. Mr. Sires asked if other communities have residential inspections and asked if we should add them at some time. Mr. Sires stated that he does like that it is an owner-occupied situation, but this issue needs further examination. Ms. Duane stated that we could be working on this issue before posting it to the warrant. Mr. Bergeron stated that they discussed the concern of having units over garages, but they are beyond our control because we have no residential building code. Mr. Irving asked if that is a step to take in order to make it workable.

Mr. Briggs asked Shawn Bergeron, who was in the audience, if as a safety point of view should we be adopting BOCA for residential units. Mr. Shawn Bergeron stated that there are a lot of single-family homes that are not in compliance, but we have never inspected single-family homes. Mr. Bergeron suggested adding a subsection (f) putting the burden on the property owner that prior to a building permit being issued they have to demonstrate that NFPA 101 and the National Building Code have been satisfied.

Mr. Bartolomeo stated that we discussed that and determined we were holding the garage apartment to a greater standard than the primary home. Mr. Shawn Bergeron stated that in 1995 there was a proposal to adopt residential building codes and we were practically run out of Town. Mr. Shawn Bergeron stated if someone wants a second dwelling unit as part of the primary home then they should have to prove that at least the rental unit if not the entire structure is up to code.

Mr. Sires asked how would we do that. Mr. Shawn Bergeron stated you could require a Certified Building Inspectors stamp on the plans. Mr. Irving asked what about after the construction. Mr. Shawn Bergeron stated that it would be a two-step process. Janice Weinraub asked if it could be addressed under site plan review. Mr. Irving stated that single-family and duplexes are not subject to site plan review. Ms. Weinraub gave the Board a copy of her comments (attached).

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Mr. Shawn Bergeron stated that there is definitely a need for additional housing and the need has been brought to our attention, but the market has not had a chance to catch up. Mr. Glynn stated that getting the word out there even if it is not on the warrant is very important. Mr. Irving stated that it might be a call for increasing residential density where much of the infrastructure already exists. Mr. Sires stated that he would like to reiterate the impact on staffing. Mr. Sires stated that it seems that the ultimate goal is to own a home, triple the density and cut the land cost by 2/3. Mr. Sires stated that is a significant incentive and sufficient enough to enable the developer to sell the home at a decent price.

Mr. Bartolomeo stated that they did not want to create a Conway Housing Authority, but to let the natural market forces take over. Ms. Hale stated by adding more units the price is going to go down bringing the rent down to a reasonable rate. Ms. Duane stated if you get people into an apartment with a decent rate, then they are able to save for the down payment for a house. Mr. Sires stated that it is his understanding that the market is going to drive the rents. Mr. Bartolomeo stated that this is not three-bedrooms. Ms. Duane stated that we looked at the size and were not creating luxurious apartments.

Ms. Hale stated that rentals are going to those who are here for the weekend because the owners can make the same amount renting it in the winter as they can if they had rented it year round. Mr. Sires stated that we may not want to create a housing authority, but there will be something. Ms. Duane stated that the only challenge is how are we going to enforce it. Mr. Sires stated that enforcement is for those who should be benefiting.

Charlene Browne asked what is under the workforce group. Ms. Duane answered nurses, teachers, firemen, etc. Ms. Browne asked what is the percentage of people that cannot buy homes, who is the workforce that is using this and what are the demographics. Mr. Bartolomeo stated that we don't have detail demographics, but the people who are driving here to work. Mr. Bartolomeo stated that we are dependent upon tourists and service workers.

Ms. Duane stated that 35% commute in to work. Ms. Browne stated you don't know if they would move here and you don't know what they do and that is what she would like to know. Harvey Riley stated that he would be one of those people. Mr. Riley stated that he cannot afford a house here, but he would benefit from these incentives. Mr. Riley stated that the average work people cannot rely on the developers and he doesn't understand why anyone would stand in the way of this proposal.

Ms. Duane stated that there is information on workforce housing that was put out by the Governor's Office. Ms. Browne asked if this area was included. Ms. Duane stated that it is for the whole State of New Hampshire. Mr. Drinkhall stated that he has apartments and 90% of his tenants are in service work. Mr. Bartolomeo stated demographics aside, this issue is consistently identified.

Catherine Woodall asked what impact would the higher density have on the taxes. Ms. Duane stated that she does not have that information. Ms. Woodall stated that that is

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something you should know. Ms. Duane stated not necessarily. Ms. Woodall asked who would enforce without adding staff to Town Hall. Ms. Duane stated that we need to look into that. Ms. Browne stated that she is very much concerned with workforce housing, but she doesn't see how this will create low cost housing. Ms. Browne stated there are a lot of housing with multiple people living in one unit and she doesn't think service people will be able to help. Ms. Duane stated that this was created out of need for those who don't qualify for standardized housing.

Ms. Browne stated that you need to provide factual information as who is the workforce and what would be the impact on the density. Ms. Browne stated that this needs thorough research. Ms. Duane stated that there is a lack of workforce housing and the good economical times have driven the prices of homes up. Ms. Duane stated that it is a problem we have to address. Ms. Woodall stated that increased density lowers values overtime and it will eventually take its toll on Conway.

**Mr. Drinkhall made a motion, seconded by Ms. Tobin, to continue the discussion on Amendments 147-15, Accessory Dwelling Units and Amendment 147-15, Workforce Housing Special Exception on January 9, 2003. Motion unanimously carried.**

**AMENDMENT 147-7.C. – VIOLATIONS AND PENALTIES**

Mr. Irving stated that this brings us in line with the RSA. Ms. Duane asked for board comment; there was none. Ms. Duane asked for public comment; there was none.

**AMENDMENT 147-11.A.(1) – PERMITTED USES**

Mr. Irving stated that this just eliminates the word "including" so it doesn't appear that owner-occupied tourist and boarding houses can be home occupations. Ms. Duane asked for board comment; there was none. Ms. Duane asked for public comment; there was none.

Meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary

1-68. I As-Built Plans

or their designee  
DRAFT

1. In order to ensure the proper construction of development streets, As-Built drawings shall be presented to the Selectmen for their review prior to final draw down of the surety for the project. These drawings must be maintained on a daily basis and will be inspected weekly.
2. Except for those referred to above, the Planning Board does not require as-built subdivision plans, nor will it stamp and sign such plans. The only as-built subdivision plans which the Board will stamp and sign is the plan showing the location of structures on condominium property. Such plans shall:
  - (a) Be certified to be correct and stamped by a N.H. Licensed Land Surveyor;
  - (b) Be accompanied by Certificates of Occupancy, if applicable;
  - (c) Clearly identify in the title block exactly what the as-built plan is approving; and
  - (d) Have the following plat note printed on each sheet, "These as-built plans are pursuant to, and without modification of, the original Planning Board approval."

DRAFT

DRAFT

123-4. Applicability. There are three possible applications of this code to development of a non-residential or multi-family site to be determined by the designee of the Board:

- The code is NOT APPLICABLE;
- The Planning Board provides a MINOR REVIEW; or
- The Planning Board provides a FULL REVIEW.

The following criteria specify the level of review necessary for a proposal to develop a commercial or multi-family site:

A. Not Applicable.

1. The determination of "not applicable" by the designee of the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The Site Plan Review Regulations shall be deemed not applicable for the following:
  - (a) Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by designee of the Board; or
  - (b) Special events approved by the Board of Selectmen.
  - (c) Agricultural buildings as defined in the Town of Conway Zoning Ordinance (§147-6 Definitions).

4.2. Small undertakings where it is determined by the Planning Board demonstrated that:

- (a) All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this Chapter;
- (b) ~~Proposed changes do not~~ increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading);
- (e) ~~Any net reduction in greenspace on the lot is less than or equal to 200 square feet;~~
- (d)(c) Any increase in structure floor space is less than or equal to 100 square feet and
- (e)(d) This subsection (§123-4. A. 4.) shall not be applied more than twice before a Minor or Major Site Plan Review by the Planning Board is required so that cumulative impacts can be evaluated in a public forum.

only change

B. Minor Review. A Minor Review by the Planning Board shall be required for any development that does not qualify to be "not applicable" or "full review."

C. Full Review. A Full Review by the Planning Board shall be required for the following:

1. Establishment of non-residential use where no non-residential use currently exists;
2. Establishment of multi-family use where no multi-family use currently exists;
3. Reduction in greenspace on the lot exceeds 1,000 square feet; or
4. The increase in structure floor space exceeds 1,000 square feet or 25% of existing floor space, whichever is more restrictive.

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REVISED  
10/5/02

#### 17-14. Floodplain Conservation District.

- A. The purpose of this district is to promote and protect the health, safety and general welfare of the town by providing reasonable regulations governing development and use of the floodplain.
- B. The Floodplain Conservation District is hereby determined to be those areas identified and delineated as a floodplain with a one-percent-or-greater chance of flooding in any given year, which is designated as Zone A and A 1-99 on the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) of Conway issued by the Federal Insurance Emergency Management Administration as amended from time to time and/or on the Flood Hazard Analysis Map (FHAM) of 1974, prepared by the United States Department of Agriculture Soil Conservation Service, whichever delineates the higher flood level.

In cases where the floodplain boundary is disputed, a plan prepared and certified by a surveyor licensed by the State of New Hampshire, that clearly represents the floodplain boundary may supersede the boundary represented on the FHAM.

- C. The following uses shall be permitted within the Floodplain Conservation District to the extent that they are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system, nor for any use in the floodway, raise the level of the one-hundred-year floodwaters.

- (1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (2) Residential accessory uses, such as lawns, gardens, parking areas and play areas.
- (3) Sealed public water supplies.

D. Special Exceptions.

- (1) Special exceptions may be granted by the Zoning Board of Adjustment for the following uses within the floodplain, except those areas within the floodway, unless expressly allowed in the floodway hereunder, as defined herein:

- (a) Uses, but not structures, compatible to open space.
- (b) Limited agricultural extraction of sand, gravel and other materials for noncommercial use.
- (c) Boat landings and boat access areas within the floodway.
- (d) Railroads, streets, driveways, bridges, utility, transmission lines and pipelines.
- (e) Storage yards for equipment, machinery or materials accessory to adjacent permitted uses.
- (f) Fill or materials to be deposited in the floodplain may be allowed by special exception, provided that the ~~fill or materials are shown to have some beneficial purpose~~ is consistent with the permitted uses represented in subsection §147-14.C and the amount thereof is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.  
Any reduction of the floodplain capacity due to the proposed fill must be mitigated by an equivalent cut on the subject property. All such terrain alterations must be suitably protected from erosion. Such fill or other materials shall be protected against erosion by riprap, vegetation cover or bulkheading.
- (g) Municipal and school district facilities.
- (h) Agricultural buildings that do not require septic systems.
- (i) The construction or maintenance of farm, forest or recreational service roads.

only  
change →

remain

## 147-19. Signs.

G. Design Standards. The following design standards shall be required to ensure compliance with the intent of these regulations:

- (1) Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. A light source shall be located, directed and/or shielded such that it is not be visible at any point along the property boundary, nor shall it in any way be distracting to vehicular traffic.
- (2) Neon. Neon lighting shall be prohibited.
- (3) [deleted 3/9/93]
- (4) Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.
- (5) Flashing/Blinking. Flashing, blinking, alternating type, or digital type lighting shall be prohibited, except that alternating time/temperature signs shall be permitted.
- (6) Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.
- (7) No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.
- (8) No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.



# TOWN OF CONWAY

1634 EAST MAIN ST. • CTR. CONWAY, NEW HAMPSHIRE 03813

(603) 447-3855  
FAX (603) 447-5012

## Town of Conway

**From:** "Hastings Law Office" <hlo@nh.adelphia.net>  
**To:** "Tom Irving" <tirving@conwaynh.org>  
**Cc:** <sheila.duane@verizon.net>  
**Sent:** Wednesday, November 06, 2002 12:05 PM  
**Subject:** Amendments

Proposed amendment to §147-15 ("Lot Size. Each lot shall have a minimum size.")

Change title of §147-15

from:

"Lot size. Each lot shall have a minimum size."

to:

"Lot Size and Lot Density."

Amend Paragraph E as follows:

E. Special Exceptions.

(1) In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multi-family dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

- (a) Substantially all of the structure is at least seventy-five (75) years old.
- (b) Modification of the interior does not exceed four (4) units.
- (c) No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.
- (d) Adequate area is available for parking and sewage disposal.
- (e) Accessory structures must have at least 500 sq. ft. of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.
- (f) Any increase of residential units to more than four (4) per minimum size conforming lot, including accessory buildings, shall conform to the requirements of 147-15.A, B and C for each additional dwelling unit.

(2) The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units within all districts where residential uses are permitted under the following circumstances:

Change title of §147-15

from:

"Lot size. Each lot shall have a minimum size."

"Lot Size and Lot Density."

Amend Paragraph E as follows:

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(a) Substantially all of the structure is at least seventy-five (75) years old.

(b) Modification of the interior does not exceed four (4) units.

(c) No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.

(d) Adequate area is available for parking and sewage disposal.

(e) Accessory structures must have at least 500 sq. ft. of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

(f) Any increase of residential units to more than four (4) per minimum size conforming lot, including accessory buildings, shall conform to the requirements of 147-15.A, B and C for each additional dwelling unit.

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(a) Lots serviced by a municipal water system and a municipal sewerage system may contain up to twelve dwelling units per acre provided that if there are between two and four dwelling units, at least one dwelling unit must be designated as a workforce housing unit; if there are between five and eight dwelling units, at least two dwelling units must be designated as workforce housing units; if between nine and twelve dwelling units, at least three dwelling units must be designated as workforce housing units; and if more than twelve dwelling units, at least 25% of all dwelling units above and beyond twelve must be designated as workforce housing units.

(b) At the time of Planning Board approval, the units to be designated as workforce housing units must be shown on the plan with a condition that each workforce housing unit shall be rented for a minimum of twelve months as evidenced by a duly executed lease agreement (a copy of which shall be filed with the Planning Board for annual recertification) and a further condition that title to any individual workforce housing unit shall not be transferred for 20 years from the date of Planning Board approval. A deed restriction or restrictive covenant shall be recorded in the Registry of Deeds as evidence of the same.

(3) In order to help provide affordable year round rental housing and to provide an opportunity for supplemental income to senior citizens and other homeowners who might otherwise find it difficult to remain in their homes due to the increasing costs of home ownership, the Zoning Board of Adjustment may grant a special exception for one accessory apartment to be allowed as an accessory use to an owner occupied single family dwelling, on any size lot (provided that where precinct water and sewer are not available, appropriate permits shall be obtained from the New Hampshire Department of Environmental Services for additional septic loading), subject to the following conditions:

(a) The property owner must occupy either the principal or accessory unit. At no time are both the principal unit and the accessory unit to be rented.

(b) Attached accessory apartments shall occupy a maximum of 800 sq. ft. and a minimum of 300 sq. ft. The outward appearance of a residence containing an attached accessory apartment shall conform to that of a single family residence with only one main entrance on the front or street side of the structure. Additional entrances shall be designed to ensure compatibility with the goal of retaining the appearance of a single family residence.

(c) Detached accessory apartments shall occupy a maximum of 800 sq. ft. and a minimum of 300 sq. ft.

(d) A copy of the lease for either the accessory or primary unit must be submitted to the Town of Conway Planning Board on an annual basis.

(e) Submission of architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application.



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FAX (603) 447-5012

Proposed Amendment to §147-11 ("Residential/Agricultural District"),

(A) ("Permitted Uses"), as follows:

(1) Any lot may be used for a residential structure and dwelling unit(s) in accessory structures as provided for in Section 147-15.E, with or without home occupations as provided herein, including owner-occupied tourist homes or lodging houses or boardinghouses, or rooming houses, apartments, mobile homes as provided in 147-18, condominiums, signs as provided in 147-19, churches, hospitals with or without their usual and customary accessory uses, agricultural uses, including timber removal, and businesses which are intended to board domestic farm animals. Municipal services are permitted, provided that they are not offensive to the character of the neighborhood.

Proposed Amendment to §147-6 ("Definitions").

Insert the following definition in alphabetical order:

**ACCESSORY APARTMENT** - An apartment located in a single family dwelling as an accessory use. An accessory apartment shall contain at least 300 sq. ft. and no more than 800 sq. ft.

**WORKFORCE HOUSING UNIT**- A dwelling unit which shall be rented for a minimum of twelve months as evidenced by a duly executed lease agreement (a copy of which shall be filed with the Conway Planning Board for annual recertification); shall not contain more than two bedrooms; and shall not exceed a total of 800 square feet.

Conway.amendments

The following items are my comments to the Planning Board on the subject of Low-Density Workforce Housing during a public session held December 5, 2002. Janice G. Weinraub

## On Low-Density Workforce Housing

- It is my feeling the builders of workforce housing and Mother-In- Law apartments should include space for:
  - A playground of sufficient size.
  - Said playground should be security-fenced.
  - Parking for 2 autos per apartment should be provided for
    - passenger autos;
    - up to ¾ ton pick-up trucks without trailers, plus
    - guest parking (assuming one & two bedroom apartments)
  - A bicycle/motorcycle parking area should be provided.
  - Storage lockers should be provided
    - (one per unit, large enough to accommodate bikes & baby walkers plus luggage and boxes).
- Minimums
  - One acre of land per workforce apartment where town sewer and water is available.
    - I feel that one-half acre is far too small particularly if the unit is to be considered long-term rental.
  - I feel that a Mother-In-Law apartment should have a one acre minimum, also
    - Because of additional parking needs..
- Number of occupants in employer-provided units:
  - Adults = 2
  - Children per bedroom should be specified in any lease.
  - Leases should specify that there should be no "Day Care"- for - hire in units,
    - And there should be some limitation imposed on any 'home occupation' conducted within the unit.

**CURRENT LANGUAGE:**

**147-7. Enforcement; violations and penalties.** It shall be the duty of the Board of Selectmen or its designated officer to:

- A. Generally administer this chapter.
- B. Require a building permit prior to erection, alteration or demolition of any structure and certificate of compliance upon completion and prior to use.
- C. Violations and penalties.
  - (1) Any violation of any provision of this chapter or the forms promulgated hereunder shall be punishable by a fine of not more than one hundred dollars (\$100) for each day such violation continues after the date on which the violator receives written notice from the town that he/she is in violation of this chapter, plus costs and attorney's fees as may be legally allowed, to be paid over on collection to the use of the town. The town may also enforce this chapter and the regulations hereunder by injunction, restraining order or other appropriate action. In alternative and/or cumulatively, a violator of this chapter may be assessed penalties, costs and attorney's fees as otherwise allowed pursuant to RSA 676:17, as amended, with the town to have such further rights to enjoin or otherwise act in accordance with RSA 676:17. (a) and (b).

**SUGGESTED CHANGE FOR SUB-PARAGRAPH C.:**

- C. Violations and penalties.
  - (1) Pursuant to RSA 676:17, any person who violates any of the provisions of NH RSA Title LXIV, "*Planning and Zoning*" or any Town of Conway ordinance, code or regulation adopted under said title, or any provision or specification of any application, plat, or plan approved by or any requirement or condition of a permit or decision issued by, any authorized local official or land use board:
    - (a) Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.
    - (b) Shall be subject to a civil penalty not to exceed the maximum allowable under RSA 676:17 for each day such violation is found to continue after the conviction date or after the date on which the violator receives written notice of the violation from the town, whichever is earlier.
    - (c) The town may also recover it's costs and reasonable attorney's fees actually expended in pursuing the legal action, as well as seek reimbursement for the expenditure of public funds, if it is found to be a prevailing party in the action, pursuant to RSA 676:17 II and RSA 676:17 III.
  - (2) Pursuant to RSA 676:17-a, "*Cease and Desist Orders*", the building inspector, code enforcement officer, or other designated officer of the Board of

Selectmen, may issue a cease and desist order against any violation set forth in paragraph (1) above.

- (3) Pursuant to RSA 676-17-b "*Local Land Use Citations*" the building inspector, code enforcement officer or other designated officer of the Board of Selectmen may choose to charge the offense as a violation and issue a Local Land Use Citation and seek a civil penalty as set forth in RSA 676:17, 1(b). The prosecuting official may also serve additional local land use citations, without giving additional written notice or appeal opportunity, if the facts or circumstances constituting the violation continue beyond the date or dates of any prior citation, pursuant to RSA 676-17-b VII.

\*Amended 11/21/02 as per suggested changes made by Peter Malia

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**147-11. Residential/Agricultural District.**

**A. Permitted Uses.**

- (1) Any lot may be used for a residential structure, with or without home occupations as provided herein, including owner-occupied tourist homes or lodging houses or boardinghouses or rooming houses, apartments, mobile homes as provided in 147-18, condominiums, signs as provided in 147-19, churches, hospitals with or without their usual and customary accessory uses, agricultural uses, including timber removal, and businesses which are intended to board domestic farm animals. Municipal services are permitted, provided that they are not offensive to the character of the neighborhood.