

**CONWAY PLANNING BOARD**

**MINUTES**

**JULY 23, 2015**

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**CONWAY PLANNING BOARD**

**MINUTES**

**JULY 23, 2015**

A meeting of the Conway Planning Board was held on Thursday, July 23, 2015 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter; Vice Chair, Steven Hartmann; Ray Shakir; Alternate, Richard Vitale; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

**APPOINTMENT OF ALTERNATE MEMBER**

**Mr. Hartmann made a motion, seconded by Mr. Shakir, to appoint Mr. Vitale as a voting member. Motion carried with Mr. Vitale abstaining from voting.**

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Porter made a motion, seconded by Mr. Shakir, to approve the Minutes of July 9, 2015 as written. Motion unanimously carried.**

**ROCKHOUSE MOUNTAIN PROPERTY OWNERS ASSOCIATION (FILE #FR15-03) – FULL SITE PLAN REVIEW (PID 299-103)**

Ron Briggs of Briggs Land Surveying and Mike Martel, member of the Rockhouse Mountain Property Owner's Association, appeared before the Board. This is an application to construct a 400 square foot building with two (2), 7,500 gallon underground water storage tanks at 3 Highlands Drive. Mr. Briggs stated this is a water system upgrade for 105 homes. Mr. Briggs stated there have been a chronic water storage shortage and the inability to meet peak demands. Mr. Briggs stated NHDES has issued an Administrative Order to move this along. **Mr. Porter made a motion, seconded by Mr. Hartmann, to accept the application of Rockhouse Mountain Property Owner's Association for a Full Site Plan review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for public comment; Tom White of 367 Modock Hill Road thanked the Board for being notified and the continued work on this project. Mr. White stated he and his wife are concerned about their property in regards to noise, looks and what is being done with the tanks to make the property look decent. Mr. White stated we know there is a water issue and want it resolved, but now it is our property being used. Mr. Martel stated the building will be within the property lines of the lot owned by the Association; the digging will be in the easement area on their lot, but it will be returned to natural vegetation. Mr. Martel stated the building is larger than what had existed, but we are being mandated by NHDES to have water storage.

Mr. White asked if the well was going to serve the bottom half of the development. Mr. Martel stated it will serve half way up Highlands and fee back into the existing system; it will service

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everyone as it will be pumped back in the system. Mr. White asked if there is going to be tall trees. Mr. Briggs stated there will be trees, but there is an existing opening between your house and this site. Mr. Briggs stated that they have submitted architectural details. Mr. White asked if the system is fully enclosed. Mr. Martel answered in the affirmative.

Mr. White asked if there are any other sites available. Mr. Martin answered in the negative; and stated one lot is too far away for pumping so the tank that is already there will be used for fire protection only. Mr. White asked if there are any noise issues. Mr. Martin stated there is not. Mr. Martin stated he doesn't mind talking to the Association Board for planting trees or shrubs. Mr. White stated if it does not go in there, what the future of this project is. Mr. Martin stated it would shut down the whole water project.

Kelly White stated she does not like how all this has gone down; she is having a very tough time having a building that has doubled in size on her property. Ms. White stated she is worried about noise; having the road crew on her property; and that this building is quite large. Ms. White stated she will not be doing any landscaping on her property. Ms. White stated she does not want this building; it is twice the size of the existing building. Mr. Martin stated it is larger than what is there; the A-frame has already been taken down. Mr. Martin stated it will not be on her property; this building received a variance from the Zoning Board of Adjustment to be 4-feet off the property line.

Chris Fournier of 13 Highlands Drive stated he has a few concerns and he disappointed with former Association Board members. Mr. Fournier stated one of his driveway entrances does not indicate a culvert to be installed and will be cut off by a stone lined ditch; the Association Board has indicated they will provide a culvert. Mr. Martin stated they will provide a culvert; the culverts and drainage ditch are not a part of the building project, but a separate requirement of the Town of Conway.

Mr. Fournier asked the limits of excavation; as this will go 12-feet below grade. Mr. Briggs stated it will be 10-feet below grade, so might be 11-feet towards Modock Hill Road and 9-feet uphill. Mr. Fournier stated he is concerned about the amount of mature trees that will be taken down. Mr. Briggs stated trees are indicated on existing features plan. Mr. Briggs stated apparently there had been work done in previous years in that area for underground utilities. Mr. Fournier stated he is unclear which ones will be taken down. Mr. Fournier stated the Association does have a covenant that doesn't allow for removal of trees within 10-feet of a property line. Mr. Martin stated there is a utility easement around this property to be able to install utilities. Mr. Briggs read an email from Edward Alkalay of Alkalay & Smillie [copy in the file].

Mr. Porter stated it was his understanding after the waterlines are installed the trees taken down would be replaced. Mr. Martin stated you cannot replace mature trees with mature trees. Mr. Briggs stated it is to be returned to a natural state. Mr. Porter stated the easement area can be disturbed, but you have to replace it. Mr. Irving stated the Site Plan Review regulations require trees to be proper specie and a 3-inch caliber 6-inch above the root ball; however, this Board has never required anyone to plant 12-inch or 24-inch trees to replace 12-inch or 24-inch trees.

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Mr. Irving stated the applicant has satisfied the tree requirements for this project. Mr. Irving stated if the Board wants something beyond the regulations and standards you need to be certain you are justified in doing so. Mr. Fournier stated that he agrees you cannot plant 12-inch trees, but you can use construction techniques to avoid damaging any existing trees.

Mr. Drinkhall asked for further public comment; there was none. Mr. Drinkhall closed public comment at 7:30 pm. Mr. Shakir stated they have all their approvals for setbacks. Mr. Briggs stated that is correct. Mr. Irving stated the ZBA granted a variance for the setbacks; however, the applicant is requesting a waiver for the buffer that this Board has to address. Mr. Shakir asked about the pump. Mr. Martin stated it is inside the building; there will be no noise pollution from this building as the building is insulated. Mr. Martin stated to the best of his knowledge, the noise will be no more than someone having a TV running. Mr. Martin stated if there is noise, he has told Mr. Fournier that the Association will do what we can.

Mr. Porter asked if there is another lot to locate this building on that would not encroach into the setback. Mr. Briggs answered in the negative and stated there would be no room for parking if the building were located in the front setbacks. Mr. Briggs stated it is a tough site to work with. Mr. Porter asked if it is the only feasible site to do this work. Mr. Martin stated it is the only parcel that Rockhouse Mountain Property Owner's Association owns. Mr. Porter asked if the building could be smaller. Mr. Briggs stated this is the minimum size building to do what needs to be done. Mr. Briggs stated this system is located where it is because all the existing waterlines go through that corner of the lot; this is going to blend the water supply from the existing wells and new well.

Mr. Hartmann asked how far they are encroaching into the buffer. Mr. Irving stated the ZBA allowed the building to be 4-feet 3-inches from the southern property line and 4-feet 1-inch from the western boundary; the encroachment is approximately 11-feet into the 15-foot buffer. Mr. Hartmann stated this is into the buffer and not on to the adjacent property. Mr. Irving agreed; within the buffer and not within the easement area. Mr. Irving stated there will be excavation within the easement area which is on the adjacent properties. Mr. Irving stated he will be asking the applicant to label the limit of work area on the plan. Mr. Irving read a letter received from Thomas Mason of LRW Water Services who will perform the work [copy in file].

Mr. Porter asked if there has been any thought of landscaping around the pump house; any thought of arborvitaes. Mr. Martin stated that he had mentioned to Mr. Fournier if there is any noise or site issues, they would work with them. Mr. Martin stated he would have to have a vote from the Association Board regarding any additional plantings; we are doing this project because we have to. Mr. Martin stated they are not trying to cause a headache; the new well system will increase property values as they are tumbling now because we don't have water.

Mr. Irving stated when the Board addresses the waiver for the buffer they could request additional landscaping; however, it would have to be on the subject property as the Town cannot enforce any agreements on other parcels. Mr. Irving stated there are only 4-feet to the property line, which would have the landscaping close to the building which could cause mildew and other problems.

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Ms. White stated she would like to request the Board to conduct a site visit to look at what she is going to be viewing. Ms. White stated this is going to be a big building on a very small piece of land; and we will be affected by the view. Ms. White stated arborvitaes are not natural to this area. Mr. Hartmann asked if the size of the building could be reduced. Mr. Martin stated it was already reduced through the ZBA process. Mr. Hartmann asked if it is 16-feet high. Mr. Martin answered in the affirmative.

Mr. Irving asked if the Board would like to continue the hearing to conduct a site visit or proceed with the application this evening. Mr. Porter stated he'd like to proceed. Mr. Shakir stated it has been established that this is a necessity and cannot be relocated; and they have already cut the building size down from a previous submission. Mr. Martin agreed. Mr. Shakir asked if the tanks are submerged and if there is a pump why is there a need for a 16-foot high building. Mr. Briggs stated it is a treatment facility as well and need to head room to change the filters. Mr. Shakir stated they have covered their bases and should proceed tonight. Mr. Hartmann stated it doesn't look like anything else can be done.

Mr. Irving read waiver requests for §123-27/§131-67.C.8.a; §123-27/§131-67.C.8.g; and §123-29.A.2 & A.3. **Mr. Porter made a motion, seconded by Mr. Shakir, to grant the waiver for §123-27/§131-67.C.8.a; §123-27/§131-67.C.8.g; and §123-29.A.2 & A.3.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Mr. Shakir made a motion, seconded by Mr. Porter, to conditionally approve the Full Site Plan for Rockhouse Mountain Property Owner's Association conditionally upon Town Engineer approval; indicating the limit of work area on the plan; a performance guarantee for all site-improvements; when the conditions have been met, the plans can be signed out of session; and this conditional approval will expire on October 22, 2015. Motion unanimously carried.**

**PUBLIC HEARING – TREE REMOVAL ON A SCENIC ROAD – RSA 231:158**

Robert Berner, Eastern Region Arborist for Eversource, appeared before the Board. This is a public hearing for the removal of trees along designated scenic roads Gulf Road, Greeley Road and Leavitt Road to facilitate utility services. Mr. Berner stated they are planning to trim and remove trees and brush adjacent to and beneath power lines. Mr. Berner stated they have identified 7 trees that should be removed and a list has been submitted to Board. Mr. Berner stated property owners where trees are to be trimmed or removed will be contacted prior to the commencement of work.

Mr. Drinkhall opened the public hearing at 7:48 pm. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:51pm.

**Mr. Shakir made a motion, seconded by Mr. Hartmann, to accept the proposal. Motion unanimously carried.**

**OTHER BUSINESS**

**Committee Reports:**

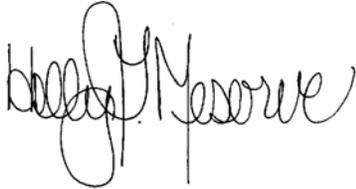
**Sign Advisory Committee:** Carl Thibodeau member of the sign committee joined the meeting at this time. Mr. Thibodeau stated the Sign Advisory Committee has met a few times this year and have come up with some reasonable compromises for internally lit signs. Mr. Thibodeau reviewed the attached changes. Mr. Drinkhall stated the Committee has done a very good job. Mr. Vitale asked if there is a limit of brightness. Mr. Thibodeau stated it was the opinion of one of the Committee members who is a sign maker that these types of signs only come in certain lighting configurations and would not be an issue. Mr. Thibodeau stated it is also addressed in the definition of “opaque”. Mr. Irving stated the translucent area cannot be more than 65% of the signage area.

**Mr. Shakir made a motion, seconded by Mr. Porter, to consider the amendments as written for the 2016 warrant. Motion unanimously carried.**

**Master Plan Updates:** Mr. Irving submitted copies of the “Town of Conway Master Plan Update: Trail Plans” for the Board’s consideration; and asked the Board to review it and submit any revisions.

The meeting adjourned at 8:10 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large initial "H" and "M".

Holly L. Meserve  
Recording Secretary

RECEIVED

JUN 26 2015

TOWN OF CONWAY

June 23, 2015

Planning Board  
Town of Conway  
1634 East Main Street  
Conway, NH 03813

Dear Planning Board Members:

This letter is to inform the Town of Conway that Eversource is planning to trim and remove trees and brush adjacent to and beneath some of its power lines within the town. This work is necessary to insure the safe distribution of power and to improve the reliability of electric service for our customers

According to Eversource records Gulf, Greeley; and Leavitt roads have been designated as a scenic road by the Town. Please consider this letter a request from Eversource for a public hearing for the trimming and removal of trees and brush along this road within the proposed work area pursuant to RSA 231:158. Please inform this office of the time and place of said meeting so that we may have a representative present. A map highlighting the area to be trimmed is enclosed.

Eversource specifications call for the removal of brush and limbs 6" in diameter which are located within eight feet to the side, ten feet below or fifteen above conductors. Larger trees or limbs which present a threat to Eversource lines or other equipment because of decay or other defect will be removed on a case by case basis. A list of failure prone trees identified for removal by Eversource has been included. All trees are marked with a blue/white checkered ribbon. I am available to conduct a "walk-down" of all locations where trees have been identified for removal, if necessary.

RECEIVED

JUN 26 2015

TOWN OF CONWAY

All work will be performed in accordance with accepted arboricultural standards. Eversource has contracted with Asplundh Tree Expert to perform the actual clearing of trees. Eversource requires that our clearing contractor contact each landowner where trees are to be trimmed or removed prior to commencement of work on that property. Individual concerns will be addressed at this time.

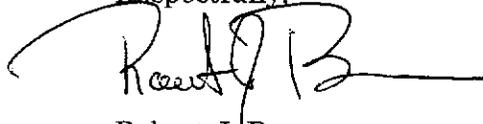
All brush and limbs cut on roadside locations will be chipped. In wooded, undeveloped locations, these chips may be dispersed into the woods taking care not to allow chips to accumulate in piles or in ditches. Near developed land, the chips will be blown into a truck and disposed of off site. The chips make good mulch and are often given to nearby property owners for landscaping purposes. If a central dumping location could be arranged, Eversource would be happy to make any unclaimed chips available to the Town at no cost. Brush and limbs cut on inaccessible lines will be stacked to the side of the right-of way and cut low to the ground. All wood will be left on site unless otherwise directed by the landowner.

Work is scheduled to begin in the near future.

If you have any questions or comments, please feel free to contact me at the above address, by telephone at 603-634-3469 or by e-mail at [Robert.Berner@nu.com](mailto:Robert.Berner@nu.com).

Thank you for your concern and assistance.

Respectfully,



Robert J. Berner  
Eastern Region Arborist  
Eversource

Failure Prone Trees

Conway , NH

Scenic Roads

Circuit 347X3

Gulf Road

Pole 266b/3-2

13" Rotten Beech

Pole 266b/10-11

18" Rotten Maple

Greeley Road

Pole 266c/2-3

13" Oak, burning on Primary

7" Oak, burning on Primary

Pole266c/4-5

17" dead Ash

Pole 266c/1-2

9" dead Spruce

Leavitt Road

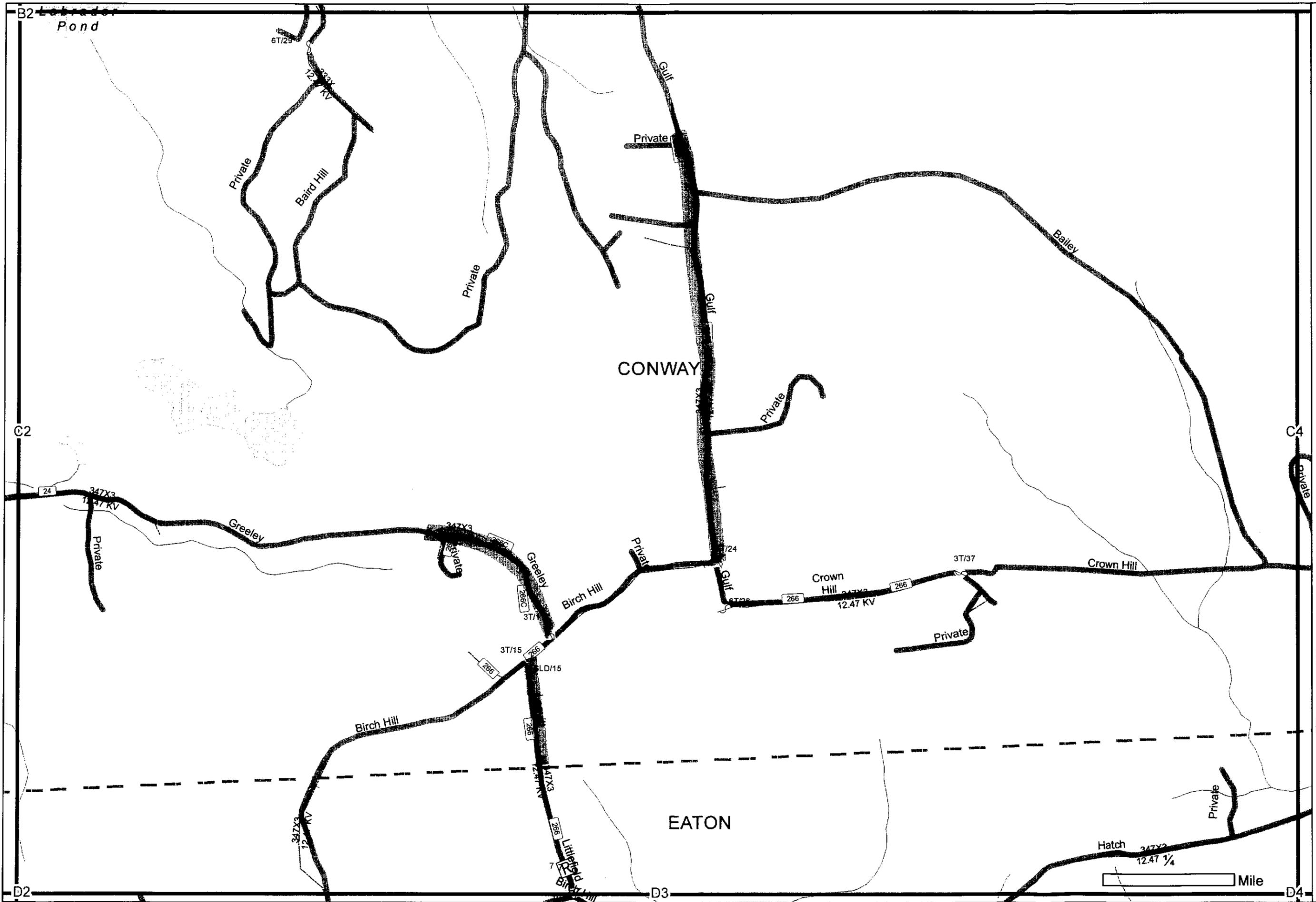
Pole 266/15-15.1

14 " Rotten Poplar

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TOWN OF CONWAY



Propose new language for sign lighting...

147.13.8.6.10.1 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. The lighting sources shall be of white light and be energy efficient fixtures when possible. Fixtures shall be located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they be distracting to vehicular traffic.

147.13.8.6.10.1.1 External illumination. Signs may be illuminated by external light. For free standing signs, lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. External sign lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. The external lighting sources shall be of white light. Fixtures shall be located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they be distracting to vehicular traffic. Back-lit "Halo" type opaque sign lettering is permitted.

147.13.8.6.10.1.2 Internal illumination. Internally illuminated signs shall be constructed with an opaque background. Translucent letters and symbols shall not exceed 65% of the permitted message area; the translucent area shall be measured by a single rectangle encompassing all translucent elements of the sign. Any new sign that uses internal illumination must conform fully with all other provisions of this ordinance. Any existing externally illuminated sign that is converted to internal illumination must be brought into full conformity with respect to all sign requirements including, but not limited to: total number of signs, message area, height, width, sign structure dimensions and sign setbacks.

Propose new language for non-conforming signage...

147.14.3 NON-CONFORMING SIGNS. Signs lawfully in existence before the adoption of regulations, which made them non-conforming shall be permitted to continue in existence and be maintained.

147.14.3.1 No change in type, size of message area and/or support structure, height, location, message, illumination, number, or material shall be permitted without application to and approval from the Town.

147.14.3.2 Non-conforming aspects of the sign may continue, but no additional types of non-conformity shall be created by any change.

147.14.3.3 Permitted changes, except conversion to internal illumination, may allow reduction in any one or more non-conforming aspects, but shall not allow any nonconforming aspect of the sign to become increasingly non-conforming.

147.14.3.4 Any existing externally illuminated nonconforming sign that is converted to internal illumination must be brought into full conformity with respect to all sign requirements including, but not limited to: total number of signs, message area, height, width, sign structure dimensions and sign setbacks.

147.14.3.45 If a nonconforming sign is abandoned, the grandfathered rights shall terminate and any replacement shall comply with the requirements of this chapter.

Proposed new definitions...

Opaque: as referred to herein opaque material does not transmit light from the internal illumination sources.

Translucent: as referred to herein translucent material does transmit light from the internal illumination sources.

Proposed amendment to signs exempt from property line and permitting...

**147.13.8.6.7 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:**

**Signs allowed under this section shall not be illuminated either internally or externally.**

147.13.8.6.7.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.8.6.7.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.8.6.7.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.8.6.7.4 Business name and directional signs with a message area of three square feet or less which are located over doorways. Such signs may project from the wall surface.

147.13.8.6.7.5 Flags.

147.13.8.6.7.6 One (1) portable a-frame sign per lot of record is permitted in the district, it may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted and no appendages to the sign are permitted.

147.13.8.6.7.7 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.8.6.7.8 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.8.6.7.9 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.8.6.7.10 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.8.6.7.11 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.8.6.7.12 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999.

147.13.8.6.7.13 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.8.6.7.14 One (1) real estate sign to identify lots for sale at each entrance to the subdivision in which the subject lots are located, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width.

147.13.8.6.8 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

**Signs allowed under this section shall not be illuminated either internally or externally.**

147.13.8.6.8.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.8.6.8.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.8.6.8.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.8.6.8.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.8.6.8.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

# Town of Conway Master Plan Update: Trails Plan



**DRAFT**

## **INTRODUCTION**

1. Town of Conway Trails Plan Vision Statement
2. Goals and Objectives
3. Sample Policies
4. Liabilities on Trails, Pathways or Sidewalks
5. Trail System Benefits and Safety
  - A. Ten Economic Benefits of Greenways and Trails
  - B. Four Social Benefits of Trails
  - C. Community Safety
  - D. Crime Control and Emergency Vehicle Access
  - E. Community Involvement
  - F. Community Trail Events
6. Action Items and next steps

## **LIST OF FIGURES**

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| Figure 1 | Existing Walking and Biking System                                   |
| Figure 2 | Existing Destinations and Community Locations                        |
| Figure 3 | Town of Conway Walking/Biking "Spine System"                         |
| Figure 4 | Town of Conway Walking/Biking "Interconnected Neighborhood Linkages" |

## **SUMMARY**

### **APPENDIX "A" Trail Inventory**

### **APPENDIX "B" Trails Plan Map**

## INTRODUCTION

The Town of Conway Trails Plan is a supplement to the Town of Conway Master Plan and is intended for the use of decision makers and advisory boards, such as, the Board of Selectmen, Planning Board, Conservation Commission, Town Departments; trail oriented groups and the general public. The Trails Plan is intended to facilitate the development of a recreation and transportation system with alternatives for cycling, pedestrian and other forms of on and off road transportation and to enhance the pedestrian and cycling facilities that exist in the existing transportation network. While this plan focuses on non-motorized trails it is acknowledged that snowmobiles are in many cases compatible with other non-motorized uses and cooperative efforts between the snowmobile community and non-motorized users will be encouraged.

This plan is a reference document for planning and securing a town-wide trail system. It is not intended to set forth strict standards. Rather, this plan is intended to be a resource for decision makers to consider when: developing a policy for trail acquisition, development and maintenance; give direction regarding priorities for trail funding; provide ideas and options for trail funding; and set policy guidelines for trail implementation priorities, and direction on special projects such as: community volunteer projects, community information materials, user information materials, and user conflicts management.

As the Town of Conway continues to grow, develop and redevelop there is an increasing need and demand for recreational hiking and biking trails, trail-head parking, neighborhood trails and connections, sidewalks, bicycle lanes, signs, and maps. There is a desire in the community to better identify, develop and preserve pedestrian and bicycle access as the land is developed or redeveloped. In addition to encouraging recreation, the development of an off-road trail system can help reduce vehicle trips and traffic congestion. The result will be a community resource providing transportation alternatives, recreational opportunities, environmental aesthetics, open space preservation and increased property values. It has been well demonstrated that a sophisticated trail network can also be a valuable economic resource for enhancing tourism economies.

### 1. Trails Plan Vision Statement

**"Non-motorized travel is a viable transportation alternative to the automobile and off road trails and facilities will enhance the current transportation system. Off road trails and facilities will also enhance recreation opportunities. They improve our community aesthetic, our environment and our quality of life."**

#### VISION:

In the year 2025, a coordinated trail system linking Conway's housing, shopping, education, medical, recreation and government resources should be realized. This network of paths and trails should provide safe, visible routes between destinations that encourage modes of transportation that are an alternative to the automobile. The trail network enhances the quality of life for residents and visitors and supplements the viability of the Valley's tourism economy.

### 2. Goals and Objectives

**GOAL 1 To develop policies, standards, and an updated trails plan and map which will provide**

**direction for the community to develop an area-wide multi-use trails network. This goal can be achieved by providing a more bicycle/pedestrian friendly transportation network that will:**

- Objective 1)** Create a seamless network of off-road improvements that allows bicycles and pedestrians to reach important destinations easily.
- Objective 2)** Encourage relevant, convenient and safe bicycle and pedestrian elements in all transportation projects.
- Objective 3)** Create a network of road improvements that complement and connect off-road improvements where impediments hinder continuity of the off-road network.

**GOAL 2 Provide the following benefits and opportunities to the Town of Conway Community:**

**Transportation:** Trails can increase the transportation mode split of bicycling and walking trips, and they can also improve safety and increase access. The trail system should include a commuter system for employees and students that will encourage off-road travel by connecting residential areas with major destinations. This system may ultimately reduce or avoid traffic congestion and air pollution in future years.

**Recreation:** Trails provide an easily accessible outdoor resource for many forms of recreation, most notably bicycling and walking. Trails greatly increase community access to physical activity and fitness opportunities by providing more miles of safe, attractive bicycling and hiking facilities.

**Reduction of Pedestrian/Bicycle/Auto Accidents:** Town of Conway should target and eliminate key behaviors that cause accidents resulting in injuries and/or loss of property (e.g., wrong-way riding, motorist failure to yield, speeding, and jaywalking).

**Economic:** Walkable communities can produce income from shared utility leases, increase the value of real estate, and generate income from tourist, special events, and other users. Improved walking conditions improve the quality of life by making an area more attractive for business relocations and in-migration. Costs of developing and maintaining the road access infrastructure are also reduced.

**Land Use Planning:** Trails and other green way corridors promote park and recreation development, wet land preservation, and buffered environmental protection. Trails preserve undeveloped lands in urban areas and serve to separate and buffer contradicting land uses.

**Environment:** Environmental benefits include wildlife preservation, water quality protection, storm water management, preservation of vegetation, and other benefits, such as firebreaks. They also reduce noise and visual pollution.

**Education:** A trail corridor often encompasses several different environments along its route and can be thought of as an outdoor classroom full of educational materials. The scientific community, educators and students can realize the value of trails through a wide range of studies, such as biology, geography, history, recreation management, and art.

**History and Culture:** Trails can educate and increase awareness about the history and culture of a region. Preserved historical sites provide unique locations for cultural, local and social events. Methods, such as on site interpretive material and promotional literature, aid in the community's effort to preserve historic sites.

**Quality of Life:** Increases in the quality of life associated with off-road trails are realized through expressions of community character and pride, aesthetics of the local environment, economic revitalization of the community, access to the outdoors, opportunities for socialization, and easy increase of mobility.

**Disability Access:** Provide persons with disabilities access to and within the trail system with the level of access provided at posted trail-heads. Physical barriers and hazards that obstruct access should be removed from streets, sidewalks and accessible trails designated as part of the trail system. Trails should be ranked by their level of disability access.

### **3. Policies**

To achieve the above stated goals, public policy should support the construction of this integrated system, just as public policy has created the local road network or our national highway system.

As the community grows and changes, and user preferences change, the specific recommendations of these policies may also change. However, the more general policies should remain constant to provide continuity of the trail system within and between communities.

#### **A. A Trail System Increases Pedestrian Access and is an Asset to Town of Conway**

As the town grows, trails can mitigate traffic congestion and other aspects of development. Non-motorized travel is non-polluting. The Town of Conway trail system should be safe, easily accessible, aesthetically pleasing and contribute to the general quality of life in the community.

The trails should connect residential areas to schools and commercial and business areas. Other amenities to consider are: White Mountain National Forest, State Parks, community parks, resorts, dedicated open space parcels, golf courses, and other private recreational facilities.

Where feasible, trails that are separated from vehicle traffic (shared use paths) should be provided. Snow removal and general maintenance are less costly for this type of trail, users are generally safer, and the overall experience is enhanced and preferred when traveling on paths that are separate from the roadway. Where traffic separation is not possible then striping of bicycle lanes, sidewalks and signage, should be provided. Trails consisting of signs only (See American Association of State Highway and Transportation Officials (AASHTO) 1999 Guide for Development of Bike Facilities) should be provided only after all other options are considered infeasible. As portions of the trail system are developed, uniform materials, surfacing, and way finding signage should be installed.

The trail system will also include pathways which are often informal links between houses or businesses. They usually cover short distances connecting residential neighborhoods to trails, shopping areas or schools. Paths are especially needed in cul-de-sacs where through access is limited. In cul-de-sacs, strategically placed paths (10' between two lots) can provide links for bicyclists and pedestrians to shopping malls, transit stops, parks, and other neighborhoods so that a busy street can be avoided.

Being a critical element of an off-road system, paths should be encouraged to ensure access for pedestrians and bicyclists. A path allows people to shorten an otherwise roundabout trip through a maze of subdivision streets on their way to schools, or neighborhood shopping. Their existence and maintenance are sometimes granted by private homeowners. However, future development and redevelopment can institutionalize these facilities by providing narrow (10') public rights-of-way.

#### **B. Development of a Comprehensive Pedestrian and Bicycle Network**

Town of Conway desires to develop a comprehensive network for public access. The network should coordinate existing and future trail connections with pedestrian friendly zones. It should ensure a continuous system between commercial centers, neighborhoods, and varying land uses

throughout the region.

The Town of Conway's trail network should provide safe off-road access along key transportation corridors, to schools, recreation and fitness centers, major retail and service centers. Trails should be constructed to accommodate maintenance and pedestrian and/or bicycle access year-round. To obtain rights-of-way in developed areas, Town of Conway should work with landowners to obtain public access to important existing and desired off-road corridors. New residential and commercial development and redevelopment should include off-road access, trail connections and public easements

### **C. Development Regulations**

Required trail improvements under the Subdivision and Site Plan Review Regulations in accordance with the Trails Plan can insure the preservation of a proposed trail route. These regulations should be amended to incorporate provisions for developing the Trail network and associated infrastructure. Considerations should include:

- a. Sidewalks should be included within the dedicated right-of-way of all roads unless an appropriate alternate location has been identified. In many cases pedestrian paths separate from the road right of way may be preferable due to snow removal concerns. Existing sidewalks should be improved to the specifications prescribed for new developments.
- b. Trails, pedestrian paths and bike paths should be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage and provide safe access.
- c. Trails, pedestrian paths and bike paths should be provided by land developers. Trails should connect traffic generators such as, schools, recreation facilities, commercial areas, parks, and other significant natural features. Such trails should be built to Town specifications and easements should be dedicated for such trails. The trails should be constructed at the time of road construction and/or site development.

Regulations should require that developers consider the Trails Plan, and the plan's relationship to proposed developments and redevelopments. This includes the consideration and possible connection of any trail concepts within the proposed development to the town-wide trail system.

### **D. Master Plan Map Updates**

Future needs, generated by new residential and commercial development, may not be anticipated in the Plan. The Master Plan Map should be updated as development occurs with trails and pedestrian friendly zones developing according to the master plan's intention. Public access could be guaranteed in new developments through the exaction of public trail easements, through building standards, and zoning requirements.

### **E. Funding and Acquisition**

The Town of Conway should examine alternatives for the acquisition of trail. Trail easement acquisition and development can be accomplished in a variety of ways including, but not limited to: purchase, donation, prescriptive use, easements, leases or other possessory interests. Town of Conway should explore a variety of local and national funding sources and mechanisms for the development of trails. Real Estate Transfer Tax, grants, special service districts, transportation funds, Conservation Commission funds, joint-funding with other

jurisdictions or agencies, exactions, bonding, developer dedication, state parks and recreation funds, private donations, fund raising rides and events, and various taxing mechanisms are a few of the funding mechanisms that are now available. National funding sources for bicycles and pedestrian projects are available through several programs under the federal Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21).

#### **4. Liabilities on Trails, Pathways or Sidewalks**

Town of Conway can implement the Off-road Trails Plan, in part, by requiring developers and landowners to include trails internal to and connecting through the developer's property as part of the development review process. Developers and owners of undeveloped property adjacent to trail development have voiced concerns about landowners' liability. No activity is entirely free from exposure to liability, but the dedication, construction, and operation of public trails can be at the low end of the landowner liability spectrum.

To address liability concerns, New Hampshire has adopted the following statutes:

##### **NH RSA 508:14 Limitation of Actions**

- I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.
- II. Any individual, corporation, or other nonprofit legal entity, or any individual who performs services for a nonprofit entity, that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct.
- III. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

##### **NH RSA 212:34 Duty of Care**

I. In this section:

- (a) "Charge" means a payment or fee paid by a person to the landowner for entry upon, or use of the premises, for outdoor recreational activity.
- (b) "Landowner" means an owner, lessee, holder of an easement, occupant of the premises, or person managing, controlling, or overseeing the premises on behalf of such owner, lessee, holder of an easement, or occupant of the premises.
- (c) "Outdoor recreational activity" means outdoor recreational pursuits including, but not limited to, hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, snowmobiling as defined in RSA 215-C:1, XV, operating an OHRV as defined in RSA 215-A:1, V, hiking, ice and rock climbing or bouldering, or sightseeing upon or removing fuel wood from the premises.
- (d) "Premises" means the land owned, managed, controlled, or overseen by the landowner upon which the outdoor recreational activity subject to this section occurs.

II. A landowner owes no duty of care to keep the premises safe for entry or use by others for outdoor recreational activity or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph V.

III. A landowner who gives permission to another to enter or use the premises for outdoor recreational activity does not thereby:

(a) Extend any assurance that the premises are safe for such purpose;

(b) Confer to the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed; or

(c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted, except as provided in paragraph V.

IV. Any warning given by a landowner, whether oral or by sign, guard, or issued by other means, shall not be the basis of liability for a claim that such warning was inadequate or insufficient unless otherwise required under subparagraph V(a).

V. This section does not limit the liability which otherwise exists:

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity;

(b) For injury suffered in any case where permission to enter or use the premises for outdoor recreational activity was granted for a charge other than the consideration if any, paid to said landowner by the state;

(c) When the injury was caused by acts of persons to whom permission to enter or use the premises for outdoor recreational activity was granted, to third persons as to whom the landowner owed a duty to keep the premises safe or to warn of danger; or

(d) When the injury suffered was caused by the intentional act of the landowner.

VI. Except as provided in paragraph V, no cause of action shall exist for a person injured using the premises as provided in paragraph II or given permission as provided in paragraph III.

VII. If, as to any action against a landowner, the court finds against the claimant because of the application of this section, it shall determine whether the claimant had a reasonable basis for bringing the action, and if no reasonable basis is found, shall order the claimant to pay for the reasonable attorneys' fees and costs incurred by the landowner in defending against the action.

## **5. Trail System Benefits and Safety**

There are two purposes of this section: first, to present some concluding evidence that trails, and other parts of the off-road transportation system, will benefit the overall quality of life in the Town of Conway; and second, to address the issues of safety and community involvement.

### **A. Ten Economic Benefits of Greenways and Trails**

There are many ways in which a trail system, designed with greenway corridors and easy accessibility can benefit a community. The following information discusses ten different economic benefits a community can enjoy from a trail system.

- **Real Property Values**--Many studies demonstrate that parks, greenways and trails increase nearby property values. In turn, increased property values can increase local tax revenues and help offset greenway acquisition costs.

- **Increased Property Tax Revenues**--An increase in property values generally results in increased property tax revenues for local governments. Many arguments made for investments in trails, parks and open spaces claim that these acquisitions pay for themselves in a short period of time, due in part to increased property tax revenues from higher values of nearby property. Locally and national, bicycle and pedestrian facilities have proven to be a cost effective use of public funds. Maryland's Northern Central Rail-Trail found that while the trail's cost to the public in 1993 was \$191,893, it generated State tax revenue of \$303,750 in the same year. This revenue was a direct result of a growing economy's sales, property and income taxes.
- **Construction/Development Perspectives**--Proximity to greenways, rivers and trails can increase sales price, increase the marketability of adjacent properties, and promote faster sales. Clustering the residential development to allow for establishment of a trail corridor or greenway can also decrease overall development costs and result in greater profits for the developer. For example, a land developer from Front Royal, Virginia, donated a 50 foot wide, seven mile easement, for the Big Blue Trail in Northern Virginia. This easement provided a critical trail link along the perimeter of his subdivision. The developer recognized the amenity value of the trail and advertised that the trail would cross approximately 50 parcels. All tracts were sold within four months.
- **Expenditure by Residents**--Spending by local residents on greenway related activities helps support recreation oriented businesses and employment, as well as other businesses that are patronized by greenway and trail users.
- **Commercial Uses**--Greenways and trails often provide business opportunities, locations and resources for commercial activities, such as recreation equipment rentals and sales, lessons, and other related businesses. The following are two examples of how trails have helped local commercial areas across the nation:
  - The downtown area of Dunedin, Florida was suffering a 35 percent storefront vacancy rate in the early 1990's until the Pinellas Trail came into town. Now, storefront occupancy is 100 percent and business is booming.
  - A study of the Oil Creek Bike Trail, in Pennsylvania (Pennsylvania State University, 1992) revealed that the average visitor spends \$25.85 per day. This was broken down into \$9.09 for food, \$6.27 for transportation, \$2.56 for lodging (many visitors camp) and \$7.94 for equipment and other activities.
- **Tourism**--Trails are often major tourist attractions that generate expenditures on lodging, food, and recreation oriented services. Greenways along trails can also help improve the overall appeal of a community to prospective tourists and new residents. Many Americans prefer to visit places, such as greenways and trails that offer safe, scenic recreation and transportation for the whole family. The U.S. Department of Transportation, in its recreation and transportation for the whole family. The U.S. Department of Transportation, in its National Bicycling and Walking Study (NBWS) final report, estimates that 131 million Americans regularly bicycle, walk, skate or jog for exercise, sport or recreation. For example, peak-season hotel rooms along Wisconsin's Elroy-Sparta State Park Trail are booked up to one year in advance. A study revealed that the average visitor travels 228 miles to experience the trail.
- **Agency Expenditures**--The agency responsible for managing a trail can help support local businesses by purchasing supplies and services. Jobs created by the managing agency may also help increase local employment opportunities.
- **Corporate Relocation**--Evidence shows that the quality of life of a community is an increasingly important factor in corporate relocation decisions. Greenways and trails are often cited as important contributors to quality of life. In a June 8, 1989 article, the San Francisco Chronicle noted that when corporations are relocating, the number one factor was a location that would attract and retain key personnel. Corporate real estate executives now say that employee 'quality of life' issues are as important as cost when deciding where to locate a new factory or office. Bicycle and pedestrian trails also attract high quality businesses by providing

community options for employees, scenic places for stress-free strolls at lunchtime, and safe, convenient sites for family recreation. The Provo Parkway Trail and the Riverwoods Business Park are a local example of this interaction. Furthermore, natural open space, greenways, and trails are prime attractions for potential homebuyers. According to research conducted in 1995 by American Lives, Inc. for the real estate industry, 77.7% of all home buyers and shoppers in the study rated natural open space as either 'essential' or 'very important' in planned communities. Walking or biking paths ranked third. A community design that offers quiet and low traffic was the top ranked feature.

- **Public Cost Reduction**--The conservation of rivers, trails, and greenways can help local government and other public agencies reduce costs resulting from congested roadways, environmental degradation, and other natural hazards, such as flooding. The construction of multi-use trails allows more Americans to replace automobile trips with non-motorized trips. According to the NBWS report, the American public saves from 5 to 22 cents for every automobile mile replaced by walking and bicycling, due to reduced pollution, oil import costs, and costs due to congestion, such as lost wages, and lost time on the job.
- **Intrinsic Value**--With all of the previously mentioned benefits of trails it is important to remember the intrinsic environmental value of preserving rivers, trails and other open space corridors.

#### **B. Four Social Benefits of Trails**

- **Community Character**--Not only do bicycle and pedestrian facilities enhance the quality of life for many individuals, but trails and pathways can also be an expression of community pride and character. In many cases it means preserving the natural and historical resources of a region.
- **Close to Home Recreation**--An explosion in the number of people who participate in outdoor recreation has led to an increased demand for bicycle and pedestrian facilities. Participation in trail uses, such as hiking, walking, mountain biking, and in-line skating have experienced phenomenal growth in recent years. Multi-use trails provide convenient access to the outdoors while promoting health and fitness activities. These trails are becoming especially popular among people living in cities and suburban areas, where recreation opportunities close to home are scarce.
- **Convenient Transportation**--Nearly half of all trips people make within their communities can be made easily on foot or bicycle. Fifty percent of all personal travel trips are less than 3 miles long. Personal business trips, like doctor visits, household errands, and visits to friends account for 415% of all trips. Such personal short distance trips are well suited to travel by walking or bicycling. Public rail-trails, multi-use pathways, and on-road bicycle facilities offer communities a means of safe convenient transportation and keep the essential links within a community open to all. They can connect neighborhoods to schools, work places, commercial and cultural centers, historic sights, and transit stations.
- **Health and Fitness**--The health benefits of exercise derived from recreational activities, such as bicycling and walking lessen health-related problems and reduce health care costs. Trails, spacious sidewalks, and greenway trails offer adults and children alike the opportunity to integrate moderate, individualized exercise with their daily trips to work, school, the library or shopping. Regular, moderate exercise has been proven to reduce the risk of many health problems, such as coronary heart disease, diabetes, certain kinds of cancers, and obesity. Regular exercise can also protect against injury and disability because it build muscular strength and flexibility. In addition to the health benefits that bicycling and walking offer, consider also the improvement of physical health reduces health care costs. People who exercise regularly have 14% lower claims against their medical insurance and spend 30% fewer days in the hospital than people who do not exercise regularly.

### C. Community Safety

Conway can take several steps in reducing accidents that can occur between automobiles, pedestrians, and bicyclists. The following are suggestions on how to create a safer environment for all modes of travel:

- **Encourage schools, safety organizations, and law enforcement agencies to deal with bicycle and pedestrian safety issues and to focus on the most important safety problems.** The development of public education campaigns should be keyed to the most important causes of accidents, injuries, and deaths. For example, the leading cause of bicycle accidents occurs when cyclists ride on the wrong (left) side of the street. By educating bicyclists to obey traffic rules and to ride safely with motor vehicles most accidents can be prevented.
- **Promote the use of safety equipment among bicyclists (e.g., lights, helmets, reflectors) and encourage safety groups to develop programs promoting the purchase and use of safety equipment among the bicycling public.** Ideas for public involvement include community 'safety days' centered on trails or group presentations to local clubs and schools. It is recommended that safety presentations are more effective when the information is tailored to the particular audience. A good example, for school-aged children is to set up a mock street or trail on the school grounds with lines, obstructions and signs. Children who make up a large percentage of bicycle traffic can then practice safe bike riding habits on the course.
- **Discourage agencies' placing marked (painted) crosswalks at uncontrolled locations, i.e. no stop or traffic signal control.** Marked crosswalks on busy streets give pedestrians a false sense of security and are a leading cause of auto/pedestrian accidents.
- **Encourage neighborhood designs for both pedestrians and autos.** Local streets can be designed to induce lower vehicle speeds. Discourage school districts from placing elementary schools along major streets and thus limit children's exposure to traffic and speeding vehicles. Employment centers can contribute to reducing the number of crashes, injuries, and deaths among agency staff. Provide training and awareness programs for employees. Encourage staff to use bicycle safety equipment.

### D. Crime Control and Emergency Vehicle Access

A well-designed trail prevents many security problems. Although crime is a common concern many studies have proven that crime does not increase at trail locations or on adjacent properties. If problems will occur they will most likely happen in parking lots. Parking Lot Design (fencing, lighting, one entrance point to trail) can solve most safety concerns. Night security lights installed at trailheads and other activity areas can also solve many problems at these locations. Trails should always be planned to accommodate security, safety and emergency equipment (fire engines and ambulances). Construct bollards at access points that can be removed or folded over in the event an emergency vehicle needs to enter onto the trail.

Other safety considerations should include emergency telephones and landscaping. Emergency telephones or call box systems with direct connections to 911 are a worthwhile consideration especially along remote sections of a trail. Landscaping along trails should consist of low shrubs and tree branches should be 'cropped close to the trunk, at least 10 feet from the ground,' so that potential offenders will not have an easy place to hide.

### E. Cooperation and Community Involvement

The following are ideas adapted from Trails in the Twenty-First Century, by the Rails-to-Trails Conservancy (1993):

To maintain and develop relationships with adjacent landowners:

- Adjacent Landowners need to know who to contact about specific problems.
- Maintain trail on regular basis and consider involving citizens in trail upkeep with volunteer work groups and 'adopt-a-trail' programs.
- Promptly respond to problems, such as unauthorized motorized vehicles use, vandalism, theft of trail signs, and graffiti. Consistent quality upkeep of the trail will build community confidence
- in the ability to manage the trail.
- Consider scheduling regular meetings to receive input from users, residents and landowners.
- Invite landowners on a trail tour led by a park ranger or someone who is involved with trail management or planning.
- To win support of landowners, consider writing personal letters testifying of the benefits of trails.
- Make sure adequate facilities, such as restrooms and drinking fountains are provided so that adjacent landowners are assured that trail users will stay on the trail.

The Town should consider community trail events and public education programs such as the following:

- Trail Corridor Tours
- Trail Work Day
- Photo Competition
- Trail-athon or Walk-athon
- Poster/Logo Contests "Name the Trail"
- Decorative Bicycle Parade
- Nature Walks
- Newspaper Column

## 6. Action Items

The Town of Conway should compile an inventory of pedestrian, cycling and recreational trails, as well as, associated infrastructure. This would supplement the current Map 6-2 Recreation Trails and Bike Routes.

The Town of Conway should engage the public for input into setting priorities and preferences relative to designated bike routes, streetscape design and infrastructure improvements.

The Town of Conway should establish and designate bike routes on the existing road network and identify infrastructure improvements (bike lane widening, pavement markings, signage, etc.) that would improve safety and the cycling experience along those routes. This would supplement the current Map 6-3 Bike Routes and Conceptual Greenways.

The Town of Conway should develop village streetscape plans that would give NH DOT guidance for incorporating bicycle and pedestrian facilities into future State highway projects.

The Town of Conway should continue to partner with other agencies, organizations and private property owners to enhance the existing trail network as well as establishing agreements to secure easements that facilitate connectivity among the segments of the existing trail system.