

CONWAY PLANNING BOARD

MINUTES

MAY 26, 2016

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CONWAY PLANNING BOARD

MINUTES

MAY 26, 2016

A meeting of the Conway Planning Board was held on Thursday, May 26, 2016 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; Secretary, Kevin Flanagan; Michael Fougere; Raymond Shakir; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Flanagan made a motion, seconded by Mr. Fougere, to approve the Minutes of May 12, 2016 as written. Motion unanimously carried.

ROGER AND JACQUELINE GARLAND (FILE #FR16-04) – FULL SITE PLAN REVIEW (PID 253-8)

George Fredette of SFC Engineering appeared before the Board. This is an application to construct a fuel depot, an 800 square foot warehouse building and associated infrastructure on East Conway Road, Center Conway (PID 253-8). Mr. Fredette stated there will be 2, 30,000 gallon underground tanks, a 5,000-gallon diesel fuel tank and three, 15,000-gallon petroleum tanks.

Mr. Fredette stated they have not addressed the deficiency list from the Planning Staff; they would like to ask the Board to accept the application and then continue to another meeting. **Mr. Porter made a motion, seconded by Mr. Flanagan, to accept the application of Roger and Jacqueline Garland for a Full Site Plan Review as substantially complete. Motion unanimously carried.**

Mr. Drinkhall asked for public comment; John Stevens stated he is concerned about the dust from the road and the use of Jake brakes, there is no reason to use them on a flat piece of ground. Mr. Irving stated the Town is requiring the applicant to pave the service access to this site; they do not have access to Service Road, but he will pass on the concern to the Town Engineer.

Mr. Fredette asked that the application be continued. **Mr. Drinkhall made a motion, seconded by Mr. Flanagan, to continue the Full Site Plan Review for Roger and Jacqueline Garland until June 9, 2016. Motion unanimously carried.**

Mr. Shakir stated he had a few questions. **Mr. Drinkhall made a motion, seconded by Mr. Fougere, to reopen the public hearing for Roger and Jacqueline Garland. Motion unanimously carried.** Mr. Shakir asked if there would be any audible alarms to warn residents of the area there is an incident. Mr. Fredette stated he would look into it. Mr. Fougere asked what is planned for fire suppression.

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Russ Boisvert for Rymes stated the tanks are underground because of the concern with water supply, it lessens the danger factor. Mr. Fougere stated the concern is water supply; the closest is White Mountain Oil and that is locked at night. Mr. Fougere stated they should consider a well on site in order to be able to produce your own water. Mr. Fredette stated he will bring back the Team to the next meeting so this can be explained. Mr. Irving stated the previous application for a propane facility had a monitor gun stationed on site and a piping system that went out to the public State right-of-way; this was done at the recommendation of the Fire Chief.

Mr. Flanagan asked if there is a department that makes sure these types of facilities are spaced out enough. Mr. Irving answered the Fire Marshall and a fire safety study is done. Mr. Fougere stated it will be a burden to White Mountain Oil to supply water during a situation they have created for themselves. **Mr. Hartmann made a motion, seconded by Mr. Porter, to continue the public hearing for Roger and Jacqueline Garland until to June 9, 2016. Motion unanimously carried.**

RICHARD LEAVITT (FILE #S16-07) – 6-UNIT SUBDIVISION (PID 219-104.1, 104.2 & 104.3)

Shawn Bergeron of Bergeron Technical Services appeared before the Board. This is an application to merge three lots into one lot of record and create a 6-unit subdivision at 90 Cranmore Road, North Conway (PID 219-104.1, 104.2 & 104.3). Mr. Bergeron gave an overview of the project. **Mr. Porter made a motion, seconded by Mr. Fougere, to accept the application of Richard Leavitt for a Subdivision Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; Mr. Porter asked if they are going to share one parcel of land. Mr. Bergeron stated there are exclusive use areas around each unit, but the remaining land will be common land. Mr. Porter asked does the area being built on meet the Town of Conway lot size requirement. Mr. Irving stated this is a unit subdivision; there is one parent parcel with building footprints and exclusive use areas for each unit, but these will not be individual lots of record.

Mr. Shakir asked if they will have garages. Mr. Bergeron answered in the negative. Mr. Shakir asked if there would be reserved parking spaces for each unit. Mr. Bergeron answered in the negative and stated there is a shared parking lot. Mr. Shakir asked if there would be restrictions on the number of vehicles allowed. Mr. Bergeron answered in the negative.

Mr. Drinkhall asked for public comment; David Carey asked the size of each dwelling unit. Mr. Bergeron answered 30' x 24'. Mr. Carey asked if they will be two-stories. Mr. Bergeron stated maybe a loft. Mr. Carey stated if they have friends visit, don't you think there will be a parking problem. Mr. Bergeron stated they meet the Town of Conway parking standards; he thinks this will be sufficient for what is going on. Mr. Carey asked if this meets the Town Zoning requirements. Mr. Bergeron answered in the affirmative.

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Mr. Hartmann asked if the applicant considered driveways off of Skimobile. Mr. Bergeron answered in the affirmative, but stated the topography is tough. Mr. Porter asked if these are going to be privately owned or rental properties; think we have a problem brewing with parking. Mr. Porter stated he has reservations with this site is accessed. Mr. Bergeron stated the original design did not have the loop driveway, but the North Conway Fire Chief would not support a single access.

Mr. Bergeron stated in regard to how the units will be occupied he would refer to the owner, Richard Leavitt. Mr. Leavitt stated he intends to keep these and use them for short term rentals; he thinks the size of the units will limit the number of people who occupy them. Mr. Leavitt stated there will be two- and three-bedroom units; at most it will be a family with kids or two couples, they are not designed for large groups.

Mr. Bergeron stated they are 720 square feet; they are not big structures. Mr. Bergeron stated putting large groups in any of these structures is not going to happen. Mr. Carey stated if they are short term rentals and Mount Cranmore is right there, he has a concern with the occupancy.

Mr. Carey stated this is a sleek way to turn three single-family lots into a hotel with cottages. Mr. Carey stated they do pile them in and concerned with what will happen down the road. Mr. Flanagan stated he doesn't think the Town has anything in place to regulate this type of activity even though it does have an impact on the neighborhood.

Mr. Porter stated the Board of Selectmen (BOS) has reviewed this type of activity and this meets all the requirements, but personally have a problem with this as it could create a potential problem down the road. Mr. Drinkhall asked if Chief Preece addressed overflow parking. Mr. Bergeron stated he has approved this plan as designed.

Mr. Bergeron stated he appreciates and respects everyone's concern, but developing the worst possibility of what could happen. Mr. Bergeron stated the structures are small and meet the requirements of the Town of Conway; have to take it at face value that the property owner is going to use the property as he says he intends to.

Mr. Shakir stated he doesn't have a concern with access or noise, but we all know that these units are not going to be used as a single-family unit. Mr. Shakir stated we know that they are going to pack people in there and he thinks the parking situation is underutilized and should actually be doubled. Mr. Bergeron stated the site fully meet the requirements; the Town has a tendency to create more parking than what is necessary.

Mr. Hartmann asked Mr. Irving when something like this becomes commercial. Mr. Irving stated when they are no longer single-family homes. Mr. Irving stated we don't have the authority to regulate length of tenure; at this point in time, the BOS has indicated they are not ready to regulate length of tenure for single-family structures.

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Mr. Bergeron read the waiver requests for §131-3; §131-37.1.A; and §131-67.C.8.h. **Mr. Hartmann made a motion, seconded by Mr. Shakir, to grant the waiver for §131-3; §131-37.1.A; and §131-67.C.8.h. Motion carried with Mr. Flanagan, Mr. Shakir, Mr. Fougere and Mr. Drinkhall voting in the affirmative and Mr. Hartmann and Mr. Porter voting in the negative.**

Mr. Hartmann made a motion, seconded by Mr. Flanagan, to sign the lot merger to merge PID 219-104.1, 104.2 & 104.3 into one lot of record and to make the recording of the lot merger subsequent to the condition of approval. Motion unanimously carried.

Mr. Porter made a motion, seconded by Mr. Fougere, to conditionally approve the subdivision for Richard Leavitt conditionally upon Town Engineer Approval; submitting four copies of revised plan sets with original signatures; submitting a Mylar for recording; 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 August 25, 2016. Motion carried with Mr. Porter voting in the negative.

Mr. Carey stated that the Planning Board and the BOS need to get together and address this situation or we will end up with motels in people's back yards; this is a real problem.

OTHER BUSINESS

Daniel Robins (PID 297-3) – Class VI Road: This is a request to seek a building permit pursuant to RSA 674:41 on a Class VI Road. Paul King appeared before the Board representing Phil Halle, who was in attendance, of Summit Builders who is representing the land owner, Daniel Robins. Mr. King submitted information to the Board (attached).

Mr. King stated Leavitt Road Extension is a Class VI road; and pursuant to RSA 674:41 the BOS can authorize the issuance of a Building Permit on a Class VI road, but they must receive a review and comments from the Planning Board. Mr. King stated they are seeking a positive review from the Planning Board to forward to the BOS. Mr. Irving stated staff has no issues or concerns with this request.

Mr. Drinkhall asked for Board comment; Mr. Hartmann asked for an explanation of what this Board is supposed to do with this request. Mr. Irving stated Class VI roads are Town roads that are not built to Town standards and are not maintained. Mr. Irving stated if you own a lot on a Class VI road that you wish to access, the Town does not want to be responsible to maintain these roads nor do they want to create any liability, so RSA 674:41 give the BOS the authority to issue a building permit on the Class VI road if the owner records a document at the Registry of Deeds that the Town is not responsible.

Mr. Drinkhall asked for public comment; there was none. **Mr. Porter made a motion, seconded by Mr. Shakir, to indicate to the Board of Selectmen if they are of the opinion to issue a building permit they should. Motion unanimously carried.**

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Andrew and Tessa Narducci (PID 219-4) - §123-4.A.5 (File #NA16-02): This is a request to allow the construction of a building overhang at 112 Mechanic Street, North Conway. Mr. Irving stated the property owner would like to construct an awning overhang along the front of the building; the entire front of the lot is pavement.

Mr. Porter made a motion, seconded by Mr. Flanagan, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the construction of a building overhang is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.

CMR Properties, LLC (PID 214-84) - §123-4.A.5 (File #NA16-03): Glen Harmon, Director of Operations at Cranmore Mountain, appeared before the Board. This is a request to expand an existing deck at 239 Skimobile Road, North Conway. Mr. Irving stated this is the deck on the back of Zip's Pub. Mr. Harmon stated it is an 850 square foot addition.

Mr. Drinkhall asked for Board comment; Mr. Hartmann asked if there is a major plan for this site. Mr. Harmon answered in the affirmative and stated that this just came about during their normal maintenance of the site.

Mr. Shakir made a motion, seconded by Mr. Hartmann, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that the expansion of an existing deck is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.

Whitesides Realty, Inc/Via Roma's (PID 230-4) - §123-4.A.5 (File #NA16-04): Mohd of Via Roma's appeared before the Board. This is a request to allow outdoor seating at 2076 White Mountain Highway, North Conway. Mr. Irving stated that they would like to move existing approved seats outside in front of the restaurant. Mr. Irving stated they are proposing to block each end with concrete barriers and planters. Mr. Irving stated they will have up to 10 seats and five tables.

Mr. Hartmann asked if the other tenants in the building have approved this. Mr. Irving stated they will have to obtain approval from the property owner and any conflicts will have to be addressed by the property. Mr. Fougere was concerned with protection from the road. Mr. Irving stated there is a sidewalk and a telephone pole. Mr. Hartmann asked if the barriers are seasonal. Mohd answered just summer time.

Mr. Drinkhall made a motion, seconded by Mr. Shakir, that the Planning Board determined that based on the provisions of §123-4. A. 5., regarding applicability, that outdoor seating is not subject to a Minor or Full Site Plan Review because it has been demonstrated that the change of use and/or physical changes to the site are insignificant relative to the existing development. Motion unanimously carried.

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Adoption of Trails Plan - Master Plan: Mr. Porter made a motion, seconded by Mr. Shakir, to amend the Conway Master Plan to include the Trails Plan. Motion unanimously carried.

Alternate to the Planning Board: Mr. Irving stated that Martha Tobin has expressed interest in being an alternate Planning Board member. Mr. Porter made a motion, seconded by Mr. Drinkhall, to appoint Martha Tobin as an alternate for one-year [2017]. Motion unanimously carried.

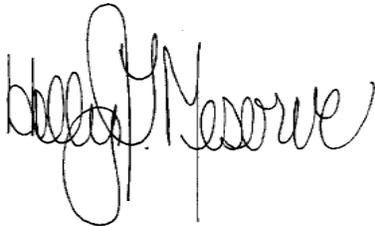
Flat Screen TV for meeting room: Mr. Porter stated that he submitted the Planning Board's request at the last work session regarding the feasibility of a television for the meeting room and the Town is looking into it. Mr. Flanagan submitted information (attached) regarding a TV to the Board.

Roundabout in Conway Village: Mr. Shakir stated he has read the articles in the Conway Daily Sun that there are major obstacles with Fairpoint, but he would suggest that the Town and State public improvement requirements trump any utility company. Mr. Shakir stated their Franchise fee allows them a position in the roadway, but not necessarily where. Mr. Shakir stated it is their responsibility to provide an order and move it at their expense; don't see why this has to be such a road block to a public improvement proposal that is in the top 3 things that this Town needs. Mr. Shakir stated that he would like to request that the Administration have them move the utility.

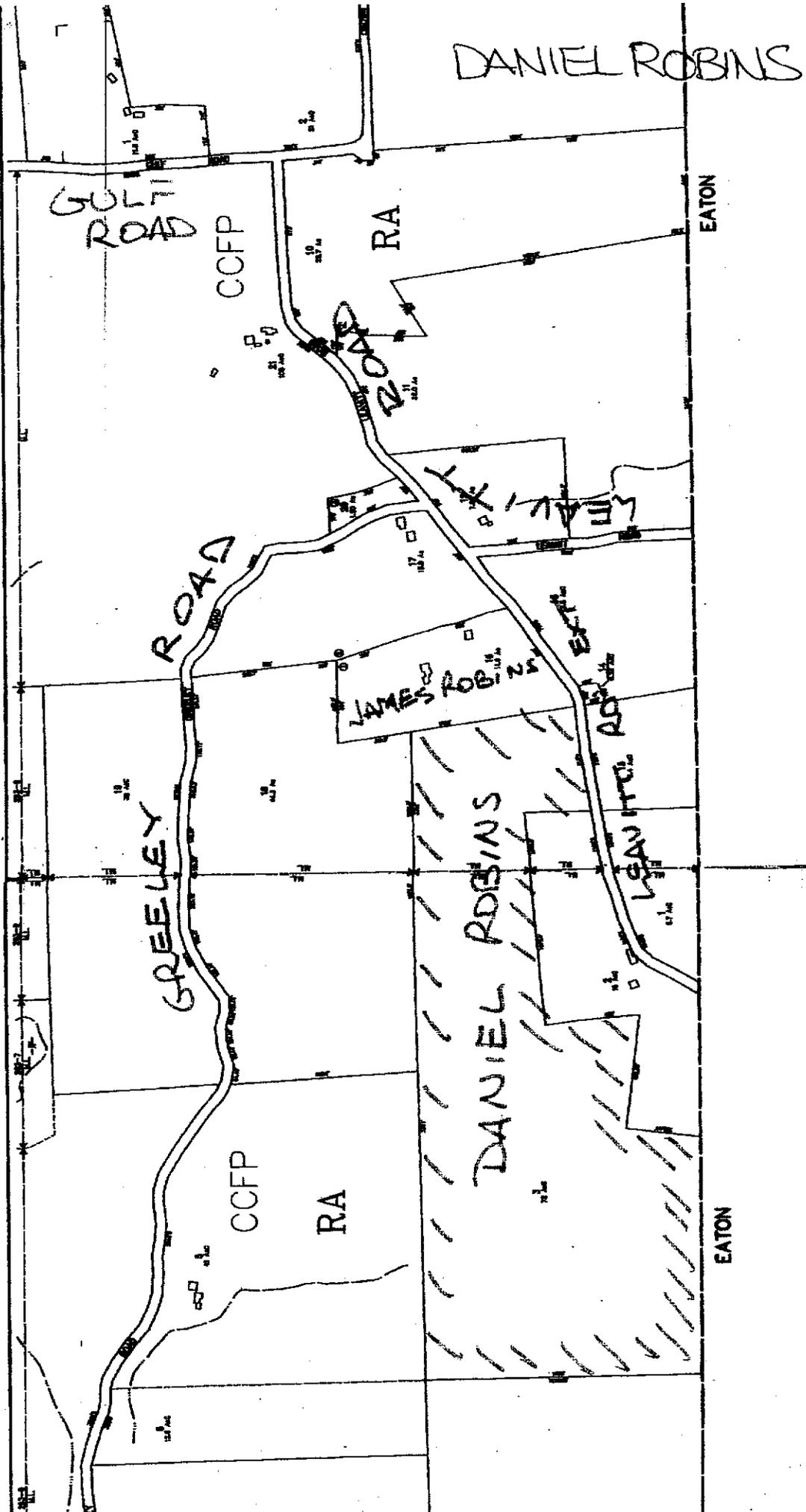
AirBNB: Tom Eastman of the Conway Daily Sun asked how Mr. Irving sees it proceeding, will it be complaint driven. Mr. Irving stated he is monitoring and compiling any complaints that are received and the BOS will be kept informed of the complaints. Mr. Irving stated it is the role of the BOS to take action on these. Mr. Irving stated there is currently legislation proposed to allow municipalities to regulate this type of activity; the BOS wanted to wait to see how that went.

Meeting adjourned at 8:26 pm.

Respectfully submitted,



Holly L. Meserve
Recording Secretary



PROJECT: CONWAY LOCATION: NEW HAMPSHIRE	SHEET: 29
PREPARED BY: NAV Technologies DATE: APRIL 1, 2018	REVISIONS TO: APRIL 1, 2018

TITLE LXIV DANIEL ROBINS PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:41

674:41 Erection of Buildings on Streets; Appeals. --

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or

(b) Corresponds in its location and lines with:

(1) A street shown on the official map; or

(2) A street on a subdivision plat approved by the planning board; or

(3) A street on a street plat made by and adopted by the planning board; or

(4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

(c) Is a class VI highway, provided that:

(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

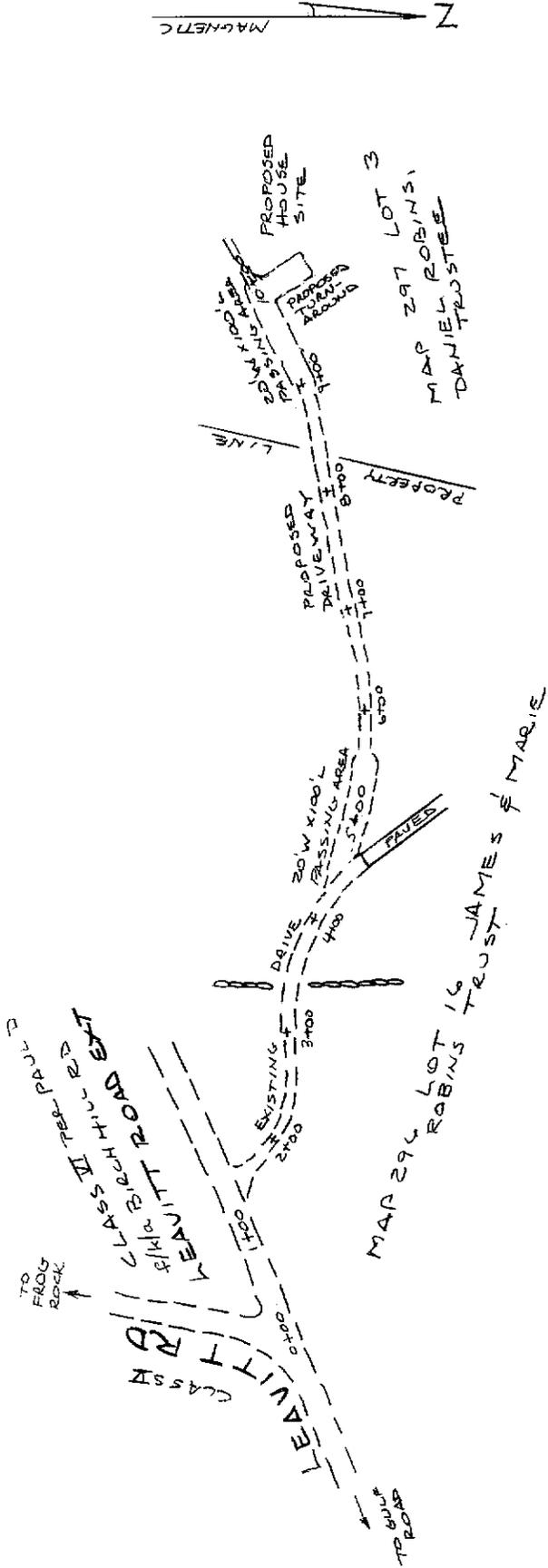
(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

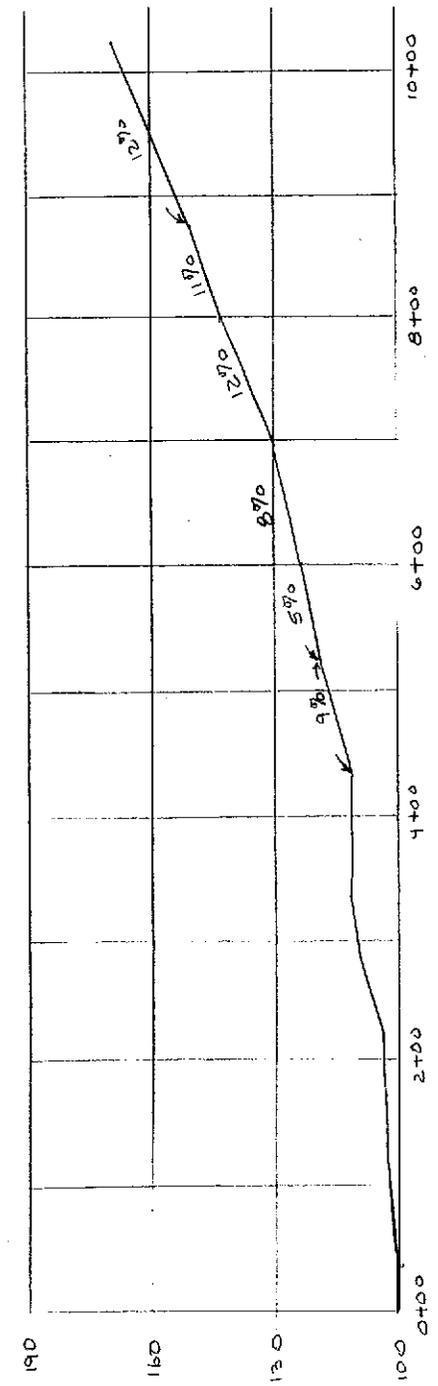
(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

(e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the



PLAN
1"=100'



PROFILE
HOR SCALE 1"=100'
VER SCALE 1"=30'

DRIVEWAY PLAN & PROFILE
CONWAY, NH

PREPARED BY
PAUL L. KINGS, L.L.S., P.E.
MAY 2016

NOTES:

1. DRIVEWAY SHALL BE 10' WIDE (MIN) EXCEPT AS NOTED

DANIEL ROBINS

To: Earl Sires &
the Conway Board of Selectmen

Re: HDTV for the Conway Townhall Board Room

Dear Board Members,

I'd like to ask for your consideration in a plan to update the town hall's public board room with HDTV monitors. This would give engineers the opportunity to present their plans in a public hearing room with better detail and size afforded on paper drawings which are currently positioned in the corner of the room. This improvement would allow all board members a better vantage point to view proposed plans while the presenter is pointing to them, but it would also allow the general public in the gallery a better view on the topics being presented, as well as better accommodations for the television camera that is filming for cable channel 3. These improvements would not only serve the planning board, but any presenter that is showing information to the selectmen or any other board or committee in the room.

Ideally, I am suggesting the room be updated with two 50 inch televisions, one monitor which would be mounted directly behind the "board" table, and a second which would be mounted behind the presenter, for the benefit of that professional who is presenting as well as for a vantage point for the town engineer, board chair, and selectmen's representative.

I've spoken with a few engineering professionals on this idea and they wholeheartedly support it. Setup is simple and even familiar to many professionals, as all that it requires is a laptop or tablet with an HDMI output on it. Windows 10 and Apple OS systems automatically will detect the external monitor once it is plugged into a device and powered.

The hardware for this proposal would include the following:

- 2 HDTV 50 inch TV sets
- 1 HDTV
- 2 long length HDTV cables to accommodate the screens
- 1 moderate length HDMI cable

power requirements would be: a standard 15 amp outlet for each television, one AC outlet for the splitter and one outlet available to the presenter for their own laptop.

Under the town's purchasing policy, Chapter 43.3 the town manager may approve any purchase order which is less than \$1,000, so this should not need to be made into a warrant article in order for expedient approval. I will also volunteer my time in installing the system, as the only parts which will be semi-permanent in the room will be the wall brackets for the television screens.

Thanks for your consideration and I hope you appreciate the merit in this proposal. Should you be interested in further inquiry, please don't hesitate to call me.

Sincerely,

Kevin Flanagan

I've created a grid below, outlining the hardware necessary for this project, and begun to fill in the pricing for 3 different providers. These prices reflect what was available on May 26th, but the component parts are available as general retail commodities, so pricing shouldn't fluctuate beyond 20% at any given point in the near future.

	Newegg.com		Amazon.com		Walmart.com	
	Link	Price	Link	Price	Link	Price
HDMI splitter		24.99		8.99		
2 long HDMI cords				9.99 pp		
HDMI screens: 49 inch		\$339.00 pp				
Low profile wall mount						9.28 pp
Proposal Total:	\$740.84					

A setup video for this system is available also:

<https://www.youtube.com/watch?v=gjzZHpz3S8U>

ADOPTED BY THE
PLANNING BOARD
05/26/16

Town of Conway Master Plan Update: Trails Plan



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

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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 is intended to 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 demonstrates 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~~ can also be 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 may 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. Incentives that encourage voluntary easements and rights-of-way should be emphasized.

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 should incorporate incentives that foster trail improvements in accordance with the Trails Plan. Encouraging trail improvements can help insure the preservation of a proposed trail route. These regulations should ~~be amended to also provide incentives for~~ 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. Incentives should be provided that encourage developers to incorporate trails ~~Trails, pedestrian paths and bike paths as integral parts of their developments 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 promoted guaranteed in new developments ~~through the exaction~~ by providing incentives for ~~of~~ public trail easements and other, ~~through building standards, and zoning, subdivision and site plan requirements~~ provisions.

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 21st 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 providing incentives that encourage 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 perspective 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 41.5% 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, utility companies, organizations and private property owners to enhance the existing trail network as well as establishing agreements to secure voluntary easements that facilitate connectivity among the segments of the existing trail system.