

**CONWAY PLANNING BOARD**

**MINUTES**

**JANUARY 23, 2020**

**PAGES**

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**CONWAY PLANNING BOARD**

**MINUTES**

**JANUARY 23, 2020**

A meeting of the Conway Planning Board was held on Thursday, January 23, 2020 beginning at 7:00 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Steven Hartmann; Selectmen's Representative, Steven Porter; Vice Chair, Sarah Verney; Secretary, Benjamin Colbath; Raymond Shakir; Steven Steiner; Bill Barbin; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Colbath made a motion, seconded by Mr. Shakir, to approve the Minutes of December 12, 2019 as written. Motion carried unanimously.**

**PUMPKIN PINE REALTY TRUST (FILE #S20-01) – 5-LOT SUBDIVISION REVIEW (PID 214-87)**

Wes Smith of Thorne Surveys appeared before the Board. This is an application to subdivide ≈8.85 acres into five (5) lots. Mr. Smith gave an overview of the project. **Mr. Porter made a motion, seconded by Mr. Colbath, to accept the application of Pumpkin Pine Realty Trust for a subdivision review as complete. Motion carried unanimously.**

Mr. Irving stated there are no waivers requested and the Town has no objections. Mr. Hartmann asked for Board comment; there was none.

Mr. Hartmann asked for public comment; Cindy Shirley, who lives on Whitaker Lane, asked if each home has to have a certain amount of land. Mr. Irving stated in the residential agricultural district serviced by municipal water and sewer there is a ½ acre minimum lot size. Mr. Irving stated this is for the subdivision, they have not determined the density yet. Mr. Irving stated if the lot is over ½ acre, they could apply for a duplex.

**Mr. Barbin made a motion, seconded by Mr. Colbath, to conditionally approve the 5-lot subdivision for Pumpkin Pine Realty Trust conditionally upon Town Engineer approval; North Conway Fire Chief approval; North Conway Water Precinct approval; submitting a Mylar for recording; submitting a \$25 check made payable to the Carroll County Registry of Deeds for the LCHIP fee; submitting four copies of revised plans with original stamps and signatures; submitting \$200 for inspection fees; a performance guarantee for all on-site improvements; a performance guarantee for all off-site improvements; when the conditions have been met, the plans can be signed out of session; and this conditional approval will expire on April 23, 2020. Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Frechette, to take the agenda out of sequence. Motion carried unanimously.**

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

**§195 – Affordable Housing Ordinance** – Andy Dean and Victoria Laracy appeared before the Board. The purpose of this amendment is to provide a mechanism to encourage the development of affordable units through the use of deed restrictions and other legal mechanisms.

Mr. Dean stated what is petitioned is the final draft that was agreed upon by them and Mr. Irving. Mr. Dean stated it provides a mechanism for encouraging development of affordable units in the Town of Conway; it is a density bonus. Mr. Dean stated there was a concern with how to maintain each unit as being affordable, so were proposing a deed restriction. Ms. Laracy stated this is for long term rentals; these units are not eligible to be short term rentals.

There was a brief discussion regarding lot sizes for lots serviced and not serviced by municipal water and sewer. Mr. Porter stated this is a chance to add to the housing stock. Mr. Irving stated this is a companion to the zoning ordinance. Mr. Irving stated there is a specific restriction in the residential agricultural district that is not serviced by municipal water and sewer, then you would not get the full benefit of the additional density. Mr. Dean stated these density bonuses are only available if affordable housing is being developed.

Mr. Steiner asked what is considered affordable. Mr. Dean stated it is based on HUD guidelines; HUD publishes guidelines on income and affordability. Ms. Frechette asked if this is to encourage development of affordable housing units for individual sale, and not to develop individual units that could go into rental. Mr. Dean agreed.

Mr. Shakir stated if this removes the density restriction on a property with municipal sewer what restricts the density. Mr. Dean stated it is not removed, it is just lowered. Mr. Shakir asked if the original density restriction was one house per acre, and it is no longer restricted to the one building, how many of those units can be on those properties. Mr. Dean answered it is probably a 50% increase.

Mr. Hartmann opened the public hearing at 7:30 pm. Mr. Hartmann asked for public comment; Cheryl Frankowski stated there is a desperate need for housing and she wants to show support for this amendment as something needs to be done. Bob Seaman, Board of Director for the Mount Washington Valley Housing Coalition, stated this is a very significant milestone; this is a giant step in meeting a goal in the Master Plan, and the coalition has done a phenomenal job. Steve Woodcock stated he appreciates the fact they are trying to help this situation, and he hopes the Board supports it.

Mr. Hartmann closed the public hearing at 7:32 pm.

**Mr. Porter made a motion, seconded by Mr. Steiner, to recommend the petitioned article for §195, Affordable Housing Ordinance to the warrant. Motion carried unanimously (7-0-0).**

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

**§195 – Affordable Housing Ordinance** – The purpose of this amendment is to provide a mechanism to encourage the development of affordable units through the use of deed restrictions and other legal mechanisms. Since the Board supported the petitioned article, **Mr. Porter made a motion, seconded by Ms. Frechette, to not propose the Board’s proposed affordable housing amendment. Motion carried unanimously.**

**§190, Permitted Use Table – Parking Lots** – The purpose of this amendment is to establish parking lots as an approved use and no longer requires that they be accessory to an approved on-site use. Mr. Irving stated currently parking lots are only allowed with a permitted use; and this amendment does not apply to the residential agricultural district.

Mr. Hartmann asked for Board comment; Mr. Shakir asked if the land is town owned. Mr. Irving answered in the negative. Mr. Shakir asked who’s responsible to build the parking lot. Mr. Irving answered the developer. Mr. Hartmann opened the public hearing at 7:39 pm. Mr. Hartmann asked for public comment; there was none. Mr. Irving stated parking lots are not a residential use, so they would be subject to the site plan review regulations.

Mr. Hartmann closed public comment at 7:40 pm. **Mr. Steiner made a motion, seconded by Mr. Shakir, to recommend the proposed amendment to §190, Permitted Use Table – Parking Lots to the warrant as written. Motion carried with Mr. Colbath voting in the negative (6-1-0).**

**§190, Permitted Use Table – Solar** – The purpose of this amendment is to establish solar collection systems as an approved use or approved by special exception. This also includes amendment §190-31 Definitions for solar developments and adding a special exception for solar developments in the RA district (§190-13.K.).

Michael DiGregorio appeared before the Board. Mr. Irving stated the Town does allow solar developments in the industrial and commercial districts and the Town also allows them as accessory uses in all districts. Mr. Irving stated the Town does not have provisions that adequately address the larger scale, stand alone, independent primary use solar fields in the residential agricultural district and in several of the other districts. Mr. Irving stated this amendment creates a special exception that limits the development in the residential agricultural district, but also provides definitions of the various scales of solar developments and amendments to the use table.

Mr. Hartmann opened the public hearing at 7:43 pm. Mr. Hartmann asked for public comment; there was none. Mr. Hartmann closed the public hearing at 7:43 pm. Mr. Irving read the proposed special exception with a proposed amendment to item 14.(i). Mr. DiGregorio stated he also thought the Board agreed at the September 12, 2019 meeting to change large commercial solar to between 5 and 35 acres, and change industrial solar to between 35 and 50 acres. Mr. Irving asked the Board if they felt either of the changes were a substantive change. The Board agreed they were not.

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Mr. Shakir asked if Mr. Irving could review the vegetation. Mr. Irving read item (e). Mr. Shakir stated there is no specific identification of what type of vegetation. Mr. Irving stated it indicates slow growth and ground cover, but it does not dictate the type of vegetation.

**Mr. Porter made a motion, seconded by Mr. Steiner, that adding “This provision shall not apply to required poles, infrastructure and easements that are exclusively part of the utility interconnection approval for the system. Additionally, upgraded infrastructure that is required as part of increasing reliability and service to abutting properties as part of utility approvals is exempt provided any additional poles are limited to Class 1-50. Larger poles and towers shall require ZBA approval” is not a substantive change. Motion carried unanimously.**

**Mr. Hartmann made a motion, seconded by Mr. Steiner, that changing the definition of Large Commercial Scale to between 5 and 35 acres and Industrial Solar to between 35 acres and 50 acres is not a substantive change. Motion carried unanimously.**

**Mr. Steiner made a motion, seconded by Mr. Colbath, to recommend the proposed amendment as amended to §190, Permitted Use Table – Solar to the warrant as amended. Motion carried unanimously (7-0-0).**

**§190-14.B.(4)(a), §190-15.B.(4)(a), §190-16.B.(4)(a), §190-17.C.(5)(a), §190-18.B.(5)(a), §190-19.B.(5)(a), and §190-20.B.(5)(a) – Older Home Conversions** – The purpose of this amendment is to address the lack of a short-term rental restriction and re-establish consistency across the affected zoning districts.

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann opened the public hearing at 8:00 pm. Mr. Hartmann asked for public comment; Greydon Turner asked why does the structure have to be constructed prior to 1930. Mr. Irving stated when the ordinance was originally adopted in the 1980’s the requirement was that the structure had to be at least 50 years old, which would have made the structures constructed in the 1930’s.

Mr. Irving stated the intent was to preserve older homes. Mr. Irving stated that was also the time that it changed from platform framing to balloon framing; the architectural style changed in the 1930’s. Mr. Turner asked the Board to reconsider the 1930 requirement; it is a static number and there is a finite number of houses that were built prior to 1930.

Mr. Turner stated if we are looking to increase options, if we limit that available stock, we are not going to be able to increase options. Mr. Turner stated if we go back to a rolling scale of 50 years, we could be adding new homes that potentially are ready for changes.

Mr. Barbin asked if there is a mechanism to consider this. Mr. Irving stated it could be considered for the next town meeting. Mr. Irving stated the idea of this originally was to preserve those architecturally significant homes before the change in framing.

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Parker Fairfield referred to item 7 and asked about the density bump-up. Mr. Irving stated this provides up to four units on a property that may only have one unit today. Mr. Fairfield stated this does not have anything to do with acreage requirements or minimums. Mr. Irving answered in the negative and stated this is a special exception from the standard density provision, and gives additional opportunities. Mr. Hartmann closed the public hearing at 8:09 pm.

Mr. Irving stated in the sections relative to §190-17.C, 18.B and 19.B the text currently reads living instead of occupiable, which was changed in the other sections and asked if the Board would consider that a substantive change. Mr. Irving stated we are trying to make everything the same. **Mr. Colbath made a motion, seconded by Mr. Porter, that changing the word “living” to “occupiable” in §190-17.C, 18.B, and 19.B. is not a substantive change. Motion carried unanimously.**

Mr. Irving stated likewise in those specific sections the words “and not conflict with the purpose and intent of this section” was not struck out; would the Board consider striking that a substantive change. **Mr. Hartmann made a motion, seconded by Mr. Colbath, that striking “and not conflict with the purpose and intent of this section” from §190-17.C, 18.B, and 19.B. is not a substantive change. Motion carried unanimously.**

**Ms. Frechette made a motion, seconded by Mr. Colbath, to recommend the proposed amendment as amended to §190-14.B.(4)(a), §190-15.B.(4)(a), §190-16.B.(4)(a), §190-17.C.(5)(a), §190-18.B.(5)(a), §190-19.B.(5)(a), and §190-20.B.(5)(a) – Older Home Conversions to the warrant as amended. Motion carried unanimously (7-0-0).**

**§190-17.G.(7)(f), §190-18.F.(7)(f), §190-19.F.(8)(f), §190-20.F.(7)(f), §190-22.F.(7)(f), and §190-23.F.(7)(f) – Non-Illuminated Sign Advertising** – The purpose of this amendment is to remove reference to “in all districts” because the subject provision is not applicable to all districts.

Mr. Hartmann asked for Board comment; there was none. Mr. Hartmann opened the public hearing at 8:11 pm. Mr. Hartmann asked for public comment; there was none. Mr. Hartmann closed the public hearing at 8:11 pm.

**Mr. Porter made a motion, seconded by Mr. Colbath, to recommend the proposed amendment to §190-17.G.(7)(f), §190-18.F.(7)(f), §190-19.F.(8)(f), §190-20.F.(7)(f), §190-22.F.(7)(f), and §190-23.F.(7)(f) – Non-Illuminated Sign Advertising to the warrant as written. Motion carried unanimously (7-0-0).**

## **OTHER BUSINESS**

**Randy, Mary and Kimberly Gaudette (PID 201-23) – Conditional approval expiring (File #S19-07):** Mr. Porter made a motion, seconded by Mr. Steiner, to extend the conditional approval for Randy, Mary and Kimberly Gaudette until April 23, 2020. Motion carried unanimously.

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**Chester B. and Lydia T. Lucy Family Trust (PID 201-3 & 4) – Conditional approval expiring (File #S19-03):** Mr. Porter made a motion, seconded by Mr. Colbath, to extend the conditional approval for Chester B. and Lydia T. Lucy Family Trust until April 23, 2020. Motion carried unanimously.

**Allan Brothers Real Estate Holdings, LLC (PID 265-199) – Conditional approval expiring (File #S19-06):** Mr. Porter made a motion, seconded by Mr. Hartmann, to extend the conditional approval for Allan Brothers Real Estate Holdings, LLC until April 23, 2020. Motion carried unanimously.

**Cadorette Family Revocable Trust/Jay Cadorette (formerly owned by Elizabeth A. Priebe)**  
– This is a request for a revocation of a site plan approval (File #FR03-09 approved May 13, 2004) to convert a single-family home to a business and convert a barn to two residential units located at 47 West Main Street, Conway (PID 277-133).

Mr. Irving stated the property has been sold and the new owner does not want to develop the property as approved. Mr. Irving stated the abutters have been notified and there has been no response. **Mr. Porter made a motion, seconded by Mr. Colbath, to revoke site plan approval #FR03-09 at the request of the property owner. Motion carried unanimously.**

**Douglas Schremp and Kelly Korzeniowski (PID 299-129 & 130) – Lot Merger:** Mr. Barbin made a motion, seconded by Mr. Shakir, to approve a lot merger for Douglas Schremp and Kelly Korzeniowski. Motion carried unanimously.

**February 13, 2020 Planning Board meeting:** Mr. Porter made a motion, seconded by Ms. Frechette, to cancel the February 13, 2020 Planning Board Meeting. Motion carried unanimously.

Meeting adjourned at 8:28 pm.

Respectfully submitted,



Holly L. Meserve  
Planning Assistant

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**Petition to Amend Town of Conway Zoning Ordinance**

The undersigned, being twenty-five or more registered voters in the Town of Conway, New Hampshire, hereby petition pursuant to provisions of NH Rev. Stat. § 675:4 that the following Affordable Housing Ordinance be submitted to the voters of the Town of Conway as an amendment to the Town of Conway Zoning Ordinance (Chapter 190).

**Chapter 195 Affordable Housing Ordinance**

**§195-1 Purpose and Intent:**

The purpose of this Ordinance is to provide a mechanism to encourage the development of Affordable Units for moderate and lower income households to meet the needs of the Town of Conway, to foster economic and social stability within the larger community by providing opportunities for home ownership and long-term rental units and provide for the sustainability of Affordable Units in the future through the use of deed restrictions and other legal mechanisms and to further the intent of the Town of Conway to meet the requirements described under New Hampshire RSA 674.

**§195-2 Authority:**

This Ordinance is adopted under the authority of New Hampshire RSA 674:21 and is intended as an “inclusionary zoning” provision as defined therein which states in part that inclusionary zoning shall “provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.”

**§195-3 Applicability:**

This Ordinance shall apply to the following Districts:

- A. Residential/Agricultural District, subject to the limitations set forth below,
- B. Conway Village Residential District,
- C. North Conway Village Residential District,
- D. Center Conway Village Commercial District,
- E. Conway Village Commercial District,
- F. North Conway Village Commercial District, and
- G. Highway Commercial District.

**§195-4 Density Bonus and Other Development Incentives:**

Notwithstanding the minimum lot size, density requirements and frontage standards set forth in the zoning districts listed above and as more particularly described in Chapter 190-13 through 14, and Chapter 190-16 through 20, lot size, density requirements and frontage standards, for



Affordable Units and market rate units within an affordable housing development shall be as follows:

- A. Lots serviced by a municipal water system and a municipal sewerage system shall have at least one-quarter (1/4) acre for the first unit and five thousand (5,000) square feet for each additional unit on the same lot.
- B. Lots serviced by a municipal water system shall have at least one-half (1/2) acre for the first unit and five thousand (5,000) square feet for each additional unit on the same lot; provided the loading capacity for the septic system complies with, or obtains all appropriate waivers relating to, NHDES Code of Administrative Rules – Chapter Env.-Wq. 1000, as amended.
- C. All other lots shall have at least one-half (1/2) acre for each unit that may be located thereon; provided the loading capacity for the septic system complies with, or obtains all appropriate waivers relating to, NHDES Code of Administrative Rules – Chapter Env.-Wq. 1000, as amended. The density requirements set forth in this subparagraph (C) shall not apply to the Residential/Agricultural District and the density requirements set forth in Chapter 190-13(B)(3) shall govern and control.
- D. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road, cul de sac all constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be seventy-five (75) feet.
- E. All roads shall comply with the Town of Conway Road Standards described in the Subdivision (§ 130) regulations of the Town of Conway.
- F. No parking shall be within the front setbacks of any lot located within the Center Conway Village Commercial District, Conway Village Commercial District, Highway Commercial District and North Conway Village Commercial District. In instances where a development does not require site plan review, no parking shall be within the first fifteen (15) feet of the front setbacks of the Center Conway Village Residential District, North Conway Village Residential District and Residential/Agricultural District measured from the right of way.
- G. At least twenty-five percent (25%) of dwelling units within the affordable housing development must meet the definition of Affordable Units. When the number of Affordable Units is calculated to a fractional number, any fraction of less than one-half shall be rounded down to the next whole number; any fraction of one-half or greater shall be rounded up to the next whole number and treated as a whole inclusionary unit. For example, a three-unit development would be calculated as  $3 \times 25\% = 0.75$ , which would be rounded up to one Affordable Unit. Mobile homes or manufactured housing as defined in RSA 674:31 are not permitted; however pre-site built units as defined in RSA 674:31-a shall be permitted.

**§195-5 Plan Submission and Approval:**

Any subdivision and/or site plan submitted to the Planning Board in connection with this Ordinance shall contain the following information:

- A. The number of Affordable Units created and the percentage of Affordable Units relative to the percentage of market rate housing.
- B. Descriptions of the Affordable Units and the market rate units evidencing comparable number of bedrooms, bathrooms and square footages and complementary architectural styles and exterior finishes.
- C. Any other information as required by the Subdivision (§ 130) and/or Site Plan Review (§110) regulations of the Town of Conway.
- D. At the time of Planning Board approval, the Affordable Units must be expressly designated as such and shown on a plan with a condition that they shall remain affordable in compliance with this Ordinance and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same. The deed restriction will be in a form and substance approved by the Town of Conway.

**§195-6 Affordable Unit Location, Construction and Appearance:**

- A. All Affordable Units shall be dispersed throughout the project by being fully integrated with the market rate units such that they are distributed throughout the development and not clustered in one area of the development.
- B. All Affordable Units shall be constructed concurrently with the market rate units. Progress rates for construction of Affordable Units shall be the same as that of the market rate units.
- C. Affordable Units shall be constructed with complementary exterior design and materials that are comparable with those used in constructing the market rate units. Similar landscaping shall be applied to both Affordable Units and the market rate units. Affordable Units as well as market units may be pre-site built units as defined in RSA 674:31-a.
- D. Interior materials and amenities in the Affordable Units may be different from those used in the market rate units, provided that: the number of bedrooms shall be proportional between Affordable Units and market rate units.

**§195-7 Definitions:**

For purposes of this Ordinance the following terms shall be defined as follows:

- A. "Administrator" shall mean a designated officer with the Town of Conway or at the Town's discretion, its agent, which agent may be New Hampshire Housing and Finance Authority,

a local housing non-profit, or such other third party administrator as determined by the Town of Conway.

- B. "Affordable Unit" shall mean (i) with respect to unit ownership, the purchaser shall be an Eligible Buyer (as defined below) and the purchase price of the Affordable Unit shall be no greater than the estimated maximum affordable purchase price as most recently published by the New Hampshire Housing Finance Authority, and (ii) with respect to a rental unit, the renter shall be an Eligible Renter (as defined below) and the monthly rent shall be no greater than estimated maximum affordable monthly rent for Carroll County as most recently published by the New Hampshire Housing Finance Authority. Notwithstanding any other provision to the contrary, the resale price of an Affordable Unit may be increased by an amount not to exceed fifty percent (50%), up to a maximum amount of Ten Thousand Dollars (\$10,000.00), of documented capital improvements made by the seller and with a value as stated in a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury and delivered to the Administrator.
- C. "Eligible Buyer" is a household whose income does not exceed eighty percent (80%) of the area median income for a family of four in Carroll County as most recently published by the United States Department of Housing and Urban Development. The Eligible Buyer shall occupy the Affordable Unit as its primary residence and shall not own or have an interest in any other real estate.
- D. "Eligible Renter" is a household whose income does not exceed sixty percent (60%) of the area median income for a family of three in Carroll County as most recently published by the United States Department of Housing and Urban Development. The Eligible Renter shall occupy the Affordable Unit as its primary residence and shall not own or have an interest in any other real estate.

**§195-8 Restrictions on Rental:**

Units developed pursuant to this Ordinance, including Affordable Units and market rate units, shall not be used for short-term rentals such as, and including, without limitation, Airbnb, VRBO, HomeAway or any other similar short term rental platform. All unit leases shall be in writing and for a period of not less than six (6) months or more than twelve (12) months in any one instance. Tenants that occupy a unit for more than twelve months may continue to occupy the same unit with a written lease on a month to month basis. No tenant in an Affordable Unit shall be permitted to sublease all or a portion of the Affordable unit to anyone other than an Eligible Renter. The foregoing shall be included in the restrictive covenant in a form approved by the Town of Conway and shall be recorded with the Carroll County Registry of Deeds.

**§195-9 Future Transactions and Ordinance Enforcement:**

- A. Affordable Units offered for sale or rent and approved pursuant to this Ordinance shall require a restrictive covenant enforceable by or on behalf of the Town of Conway in a form approved by the Town of Conway and shall be recorded with the Carroll County Registry

of Deeds prior to the sale or rental of any Affordable Units. The limitations on the sale of Affordable Units as described in this Ordinance and the restrictive covenant shall not apply to a foreclosure by an institutional lender or a deed-in-lieu of foreclosure resulting from a mortgage with an institutional lender and upon foreclosure by an institutional lender or a deed-in-lieu of foreclosure resulting from a mortgage with an institutional lender, the income qualifications and resale limitations set forth herein shall terminate with respect to the impacted unit.

- B. Affordable Units for rent shall limit annual rent increases to the percentage increase in the area median income.
- C. This Ordinance shall be enforced by the Town of Conway or its designee in accordance with terms and conditions hereof and the regulations of the Town of Conway. To ensure that only eligible households purchase Affordable Units, at least thirty (30) days prior to the purchase of an Affordable Unit the following information shall be provided to the Administrator for review and approval: (i) a copy of the fully executed purchase and sale agreement, (ii) a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury confirming the annual income of the prospective purchaser, (iii) a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury confirming any capital improvements of seller that increase the purchase price, (iv) a certification from the Eligible Buyer that it will be occupying the Affordable Unit as its primary residence and it has no other interest in any other real estate, (v) a copy of the most recently published report by the New Hampshire Housing Finance Authority evidencing the estimated maximum affordable purchase price for housing units in Carroll County and (vi) the most recently published by the United States Department of Housing and Urban Development report evidencing the area median income for a family of four in Carroll County. The Administrator shall review the purchase and sales agreement, the certifications and the reports to determine compliance with this Ordinance. No sale of an Affordable Unit shall be permitted unless and until the Administrator has provided written approval that the sale of the Affordable Unit complies with this Ordinance and the restrictive covenant. Any sale of an Affordable Unit that fails to comply with this Ordinance and the restrictive covenant shall be deemed null and void.
- D. To ensure that only eligible households rent Affordable Units, at least fifteen (15) days prior to the rental of an Affordable Unit the following information shall be provided to the Administrator for review and approval: (i) a fully executed copy of the lease, (ii) a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury confirming the annual income of the prospective tenant, (iii) a copy of the most recently published report by the New Hampshire Housing Finance Authority evidencing the maximum affordable monthly rent for rental units in Carroll County (iv) a certification from the Eligible Renter that it will be occupying the Affordable Unit as its primary residence and it has no other interest in any other real estate, and (v) the most recently published by the United States Department of Housing and Urban Development report evidencing the area median income

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for a family of three in Carroll County. The Administrator shall review the lease, the certification and the reports to determine compliance with this Ordinance. No rental of an Affordable Unit shall be permitted unless and until the Administrator has provided written approval that the rental of the Affordable Unit complies with this Ordinance and the restrictive covenant. Any rental of an Affordable Unit that fails to comply with this Ordinance and the restrictive covenant shall be deemed null and void.

**§195-10 Effective Date/Invalidity**

This Ordinance shall be effective on the date that is three (3) months from the date it is approved by the voters of the Town of Conway through the passage of a warrant article. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

The undersigned being registered voters of the Town of Conway further attest that they have received and reviewed all six (6) pages of the proposed amendment in its entirety as set forth above.

SIGNATURE

*Victoria Laracy*  
*Earl Sires*  
*Michelle Conway*  
*Tyler T. Ray*  
*John L. Kelly*  
*Diane Ryan*  
*Gregory Turner*  
*Liz Lay*  
*Grace*  
*Kevin McPherson*  
*John Walker*  
*Kevin O'Brien*  
*Chris Major*  
*Dan Jones*  
*Michael Laracy*  
*10 Royal View Drive, Conway*  
*Judy Olson*  
*Jerry H. Praxel*  
*Kathleen Seibel*  
*Cheryl G. Larkin*  
*Jessie Doyle*  
*Anna Johnston*

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*Victoria Laracy 94 Holly Ridge Lane Conway*  
*Earl Sires 111 Mechanic Street North Conway*  
*Michelle Conway 155 William Ave. N. Conway*  
*Tyler T. Ray 570 Interstate Blvd Interstate*  
*John L. Kelly 3563 North Conway 0384*  
*15 Adelaide Way Conway NH Diane Ryan*  
*Jusan Ray - Keenan 50 N. Phosphate N Conway*  
*Gregory Turner 3557 White Mt Hwy North Conway*  
*Liz Lay 29918 White Mt Hwy, North Conway*  
*Grace 5411 N. Hwy 10 Box 2093 Conway*  
*Kevin McPherson 236 Park St Conway*  
*John Walker Trade P.O. Box 643 Center Conway NH 03813*  
*253 Echo Acres Road North Conway Kevin O'Brien*  
*274 Concord Farm Rd. N. Conway Chris Major*  
*DAN JONES 135 Hill Rd. Ctr. Conway 03813*  
*Michael Laracy 94 Holly Ridge Lane Conway*  
*10 Royal View Drive, Conway*  
*11 Maple Ridge Park Ctr Conway, NH*  
*2902 West Side Road N. Conway NH 03860*  
*21 Red Maple Bayou Road Conway NH 03818*  
*175 2167th St N Conway NH 03813*  
*Seibel - 78 Bow Lane N. Conway, NH*  
*114 Sargent Road, Center Conway NH 03860*  
*252 N. Street W Conway 03813*  
*147 Dunbar Rd N. Conway, NH 03813*

## **Chapter 195 Affordable Housing Ordinance**

### **§195-1 Purpose and Intent:**

The purpose of this Ordinance is to provide a mechanism to encourage the development of Affordable Units for moderate and lower income households to meet the needs of the Town of Conway, to foster economic and social stability within the larger community by providing opportunities for home ownership and long-term rental units and provide for the sustainability of Affordable Units in the future through the use of deed restrictions and other legal mechanisms and to further the intent of the Town of Conway to meet the requirements described under New Hampshire RSA 674.

### **§195-2 Authority:**

This Ordinance is adopted under the authority of New Hampshire RSA 674:21 and is intended as an “inclusionary zoning” provision as defined therein which states in part that inclusionary zoning shall “provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.”

### **§195-3 Applicability:**

This Ordinance shall apply to the following Districts:

- A. Residential/Agricultural District, subject to the limitations set forth below,
- B. Conway Village Residential District,
- C. North Conway Village Residential District,
- D. Center Conway Village Commercial District,
- E. Conway Village Commercial District,
- F. North Conway Village Commercial District, and
- G. Highway Commercial District.

### **§195-4 Density Bonus and Other Development Incentives:**

Notwithstanding the minimum lot size, density requirements and frontage standards set forth in the zoning districts listed above as more particularly described in Chapter 190-13 through 14, and Chapter 190-16-20, lot size, density requirements and frontage standards, for Affordable Units and market rate units within an affordable housing development shall be as follows:

- A. For lots serviced by municipal water system and municipal sewerage system shall have at least one-quarter (1/4) acre for the first unit and five thousand (5,000) square feet for each additional unit on the same lot.
- B. Lots serviced by a municipal water system shall have at least one-half (1/2) acre for the first unit and five thousand (5,000) square feet for each additional unit on the same lot; provided the loading capacity for the septic system complies with, or obtains all appropriate waivers relating to, NHDES Code of Administrative Rules – Chapter Env.-Wq. 1000, as amended.

- C. All other lots shall have at least one-half (1/2) acre for each unit that may be located thereon; provided the loading capacity for the septic system complies with, or obtains all appropriate waivers relating to, NHDES Code of Administrative Rules – Chapter Env.- Wq. 1000, as amended. The density requirements set forth in this subparagraph (iii) shall not apply to the Residential/Agricultural District and the density requirements set forth in Chapter 190-13(B)(3) shall govern and control.
- D. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road, cul de sac all constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be seventy-five (75) feet.
- E. All roads shall comply with the Town of Conway Road Standards described in the Subdivision (§ 130) regulations of the Town of Conway.
- F. No parking shall be within the front setbacks of any lot located within the Center Conway Village Commercial District, Conway Village Commercial District, Highway Commercial District and North Conway Village Commercial District. In instances where a development does not require site plan review, no parking shall be within the first fifteen (15) feet of the front setbacks of the Center Conway Village Residential District, North Conway Village Residential District and Residential/Agricultural District measured from the right of way.
- G. At least twenty-five percent (25%) of dwelling units within the affordable housing development must meet the definition of Affordable Units. When the number of Affordable Units is calculated to a fractional number, any fraction of less than one-half shall be rounded down to the next whole number; any fraction of one-half or greater shall be rounded up to the next whole number and treated as a whole inclusionary unit For example, a three-unit development would be calculated as  $3 \times 25\% = 0.75$ , which would be rounded up to one Affordable Unit. Mobile homes or manufactured housing as defined in RSA 674:31 are not permitted; however pre-site built units as defined in RSA 674:31-a shall be permitted.

**§195-5 Plan Submission and Approval:**

Any subdivision and/or site plan submitted to the Planning Board in connection with this Ordinance shall contain the following information:

- A. The number of Affordable Units created and the percentage of Affordable Units relative to the percentage of market rate housing.
- B. Descriptions of the Affordable Units and the market rate units evidencing comparable number of bedrooms, bathrooms and square footages and complementary architectural styles and exterior finishes.
- C. Any other information as required by the Subdivision (§ 130) and/or Site Plan Review (§110) regulations of the Town of Conway.
- D. At the time of Planning Board approval, the Affordable Units must be expressly designated as such and shown on a plan with a condition that they shall remain affordable

in compliance with this Ordinance and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same. The deed restriction will be in a form and substance approved by the Town of Conway.

**§195-6 Affordable Unit Location, Construction and Appearance:**

- A. All Affordable Units shall be dispersed throughout the project by being fully integrated with the market rate units such that they are distributed throughout the development and not clustered in one area of the development.
- B. All Affordable Units shall be constructed concurrently with the market rate units. Progress rates for construction of Affordable Units shall be the same as that of the market rate units.
- C. Affordable Units shall be constructed with complementary exterior design and materials that are comparable with those used in constructing the market rate units. Similar landscaping shall be applied to both Affordable Units and the market rate units. Affordable Units as well as market units may be pre-site built units as defined in RSA 674:31-a.
- D. Interior materials and amenities in the Affordable Units may be different from those used in the market rate units, provided that: the number of bedrooms shall be proportional between Affordable Units and market rate units.

**§195-7 Definitions:**

For purposes of this Ordinance the following terms shall be defined as follows:

- A. "Administrator" shall mean a designated officer with the Town of Conway or at the Town's discretion, its agent, which agent may be New Hampshire Housing and Finance Authority, a local housing non-profit, or such other third party administrator as determined by the Town of Conway.
- B. "Affordable Unit" shall mean (i) with respect to unit ownership, the purchaser shall be an Eligible Buyer (as defined below) and the purchase price of the Affordable Unit shall be no greater than the estimated maximum affordable purchase price as most recently published by the New Hampshire Housing Finance Authority, and (ii) with respect to a rental unit, the renter shall be an Eligible Renter (as defined below) and the monthly rent shall be no greater than estimated maximum affordable monthly rent for Carroll County as most recently published by the New Hampshire Housing Finance Authority. Notwithstanding any other provision to the contrary, the resale price of an Affordable Unit may be increased by an amount not to exceed fifty percent (50%), up to a maximum amount of Ten Thousand Dollars (\$10,000.00), of documented capital improvements made by the seller and with a value as stated in a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury and delivered to the Administrator.
- C. "Eligible Buyer" is a household whose income does not exceed eighty percent (80%) of the area median income for a family of four in Carroll County as most recently published by the United States Department of Housing and Urban Development. The Eligible Buyer shall occupy the Affordable Unit as its primary residence and shall not own or have an interest in any other real estate.



- D. "Eligible Renter" is a household whose income does not exceed sixty percent (60%) of the area median income for a family of three in Carroll County as most recently published by the United States Department of Housing and Urban Development. The Eligible Renter shall occupy the Affordable Unit as its primary residence and shall not own or have an interest in any other real estate.

**§195-8 Restrictions on Rental:**

Units developed pursuant to this Ordinance, including Affordable Units and market rate units, shall not be used for short-term rentals such as, and including, without limitation, Airbnb, VRBO, HomeAway or any other similar short term rental platform. All unit leases shall be in writing and for a period of not less than six (6) months or more than twelve (12) months in any one instance. Tenants that occupy a unit for more than twelve months may continue to occupy the same unit with a written lease on a month to month basis. No tenant in an Affordable Unit shall be permitted to sublease all or a portion of the Affordable unit to anyone other than an Eligible Renter. The foregoing shall be included in the restrictive covenant in a form approved by the Town of Conway and shall be recorded with the Carroll County Registry of Deeds.

**§195-9 Future Transactions and Ordinance Enforcement:**

- A. Affordable Units offered for sale or rent and approved pursuant to this Ordinance shall require a restrictive covenant enforceable by or on behalf of the Town of Conway in a form approved by the Town of Conway and shall be recorded with the Carroll County Registry of Deeds prior to the sale or rental of any Affordable Units. The limitations on the sale of Affordable Units as described in this Ordinance and the restrictive covenant shall not apply to a foreclosure by an institutional lender or a deed-in-lieu of foreclosure resulting from a mortgage with an institutional lender and upon foreclosure by an institutional lender or a deed-in-lieu of foreclosure resulting from a mortgage with an institutional lender, the income qualifications and resale limitations set forth herein shall terminate with respect to the impacted unit.
- B. Affordable Units for rent shall limit annual rent increases to the percentage increase in the area median income.
- C. This Ordinance shall be enforced by the Town of Conway or its designee in accordance with terms and conditions hereof and the regulations of the Town of Conway. To ensure that only eligible households purchase Affordable Units, at least thirty (30) days prior to the purchase of an Affordable Unit the following information shall be provided to the Administrator for review and approval: (i) a copy of the fully executed purchase and sales agreement, (ii) a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury confirming the annual income of the prospective purchaser, (iii) a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury confirming any capital improvements of seller that increase the purchase price, (iv) a certification from the Eligible Buyer that it will be occupying the Affordable Unit as its primary residence and it has no other interest in any other real estate, (v) a copy of the most recently published report by the New Hampshire Housing Finance Authority evidencing the estimated maximum affordable purchase price for housing units in Carroll County and (vi) the most recently published by the United States Department of Housing and Urban Development report evidencing

the area median income for a family of four in Carroll County. The Administrator shall review the purchase and sales agreement, the certifications and the reports to determine compliance with this Ordinance. No sale of an Affordable Unit shall be permitted unless and until the Administrator has provided written approval that the sale of the Affordable Unit complies with this Ordinance and the restrictive covenant. Any sale of an Affordable Unit that fails to comply with this Ordinance and the restrictive covenant shall be deemed null and void.

- D. To ensure that only eligible households rent Affordable Units, at least fifteen (15) days prior to the rental of an Affordable Unit the following information shall be provided to the Administrator for review and approval: (i) a fully executed copy of the lease, (ii) a certification from a certified public accountant in a form reasonably acceptable to the Town of Conway and signed under the pains and penalties of perjury confirming the annual income of the prospective tenant, (iii) a copy of the most recently published report by the New Hampshire Housing Finance Authority evidencing the maximum affordable monthly rent for rental units in Carroll County (iv) a certification from the Eligible Renter that it will be occupying the Affordable Unit as its primary residence and it has no other interest in any other real estate, and (v) the most recently published by the United States Department of Housing and Urban Development report evidencing the area median income for a family of three in Carroll County. The Administrator shall review the lease, the certification and the reports to determine compliance with this Ordinance. No rental of an Affordable Unit shall be permitted unless and until the Administrator has provided written approval that the rental of the Affordable Unit complies with this Ordinance and the restrictive covenant. Any rental of an Affordable Unit that fails to comply with this Ordinance and the restrictive covenant shall be deemed null and void.

**§195-10 Effective Date/Invalidity**

This Ordinance shall be effective on the date that is three (3) months from the date it is approved by the voters of the Town of Conway through the passage of a warrant article. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

**MEMO**

**TO:** Planning Board  
**FROM:** Tom Irving, Planning Director  
**CC:** HM, File  
**DATE:** 10/31/19  
**RE:** Zoning Amendments... Parking Lots

**Message:**

In the Zoning Ordinance, Parking Lots are only permitted as an accessory to an approved use. The attached amendment to the Use Table establishes parking lots as an approved use and no longer requires that they be accessory to an approved on-site use.

Table Of Regulated Uses

Table Of Regulated Uses	District											Overlay District							
	Residential					Commercial						RR	I1	I2	MC	FC	SP	WWP	GWP
	RA	CCVR	CVR	NCVR	NCVR	CCVC	CVC	NCVC	HC	RC	RC								
Home Occupation																			
Antique Shop	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Artists/Musicians Studio	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Beautician/Barber	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Custom Clothing/Linens	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Day Care (6 or Fewer People)	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Home Office	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Tradesmen/Craftsmen Workroom	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pur	Pur/S	N	N
Hospitals	P	P	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Hotels	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kennels	S	S	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Lodging House	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Lodging House, Owner Occupied	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Motels	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Municipal Facilities	S	S	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursing homes	P	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Offices	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Parking Lot</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>
Post Office	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private Educational Facilities	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P

RA = Residential/Agricultural District  
 CCVR = Center Conway Village Residential District  
 CVC = Conway Village Commercial District  
 NCVC = North Conway Village Commercial District  
 CCVC = Center Conway Village Commercial District  
 HC = Highway Commercial District  
 RC = Regional Commercial District  
 I1 = Industrial 1 District  
 I2 = Industrial 2 District  
 RR = Recreational Resort District  
 MC = Mountain Conservation Overlay District  
 FC = Floodplain Conservation Overlay District  
 SP = Shoreline Protection Overlay District  
 WWP = Wetland and Watershed Overlay District  
 GWP = Groundwater Protection Overlay District  
 SHC = Special Highway Corridor Overlay District  
 P = Permitted Use  
 r = Restrictions Apply  
 u = Permitted if permitted in underlying district  
 N = Not Permitted  
 S = Special Exception Required

## **MEMO**

**TO:** Planning Board  
**FROM:** Tom Irving, Planning Director  
**CC:** File  
**DATE:** 01/10/20  
**RE:** 2020 Zoning Amendments relative to Solar Collection Systems

### **Message:**

Please find the attached draft definitions and special exception for your consideration. These revisions to the Zoning Ordinance are intended to supplement the current provisions for the development of solar collection systems. The definitions formalize terms that are relevant to such systems and the special exception language is intended to provide for commercial scale solar collection systems in the Residential Agricultural (R/A) district. Such commercial systems are not currently a permitted use in the R/A District.

In addition to the above the Permitted Use Table provides for the various solar collection systems that are to be permitted in each zoning district.

AMENDED AT THE 01/23/2020  
PB MEETING

Definitions:

**Rated Nameplate Capacity** – Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

**Solar Land Coverage** – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this ordinance.

**Solar Collection System** - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

**Roof Mount** – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.

**Ground Mount** – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.

**Carport Mount** – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

Use definitions:

**Residential Solar:** Any ground mounted or roof mounted solar collection system primarily for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and with a rated nameplate capacity of 10 kW AC or less per on site dwelling unit and that has 500 square feet or less of solar land coverage per onsite dwelling unit.

**Community Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is up to 100 kW AC and that is less than 1 acre of solar land coverage.

**Accessory Agriculture Solar:** Any ground mounted or roof mounted solar collection system designed to primarily reduce on-site consumption of utility power and without a limit to the rated nameplate capacity or solar land coverage provided the existing agricultural use is preserved at the time of installation.

**Primary Agriculture Solar:** Any ground mounted solar collection system that is partially used to reduce on-site consumption of utility power and with a rated nameplate capacity up to 1 MW AC in size or has a solar land coverage in excess of 5 acres provided the existing agricultural use is preserved at the time of installation.

**Commercial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems with a rated nameplate capacity of up to 1 MW AC and that is less than 5 acres in solar land coverage.

**Large Commercial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems with a rated nameplate capacity of between 1 MW and 5 MW that is between 5 and 35 acres in solar land coverage.

**Industrial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is between 35 acres and 50 acres in solar land coverage.

**Utility Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is over 50 acres in solar land coverage and less than 30 MW in rated nameplate capacity.

**Solar Power Generation Station:** Any solar collection system that is over 30 MW in nameplate capacity. In no case shall a Solar Power Generation Station exceed 150 acres.

AMENDED AT THE 01/23/2020  
PB MEETING

- (14) **Commercial Solar.** A special exception may be granted for a Commercial Solar or Large Commercial Solar collection system provided the following conditions are satisfied:
- (a) **Elevation.** In order to protect the Town's viewsheds and scenic upslopes no Commercial Solar Collection System may be located on land at or above 600 feet in elevation, referenced to the North American Vertical Datum of 1929. The applicant shall demonstrate on a plan certified by a New Hampshire Licensed Land Surveyor that no part of the solar collection system is on land above the 600 foot elevation limit.
  - (b) **Setbacks.** The minimum front setback from roads shall be 100 feet, side and rear setbacks from all adjacent properties shall be 50 feet. The applicant shall show the setback lines on a plan certified by a New Hampshire Licensed Land Surveyor.
  - (c) **Buffer.** A perimeter buffer area adjacent to all abutting properties and roads shall be left in its undisturbed natural state if it provides a year round visual barrier from abutting properties and roads or it shall be replanted with a mix of indigenous coniferous and deciduous species to create a year round visual barrier from abutting properties and roads. The minimum buffer depth shall be 50 feet. The applicant shall show the buffer area on a plan certified by a New Hampshire Licensed Land Surveyor.
  - (d) **Land Clearing.** Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land. Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover). Erosion control measures during construction shall be detailed as required.
  - (e) The applicant shall provide a detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to abutting properties and roads. The post construction plan must also demonstrate compliance with vegetation restoration requirements.
  - (f) The applicant shall provide a statement detailing potential significant glare onto abutting properties, structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.
  - (g) The applicant shall provide an evaluation of the view impacts from elevated viewpoints from which the facility is likely to be seen. This shall include but is not necessarily limited to views from recognized recreational trails, roadways and scenic vistas.
  - (h) The applicant shall provide estimates of any equipment noise on the site based on equipment specification materials. The applicant shall also demonstrate that noise levels at the property line shall not exceed 50 dBA.
  - (i) **Existing Utility Infrastructure.** The applicant must demonstrate that the existing utility infrastructure has the capacity to host the proposed facility and assure the Board that no substantive changes to the offsite infrastructure (including but not necessarily limited to increased size or height of poles or towers, increased number of poles or towers, or new or expanded utility easements) would result from the proposed Solar collection system. This provision shall not apply to required poles, infrastructure and easements that are exclusively part of the utility interconnection approval for the system. Additionally, upgraded infrastructure that is required as part of increasing reliability and service to abutting properties as part of utility approvals is exempt provided any additional poles are limited to Class 1-50. Larger poles and towers shall require ZBA approval.

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 GWP = Groundwater Protection Overlay District  
 SHC = Special Highway Corridor Overlay District

P = Permitted Use  
 r = Restrictions Apply  
 u = If permitted in underlying district  
 N = Not Permitted  
 S = Special Exception Required

Table Of Regulated Uses	District												Overlay District				
	Residential				Commercial				RR				MC	FC	SP	WWP	GWP
	RA	CCVR	CVR	NCVR	CCVC	CVC	NCVC	HC	RC	I1	I2	RR					
Signs	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	N	S	Pur	N	N
Snow Dumps	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Solar																	
Residential Solar	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Community Solar	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Accessory Agriculture Solar	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Primary Agriculture Solar	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Commercial Solar	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Large Commercial Solar	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industrial Solar	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Utility Solar	M	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Solar Power Generation Station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Solid Waste Facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bulk Storage Tanks, Hazardous Materials	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Temporary Events	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Timber Removal	P	P	P	P	P	P	P	P	P	P	P	P	Pu	Pr	Pur	Pur	N
Tourist Home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Tourist Home, Owner Occupied	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N
Utility Systems	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr
Visual/Performing Arts, Indoors	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Visual/Performing Arts, Outdoors	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Water Storage/Impoundment	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr
Wetland/Stream Crossing	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr
Wholesale/Light Industry	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Wildlife Refuge	P	P	P	P	P	P	P	P	P	P	P	P	Pu	P	Pur	Pur	N
Wireless Communication Towers < 55 Ft.	S	S	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N
Wireless Communication Towers > 55 Ft.	S	S	N	N	N	N	N	N	N	N	N	N	S	S	S	N	N
Yard Sales	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr
Insecticides	P	P	P	P	P	P	P	P	P	P	P	P	Pu	Pu	N	Pur	N
Chemical Fertilizer	P	P	P	P	P	P	P	P	P	P	P	P	Pu	Pu	N	Pur	N
Undersized lots, Buildable	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Protective Rip Rap	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P



Definitions:

**Rated Nameplate Capacity** – Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

**Solar Land Coverage** – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this ordinance.

**Solar Collection System** - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

**Roof Mount** – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.

**Ground Mount** – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.

**Carport Mount** – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

Use definitions:

**Residential Solar:** Any ground mounted or roof mounted solar collection system primarily for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and with a rated nameplate capacity of 10 kW AC or less per on site dwelling unit and that has 500 square feet or less of solar land coverage per onsite dwelling unit.

**Community Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is up to 100 kW AC and that is less than 1 acre of solar land coverage.

**Accessory Agriculture Solar:** Any ground mounted or roof mounted solar collection system designed to primarily reduce on-site consumption of utility power and without a limit to the rated nameplate capacity or solar land coverage provided the existing agricultural use is preserved at the time of installation.

**Primary Agriculture Solar:** Any ground mounted solar collection system that is partially used to reduce on-site consumption of utility power and with a rated nameplate capacity up to 1 MW AC in size or has a solar land coverage in excess of 5 acres provided the existing agricultural use is preserved at the time of installation.

**Commercial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems with a rated nameplate capacity of up to 1 MW AC and that is less than 5 acres in solar land coverage.

**Large Commercial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems with a rated nameplate capacity of between 1 MW and 5 MW that is between 5 and 25 acres in solar land coverage.

**Industrial Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is between 25 acres and 50 acres in solar land coverage.

**Utility Solar:** A use of land that consists of one or more free-standing, ground mounted solar collection systems regardless of nameplate capacity that is over 50 acres in solar land coverage and less than 30 MW in rated nameplate capacity.

**Solar Power Generation Station:** Any solar collection system that is over 30 MW in nameplate capacity. In no case shall a Solar Power Generation Station exceed 150 acres.

(14) **Commercial Solar.** A special exception may be granted for a Commercial Solar or Large Commercial Solar collection system provided the following conditions are satisfied:

- (a) **Elevation.** In order to protect the Town's viewsheds and scenic upslopes no Commercial Solar Collection System may be located on land at or above 600 feet in elevation, referenced to the North American Vertical Datum of 1929. The applicant shall demonstrate on a plan certified by a New Hampshire Licensed Land Surveyor that no part of the solar collection system is on land above the 600 foot elevation limit.
- (b) **Setbacks.** The minimum front setback from roads shall be 100 feet, side and rear setbacks from all adjacent properties shall be 50 feet. The applicant shall show the setback lines on a plan certified by a New Hampshire Licensed Land Surveyor.
- (c) **Buffer.** A perimeter buffer area adjacent to all abutting properties and roads shall be left in its undisturbed natural state if it provides a year round visual barrier from abutting properties and roads or it shall be replanted with a mix of indigenous coniferous and deciduous species to create a year round visual barrier from abutting properties and roads. The minimum buffer depth shall be 50 feet. The applicant shall show the buffer area on a plan certified by a New Hampshire Licensed Land Surveyor.
- (d) **Land Clearing.** Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land. Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover). Erosion control measures during construction shall be detailed as required.
- (e) The applicant shall provide a detailed pre-construction and post-construction plan identifying existing vegetation and areas to be cleared with specific identification of locations of buffer areas adjacent to abutting properties and roads. The post construction plan must also demonstrate compliance with vegetation restoration requirements.
- (f) The applicant shall provide a statement detailing potential significant glare onto abutting properties, structures and roadways estimating the interaction of sun to panel angle, time of year and visibility locations.
- (g) The applicant shall provide an evaluation of the view impacts from elevated viewpoints from which the facility is likely to be seen. This shall include but is not necessarily limited to views from recognized recreational trails, roadways and scenic vistas.
- (h) The applicant shall provide estimates of any equipment noise on the site based on equipment specification materials. The applicant shall also demonstrate that noise levels at the property line shall not exceed 50 dBA.
- (i) **Existing Utility Infrastructure.** The applicant must demonstrate that the existing utility infrastructure has the capacity to host the proposed facility and assure the Board that no substantive changes to the offsite infrastructure (including but not necessarily limited to increased size or height of poles or towers, increased number of poles or towers, or new or expanded utility easements) would result from the proposed Solar collection system.

**MEMO**

**TO:** Planning Board

**FROM:** Tom Irving, Planning Director

**CC:** HM, File

**DATE:** 10/31/19

**RE:** Zoning Amendments... Older home conversions

**Message:**

The attached amendments to the Zoning Ordinance addresses defects created by the petitioned amendments that were approved last spring. They are intended to address the lack of a short-term rental restriction and re-establish consistency across the affected zoning districts.

Center Conway Village Residential District

§190-14 B. Lot size and density.

(4) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] ~~{3}~~ No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.
- [5] ~~{4}~~ Adequate area is available for parking and sewage disposal outside the setback and buffer areas.
- [6] ~~{5}~~ Accessory structures must have at least 300 square feet of living occupiable space per unit suitable for conversion to a dwelling unit and ~~not conflict with the purpose and intent of this section.~~
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

Conway Village Residential District

§190-15 B. Lot size and density.

(4) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] ~~{3}~~ No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.
- [5] ~~{4}~~ Adequate area is available for parking ~~and sewage disposal~~ outside the setback and buffer areas.
- [6] ~~{5}~~ Accessory structures must have at least 300 square feet of living occupiable space per unit suitable for conversion to a dwelling unit ~~and not conflict with the purpose and intent of this section.~~
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited..
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

North Conway Village Residential District

§190-16 B. Lot size and density.

(4) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] ~~[3] No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.~~
- [5] ~~[4] Adequate area is available for parking and sewage disposal~~ outside the setback and buffer areas.
- [6] ~~[5] Accessory structures must have at least 300 square feet of living~~ occupiable space per unit suitable for conversion to a dwelling unit ~~and not conflict with the purpose and intent of this section.~~
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

§190-17 C. Lot size and density.

(5) Special exceptions.

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

[1] Substantially all of the structure was constructed prior to 1930.

[2] ~~Modification of the interior does not exceed four units~~ **The total number of dwelling units on the site does not exceed four (4).**

[3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.

[4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.

[5] Adequate area is available for parking outside the setback and buffer areas.

~~[6] A compliant State of New Hampshire and Town of Conway approved in-ground sewerage disposal system already exists or will be constructed as a condition of this approval; or the property is connected to municipal sewerage.~~

~~[7] Architectural design plans and a to-scale site sketch must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with Subsection B(5)(a)[1] through [6] within this section.~~

**[6][8] Accessory structures must have at least 300 square feet of living occupiable space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.**

**[7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.**

**[8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.**

§190-17 C. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] Adequate area is available for parking outside the setback and buffer areas.
- ~~[6] A compliant State of New Hampshire and Town of Conway approved in-ground sewerage disposal system already exists or will be constructed as a condition of this approval; or the property is connected to municipal sewerage.~~
- ~~[7] Architectural design plans and a to-scale site sketch must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with Subsection B(5)(a)[1] through [6] within this section.~~
- [6][8] Accessory structures must have at least 300 square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.



§190-18 B. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ **The total number of dwelling units on the site does not exceed four (4).**
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] Adequate area is available for parking outside the setback and buffer areas.
- ~~[6] A compliant State of New Hampshire and Town of Conway approved in-ground sewerage disposal system already exists or will be constructed as a condition of this approval; or the property is connected to municipal sewerage.~~
- ~~[7] Architectural design plans and a to-scale site sketch must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with Subsection B(5)(a)[1] through [6] within this section.~~
- [6][8] Accessory structures must have at least 300 square feet of living occupiable space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.**
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.**
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.**

## Conway Village Commercial District

§190-18 B. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ **The total number of dwelling units on the site does not exceed four (4).**
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] Adequate area is available for parking outside the setback and buffer areas.
- ~~[6] A compliant State of New Hampshire and Town of Conway approved in-ground sewerage disposal system already exists or will be constructed as a condition of this approval; or the property is connected to municipal sewerage.~~
- ~~[7] Architectural design plans and a to-scale site sketch must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with Subsection B(5)(a)[1] through [6] within this section.~~
- [6][8] Accessory structures must have at least 300 square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.**
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.**
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.**

§190-19 B. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] ~~[4] Adequate area is available for parking and sewage disposal~~ outside the setback and buffer areas.
- [6] ~~[5] Accessory structures must have at least 300 square feet of living~~ occupiable space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

§190-19 B. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] ~~{4} Adequate area is available for parking and sewage disposal~~ outside the setback and buffer areas.
- [6] ~~{5}~~ Accessory structures must have at least 300 square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

§190-20 B. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] ~~[4] Adequate area is available for parking and sewage disposal~~ outside the setback and buffer areas.
- [6] ~~[5] Accessory structures must have at least 300 square feet of living~~ occupiable space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

## Highway Commercial

§190-20 B. Lot size and density.

(5) Special exceptions.

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

- [1] Substantially all of the structure was constructed prior to 1930.
- [2] ~~Modification of the interior does not exceed four units~~ The total number of dwelling units on the site does not exceed four (4).
- [3] No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.
- [4] No significant changes to the exterior lines of the building or exterior architectural detail are made which would diminish the historical appearance of the structure.
- [5] ~~[4] Adequate area is available for parking and sewage disposal~~ outside the setback and buffer areas.
- [6] ~~[5] Accessory structures must have at least 300 square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.~~
- [7] All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.
- [8] Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the requirements for this special exception.

**MEMO**

TO: Planning Board  
FROM: Tom Irving, Planning Director  
CC: HM, File  
DATE: 10/31/19  
RE: Zoning Amendments... Signage

**Message:**

In the Zoning Ordinance there are several instances where some leftover language has not been deleted. These few words no longer have any meaning as the ordinances was long ago revised to separate provisions by Zoning District. It has just recently been brought to our attention that the words are still there. The proposed amendment removes reference to “in all districts” because the subject provision is not applicable to all districts.

The amendment reads as follows:

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.~~

The amendment applies to the following sections:

§190-17 F.(7)(f)	CCVC
§190-18 F.(7)(f)	CVC
§190-19 F.(8)(f)	NCVC
§190-20 F.(7)(f)	HC
§190-22 F.(7)(f)	I1
§190-23 F.(7)(f)	I2

The following amendment applies to Sections:

§190-17 G.(7)(f)	CCVC
§190-18 F.(7)(f)	CVC
§190-19 F.(8)(f)	NCVC
§190-20 F.(7)(f)	HC
§190-22 F.(7)(f)	I1
§190-23 F.(7)(f)	I2

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.