

CONWAY PLANNING BOARD

MINUTES – WORK SESSION

SEPTEMBER 8, 2022

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CONWAY PLANNING BOARD

MINUTES - WORKSESSION

SEPTEMBER 8, 2022

A work session of the Conway Planning Board was held on Thursday, September 8, 2022 beginning at 6:00 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Ben Colbath; Vice Chair, Ailie Byers; Erik Corbett [via video]; Eliza Grant; Mark Hounsell; Alternate, Ted Phillips; Alternate, Steven Hartmann; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw.

APPOINTMENT OF ALTERNATE MEMBERS

Mr. Colbath appointed Mr. Hartmann and Mr. Phillips as voting members.

DISCUSSION

Removal of §110-5 – Minor Review: Mr. Torres stated this is a bit of clean up; in 2019 the Board held a public hearing to eliminate the minor review given the increased authority to staff, but not all the language pertaining to minor review was removed from the ordinance. Mr. Torres suggested holding a public hearing to eliminate minor review under §110-5, and leave §110-5 as Reserved.

Ms. Grant made a motion, seconded by Mr. Hartmann, to hold a public hearing October 13, 2022 to remove §110-5 – Minor Review. Motion carried unanimously.

Requirements for street/road signs in Subdivision Ordinance: Mr. Torres stated in the past, some of the subdivision developers have not installed signs, and the Town has had to install them for safety and emergency services. Mr. Torres read the proposed language. Mr. Colbath asked for Board comment; Mr. Corbett asked if this is the standard in other towns. Mr. Torres answered in the affirmative, and stated towns who don't do it are starting to.

Ms. Byers made a motion, seconded by Mr. Phillips, to hold a public hearing on October 13, 2022 to amend §110-45 as proposed. Motion carried unanimously.

Zoning Amendments for 2023: Mr. Torres stated he wanted to discuss with the Board any zoning amendments they are interested in for 2023; he has listed a few definitions that have come up in work sessions [see Planning Staff report attached].

Mr. Torres stated he has also had a discussion with Code Enforcement Officer, Jeremy Gibbs, regarding digital menu boards. Mr. Torres stated it seems generally restaurants are going in that direction, and the town does not allow them. Mr. Torres asked if that is something the Board wants to consider, or leave it as is. Mr. Colbath stated he thinks the public has been very clear about not wanting to see interior lit signs, neon signs, light pollution or ambient light.

Adopted: September 22, 2022 – As Written

CONWAY PLANNING BOARD – SEPTEMBER 8, 2022 – WORK SESSION

Mr. Colbath stated the important definitions are the ones dealing with dwelling units; those are the ones that tend to open doors for grants for affordable housing. Mr. Hounsell stated with the update of the Master Plan, would we be causing that process difficulties if we were to do any changes in zoning until that work is done. Mr. Hounsell stated he was wondering if we should be putting together a package for 2024 rather than 2023. Mr. Colbath stated that is a valid concern.

Mr. Colbath stated he thinks something simple as a definition just to get something on the books would be okay, even if they need to be changed later. There was a discussion regarding short-term rental and long-term rental definitions, and it was suggested to check with the lawyers before this Board addresses those definitions since there is an on-going court case. Mr. Torres stated he would speak with the Town Attorney.

The Board determined that they would like to have modular home, townhouse, boarding house, transient/non-owner-occupied homes, extended stay hotel, and duplexes defined and rewrite the definition of residential/dwelling unit.

Meeting adjourned at 6:59 pm.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant

Planning Staff Report for Planning Board Work Session

To: Planning Board
Prepared By: Jamel Torres, Planning Director
Date: 9/1/22



Staff has prepared this report to assist the Planning Board during their work session on September 8, 2022. This report includes information related to the removal of Section 110-5 – Minor Review in the Site Plan Review Ordinance, additional language related to signs within Section 130-45 – Highway Bounds and Signs in the Subdivision Ordinance and Section 190-31 – Definitions.

§110-5 – Minor Review

On April 11, 2019, the Planning Board held a public hearing on a variety of proposed amendments to the Site Plan Review Ordinance. One of the amendments discussed, and adopted by the Board, was the elimination of the minor review standards, given increased authority for staff to review and approve projects in accordance with the language set forth in Section 110-4.A.4. Staff has provided the meeting minutes from the public hearing back in 2019 for the Board's reference. It appears that eliminating the minor review language from the ordinance altogether was not completed at that time, even though it was approved by the Board. Therefore, staff is proposing to eliminate Section 110-5 altogether from the Site Plan Review Ordinance.

§130-45 – Highway Signs and Bounds

The Public Works Department has requested that the Planning Board consider adding language within this section of the Subdivision Ordinance requiring developers to install all street signage within a project, at their expense. While some developers install signage at their expense, some developers do not, which forces the Town to pay for the installation along new roadways. To this end, staff has prepared the following language for the Board's consideration –

➤ **§130-45.B.**

~~Signs shall conform to the Manual on Uniform Traffic Control Devices.~~ The subdivider shall be responsible for installing all roadway signs associated with the project. This includes, but is not limited to, traffic control signs, speed limit signs, street name signs, etc. All street name signs shall be extruded, include 4-inch lettering and shall be 3M engineer grade. All roadway signs shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

§190-31 – Zoning Definitions

Several Board members have expressed an interest in modifying and adding definitions within the Zoning Ordinance. Staff has generated the following list of definitions that should be modified/added within the Zoning Ordinance –

- Short-Term Rental (new)
- Long-Term Rental (new)
- Modular Home (new)
- Residential/Dwelling Unit (modify existing)

The Planning Board should be prepared to discuss the definitions above, and any other modifications/new definitions that should be placed on the April 2023 Town Warrant. Staff looks forward to discussing these definitions with the Board and is comfortable drafting modified/new language should the Board desire such.

CONWAY PLANNING BOARD

MINUTES

APRIL 11, 2019

A meeting of the Conway Planning Board was held on Thursday, April 11, 2019 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; Secretary, Sarah Verney; Raymond Shakir; Benjamin Colbath; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Colbath made a motion, seconded by Ms. Verney, to approve the Minutes of March 14, 2019 as written. Motion carried unanimously.

PUBLIC HEARING – PROPOSED AMENDMENTS TO THE SITE PLAN REVIEW REGULATIONS

§110-4. and §110-8: The purpose of these amendments is to increase the administrative authority to approve minor site changes, eliminate the requirements for "Minor" site plan reviews, to eliminate fees for minor reviews and to amend section numbering, revise checklists and application forms as necessary to conform with these amendments to §110-4 and §110-8.

Mr. Hartmann opened the public hearing at 7:01 pm. Mr. Irving stated this would be increasing the threshold necessary for site plan review. Mr. Irving stated over the years the Board has increased the administrative authority to approve developments that substantially complied with the regulations to the administrative level, this is the next step which takes it up to projects that create up to 1,000 square feet of new floor area or a reduction of greenspace up to 2,000 square feet, which was the threshold for a minor site plan review, and to change that to be an administrative authority under the non-applicable clauses and essentially eliminate the minor site plan review. Mr. Irving stated there will be two options, a non-applicable or a full site plan review.

Mr. Irving stated there are two options under the non-applicable clause; administrative or the Planning Board still has the authority where it finds that the proposed changes to the site are insignificant relative to the existing development, where the Board can still make a finding that a site plan review is not-applicable.

Mr. Hartmann asked for Board comment; Mr. Shakir asked under the segment of the full review does that make it more difficult. Mr. Irving answered in the negative and stated the full site plan review is not done administratively, the full site plan review is the review done by the Planning Board. Mr. Irving stated what this amendment does is it saves developers or applicants from having to file a site plan application for smaller projects now up to 1,000 square feet of new floor area.

Adopted: April 25, 2019 – As Written

CONWAY PLANNING BOARD – APRIL 11, 2019

Mr. Porter stated this would make it more enticing for individuals to expand their businesses. Mr. Shaker stated it makes things easier. Mr. Porter stated it makes things easier all the way around. Mr. Irving stated staff will be determining at the staff level whether or not it is substantially compliant with the regulations, which is what we do anyway when we do the staff review for the Board when there is a site plan review. Mr. Irving stated the only time the Board has a lot to do on a site plan review when there are waivers to address. Mr. Irving stated if waivers are going to be necessary it will require a site plan review.

Mr. Hartmann asked for public comment; Shawn Bergeron of Bergeron Technical Services stated he appreciates this effort; he would like to see the process easier for people to do these small projects. Mr. Bergeron stated there is no need for his office to be involved in these smaller projects, this will save business people time, effort and money. Mr. Bergeron stated he supports this amendment. Mr. Hartmann closed the public hearing at 7:05 pm.

Mr. Shakir asked if there is an appeal process. Mr. Irving answered in the affirmative, and stated they can come to the Planning Board. **Mr. Shakir made a motion, seconded by Ms. Verney, to amend the site plan review regulations regarding §110-4 and §110-8 as proposed. Motion carried unanimously.**

OTHER BUSINESS

Brian and Richard Fram (PID 218-110) – Paid Parking Lot experiment discussion (File #NA19-04): Shawn Bergeron of Bergeron Technical Services and Brian and Richard Fram appeared before the Board. Mr. Bergeron stated the basic intent of their request is that they would like to, on a trial basis, use this property as a commercial parking lot for the summer of 2019. Brian Fram stated they would like to try it for four days over Memorial Day weekend, then shut it down and try it again just before July 4th.

Mr. Bergeron stated the intent is to see how this will work in North Conway Village. Mr. Bergeron stated the building would remain vacant. Mr. Bergeron stated this parcel has been used for parking in the past the only difference is it would be an attempt at a potential commercial parking adventure, which they would evaluate at the end of the summer. Mr. Brian Fram stated if it is important enough, he would share the information with the town, and see if they want to take this to a higher level.

Mr. Porter asked if he has approached the neighboring business. Mr. Fram answered in the negative. Mr. Porter stated he should let them know as employees from surrounding businesses do park there. Mr. Brian Fram stated he knew it was used for parking, but he didn't realize it was employees parking there; he thought just people were parking there.

Mr. Porter stated he thinks it is a good idea, but need to look at the long-term impact as it could create a potential problem. Mr. Porter stated to softened the problem he should reach out to the local businesses in that area to let them know. Mr. Brian Fram stated this is a beta test, don't want to over jump my boundaries or set up people for anxiety. Mr. Porter stated he should definitely let them know since its planned around Memorial Day weekend, to give them



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CERTIFICATION

We the undersigned members of the Conway Planning Board, hereby certify that:

1. In accordance with the provisions of NHRSA 675:6, I., a duly noticed public hearing was conducted by the Planning Board on April 11, 2019.
2. The purpose of said public hearing was to consider proposed amendments to the Conway Site Plan Review Regulations (§110).
3. Said amendment(s) being: modification of §110-4., Applicability; and §110-8, Fees; consultant Reviews.
4. Following completion of said public hearing, and in accordance with the provisions of NH RSA 675:6,II, the proposed amendment(s) were formally adopted by an affirmative vote of a majority of the membership of the Conway Planning Board.

The Planning Board:



 Steven Hartmann, Chair



 Steven Steiner



 Michael Fougere, Vice Chair



 Raymond Shakir



 Sarah Verney, Secretary



 Benjamin Colbath



 Steven Porter, Selectmen Representative

Date of filing with the Office of the Town Clerk:

17 April 2019

Signature of the Conway Town Clerk:



 Louise Inkell

§ 110-4 **Applicability.**

~~There are three possible applications of this code to development of a nonresidential or multifamily site to be determined by the designee of the Board:~~

- ~~1) The code is not applicable (Subsection A);~~
- ~~2) The Planning Board provides a minor review (Subsection B); or~~
- ~~3) The Planning Board provides a full review (Subsection C).~~

The following criteria specify the level of review necessary for a proposal to develop a ~~commercial~~ nonresidential or multifamily site:

A. Not applicable. The determination of "not applicable" by the designee of the Board shall mean that no site plan review approval is necessary, although other types of approvals or permits may be necessary per other municipal codes and an application shall be kept on file. The site plan review regulations shall be deemed not applicable for the following:

- (1) Temporary events which require no permanent alterations to the site and which function safely within the approved configuration of the site as determined by the designee of the Board.
- (2) Special events approved by the Board of Selectmen.
- (3) Agricultural buildings as defined in Chapter 190, Zoning, of the Conway Code (see § 190-31, Definitions).
- (4) Small undertakings where it is demonstrated that:
 - (a) All proposed changes to the structure and/or site conform to all other applicable codes and reasonably conform to the site design standards of this chapter;
 - (b) Proposed changes do not increase the intensity of use on the site beyond the service capacity of existing on-site infrastructure (including but not limited to parking, traffic generation and septic loading);
 - (c) Any net reduction in greenspace on the lot is less than or equal to ~~4,000~~ 2,000 square feet; [Amended 3-14-2019]
 - (d) Any increase in structure floor space is less than or equal to ~~500~~ 1,000 square feet; and [Amended 3-14-2019]
 - (e) In order to ensure that cumulative impacts can be evaluated by the Planning Board in a public forum, this Subsection **A(4)** shall not be applied if its application, combined with prior applications since the latest review by the Planning Board, would result in a cumulative decrease of greenspace greater than ~~2,000~~ 4,000 square feet or in a cumulative increase in structure floor space greater than ~~4,000~~ 2,000 square feet. [Amended 3-14-2019]
- (5) Where the Planning Board finds that the change of use and/or physical changes to the site are insignificant relative to the existing development.

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

C. Full review Applicable. Unless deemed not applicable pursuant to Subsection **A(5)**, a full Site Plan Review by the Planning Board shall be required for the following:

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

§ 110-8 Fees; consultant review.

[Amended 7-28-2016]

In accordance with RSA 676:4, I(g) and RSA 674:44, V, the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application:

~~A. An application for a minor site plan review shall not be considered complete unless it includes a filing fee of \$200.~~

~~B.~~ An application for a full-site plan review shall not be considered complete unless it includes a filing fee of \$200 and \$40 per new motel/hotel/transient room/suite and \$40 per new dwelling unit and \$0.10 per gross square foot of any other new nonresidential floor space. The applicant shall also submit a recording fee of \$40 per plan sheet to be recorded and \$20 for each 8.5 inch by 11 inch page to be recorded.

~~C.~~ All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the application without a public hearing. The notice cost shall be \$10 per abutter (or any other party notified and \$40 for the published notice.

~~D.~~ A Tax Map amendment fee of \$75 shall be assessed for each plan sheet to be used to amend the Town's Tax Maps. Said fee shall be paid by the applicant prior to final approval.

~~E.~~ Applications that require an engineering review shall be assessed a fee of \$100 per hour. Said fee shall be paid by the applicant prior to final approval. In the event that the Town Engineer is not available to review an application, said review shall be performed in accordance with Subsection ~~F.~~

~~F.~~ The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to final approval or disapproval. The applicant shall submit funds based on the estimated costs to the Town prior to the Town procuring such studies and investigations. The individual or company engaged shall work for and report directly to the Town. The individual or company chosen shall be agreeable to both the Town and applicant.

~~G.~~ When a completed application is submitted to the Town, it will be reviewed by Planning Department staff. Comments will be made in writing and forwarded to the applicant. If the plans are resubmitted by the applicant without addressing the original comments and requests or if design does not conform to the Town's adopted standards, the applicant will be charged an additional fee of \$60 per hour. Said fee shall be paid by the applicant prior to final approval.

HG. A plan scanning fee of \$10 per sheet shall be assessed to facilitate digitizing the final approved plans.

IH. A Land and Community Heritage Program (LCHIP) surcharge fee of \$25 shall be assessed for any plans to be recorded. This fee shall be submitted in the form of a check payable to the Carroll County Registry of Deeds.

JJ. A site inspection fee of \$60 per hour shall be assessed to facilitate progress and final inspections. Said fee shall be paid by the applicant prior to final release of surety or a final certificate of occupancy.