

**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 25, 2024**

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**CONWAY PLANNING BOARD**

**MINUTES**

**APRIL 25, 2024**

A meeting of the Conway Planning Board was held on Thursday, April 25, 2024, beginning at 6:04 p.m. at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steven Porter; Eliza Grant; Bill Barbin; Ted Phillips; Town Planner, Ryan O’Connor; and Assistant Planner, Holly Whitelaw.

**ELECTION OF OFFICERS**

**Mr. Porter moved to nominate Benjamin Colbath as Chair, seconded by Mr. Barbin. Motion carried unanimously.**

**Mr. Porter moved to nominate Ailie Byers as Vice Chair, seconded by Mr. Phillips. Motion carried unanimously.**

**Mr. Porter moved to nominate Erik Corbett as Secretary, seconded by Mr. Barbin. Motion carried unanimously.**

**ALTERNATE MEMBERS**

**Mr. Porter moved to nominate Nat Lucy as a Planning Board alternate for a one-year term, seconded by Ms. Grant. Motion carried unanimously.**

**WORK SESSION**

**Master Plan Public Hearing:**

This was the second Public Hearing for the updated Master Plan. Mr. O'Connor noted public comment was received at the last Planning Board work session and clarifying changes were made. He reviewed the purpose of the Master Plan, and the process involved in creating and approving it.

Alex Belenz of SE Group reviewed the proposed changes and edits, which were primarily made for clarity purposes. He noted three recommendations were added.

Chair Colbath asked for Board comment. He explained the rationale for two changes that were made, including clarification about adding a Planning Staff position with a focus on housing development.

Chair Colbath opened public comment at 6:18 pm.

**Adopted: June 13, 2024 – As Written**  
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Janine Bean, Master Plan Steering Committee member, commended the Committee on their work. She reviewed the five major challenges listed in the document, including creating an advisory committee to clarify the purpose of the Master Plan.

Bill Hounsell, former Conway Village Commissioner and Selectman, said he has been involved in every Master Plan workshop since he filled those roles. He noted he worked for water precincts, and highlighted programs that provide loans and grants. He said the Master Plan needs to be moved forward as quickly as possible on wastewater infrastructure. He said a water and wastewater master plan is needed and a bond to implement it. He said the success of the Master Plan hinges on the transparency of the elected officials. He said transportation is the second important ingredient and explained why.

Amy Snow, resident, hopes that development is done thoughtfully for traffic flow in Center Conway. She hopes that Conway Lake is protected via water and sewer. She said development adds more people on top of the tourists, which increases traffic. She said public transportation needs to be incorporated to reduce traffic. She asked if the Blue Loon was still operational.

John Colbath said there is misunderstanding in the public as to whether the Master Plan will be presented as a Warrant Article to the voters. He asked about the Planning Board's next step. He asked if there is a plan to interface with the School District. He said he was impressed by Bill Hounsell's knowledge and complimented him on speaking to the Board. He said the Blue Loon operates on a reservation basis. He thanked the Board for their hard work.

Mr. O'Connor explained the process for approving the Master Plan. Chair Colbath noted the Master Plan will not be placed on the Warrant, as it does not include zoning ordinances. He said there are two committees that are targeting initiatives in the Master Plan.

Mr. Porter said the next step is to address the zoning ordinances. He noted that there are traffic problems in many places that need to be discussed. He said young families need to be able to return to the Valley.

Ms. Grant described the short- and long-term planning that is addressed in the Master Plan.

Bill Hounsell said the Capital Committee needs to be active in pursuing funds. He asked who the Drinking Water Protection Committee reports to and said it needs to be described so the public understands what it is. He noted state and federal grants will be needed to implement the Master Plan.

Amy Snow, resident, urged the Board to talk to experts as they redo the zoning ordinances. She said improving the town will cost money, which requires the involvement of the Budget Committee. She said the entire town needs to work toward a common goal.

Jason Gagnon, Master Plan Steering Committee member, complimented everyone involved in working on the Plan. He said he was impressed by the diversity of the community that came together to find common ground that was in the best interest of the community. He said this spirit needs to continue as the Plan is implemented. He said it was perceived that the Master Plan played a role in the recent School Board decision and he disagreed with how it was presented. He said the plan should not be used for divisive purposes. He said if the plan is viewed as a divisive instrument, it will not be supported by the town.

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Mr. Porter said people are upset that it was publicly stated that the Master Plan was the reason a certain Board changed their opinion. He said that was not the rationale behind the Master Plan; it is a town-wide document. He said the intention is to promote growth in the entire Valley. He hopes the School Board would entertain conversation with town Boards regarding the future growth of the town.

Chair Colbath explained the decision made by the School Board regarding the school closure. He said there is no timeline for promoting growth in Center Conway. He noted there was a School Board member on the Steering committee. He said the Master Plan was not used to change a vote.

Ms. Grant said she would like the Master Plan to be kept separate from difficult budget decisions.

Bill Hounsell said the challenge for the elected officials on the Planning Board is to control their emotions and not let them get in the way of making decisions. He said the Board is elected to speak for the people.

Amy Snow, School Board, thanked Janine Bean for attending the School Board meeting. She said Ms. Bean was not trying to influence the vote. She said Ms. Bean made sure that the Board was informed that the Master Plan piece was there. She said the Master Plan was not the deciding factor of the Board's vote; there were many factors considered. She said there will always be naysayers looking for something to blame and this time, that may be the Master Plan.

Tom Eastman, Conway Daily Sun, clarified that his article did not state the Master Plan was the deciding factor, but just one of many factors in the School Board's decision.

Chair Colbath closed public comment at 7:17 pm.

**Mr. Porter made a motion, seconded by Ms. Grant, to adopt the Master Plan as amended. Motion carried unanimously.**

**Mr. Porter made a motion, seconded by Ms. Grant, to disband the Master Plan Steering Committee. Motion carried unanimously.**

The Board took a recess.

**Minor Site Plan Review discussion:**

Mr. O'Connor asked the Board to consider bringing back minor site plan review, which would lower the cost of and simplify the application process for small businesses and smaller projects. It would also bring the Staff more into the process, to help them overcome barriers. He reviewed the criteria included in this proposal.

The Board agreed this would streamline the process and make it more affordable.

Chair Colbath asked for public comment; there was none.

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Mr. O'Connor identified the individuals who would comprise a technical review committee that would be responsible for reviewing applications, and the process involved. It would include Staff and a Planning Board member. Ms. Whitelaw noted that engineering firms currently have little availability.

**Mr. Porter made a motion, seconded by Ms. Grant, to hold a public hearing for Minor Site Plan Review on May 23, 2024. Motion carried unanimously.**

**Commercial Development discussion:**

Mr. O'Connor explained the goal of this zoning ordinance is to set certain square footage to be developed by right. Anything beyond that square footage would be subject to additional restrictions, with long-term residential units and redevelopment being exempt. The Board discussed defining "long term." Mr. Porter asked for a legal opinion and Mr. O'Connor said he would research possible definitions.

Chair Colbath asked for public comment. Wryan Fiel said RSA 48 identifies short-term and vacation rentals. He suggested starting there to define long-term rentals.

Mr. O'Connor reviewed the criteria a project must meet. The Board discussed other criteria that could be included. There was an extended discussion around increasing setbacks and greenspace, and limiting the size of buildings.

**Mr. Porter made a motion, seconded by Ms. Grant, to hold a public hearing on May 23, 2024, on increasing the greenspace to 40% for new developments. Motion carried unanimously.**

Tom Eastman, Conway Daily Sun, clarified if the Board was discussing limiting building size and was told this was the case. Chair Colbath said the Board is continuously trying to keep development within the scale of the expectations of the community. Mr. Porter noted that now the Master Plan is done, the Board can address zoning inadequacies. The Board also discussed moving the map lines to scale in the commercial zone and limiting signage to aesthetically pleasing ground-level signs.

Mr. O'Connor will incorporate the suggestions of the Board into this ordinance.

**Mixed-Use Discussion:**

Mr. O'Connor asked for Board input on how to address new mixed-use development in terms of zoning ordinances and site plans.

Mr. Porter said this should be incorporated in the Village districts. The Board discussed whether allowing residential units in the commercial districts is appropriate, considering the need for housing. They discussed refining the definitions of workforce and affordable housing to eliminate misconceptions.

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Tom Eastman, Conway Daily Sun, asked how the apartment units where the playhouse was located have worked out that were approved in the '90s. Mr. Porter said he believed they are being used for housing; however, there are other sites in town that will not be as beneficial.

Mr. O'Connor will take these discussions into consideration and continue to work on this ordinance.

**HOP Grant Committee Update:**

Mr. O'Connor said he is meeting with the SE Group on April 30, 2024, for an update on their research.

**Selectmen's Report:**

Mr. Porter said the Selectboard did not meet, so there was nothing to report.

Wryan Fiel asked if Mr. Porter wanted to update the Board on the Selectboard's discussion regarding selling the Town Hall Annex. Mr. Porter said he does not have enough information, so did not want to discuss it at this point. Chair Colbath stressed it would be helpful for the Planning Board to have a voice on this subject.

**Issues for Consideration:**

Mr. O'Connor noted they are pursuing technical assistance from EPA to help develop a plan to pursue funding for infrastructure improvements.

**Media Questions:**

Tom Eastman, Conway Daily Sun, said he believed he defended himself adequately earlier in the meeting regarding the article about the School Board decision.

**Public Comment**

John Colbath said there has been discussion of selling the Town Hall Annex, but it is still up in the air. He said the Selectboard authorized the Town Manager to investigate the feasibility of selling the property and report back to them. He said at the appropriate time, there will be further discussion with interested parties, including the Planning Board, and presumably a public hearing will be held.

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,  
Beth Hanggeli

## **Recommended Changes to Master Plan – 3/28 Public Hearing Version**

p. 25 – “In 2022, the rental vacancy rate in Carroll County was just 2.3%, and the rate was likely even lower for Conway alone.” Remove second half of sentence – unsubstantiated.

p. 25 – “over half (51%) of renters in Conway are “cost-burdened,”. Reference source (2022 North Country Council Regional Housing Needs Assessment).

p. 30 - A-2.2 “Use cluster housing and subdivision regulations to promote the use of conservation subdivisions where a portion of the land remains undeveloped in exchange for the use of smaller lot sizes.”

p. 30 - A-2.3 “The land use code should identify districts where these types of housing can be constructed.” Revise to “The land use code should identify districts where these types of housing can be constructed in order to provide clarity to property owners and land use boards that ADUs are a permitted use.”

p. 30 – add A-2.5 “Consider zoning provisions that provide ability for intergenerational living arrangements, such as accessory dwelling units and micro apartments

- Consider incorporating universal design requirements (e.g., no-step entryways, wider hallways) to ensure accessibility of new housing developments
- Ensure that zoning does not overly limit development of senior living facilities

p. 31 – A-3.2 – change “W/WW access” to “access to public water and wastewater infrastructure”

p. 32 – add to the first paragraph “The Town should increase staff time resources dedicated to addressing the local housing challenge, using the housing-related recommendations of the Master Plan as a guide.”

p. 32 – A-3.3 - change all plan references to “a new Housing & Economic Development Coordinator position” to “an additional planning staff position”

p. 41 – to reflect recent discussions with NHHFA on potential commercial linkage fee approaches, add new strategy B-1.5 - “Continue to evaluate creative approaches for linking future commercial development to addressing housing needs.”

p. 60 – expand first sentence – “Conway’s drinking water resources face threats to water quality, such as increased impervious surface and over-reliance on private septic systems.”

p. 101 – change “Separate the beach and boat launch at Conway Lake, both for safety and purposes and for the improvement enjoyment and relaxation of beach users” to “evaluate opportunities to separate the beach and boat launch at Conway Lake to improve safety and enjoyment of the lake.”

p. 108 – change H-2.2: “H-2.2: Create clear and transparent public communications about how and when charter changes and new municipal services will be implemented.”

To the Conway Planning Board  
Ben Colbath, Chairman,  
Dear Chairman, Colbath,

25-Apr-2024

I offer these comments for the planning board's consideration.

**From the Master Plan Vision Statement**

*"Through carefully revised zoning policies, Conway preserves its beloved village centers, supports small businesses, and sustains a community in which residents and families thrive."*

I submit that for families to **truly thrive**, parents need the assurance that there are superior, properly staffed and directed, safe and challenging education opportunities available in our community.

The recent efforts by the Charter Commission did not address the governance of the school district under a single all-encompassing governing body. Thus, it remains that the people of the town have two governing bodies, the municipal government, and the school district. Each operates in accordance with separate chapters of state law.

It was not proper for this planning board to address schools in the master plan update. Any attempt to do so would have been presumptuous. It would have surely led towards unseemly strife and probably would have become the cause of unnecessary and taxing political turf wars.

Last week this MP almost realized a major setback right out of the gate, when the school's administration recommended closing Pine Tree instead of the John Fuller School.

Thankfully, the school board, when informed of the provisions of the new MP, voted unanimously to close JFS.

There are important takeaways from the school board's actions.

1. The district's recommendation was thoughtful, developed well and with proper considerations for the schools.
2. The current school board is receptive to input from the town's planning department.
3. Both the school district and the town employ very capable and professional staff.



4. There needs to be a clearer line on communication between the planning board and the school board.

I strongly urge the planning board, together with the school board, to **establish a joint committee** to create recommendations regarding any future school district land use decisions. I would recommend keeping it small with two members from the PB and two members from the SB. Staff from both entities could advise as needed. A consensus from **all four members** would be needed to advance any recommendation. This would help depoliticize the process.

This committee could find ways to assist the school district in the development of a much-needed School District Master Land Use Plan. This would be in accordance with our new town's Master Plan that **directs the PB to coordinate with schools**.

See Page 18

## 2. Catalyst Projects

- *Coordination with Community Stakeholders*

*This process should be coordinated alongside relevant stakeholders, including schools, emergency services, community boards and organizations, and agencies.*

I thank you for the opportunity to help develop the Master Plan and pray for you success moving Conway Forward.

Sincerely,

Mark Hounsell, member

Master Plan Steering Committee



# TOWN OF CONWAY

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## MEMO

To: Planning Board  
From: Planning Staff  
Date: April 19, 2023

Re: April Work Session

Dear Planning Board,

Below outlines what we're hoping to discuss at the upcoming works session meeting:

### Minor Site Review

As previously discussed, the goal of this amendments is to streamline our decision process for small businesses. Below are the highlights for consideration:

#### What would be considered a Minor Site Review:

- The establishment of a three (3) to five (5) unit multifamily development, or the redevelopment of a current multifamily development with an increase of no more than five (5) units;
- A reduction of greenspace greater than 2,000 but less than 10,000 square feet;
- An increase in commercial structural floor area of greater than 1,000 but less than 5,000 square feet or no greater than a 35% increase in commercial square footage, whichever is less;
- Lot-line adjustments or Lot mergers;
- Changes of use which may require a waiver from Site Plan Regulations or a Zoning Board of Adjustment decision but are determined not to increase site intensity beyond current capacity.

#### What would be required as part of a submittal:

- A scaled plan, not necessarily a surveyed plan. In some cases, a plan created by a professional engineer or surveyor may not be necessary. A survey would still be necessary for lot line adjustments, delineations of wetlands, or in other cases where the scope of the project necessitated a more detailed plan.

### When would Minor Site Review take place:

- The review of applications would take place at a public hearing. As written, the Technical Review Committee would review the plans. This committee would include Planning staff, the Building Inspector, Zoning Officer, Fire Chief, and a member of the Planning Board. The intention is to be able to review the plan with the applicant and staff to identify future concerns as the applicant moves through the approval process.

With smaller projects, concerns with meeting building or fire code often come once the building permit is submitted. This review process may assist smaller businesses with understanding the full scope of what needs to take place to realize their goals for the property.

### **Commercial Development / Innovative Land Use Controls:**

Attached is a draft of the proposed Commercial Development Condition Use Permit following-up on our discussion last month. One of the more significant changes includes the simplification of the long-term housing exemption. In this draft, all long-term housing would be exempt from the additional regulations and vacation rentals would need to follow the increased setbacks, additional greenspace, etc. Mixed-Use developments would also be excluded from the square footage requirements to help incentivize residential units.

There is also a provision included to incentivize green building practices when developers may not be able to meet greenspace requirements on existing sites.

### **Mixed-Use Development**

In light of the recent applications, it may be worth exploring what the Board is looking for with Mixed-Use Developments. We may want to explore the following:

- Defining Mixed-Use Development.
- Describing what Mixed-Use should look like?
  - Residential units over commercial development?
  - What commercial uses are compatible with residential uses?
  - Should residential units have access to greenspace, sidewalks, etc.?
  - Is Mixed-Use suitable in all zones? Should there be different requirements in different zones?
- What are the base standards for all types of housing mixed with commercial uses (safety, access to greenspace, etc.)?
- Could we consider Mixed-Use Development approvals by Conditional Use Permit similarly to our thoughts on Commercial Development?

If we could have a general discussion on what mixed-use could look like, we'll start drafting regulations to propose to the Board.

## **Proposed Zoning Ordinance Amendments, Minor Site Review**

### **110-4 Applicability**

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

- A. Site Plan Review 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 2,000 square feet;
    - d. Any increase in structure floor space is less than or equal to 1,000 square feet; and
    - 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 4,000 square feet or in a cumulative increase in structure floor space greater than 2,000 square feet.
  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 Site Review required. Minor Site Review shall be required for proposed commercial and multifamily developments which meets the following criteria:

1. The establishment of a three (3) to five (5) unit multifamily development, or the redevelopment of a current multifamily development with an increase of no more than five (5) units;
2. A reduction of greenspace greater than 2,000 but less than 10,000 square feet;
3. An increase in commercial structural floor area of greater than 1,000 but less than 5,000 square feet or no greater than a 35% increase in commercial square footage, whichever is less;
4. Lot-line adjustments or Lot mergers;
5. Changes of use which may require a waiver from Site Plan Regulations or a Zoning Board of Adjustment decision but are determined not to increase site intensity beyond current capacity.
6. Minor Site Review applications will be reviewed by the Technical Review Committee (TRC) at a public hearing and must address the following:
  - a. Submit a completed application to the Planning Department in accordance with the checklist attached to the application form to include a detailed narrative of all existing and proposed site features.
  - b. A plan indicating the following:
    1. Any public way and significant natural or constructed feature within 250'
    2. A scaled plan which represents existing site details and proposed changes; including but not limited to, structures, setbacks, overlay districts, parking and loading areas, signage, lighting, landscaping, architectural changes, utilities, and amount of area disturbed. Plans are not required to be prepared by a professional engineer or licensed surveyor unless deemed necessary by Town Staff or the TRC.
    3. Wetlands, watercourses and water bodies, significant natural or topographic features, or other significant environmental site aspects may require delineation by a licensed professional If determined necessary by Town Staff or the TRC.
    4. A lot line adjustment shall require plans prepared by a licensed land surveyor.

ensure the application is in compliance with all applicable regulations. The TRC may determine that Minor Site Review is not acceptable to address all possible concerns and full Site Plan Review is required.

2. Full Site Plan Review. Unless a proposal is deemed not applicable pursuant to Subsection A, or qualifies for Minor Site Review under subsection B, a site plan review by the Planning Board shall be required for all commercial development or the creation of multifamily housing. Site Plan Review is required for the establishment of a Commercial use where one does not currently exist.

## Proposed Zoning Ordinance Amendments, Commercial Development

### Purpose:

These regulations are enacted to provide consideration of commercial developments which may present a greater impact to the community. The anticipated impact of such developments on the Town's natural and physical character, services, and infrastructure must be mitigated. The Town of Conway Master Plan supports well managed economic growth, the creation of attainable housing, and the stewardship of natural resources.

### Applicability:

A Conditional Use Permit (CUP) is required for the approval of all development involving one or more of the below criteria within a single parcel of land:

	Industrial Districts	Highway Commercial District	Village Commercial Districts	Village Residential Districts	Recreational Resort District
Commercial or Multifamily Development	Creation of 30,000 SqFt or greater of gross floor area	Creation of 12,000 SqFt or greater of gross floor area	Creation of 8,000 SqFt or greater of gross floor area	Creation of 6,000 SqFt or greater of gross floor area	Creation of 30,000 SqFt or greater of gross floor area

### Exemptions:

- A. Redevelopment of a structure or a change in use which does not expand floor area or structural capacity of an existing development;
- B. Square footage associated with residential units restricted for long-term residency to include residential units within mixed-use developments;
- C. Reserved.

### Review Criteria:

The Planning Board may grant a Conditional Use Permit if a proposal adequately addresses the following criteria in addition to those articulated elsewhere in this chapter and within applicable regulations.

- A. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area;
- B. The proposal is in substantial conformance with the Conway Zoning Ordinance, Master Plan, and will not adversely impact community character;

- C. Prior to approval of a CUP, the proposal is required to appear at a regular Planning Board meeting to discuss the application in a conceptual capacity. The review shall not bind the applicant or the Board to any formal decision and will be reviewed with the consistency of the Master Plan;
- D. Proposals with gross floor area which exceeds square footage permitted by right shall be subject to an increase in greenspace of one (1) percent for every three-thousand (3,000) square feet of additional gross floor area. Greenspace is not required to exceed fifty (50) percent of the total lot area. This condition may be waived or reduced by the Planning Board if the proposal is a redevelopment of an existing site and incorporates energy-efficient design, enhanced environmental protections, or other natural resource protections to the satisfaction of the Board;
- E. Proposals with gross floor area which exceeds square footage permitted by right shall be subject to increased setbacks from any public right-of-way or residential use at a rate of one (1) foot per two-thousand (2,000) square feet of additional gross floor area. This condition may be waived or reduced by the Planning Board if the development proposes other measures which sufficiently limit visual, noise, or other impacts associated with the proposed development or is a redevelopment of an existing site;
- F. Gross floor area which exceeds square footage permitted by right shall submit one Development Transfer Credit for each additional square foot of gross floor area as defined within Chapter XXX.