

CONWAY PLANNING BOARD

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CONWAY PLANNING BOARD

MINUTES

JANUARY 27, 2022

A meeting of the Conway Planning Board was held on Thursday, January 27, 2022 beginning at 7:00 pm at the Conway Town Office, Conway, NH. Those present were: Chair, Benjamin Colbath; Selectmen’s Representative, Steven Porter; Vice Chair, Ailie Byers (via video); Bill Barbin; Eliza Grant; Erik Corbett; Alternate, Ted Phillips; Planning Director, Jamel Torres; and Planning Assistant, Holly Whitelaw. Alternate Steven Steiner was in attendance.

APPOINTMENT OF ALTERNATE MEMBER

Mr. Colbath appointed Mr. Phillips as a voting member.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Grant, to approve the minutes of December 9, 2022 as written. Motion carried unanimously.

DIODATI REALTY TRUST/MICHAEL DIODOTI (FILE #FR06-07 & #S06-18) – PUBLIC HEARING – NOTICE OF REVOCATION (PID 218-69)

This is a request to revoke a concurrent site plan and unit subdivision approval (File #FR06-07 & #S06-18 approved July 26, 2007) to convert and subdivide existing buildings into seven residential units at 109 Pine Street, North Conway (PID 218-69). Ms. Grant stepped down at this time.

Mr. Torres stated after speaking with both applicants’ staff is recommending continuance in order to work some things out. **Mr. Porter made a motion, seconded by Mr. Barbin, to continue until February 10, 2022. Motion carried unanimously.**

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD

§190-17.F.(1) & (2) – Structure and Building Height – The purpose of this amendment is to change structure height from 55-feet to 40-feet; and to change building height from 45-feet to 30-feet in the Center Conway Village Commercial (CCVC) District. Ms. Grant rejoined the Board at this time. Mr. Colbath asked for Board comment; there was none.

Mr. Colbath opened the public hearing at 7:03 pm. Mr. Colbath asked for public comment; James Wrigley of 44 Neighbor’s Row stated he supports the ordinance; it seems reasonable and a good proactive move to maintain the character of our Town. Mr. Colbath closed public comment at 7:04 pm.

**Adopted: February 10, 2022 – As Written
CONWAY PLANNING BOARD – JANUARY 27, 2022**

Mr. Porter made a motion, seconded by Ms. Grant, to recommend the proposed amendment to §190-17.F.(1) & (2) – Structure and Building Height to the warrant as written. Motion carried unanimously.

§190-18.E.(1) & (2) – Structure and Building Height – The purpose of this amendment is to change structure height from 55-feet to 40-feet; and to change building height from 45-feet to 30-feet in the Conway Village Commercial (CVC) District.

Mr. Colbath asked for Board comment; there was none. Mr. Colbath opened the public hearing at 7:05 pm. Mr. Colbath asked for public comment; there was none. Mr. Colbath closed public comment at 7:50 pm.

Mr. Porter made a motion, seconded by Mr. Barbin, to recommend the proposed amendment to §190-18.E.(1) & (2) – Structure and Building Height to the warrant as written. Motion carried unanimously.

§190-19.E.(1) & (2) – Structure and Building Height – The purpose of this amendment is to change structure height from 55-feet to 40-feet; and to change building height from 45-feet to 30-feet in the North Conway Village Commercial (NCVC) District.

Mr. Colbath asked for Board comment; there was none. Mr. Colbath opened the public hearing at 7:06 pm. Mr. Colbath asked for public comment; there was none. Mr. Colbath closed public comment at 7:06 pm.

Mr. Porter made a motion, seconded by Mr. Corbett, to recommend the proposed amendment to §190-19.E.(1) & (2) – Structure and Building Height to the warrant as written. Motion carried unanimously.

§190-20.E.(1) & (2) – Structure and Building Height – The purpose of this amendment is to change structure height from 55-feet to 40-feet; and to change building height from 45-feet to 30-feet in the Highway Commercial District in the North Conway area north of North Conway Village only.

Mr. Colbath asked for Board comment; there was none. Mr. Colbath opened the public hearing at 7:06 pm. Mr. Colbath asked for public comment; there was none. Mr. Colbath closed public comment at 7:06 pm.

Mr. Porter made a motion, seconded by Mr. Phillips, to recommend the proposed amendment to §190-20.E.(1) & (2) – Structure and Building Height to the warrant as written. Motion carried unanimously.

§195-7 – Affordable Housing – The purpose of this amendment is to allow the Planning Board to grant a conditional use permit for compact cluster housing developments and to renumber the sections accordingly.

Mr. Colbath asked for Board comment; there was none.

Adopted: February 10, 2022 – As Written
CONWAY PLANNING BOARD – JANUARY 27, 2022

Mr. Colbath opened the public hearing at 7:07 pm. Mr. Colbath asked for public comment; Emily stated it indicates that it does not include manufactured or mobile homes and asked if that includes modulars. Mr. Porter stated modular homes are classified different from mobile homes. Emily asked if a stick built off-site tiny house if it was 400 square feet could be done. Mr. Torres stated tiny homes are regulated differently in New Hampshire.

Harrison Kanzler of Mount Washington Housing Coalition stated since it would be stick built, he thinks that would be okay. Mr. Kanzler stated if it is a tiny home on a chassis that would be up to the Board, but stick built on a foundation would fall under this ordinance.

Emily asked with the land could there already be a house on the land and then add. Mr. Kanzler stated this would also be up to the Board, one of the stipulations is that all of the houses have to be deed restricted permanent residency. Mr. Kanzler stated so presumably the principal structure would not be deed restricted so you would have to apply that deed restriction to the principal property, but if you have the land for it then yes you could do that.

Mr. Colbath closed public comment at 7:12 pm. **Mr. Porter made a motion, seconded by Mr. Colbath, to recommend the proposed amendment to §195 – Affordable Housing to the warrant as written. Motion carried unanimously.**

Steven Steiner stated the Zoning Board of Adjustment heard a case last week where a local homeowner has 105-acres and they appealed David Pandora’s decision, and he was right, and the Board voted to uphold the administrative decision. Mr. Steiner stated this homeowner has 105-acres, he wanted to construct a second home and he could not do it unless he did a subdivision plan which would cost up to \$26,000. Mr. Steiner stated he would ask the Planning Board to see if there is a remedy to this rather than spending \$26,000 for a subdivision. Mr. Steiner stated if we are looking for housing, we can do better.

Shawn Bergeron of Bergeron Technical Services stated he was at the ZBA meeting last week; the property has over 100 acres and there is already a two-unit structure on the lot and they want to build another home further back on the lot. Mr. Bergeron stated the Zoning Board indicated to just obtain a unit subdivision, however, we are now working on the potential dollar value for that unit subdivision. Mr. Bergeron stated by the time they are done they are somewhere between \$20,000-\$30,000 to prepare that subdivision.

Mr. Bergeron stated they don’t want to subdivide their land; they just want to put another home on it. Mr. Bergeron stated they don’t want two lots, and there is no purpose for two lots. Mr. Bergeron stated this is a large piece of agricultural land that the subdivision review regulations doesn’t necessarily work well with the way this land is actually being used. Mr. Steiner stated he was just trying to bring light to it while we are discussing housing. Mr. Porter stated we could take a look at it and see what the ramifications are in all situations. Mr. Bergeron stated it is always a balancing act, you are trying to not overdevelop, and we probably can make some provisions in the ordinance that are easier to accomplish at less expense for people who want to do this.

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY PETITION

There were no petitioned articles.

OTHER BUSINESS

Redstone Group (PID 262-86.24) – Conditional approval expiring (File #FR21-13): The conditions of approval have been met, and the plans were signed.

Nathaniel and Marianne Lucy (PID 201-22) – Conditional approval expiring (File #S21-17): The conditions of approval have been met, and the plans were signed.

Fairway Nominee Trust (PID 246-56) – Request to extend conditional approval (File #S21-01): Mr. Porter made a motion, seconded by Mr. Colbath, to extend the conditional approval until August 25, 2022. Motion carried unanimously.

2022 Meeting Schedule: The Board discussed scheduling work sessions, and changing the time the meetings start. The Board agreed to place this on the February 10, 2022 agenda under Other Business.

Meeting adjourned at 7:40 pm.

Respectfully Submitted,

Holly L. Whitelaw
Planning Assistant

Planning Board
Proposed Zoning Ordinance Changes, 2022 Ballot

190-17 Center Conway Village Commercial (CCVC) District

F. Structure and building height.

1. Structure height shall not exceed ~~55-40~~ feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code.
2. Building height shall not exceed ~~45-30~~ feet.

190-18 Conway Village Commercial (CVC) District

E. Structure and building height.

1. Structure height shall not exceed ~~55-40~~ feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code.
2. Building height shall not exceed ~~45-30~~ feet.

190-19 North Conway Village Commercial (NCVC) District

E. Structure and building height.

1. Structure height shall not exceed ~~55-40~~ feet for any structure. For properties west of Route 16, structure height shall not exceed 30 feet. These restrictions shall not apply to wind energy systems permitted in accordance with Chapter 179 of the Conway Code.
2. Building height shall not exceed ~~45-30~~ feet. For properties west of Route 16, building height shall not exceed 25 feet.

190-20 Highway Commercial (HC) District

A. District Boundaries

4. North Conway area north of North Conway Village
 - a. The HC District in the North Conway area north of North Conway Village shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps):

E. Structure and building height.

1. Structure height shall not exceed 55 feet for any structure, except wind energy systems permitted in accordance with Chapter 179 of the Conway Code. For properties located in the North Conway area north of North Conway Village, structure height shall not exceed 40 feet.
2. Building height shall not exceed 45 feet. For properties located in the North Conway area north of North Conway Village, building height shall not exceed 30 feet.

To be added as a subsection of Chapter 195

195-7 Cluster Housing

In order to encourage the development of affordable primary residences and enhance residential housing choices in Conway, the Planning Board may grant a conditional use permit for compact cluster housing developments, provided that:

- A. All dwelling units shall be in single family detached structures or duplexes and shall not include manufactured or mobile homes;
- B. All dwelling units shall be served by municipal water and sewerage;
- C. All dwelling units shall have a floor area of not less than 400 square feet nor greater than 1200 square feet;
- D. All dwelling units shall be used for long-term residency and as primary residences, and short-term transient occupancy of any dwelling unit is prohibited. Legal documents shall be reviewed and approved by the Planning Board with lease terms of no less than 180 days;
- E. The minimum lot size shall be ¼ acre for the first unit and 5,000 square feet for each additional dwelling unit on a lot;
- F. The minimum frontage for any lot shall be 50 feet;
- G. The conditional use permit shall not be combined with any other conditional use permit or special exception, including but not limited to the special exceptions for accessory dwelling units.

195-8 Definitions.

195-9 Restrictions on rental.

195-10 Future Transactions and ordinance enforcement.

195-11 Effective date/invalidity.