

**CONWAY PLANNING BOARD**

**MINUTES**

**JANUARY 30, 2003**

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CONWAY PLANNING BOARD

MINUTES

JANUARY 30, 2003

A meeting of the Conway Planning Board was held on Thursday, January 30, 2003 beginning at 7:00 p.m. at the Conway Town Office in Center Conway, NH. Those present were: Chair, Sheila Duane; Vice Chair, Robert Drinkhall; Secretary, Conrad Briggs; Brian Glynn; Martha Tobin; David Robinson; Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**PUBLIC HEARING – PETITIONED ARTICLE 147-19.D.1.(b) – WALL SIGNS**

The public hearing was opened at 7:01 p.m. Dot Seybold appeared before the Board. Ms. Seybold stated that the situation and the buildings at Settler's Green are unique to Conway. Ms. Seybold stated that she rode through Town looking to see what this proposed amendment would effect and there are not many places. Ms. Seybold stated that she found only a few places in Town that could take advantage of the proposed ordinance. Ms. Seybold stated that in their situation the signs would end up being 24 feet from the undisturbed ground. Ms. Duane asked if this proposal would bring the signs into scale with the buildings. Ms. Seybold answered in the affirmative. Ms. Seybold showed a few computer-generated sign situations at Settler's Green; showing where the signs are located now and where the signs would be located under the proposed amendment.

Mr. Briggs stated that it sounds like spot zoning. Mr. Irving stated that it is not specific to this site, it would be a town wide ordinance, and therefore, it is not spot zoning. Mr. Irving stated having signs that are appropriately proportioned to the building is a good idea. Mr. Briggs asked if this ordinance would accomplish that. Mr. Irving stated that it appears to. Ms. Tobin stated that this is not changing the size of the sign. Ms. Seybold agreed.

**Mr. Briggs made a motion, seconded by Mr. Drinkhall, to endorse the petitioned article to amend Article 147-19.D.1.(b) on the Town Warrant.** Ms. Duane asked for public comment; Catherine Woodall asked if this would allow signs to be visible from the North South road. Ms. Seybold stated that she could not think of any sign that would. Ms. Woodall asked about the highway corridor district. Mr. Irving stated that that is further away from this site then the North-South Road. Mr. Glynn stated that he thinks it a shame to ruin the architecture of a building for the height of the sign. Ms. Duane asked for any other public comment; there was none. The public hearing was closed at 7:16 p.m. **Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-7.C. – VIOLATIONS AND PENALTIES**

The public hearing was opened at 7:17 p.m. Mr. Irving stated that the principal purpose of this is amendment is to have the authority as listed in the RSA. Ms. Duane asked for public comment; Catherine Woodall asked if the wording in RSA 676:17 is specifically stated in the proposed amendment. Mr. Irving stated that the Town attorney worked on this amendment and it is

**Adopted: February 13, 2003 – As Written  
CONWAY PLANNING BOARD – JANUARY 30, 2003**

consistent with the RSA. Ms. Woodall asked if an application were to go to court would it be a misdemeanor or a felony. Mr. Irving stated that these are the regulations the Town could follow if court proceedings are necessary. Ms. Woodall asked under section (3) if once the property owner is notified another written notice would not be necessary. Mr. Irving stated that a lot of the language was taken forbadeum from RSA 676:17 and changed only to indicate the Town of Conway. The public hearing was closed at 7:21.

**Mr. Drinkhall made a motion, seconded by Mr. Glynn, that the amendment to Article 147-7.C as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-11.A.(1) – RESIDENTIAL/AGRICULTURAL DISTRICT – PERMITTED USES**

The public hearing was opened at 7:22 p.m. Ms. Duane read the proposed amendment. Mr. Irving stated that this is to clarify and remove some confusing language. Mr. Irving stated that it currently reads that an owner occupied tourist home or lodging house is allowed as a home occupation and that is not the case. Ms. Duane asked for public comment; there was none. The public hearing was closed at 7:23 p.m. **Ms. Tobin made a motion, seconded by Mr. Drinkhall, that the amendment to Article 147-11.A.(1) as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-11.3 – VILLAGE RESIDENTIAL DISTRICT – PERMITTED USES**

The public hearing was opened at 7:24 p.m. Ms. Duane read the proposed amendment. Mr. Irving stated that this is the same as Article 147-11.A.(1). Ms. Duane asked if there were any board comments; there was none. Ms. Duane asked if there was any public comment; there was none. The public hearing was closed at 7:25 p.m. **Mr. Briggs made a motion, seconded by Ms. Tobin, that the amendment to 147-11.3 as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-13.1.B.(4) – GROUNDWATER PROTECTION OVERLAY DISTRICT**

The public hearing was opened at 7:26 p.m. Mr. Irving stated that this was a housekeeping issue only. Ms. Duane asked for Board comments; there were none. Ms. Duane asked for public comment; there was none. The public hearing was closed at 7:27 p.m. **Mr. Briggs made a motion, seconded by Ms. Tobin, that the amendment to Article 147-13.1.B.(4) as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

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**PUBLIC HEARING – AMENDMENT 147-14 – FLOODPLAIN CONSERVATION DISTRICT**

The public hearing was opened at 7:28 p.m. Mr. Irving stated that the Zoning Board of Adjustment suggested this amendment because the words “beneficial purpose” were not defined. Ms. Duane asked for Board comments; there was none. Ms. Duane asked for public comment; there was none. The public hearing was closed at 7:29 p.m. **Mr. Briggs made a motion, seconded by Ms. Tobin, that the amendment to Article 147-14 as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-19.G.(1) – SIGN LIGHTING**

The public hearing was opened at 7:30 p.m. Mr. Irving stated that there was a concern with light pollution and signs being lit from below. Mr. Irving stated that it was suggested that the lighting should be affixed to the sign itself and facing down to prevent it from going up into the sky. Mr. Irving stated that it was also suggested that the type of light should be changed to prevent light pollution. Ms. Duane asked for public comment; Charlene Browne asked about the glare from the lights that are pointing down. Mr. Irving stated that there is still a regulation that does not allow light to leave the property. Ms. Woodall stated she doesn’t see why it cannot be lit from below. Ms. Duane stated that this is to prevent light pollution.

Ms. Woodall stated that Ceramco in Center Conway is a perfect example of what we don’t want. Ms. Browne asked about the danger issue. Luigi Bartolomeo stated that the lights that come up from the bottom of the sign are at the same height as headlights. Mr. Irving read the proposed ordinance. Earl Sires, Conway Town Manager, stated that he applauds the Boards effort in dealing with this issue. Mr. Irving stated that this is to deal with the light that is shining into the sky. Ms. Woodall asked about the grandfathering. Ms. Duane stated that the lights that are there today will remain and this amendment will affect any new signs in the future. The public hearing was closed at 7:43 p.m. **Mr. Drinkhall made a motion, seconded by Ms. Tobin, that the amendment to 147-19.G.(1) as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-15.E.(3) – ACCESSORY DWELLING**

The public hearing was opened at 7:44 p.m. Ed Poliquin, Luigi Bartolomeo and Gina Hale of the Housing Committee appeared before the Board. Ms. Duane read the proposed ordinance. Ms. Duane stated since this amendment was posted to a public hearing, the Housing Committee had another meeting and made some changes. Ms. Duane read the proposed ordinance with the new changes. Ms. Duane referred to the application and stated that a fee is going to be required because the Town of Conway does not currently inspect one- or two-family homes nor do they have a provision in our ordinances to do such inspections. Ms. Duane stated that this application would require the contractor’s signature and the electrician and plumber licenses on the application. Ms. Duane stated that this is the best safety net that we can provide to make this as safe as possible for the tenants.

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Mr. Bartolomeo stated in regard to safety, we expect the areas above garages to be converted, which is a high danger area, so we believe the application to be a good move. Mr. Poliquin stated that this is a way of monitoring the construction. Mr. Briggs asked if this ensures that a professional will construct this second unit. Mr. Poliquin answered in the affirmative. Mr. Sires thanked the committee and members of the Planning Board for working on this amendment. Mr. Sires stated that the fee allows the Town to contract out the inspection if staff is too busy. Mr. Sires stated that the intent is that the main structure is to be owner-occupied.

Charlene Browne asked why is this a special exception and not just allowed in the zoning ordinance. Mr. Irving stated if it is permitted as a right in the zoning ordinance then the Zoning Board of Adjustment (ZBA) will not get the change to look at the infrastructure or make sure the change to the structure is consistent with the neighborhood. Mr. Irving stated that there also would not be an opportunity for the Town to make sure that license professionals are doing the work. Ms. Browne stated that this is putting a different role onto the ZBA. Ms. Browne asked if you have to submit architectural drawings and asked how do you determine sufficient parking. Ms. Duane stated that the committee felt this addressed the issue regarding parking. Ms. Browne asked if they have to submit architectural drawings. Mr. Bartolomeo stated that this is residential and the committee deliberatively left it loose so the homeowner could submit just a photograph. Ms. Browne stated that she doesn't see how the homeowner could meet that regulation.

Catherine Woodall stated that she doesn't see a size restriction. Mr. Irving stated that it is in the definition of accessory dwelling. Mr. Briggs asked how this amendment affects a large house and converting it to a duplex. Ms. Duane stated that this wouldn't apply to that situation. Bob Bell asked what is the sufficient amount of land. Mr. Irving explained the required density requirements. Ms. Woodall stated that this amendment would increase density. Mr. Irving agreed. Ms. Woodall asked how other underlying districts that have restrictions would affect this amendment. Mr. Irving stated that you have to conform to the restrictions in the underlying districts. Ms. Woodall asked if the lake shoreline protection district would be affected and would the lake still be protected. Mr. Irving stated that he believes the shoreline protection would apply and stay in place. The public hearing was closed at 7:58 p.m.

Ms. Duane stated because there have been substantial changes to the proposed amendment so another public hearing is needed. **Ms. Tobin made a motion, Mr. Glynn, to continue the public hearing for the proposed amendment Article 147-15.E.(2) until February 13, 2003. Motion unanimously carried.**

**PUBLIC HEARING – AMENDMENT 147-6 – DEFINITION – ACCESSORY DWELLING**

The public hearing was opened at 8:00 p.m. Ms. Duane read the definition. Ms. Duane asked for Board comments; there was none. Ms. Duane asked for public comment; there was none. The public hearing was closed at 8:01 p.m. **Ms. Tobin made a motion, seconded by Mr. Glynn, that the amendment to 147-6, definition of Accessory Dwelling, as written be submitted to the Town Clerk to be posted to the Town Warrant subject to legal review. Motion unanimously carried.**

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**PUBLIC HEARING – AMENDMENT 147-15.E.(2) – INCREASE IN DENSITY**

The public hearing was opened at 8:02 p.m. Ms. Duane read the proposed ordinance. Ms. Duane stated that this amendment also went back to the Housing Committee after it was posted to a public hearing. Ms. Duane read the proposed ordinance with the new changes. Mr. Poliquin stated that the NH Housing Authority had an active role in this community a long time ago and was able to get some decent apartments built. Mr. Poliquin stated since that time there has been nothing built as those developers are now in there 60's. Mr. Poliquin stated that he asked those same developers if they would be interested in doing this type of project now and they said no. Mr. Poliquin stated that you need a young person.

Mr. Poliquin stated that the density requirement just doesn't allow for this type of development to take place today. Mr. Poliquin stated that sewer allows you not to put in septic systems, which prevents the contamination of ground water. Mr. Poliquin stated that the NCWP has the capacity and not a lot coming in. Mr. Poliquin looked at other Towns and they all seemed to be in the 12 units per acre range. Mr. Poliquin stated that you still have to meet the greenspace, parking and other requirements of the town. Mr. Poliquin stated that 12 units per acre may not be able to be accomplished on an acre of land, but it is very close. Mr. Poliquin stated if some housing authority wanted to come in this would allow them to do it.

Mr. Poliquin stated that the rents in the area cannot get these buildings built and to code. Mr. Poliquin stated that the cost of building an apartment is very high. Mr. Poliquin stated that we should allow the developer to sell 75% of the units to be able to pay down the note. Mr. Poliquin stated this would allow keeping some of those units in the rental pool. Ms. Duane stated this is from a developer's standpoint. Mr. Poliquin stated that you have to have more density to make the project feasible and to do that you need sewer and water. Mr. Poliquin stated that the amount of land required now, it is impossible to do. Mr. Robinson stated that building in a higher density wouldn't decrease cost. Mr. Irving stated having more density on a smaller piece of land lowers the cost of the land but it still doesn't make it feasible and you would have to sell them all to make a profit. Ms. Duane stated that this self finances the remaining 25% of the units. Ms. Duane stated that this is an investment; he'll have the rents and something to sell in twenty years.

Mr. Poliquin stated if you just increase the density no one is going to build apartments, they are going to build units and just sell them. Mr. Poliquin stated that there are areas in town where they are currently taking microwaves putting them in old hotel rooms and renting them for \$750 a month. Mr. Poliquin stated that this is not the way to live. Mr. Briggs stated that he is in favor of increased density but questioned (b) and how that affects the Town. Mr. Sires stated that this is an incentive approach and not a regulatory approach. Mr. Sires stated that this gives you something to make it feasible. Mr. Sires stated that there are not a lot of regulatory issues here. Mr. Sires asked if it is perfect and he stated no, but it is a good approach. Mr. Sires stated that it should move forward and let the town act on it. Mr. Irving stated that this is subject to all building codes, Planning Board regulations and zoning.

Ms. Duane asked for public comment; Ms. Browne stated that she is concerned with the preservation of the village and asked what mechanism is in place to preserve land in the village. Mr. Poliquin stated that the best use in the village is for shopping because you're not going to get

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that kind of money out of apartments. Mr. Bartolomeo stated what comes into play here is a mixed use, retail below with living above. Ms. Browne asked if this would take care of itself. Mr. Irving stated that we currently don't have anything on the books to prevent someone from leveling the buildings in the villages. Ms. Browne asked what is in place to encourage multiple uses. Ms. Duane stated if you look at our ordinances today they are a one-size fits all. Ms. Duane stated under today's regulations an Olive Garden could buy up the land, tear down the buildings and build something new; that is more depressing. Ms. Duane stated that in the future our site plan regulations are going to fit the district and not a one size fits all.

Ms. Woodall stated that this was originally workforce housing and it does not do that now. Ms. Woodall stated that this will be good for the developer, but it will not be good for the Town. Ms. Woodall stated that this would increase the density. Ms. Duane stated that the Town did not want to create a housing committee and this is a way to make more marketable units. Mr. Bartolomeo stated that the maximum is 1,000 square feet and will not demand a high rent and, therefore, feeds into the workforce housing. Ms. Hale stated they went for the supply and demand; if you supply the apartments the rent will go down. Ms. Browne asked why this is only allowed in the commercial district and not in the residential/agricultural district. Ms. Duane stated that if you have to provide water and sewer on-site to prevent driving the costs up.

Mr. Irving stated the reason to contain to the commercial is because they already have the infrastructure to handle this. Mr. Bartolomeo stated that this is a sprawl issue and greater density in smaller areas conserves the outlying land. Mr. Bartolomeo stated that Ms. Browne is advocating sprawl and that is what we don't want to advocate. Mr. Briggs asked if this would allow this low cost housing to occur. Mr. Poliquin answered in the affirmative. Ms. Woodall stated that the multi-use in the village is a good idea and that is good housing and thought that would be good for work force housing instead of increasing the density. The public hearing was closed at 8:39 p.m. **Mr. Drinkhall made a motion, seconded by Mr. Glynn, to continue the public hearing for the proposed amendment Article 147-15.E.(2) until February 13, 2003. Motion unanimously carried.**

Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Holly L. Meserve  
Recording Secretary



# TOWN OF CONWAY

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## CONWAY PLANNING BOARD

Thursday, January 30, 2003, beginning at 7:00 p.m.  
Conway Town Office, Center Conway

Review and Acceptance of Minutes

### A G E N D A

#### PUBLIC HEARING

1. Public Hearing - Petitioned Article 147-19.D.1.(b) - Wall Signs
2. Public Hearing - Amendment 147-7.C. - Violations and Penalties
3. Public Hearing - Amendment 147-11.A.(1) - Residential/Agricultural District - Permitted Uses
4. Public Hearing - Amendment 147-11.3. - Village Residential District - Permitted Uses
5. Public Hearing - Amendment 147-13.1.B.(4) - Groundwater Protection Overlay District
6. Public Hearing - Amendment 147-14 - Floodplain Conservation District
7. Public Hearing - Amendment 147-15.E.(3) - Accessory Dwellings
8. Public Hearing - Amendment 147-15.E.(2) - Increase in density
9. Public Hearing - Amendment 147-6 - Definition - Accessory Dwelling
10. Public Hearing - Amendment 147-19.G.(1) - Sign Lighting

#### **OTHER BUSINESS**

COPIES AVAILABLE AT THE CONWAY TOWN OFFICE AND  
AT [WWW.CONWAYNH.ORG](http://WWW.CONWAYNH.ORG)



Petition for Zoning Amendments

The undersigned, being twenty-five or more registered voters in the Town of Conway, New Hampshire, hereby petition pursuant to the provisions of the RSA 675:4 that the following article to amend the Conway Zoning Ordinance be submitted to the voters of the Town of Conway at the annual meeting to be held in April 2003.:

Article \_\_\_\_: To see if the Town will amend the Town of Conway Zoning Ordinance section 147-19D1(b) Wall Signs, to increase the maximum height of wall signs by specifically:

Amending 147-19, D, 1, (b), first paragraph, to read as follows (*italics equals changed section*):

Wall Sign. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and the exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147-19, L(3):

| Signature:                   | Printed Name:             |
|------------------------------|---------------------------|
| 1. <u>James M. Burke</u>     | <u>JAMES M. BURKE</u>     |
| 2. <u>Russell Boisvert</u>   | <u>RUSSELL BOISVERT</u>   |
| 3. <u>Douglas M. Hall</u>    | <u>DOUGLAS M. HALL</u>    |
| 4. <u>Dorthea M. Seibold</u> | <u>DORTHEA M. SEIBOLD</u> |
| 5. <u>Roger Garland Jr.</u>  | <u>ROGER GARLAND JR.</u>  |
| 6. <u>Susan L. Dowd</u>      | <u>SUSAN L. DOWD</u>      |
| 7. <u>Roger A. Jones</u>     | <u>ROGER A. JONES</u>     |
| 8. <u>Beth Scribner</u>      | <u>BETH SCRIBNER</u>      |
| 9. <u>Mark Scribner</u>      | <u>MARK SCRIBNER</u>      |
| 10. <u>Russ Seibold</u>      | <u>RUSS SEIBOLD</u>       |

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TOWN OF CONWAY

## 147-7. Enforcement; violations and penalties.

### C. Violations and penalties.

- (1) Any violation of any provision of this chapter or the forms promulgated hereunder shall be punishable by a fine of not more than one hundred dollars (\$100) for each day such violation continues after the date on which the violator receives written notice from the town that he/she is in violation of this chapter, plus costs and attorney's fees as may be legally allowed, to be paid over on collection to the use of the town. The town may also enforce this chapter and the regulations hereunder by injunction, restraining order or other appropriate action. In alternative and/or cumulatively, a violator of this chapter may be assessed penalties, costs and attorney's fees as otherwise allowed pursuant to RSA 676:17, as amended, with the town to have such further rights to enjoin or otherwise act in accordance with RSA 676:17. (a) and (b). Pursuant to RSA 676:17, any person who violates any of the provisions of N.H. RSA Title LXIV, "Planning and Zoning" or any Town of Conway ordinance, code or regulation adopted under said title, or any provision or specification of any application, plat, or plan approved by or any requirement or condition of a permit or decision issued by, any authorized local official or land use board:
- (a) Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.
  - (b) Shall be subject to a civil penalty not to exceed the maximum allowable under RSA 676:17 for each day such violation is found to continue after the conviction date or after the date on which the violator receives written notice of the violation from the town, whichever is earlier.
  - (c) The town may also recover its costs and reasonable attorney's fees actually expended in pursuing the legal action, as well as seek reimbursement for the expenditure of public funds, if it is found to be a prevailing party in the action, pursuant to RSA 676:17 II and RSA 676:17 III.
- (2) Pursuant to RSA 676:17-a, "Cease and Desist Orders", the building inspector, code enforcement officer, or other designated officer of the Board of Selectmen, may issue a cease and desist order against any violation set forth in paragraph (1) above.
- (3) Pursuant to RSA 676-17-b "Local Land Use Citations" the building inspector, code enforcement officer or other designated officer of the Board of Selectmen may choose to charge the offense as a violation and issue a Local Land Use Citation and seek a civil penalty as set forth in RSA 676:17, I(b). The prosecuting official may also serve additional local land use citations, without giving additional written notice or appeal opportunity, if the facts or circumstances constituting the violation continue beyond the date or dates of any prior citation, pursuant to RSA 676-17-b VII.

**147-11. Residential/Agricultural District.**

**A. Permitted Uses.**

- (1) Any lot may be used for a residential structure, with or without home occupations as provided herein, including owner-occupied tourist homes or lodging houses or boardinghouses or rooming houses, apartments; mobile homes as provided in 147-18, condominiums, signs as provided in 147-19, churches, hospitals with or without their usual and customary accessory uses, agricultural uses, including timber removal, and businesses which are intended to board domestic farm animals. Municipal services are permitted, provided that they are not offensive to the character of the neighborhood.

**147-11.3. Village Residential District.**

**A. Permitted Uses.**

- (1) Any lot may be used for a residential structure, ~~with or without~~ home occupations as provided within 147-11, including owner-occupied tourist homes or lodging houses or boardinghouses or rooming houses, apartments, condominiums and signs as provided in 147-19. Domestic animals, (but not farm animals), which are pets owned by the occupant may be kept on any lot within this district.

**147-13.1.B. Groundwater Protection Overlay District.**

- (4) Permits. Any change in land use within the protective radius shall require a permit from the Zoning Officer. The Zoning Officer shall require: a completed change of use application; and a survey of the entire protective radius area at a scale of 1"=20' showing all natural and manmade features; ~~and an application fee of \$25.~~ The Zoning Officer shall forward a copy of the application to the municipal entity owning the well for review and comments. The municipal entity shall have one week to comment, and the Zoning Officer shall not issue an approval for the change of use until the comment period has expired.

#### 147-14. Floodplain Conservation District.

- A. The purpose of this district is to promote and protect the health, safety and general welfare of the town by providing reasonable regulations governing development and use of the floodplain.
- B. The Floodplain Conservation District is hereby determined to be those areas identified and delineated as a floodplain with a one-percent-or-greater chance of flooding in any given year, which is designated as Zone A and A 1-99 on the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) of Conway issued by the Federal Insurance Emergency Management Administration as amended from time to time and/or on the Flood Hazard Analysis Map (FHAM) of 1974, prepared by the United States Department of Agriculture Soil Conservation Service, whichever delineates the higher flood level.

In cases where the floodplain boundary is disputed, a plan prepared and certified by a surveyor licensed by the State of New Hampshire, that clearly represents the floodplain boundary may supersede the boundary represented on the FHAM.

- C. The following uses shall be permitted within the Floodplain Conservation District to the extent that they are not prohibited by any other ordinance, and provided that they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system, nor for any use in the floodway, raise the level of the one-hundred-year floodwaters.
- (1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
  - (2) Residential accessory uses, such as lawns, gardens, parking areas and play areas.
  - (3) Sealed public water supplies.
- D. Special Exceptions.
- (1) Special exceptions may be granted by the Zoning Board of Adjustment for the following uses within the floodplain, except those areas within the floodway, unless expressly allowed in the floodway hereunder, as defined herein:
    - (a) Uses, but not structures, compatible to open space.
    - (b) Limited agricultural extraction of sand, gravel and other materials for noncommercial use.
    - (c) Boat landings and boat access areas within the floodway.
    - (d) Railroads, streets, driveways, bridges, utility, transmission lines and pipelines.
    - (e) Storage yards for equipment, machinery or materials accessory to adjacent permitted uses.
    - (f) Fill or materials to be deposited in the floodplain may be allowed by special exception, provided that the fill or materials are shown to have some beneficial purpose is consistent with the permitted uses represented in subsection §147-14.C and the amount thereof is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by riprap, vegetation cover or bulkheading.
    - (g) Municipal and school district facilities.
    - (h) Agricultural buildings that do not require septic systems.
    - (i) The construction or maintenance of farm, forest or recreational service roads.
    - (j) River or floodway maintenance.

## 147-19. Signs

G. Design Standards. The following design standards shall be required to ensure compliance with the intent of these regulations:

- (1) Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources A light source shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are it is not visible at any point along the property boundary, nor shall it they in any way be distracting to vehicular traffic.
- (2) Neon. Neon lighting shall be prohibited.
- (3) [deleted 3/9/93]
- (4) Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.
- (5) Flashing/Blinking. Flashing, blinking, alternating type, or digital type lighting shall be prohibited, except that alternating time/temperature signs shall be permitted.
- (6) Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.
- (7) No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.
- (8) No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

Changes

**147-15 Lot Size**

**E. Special Exceptions.**

**(3) In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:**

**(a) The applicant demonstrates to the ZBA's satisfaction that the subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.**

**(b) The applicant demonstrates to the ZBA satisfaction that accessory apartments are designed to ensure architectural compatibility with the neighborhood.**

**(c) The applicant demonstrates to the ZBA's satisfaction that sufficient parking is located on site.**

**(d) An Accessory Apartment Application is submitted for ZBA review.**



Posted

147-15. Lot Size

E. Special Exceptions.

(3) In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single-family dwelling, on any size lot (provided that where precinct water and sewer are not available, appropriate permits shall be obtained from the New Hampshire Department of Environmental Services for additional septic loading), subject to the following conditions:

- (a) Attached accessory apartments shall occupy a maximum of 800 square feet and a minimum of 300 square feet. Additional entrances shall be designed to ensure compatibility with the goal of retaining the appearance of a single-family residence.
- (b) Detached accessory apartments shall occupy a maximum of 800 sq. ft. and a minimum of 300 sq. ft. Detached
- (c) A one-time application with fee for review is required to be completed prior to submission to the Town of Conway.
- (d) Prior to Zoning Board of Adjustment granting the special exception, a written approval must be obtained from the Town of Conway building inspector and precinct fire chief that all applicable building codes will be adhered to.

Town of Conway  
Accessory Apartment Application

SECTION 1: OWNER INFORMATION

Name of all owners on the deed:

Property Address:

Owners Mailing Address:

Home phone:

Business phone:

Lot Size:

Map:

Parcel:

SECTION II: APARTMENT INFORMATION

LOCATION OF APARTMENT WITH IN EXSISTING STRUCTURE:

LOCATION OF DETACHED APARTMENT:

SIZE OF APARTMENT:

BUILDER: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Builders Signature

ELECTRICIAN: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Electricians Signature

License number

PLUMBER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plumbers  
Signature  
License Number

**Building Codes that must be adhered to:**

1. Properly installed smoke detection within the units and interconnected in all common areas.
2. For attached accessory apartments, the two dwelling units are properly separated as per BOCA & NFPA requirements.
3. The two dwelling units need to be properly separated as per BOCA & NFPA requirements.
4. Adequate egress is supplied to each unit, including emergency exit access.
5. No hazardous areas are to be left unprotected. ( Boiler rooms, Utility areas etc..)

Building Plans must be submitted to the Town of Conway as part of this application.

Licensed plumbers and electricians must be used to ensure code compliance. Building inspections will be performed only at the request of the homeowner for a fee of \$50.00 per hour.

**SIGNATURE OF ALL HOMEOWNERS LISTED ON THE DEED:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TOWN OF CONWAY BUILDING INSPECTOR**

# NHH AREA PROFILE

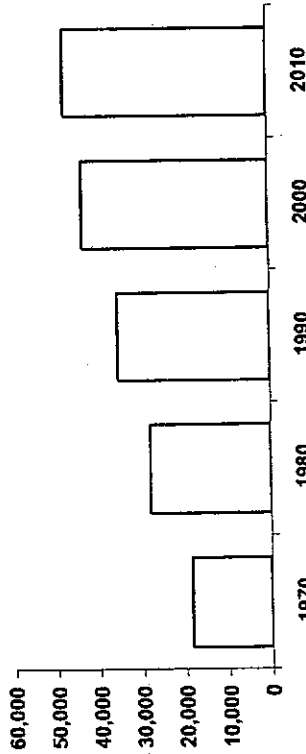
## Carroll County

Land Area: 933.8 sq.mi.

Water Area: 58.4 sq.mi.

### POPULATION CHARACTERISTICS

#### POPULATION



Source: U.S.Census and NH OSP

| Year       | 1970   | 1980   | 1990   | 2000   | 2010   |
|------------|--------|--------|--------|--------|--------|
| Population | 18,548 | 27,929 | 35,410 | 43,666 | 47,621 |

Percent Change

| Period    | Percent Change |
|-----------|----------------|
| 1970-80   | 51%            |
| 1980-90   | 27%            |
| 1990-00   | 23%            |
| 2000-2010 | 9%             |

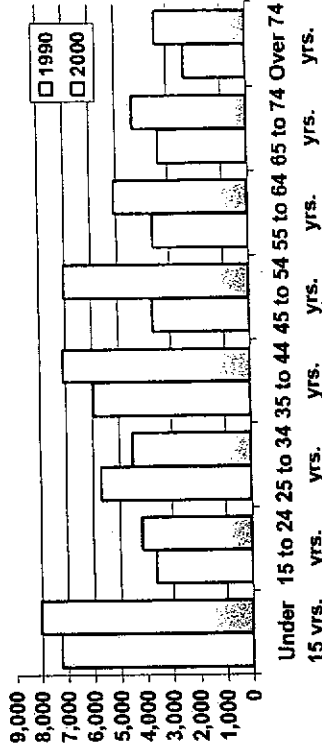
#### Population By Race

Source: U.S.Census

|                     | 1990   | 2000   |
|---------------------|--------|--------|
| White               | 35,150 | 42,890 |
| Black               | 66     | 73     |
| American Indian     | 60     | 122    |
| Asian & Pacific Is. | 106    | 171    |
| Other*              | 28     | 410    |
| Total Population    | 35,410 | 43,666 |
| Hispanic            | 132    | 209    |

\* Other includes population of 2 or more races for 2000

#### POPULATION BY AGE



Source: U.S.Census

Population by Age

| Age Group     | 1990 | 2000 |
|---------------|------|------|
| Under 15 yrs. | 20%  | 18%  |
| 15 to 24 yrs. | 10%  | 10%  |
| 25 to 34 yrs. | 16%  | 10%  |
| 35 to 44 yrs. | 17%  | 16%  |
| 45 to 54 yrs. | 10%  | 16%  |
| 55 to 64 yrs. | 10%  | 12%  |
| 65 to 74 yrs. | 10%  | 10%  |
| Over 74 yrs.  | 7%   | 8%   |

#### Households and Families

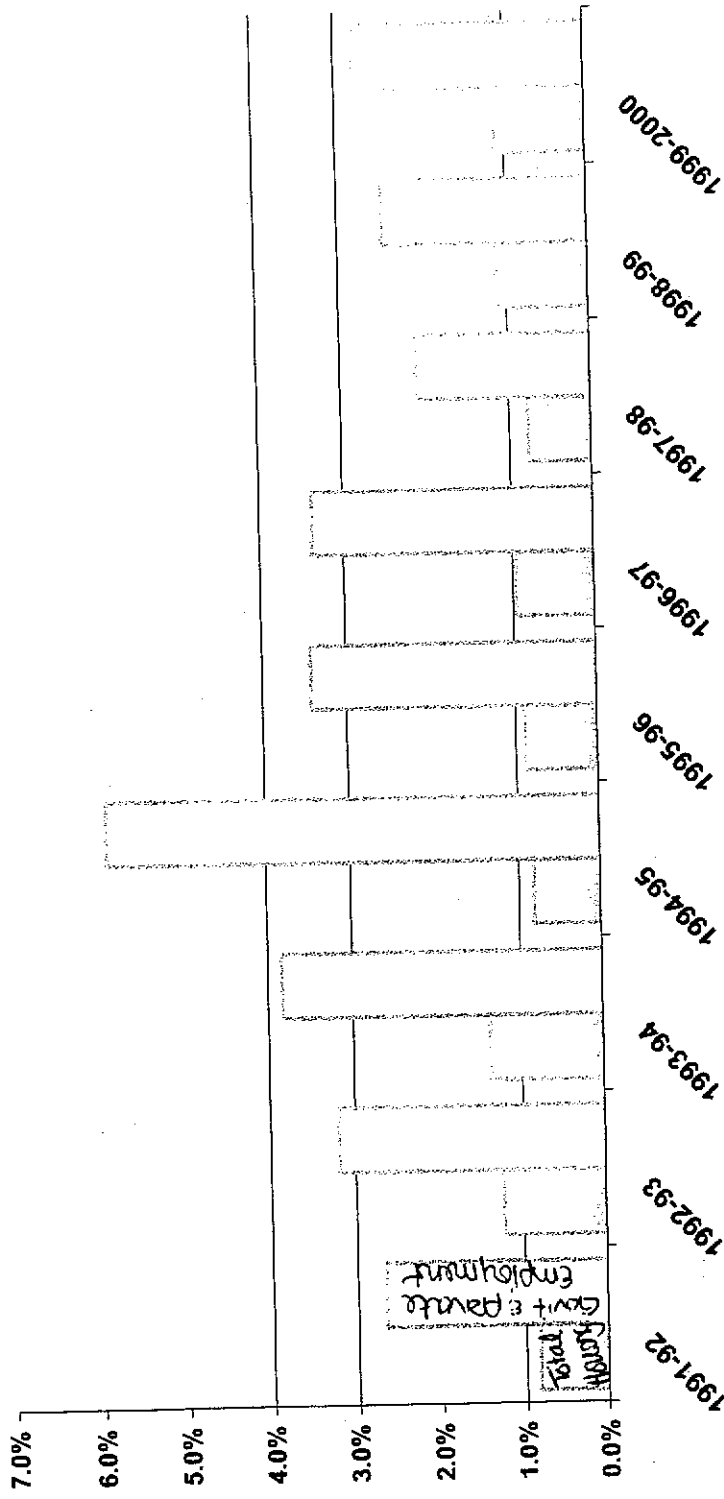
Source: U.S.Census

|                              | 1990   | 2000   | Change |
|------------------------------|--------|--------|--------|
| Total Households             | 14,253 | 18,351 | 28.8%  |
| Persons per Household        | 2.45   | 2.35   | -4.2%  |
| Family Households            | 9,866  | 12,312 | 24.8%  |
| Persons per Family Household | 2.99   | 2.82   | -5.6%  |
| Married-Couple Family Hh     | 8,422  | 10,145 | 20.5%  |
| Single-Parent Family Hh      | 1,444  | 2,167  | 50.1%* |
| Non-Family Households*       | 4,387  | 6,039  | 37.7%  |
| Persons per Non-Family Hh    | 1.25   | 1.38   | 10.1%  |

\* Includes Single Person Households

**NHHFA AREA PROFILE**  
**Carroll County**

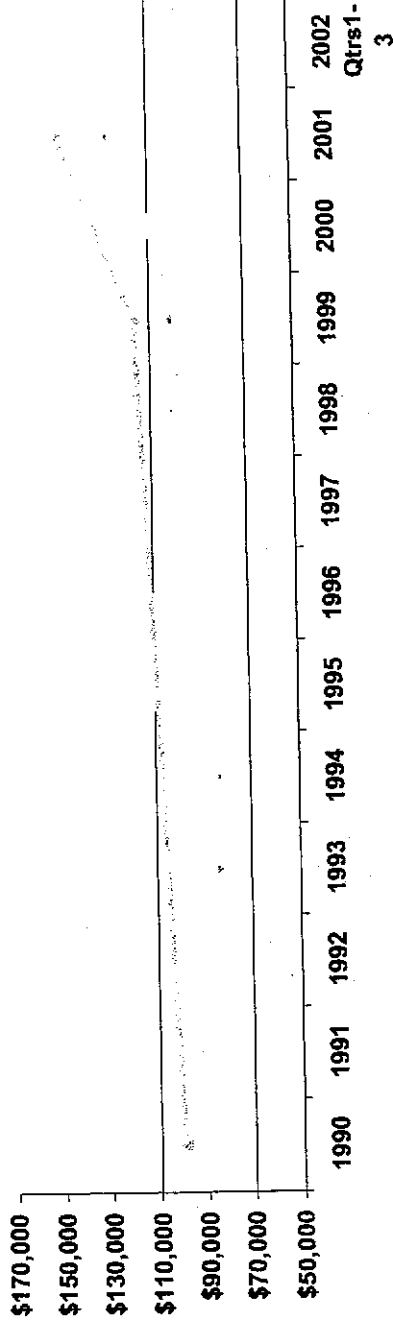
**Employment vs. Housing Units**  
**Year Over Year Percent Change**



Legend:  
 Total Housing Units  
 Private & Govt. Employment  
 Govt. Employment

# Carroll County

## Median Purchase Price of Primary Homes



Legend: All Homes Existing Homes New Homes

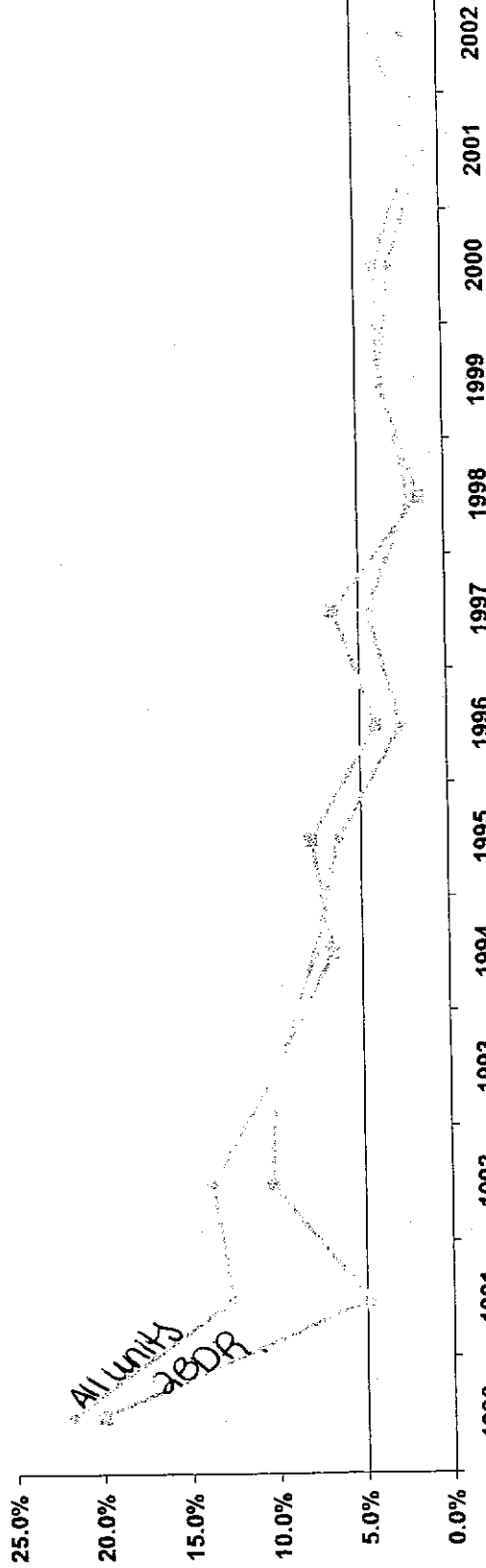
| Year         | All Homes             |             | Existing Homes        |             | New Homes             |             | Non-Condominiums      |             | Condominiums          |             |
|--------------|-----------------------|-------------|-----------------------|-------------|-----------------------|-------------|-----------------------|-------------|-----------------------|-------------|
|              | Median Purchase Price | Sample Size | Median Purchase Price | Sample Size | Median Purchase Price | Sample Size | Median Purchase Price | Sample Size | Median Purchase Price | Sample Size |
| 2002 Qtrs1-3 | \$139,000             | 464         | \$137,500             | 425         | #N/A                  | 39          | \$140,000             | 427         | #N/A                  | 37          |
| 2001         | \$125,500             | 620         | \$121,933             | 559         | \$149,000             | 61          | \$127,500             | 569         | \$106,900             | 51          |
| 2000         | \$109,900             | 650         | \$109,000             | 606         | #N/A                  | 44          | \$110,000             | 598         | \$91,000              | 52          |
| 1999         | \$99,750              | 607         | \$95,500              | 550         | \$116,500             | 57          | \$100,850             | 560         | #N/A                  | 47          |
| 1998         | \$98,500              | 400         | \$96,000              | 376         | #N/A                  | 24          | \$99,900              | 374         | #N/A                  | 26          |
| 1997         | \$87,000              | 512         | \$87,000              | 497         | #N/A                  | 15          | \$88,000              | 463         | #N/A                  | 49          |
| 1996         | \$90,000              | 296         | \$90,000              | 282         | #N/A                  | 14          | \$90,000              | 258         | #N/A                  | 38          |
| 1995         | \$90,000              | 529         | \$89,000              | 483         | #N/A                  | 46          | \$90,000              | 478         | \$90,000              | 51          |
| 1994         | \$85,000              | 459         | \$87,500              | 413         | #N/A                  | 46          | \$88,000              | 376         | \$79,900              | 83          |
| 1993         | \$85,000              | 278         | \$88,500              | 242         | #N/A                  | 36          | \$90,000              | 236         | #N/A                  | 42          |
| 1992         | \$91,000              | 306         | \$92,000              | 261         | #N/A                  | 45          | \$93,000              | 271         | #N/A                  | 35          |
| 1991         | \$89,905              | 230         | \$87,048              | 195         | #N/A                  | 35          | \$92,476              | 190         | #N/A                  | 40          |
| 1990         | \$100,000             | 225         | \$98,000              | 154         | \$100,000             | 71          | \$102,571             | 187         | #N/A                  | 38          |

Source: NHHFA Purchase Price Database

Note: Calculations based on a sample size of less than 50 are highly volatile and not considered valid.

**Carroll County**

**Vacancy Rate of Rental Housing Units**



**All Units 2-Bedroom Units**

| Year | All Units    |             | 2-Bedroom Units |             |
|------|--------------|-------------|-----------------|-------------|
|      | Vacancy Rate | Sample Size | Vacancy Rate    | Sample Size |
| 2002 | 2.1%         | 241         | 3.8%            | 107         |
| 2001 | 1.1%         | 215         | 1.6%            | 92          |
| 2000 | 3.1%         | 316         | 4.0%            | 139         |
| 1999 | 3.6%         | 243         | 3.7%            | 110         |
| 1998 | 2.0%         | 262         | 1.4%            | 116         |
| 1997 | 4.5%         | 298         | 6.5%            | 111         |
| 1996 | 2.6%         | 222         | 4.1%            | 105         |
| 1995 | 6.3%         | 214         | 7.9%            | 94          |
| 1994 | 7.7%         | 297         | 6.7%            | 124         |
| 1993 | 10.0%        | 194         | 10.1%           | 84          |
| 1992 | 13.8%        | 254         | 10.3%           | 92          |
| 1991 | 12.7%        | 174         | 4.8%            | 78          |
| 1990 | 21.8%        | 107         | 20.0%           | 58          |

Source: NHHFA Residential Rental Cost Survey

Note: Calculations based on a sample size of less than 20 are highly volatile and not considered valid.

Caution should be used in interpreting these numbers since the survey methods used may underestimate the real rate of vacancy.

#### **147-6. Definitions**

**ACCESSORY APARTMENT** - An apartment accessory to a single-family dwelling either attached or detached. Such accessory apartments shall be not less than 300 square feet and no greater than 800 square feet.



41190

**147-15 Lot Size**

**2. The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units per acre, in the village commercial and highway commercial districts under the following conditions:**

- (a) That each structure must contain at least three dwelling units.**
- (b) Not less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of Planning Board approval, the units designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.**
- (c) All lots must be serviced by municipal water and sewerage.**
- (d) Rental/Deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.**
- (e) Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.**

147-15. Lot Size

POSIC 1

E. Special Exceptions.

(2) The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units per acre, provided there are at least three dwelling units minimum, in the village commercial and highway commercial districts under the following circumstances:

- (a) All lots must be serviced by municipal water and sewerage.
- (b) Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.
- (c) Dwelling units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.