ZONING & LAND USE ANALYSIS MEMORANDUM

3.17.23

EXISTING CONDITIONS: ZONING

TO: Master Plan Steering Committee

CC: Jamel Torres, Town of Conway Planning Director

FROM: SE Group Planning Team (Gabby Voeller, Alex Belensz, Julia Randall)

About the Analysis

This memo summarizes existing conditions for zoning and land use in the Town of Conway. This analysis will serve as a basis for the recommendations of the updated Town of Conway Master Plan. This memo complements the *Housing Analysis Memorandum* that covers housing development in Conway.

This memo references several maps, which are included in a separate packet (**Conway Existing Conditions Maps**). Please refer to these maps as you review this memo.

Key Takeaways

- Conway's zoning ordinance supports a variety of residential, commercial, civic, and other uses in various locations throughout town. Residential uses account for 31% of overall land use, while agricultural/vacant land accounts for about half of land use in Conway.
- Conway's multiple overlay districts (areas with special standards that overlay on top of existing districts) help conserve water resources and ecologically important lands in Conway. There is no underlying zoning district specifically dedicated to conservation and/or open space.
- Single-family dwellings are the most common land use town-wide, and they are the most common residential unit type in nearly every district. In addition, the median number of residential units per lot is 1 unit in all zoning districts.
- There is an ongoing need to align denser development with areas with infrastructure capacity, which can support such development. At present, 69% of residential units fall within the Agricultural/Residential District, which is intended for low-density development.
- There is relatively little mixed-use development in Conway, even in village centers. Mixed-use development, while not appropriate for every area, is a land-efficient method of providing housing units and small-scale commercial spaces.
- The 2003 Master Plan identified some similar issues associated with land use, such as the lack of clearly organized distinctions between village and non-village centers. The "Areas of Focus" section of this plan highlights some of the same recommendations that the 2003

Master Plan did, including performance-based zoning and increasing density allowances in village areas.

- Land use and zoning are tools that can help maintain and increase the supply of housing. The Master Plan land use policy strategies should support a variety of housing types and opportunities to suit residents of all ages and incomes.
- There is a need to align the land use policies of the community with the broader goals of the community. At the Plan Open House, there was broad agreement that there is a shortage of affordable and market-rate homes in Conway. There was also broad consensus that Conway's land use strategy should be more "thoughtful" by limiting hotels and other large-scale development.

Background

Summary of Zoning Districts

The Town of Conway has eleven zoning districts, which are listed as follows:

- Residential/Agricultural (RA) District
- Center Conway Village Residential (CCVR) District
- Center Conway Village Commercial (CCVR) District
- Conway Village Residential (CVR) District
- Conway Village Commercial (CVC) District
- North Conway Village Residential (NCVR) District
- North Conway Village Commercial (NCVC) District
- Highway Commercial (HC) District
- Industrial-1 (I1) District
- Industrial-2 (I2) District
- Recreational Resort (RR) District

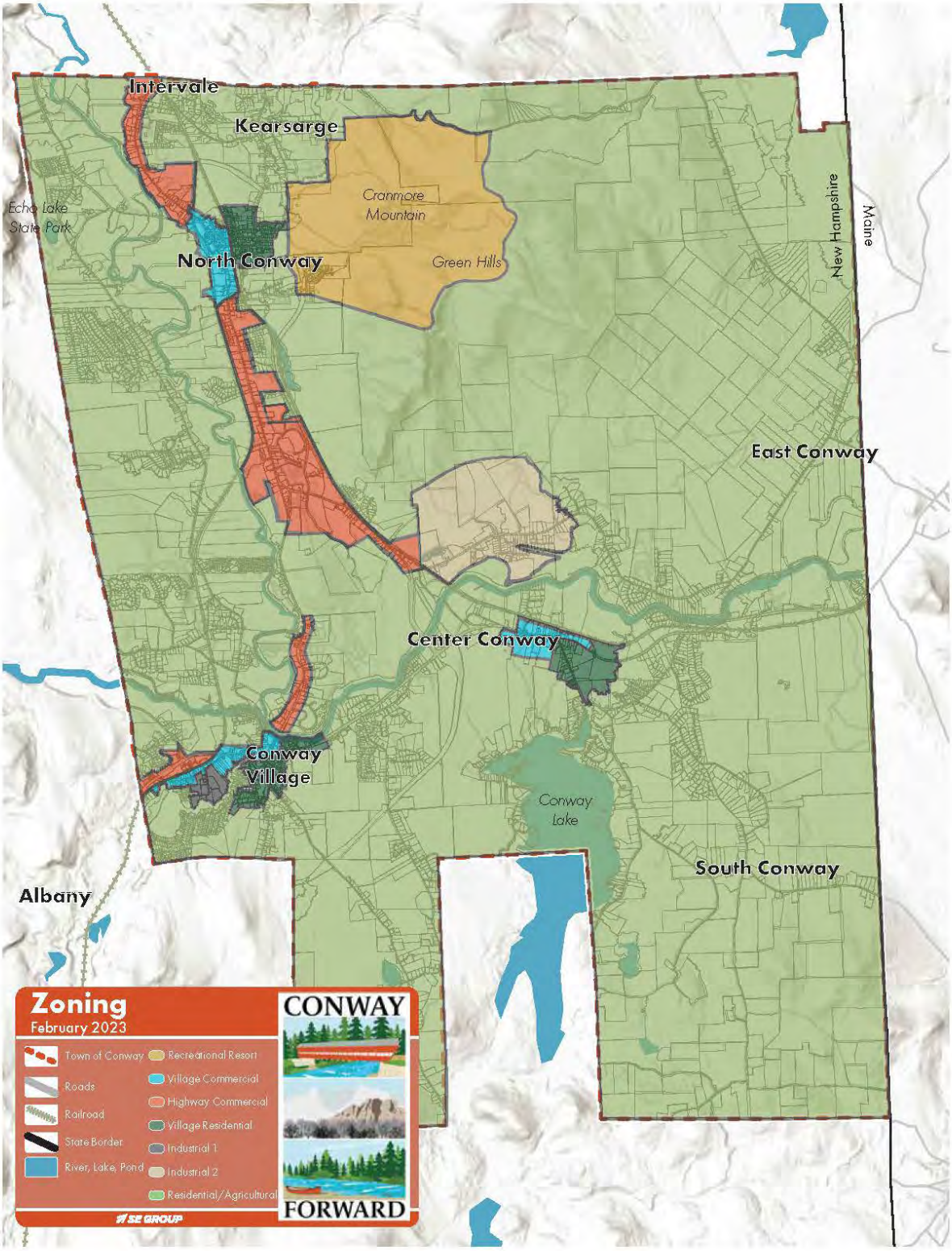


Figure 1: Current zoning in Conway.

The Town also has five overlay districts, listed as follows:

- Mountain Conservation Overlay (MCO) District
- Floodplain Conservation Overlay (FCO) District

- Shoreline Protection Overlay (SPO) District
- Wetland and Watershed Protection Overlay (WWPO) District
- Groundwater Protection Overlay (GWPO) District

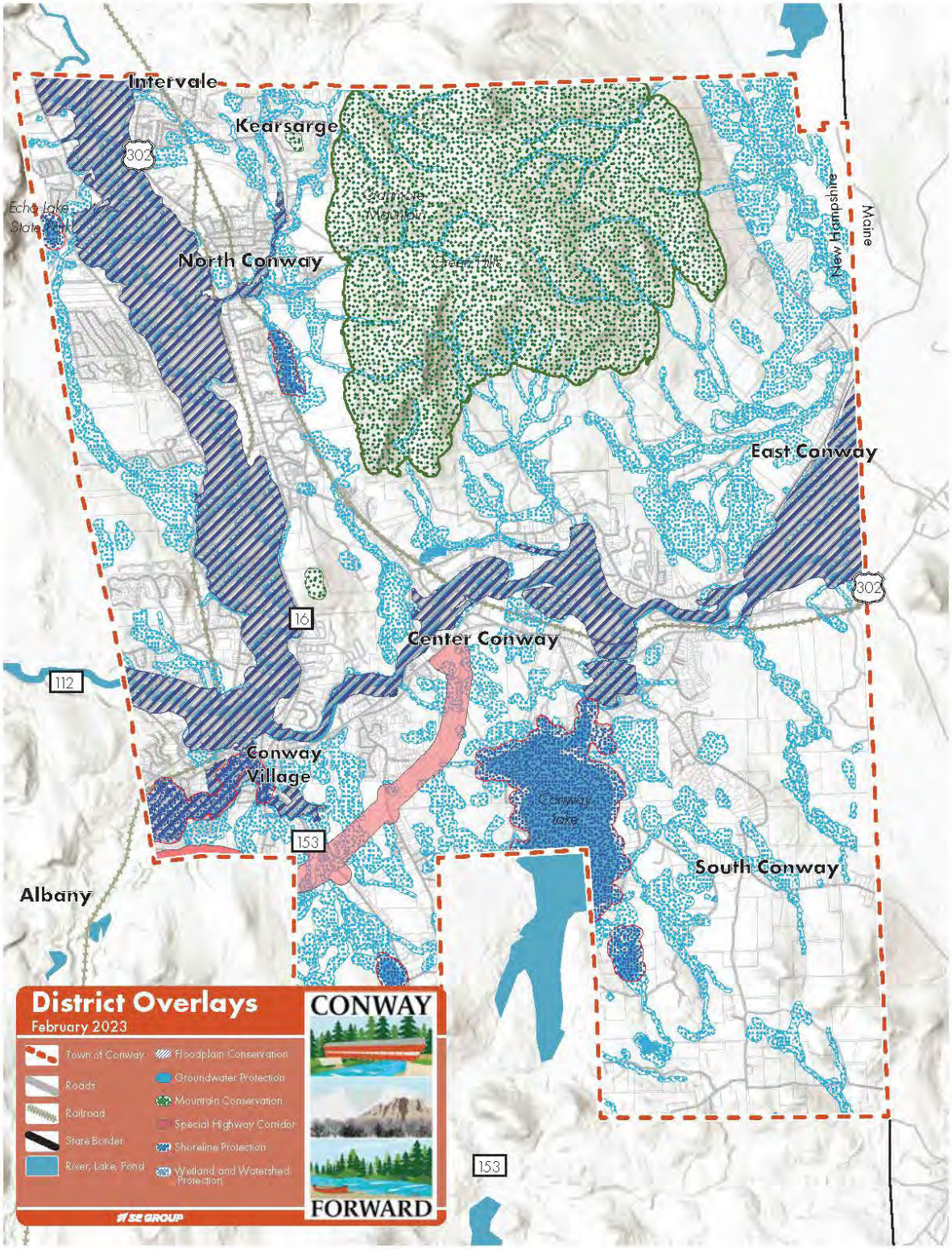


Figure 2: Overlay Districts in Conway

Unincorporated and Adjoining Areas

Conway is bordered by seven municipalities and one unincorporated area (Hale's Location). The eastern boundary of the town also functions as the border with Maine. Several of Conway's roadways cross into Maine, including Route 302.

Districts Summary

Conway's zoning districts are largely organized around the Town's three primary village centers. Each village center has a residential and commercial district associated with it. Other districts include a Highway Commercial district, which is organized along portions of the Route 113 and Route 16/302 corridors. The town also includes two industrial districts, one located adjacent to Conway Village and the other in the Redstone area. The town's largest district, the Residential/Agricultural District, includes all other areas of town.

A more detailed breakdown of the districts is included as a separate attachment.

The Town also has five overlay districts, which are summarized below:

The **Mountain Conservation Overlay (MCO) District** is intended to promote the conservation and undeveloped character of mountainous areas of Conway, particularly those adjacent to Cranmore Mountain. The district contains all areas north and east of the Saco River that are over 800 ft in elevation. The district permits ski lifts and other associated infrastructure in areas that the MCO overlaps with the **Resort Recreation District**.

The **Floodplain Conservation Overlay (FCO) District** is intended to limit development in Conway's floodplain areas along the Saco River. This district conforms to special flood hazard management areas as designated by FEMA. The district allows some civic uses, such as schools and civic buildings, and other uses (e.g., storage facilities) within the floodplain, but not the floodway. The ZBA may allow these uses to occur in the floodway by special exception. The district allows certain additional developments by special exception.

The **Shoreline Protection Overlay (SPO) District** is intended to limit development along shorelines of waterbodies in Conway, including Conway Lake, Echo Lake, Pudding Pond, and Pequawket Pond. This district sets standards for setbacks, vegetative buffers, water frontage, and impervious surfaces in order to preserve water quality and place sensible limits on shoreline development in Conway. The SPO contains no provisions requiring public access to waterbodies.

The **Wetland and Watershed Protection Overlay (WWPO) District** is intended to protect wetland areas from development and harmful fill. The district is generally intended to protect water quality and wildlife habitat in Conway. This district applies to the area within 100 ft of wetlands of various categories, excluding certain woodland wetlands. Nearly all uses in this district are "Pur/S," or "permitted if allowed in the underlying district" and subject to special exceptions.

The **Groundwater Protection Overlay (GWPO) District** is intended to protect water quality and water resources in Conway. This district sets a 400-ft radius around wells that serve the North Conway Village Water Precinct and the Conway Village Fire District. All uses are prohibited in this district except open space, gravel driveways, and structures relating to the well and water distribution system.

Overview of Current Zoning Tactics

This section summarizes the general tactics and structure of the current zoning code:

- Each village center has a residential and commercial district associated with it. Village Commercial districts allow residential and commercial uses, while Village Residential districts allow residential uses and a very limited set of commercial uses.
- Single-family homes are permitted in all districts except I1. Single-family homes are permitted with restrictions in I2.
- Agricultural uses are permitted in all districts. There are some restrictions on domestic farm animals and other certain agricultural uses.
- The five overlay districts apply further limitations on uses. Some overlay districts permit certain uses if those uses are permitted in the underlying district.
- Some uses have certain restrictions as specified by the code. Special exceptions are required for some uses, such as heliports and accessory dwelling units, in certain areas.
- The density of residential development is tied to infrastructure capacity. In areas with infrastructure capacity (water and sewer), more density of residential units is allowed. In areas without infrastructure capacity (water and sewer), less density of residential units is allowed. In general, the standards require a certain minimum lot size depending on infrastructure status. The standards then require an additional amount of square footage for each additional unit on the same lot.
- Planned Unit Developments (PUDs) are not listed in the use table and there is no section of the zoning code specifically dedicated to PUD standards. Though the standard is not specified, PUDs appear to be allowed in all areas where multifamily housing (>2 units/lot) is allowed.
- Short-term rentals are not listed in the permitted use table.
- Accessory buildings are listed in the use table. The use table does not distinguish between accessory buildings and accessory dwelling units (ADUs), but the standards for several chapters support ADUs in the form of mobile homes, subject to certain conditions.
- Multifamily housing is defined as housing with >2 units.

Land Use Existing Conditions

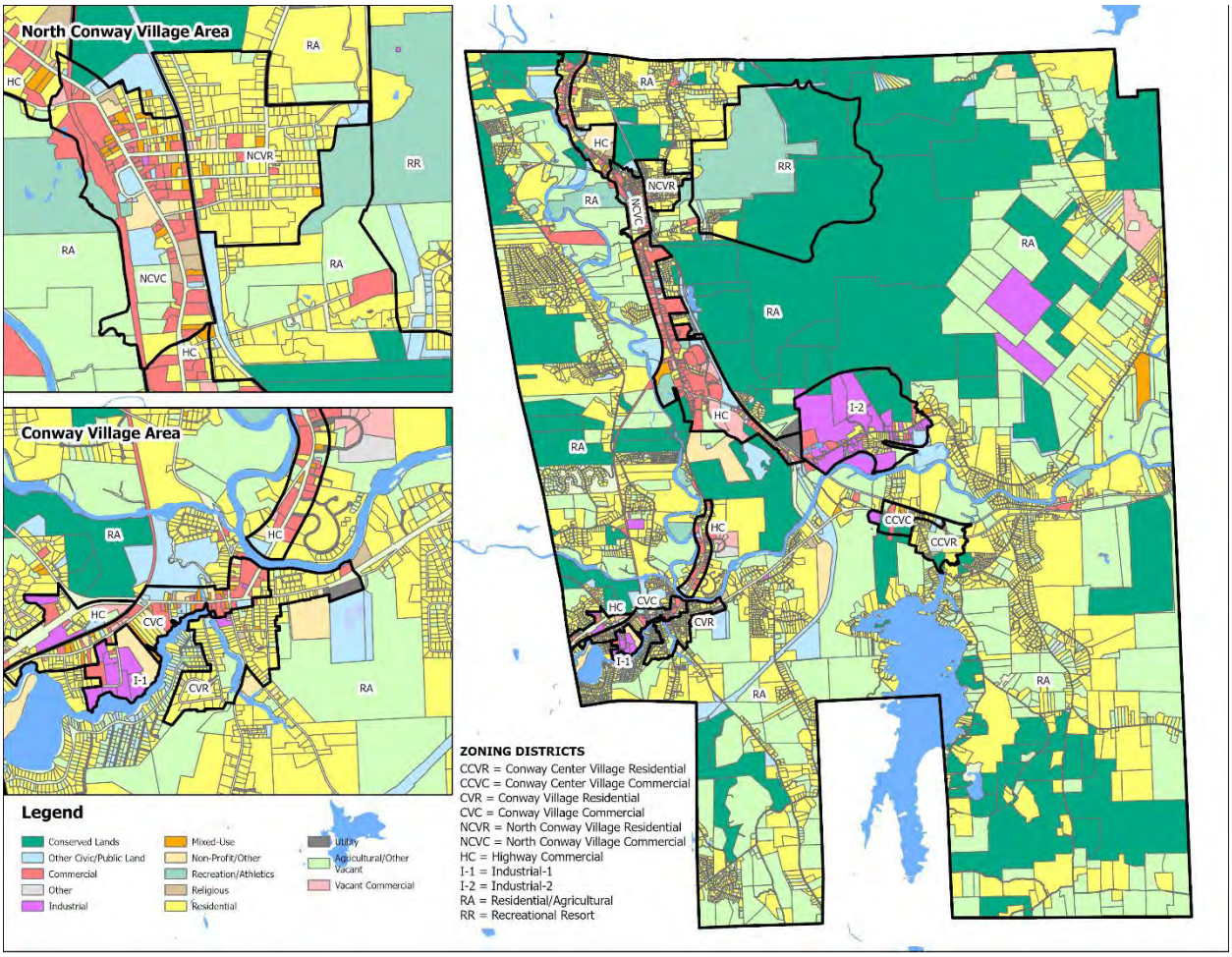


Figure 3: Existing Land Use Map

- As shown in the **Existing Land Use** map, Conway's development pattern is highly segmented. Commercial development is congregated around Conway's Village Centers, with the majority of commercial development located along the Route 116 strip. There are very few mixed-use parcels, and there is no particular pattern to their location. Some, but not all, residential areas are contiguous to village centers. In the northwestern corner of town and southern/eastern portions of town, there are substantial subdivisions located at a distance (>1 mile) from village centers.
- Some conserved lands in Conway are intact and contiguous; the Mountain Conservation Overlay area is the largest intact area. Other conserved lands in town are more segmented and sporadically located throughout town. In the southeastern portion of town, for example, large blocks of conserved land are interspersed and surrounded by residential parcels and vacant/agricultural parcels.
- The town has two intact industrial areas, along with a few isolated industrial parcels. Some industrial parcels are contiguous with several different land uses, including residential uses, commercial uses, and conserved lands.

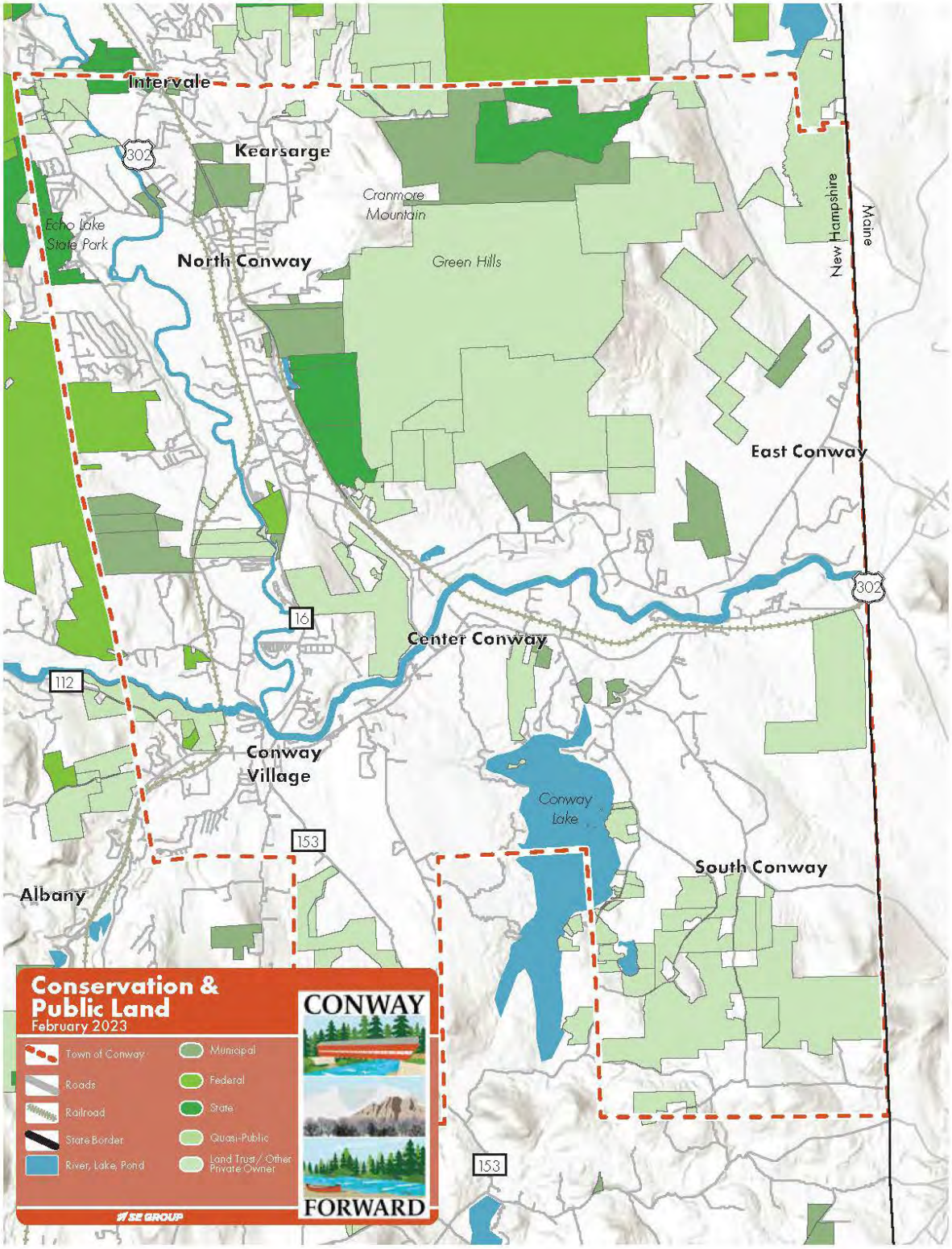


Figure 4: Conservation & Public Land map.

- As shown in the **Conservation & Public Land** map, there are several categories of public and conserved land in Conway, including land trusts, state land and town-owned land.

Public land and conserved lands are dispersed throughout town, with prominent clusters in South Conway and in the Green Hills area adjacent to Cranmore Mountain.

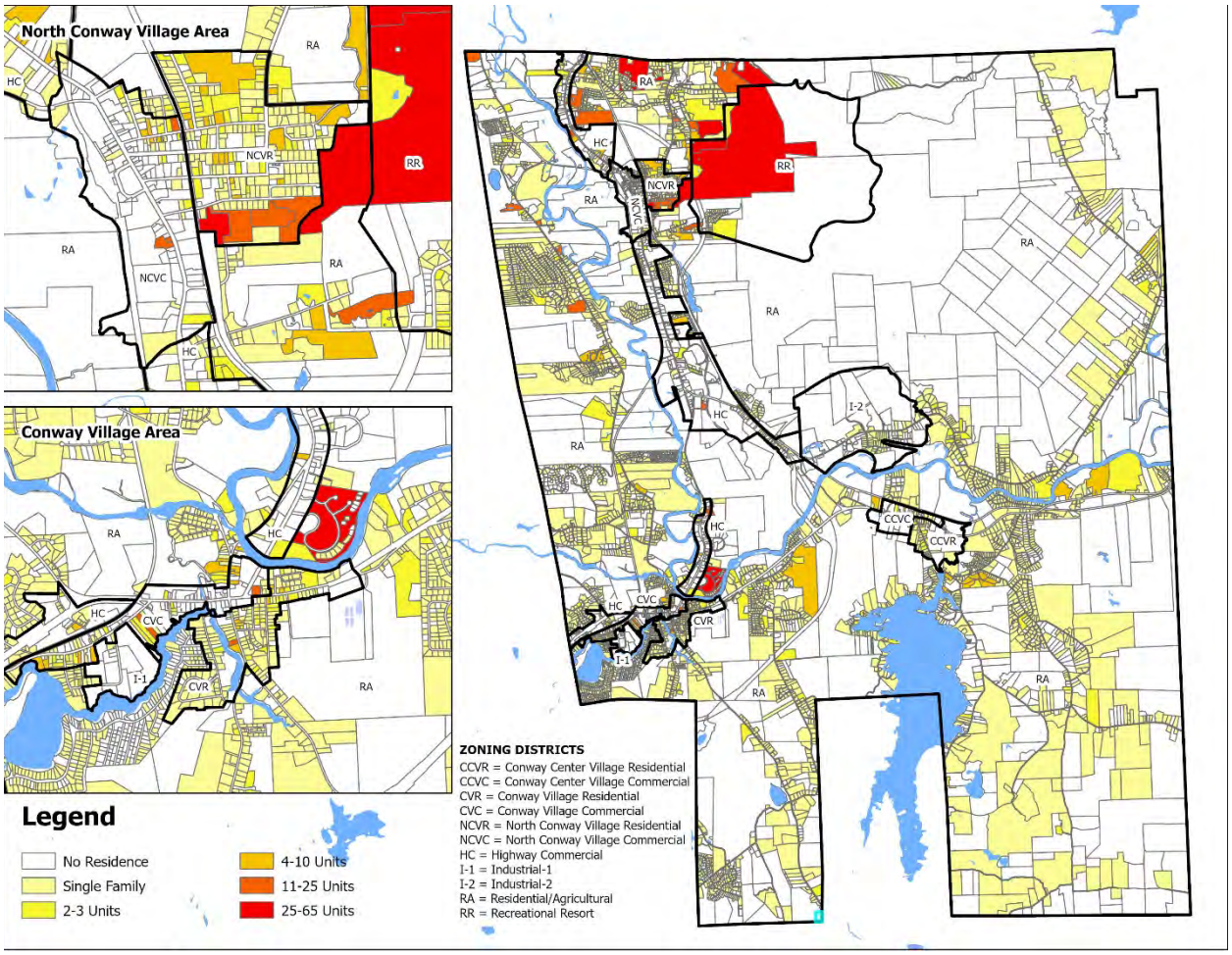


Figure 5: Residential units per parcel. Source: Town of Conway Tax Assessment Data.

- As shown in the Unit Density map, the majority of residential parcels in Conway contain single-family dwellings. A few isolated parcels contain an excess of 25 units: these parcels are large PUD developments. These developments are adjacent to Village Centers but are not necessarily a walkable distance from those centers.

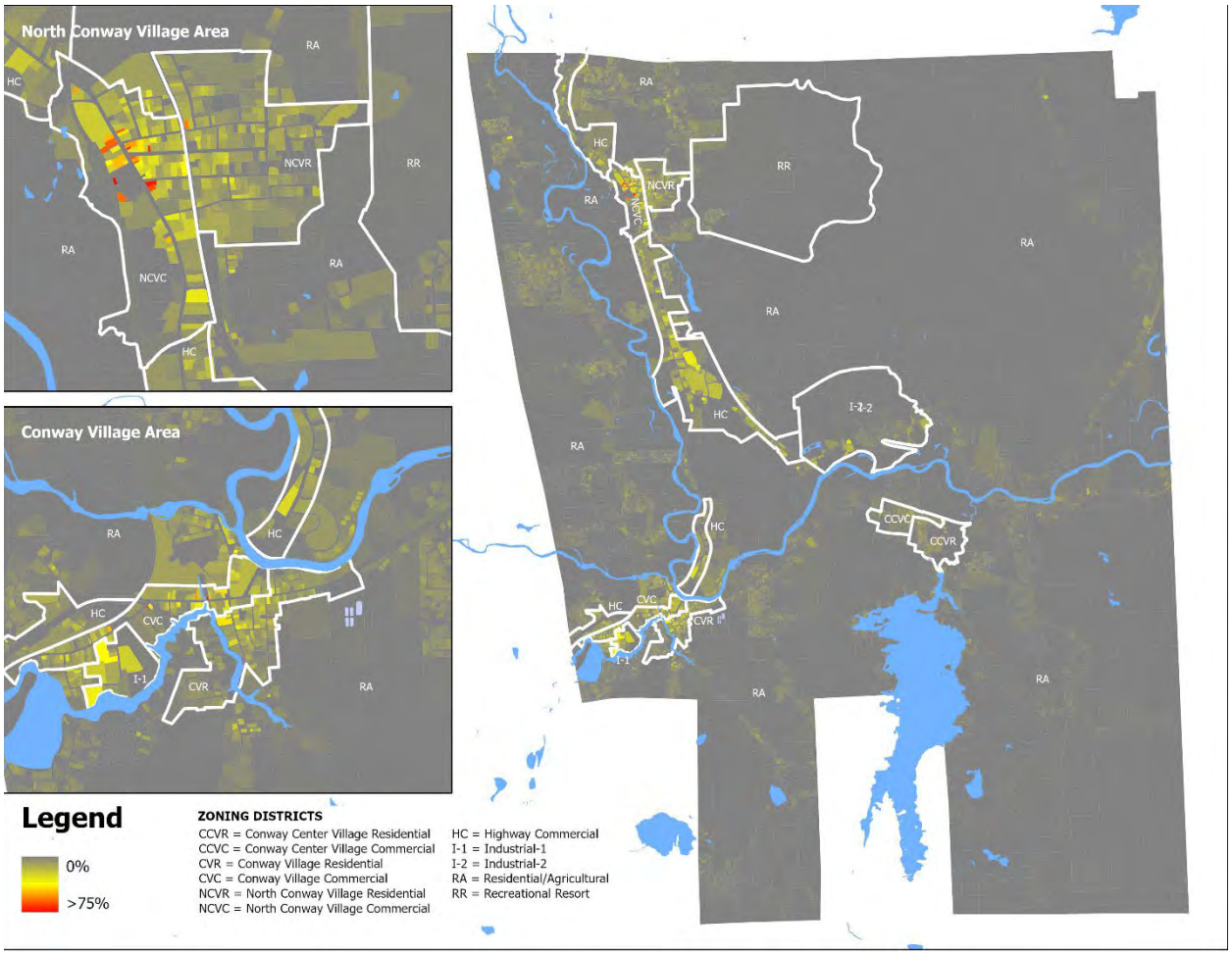


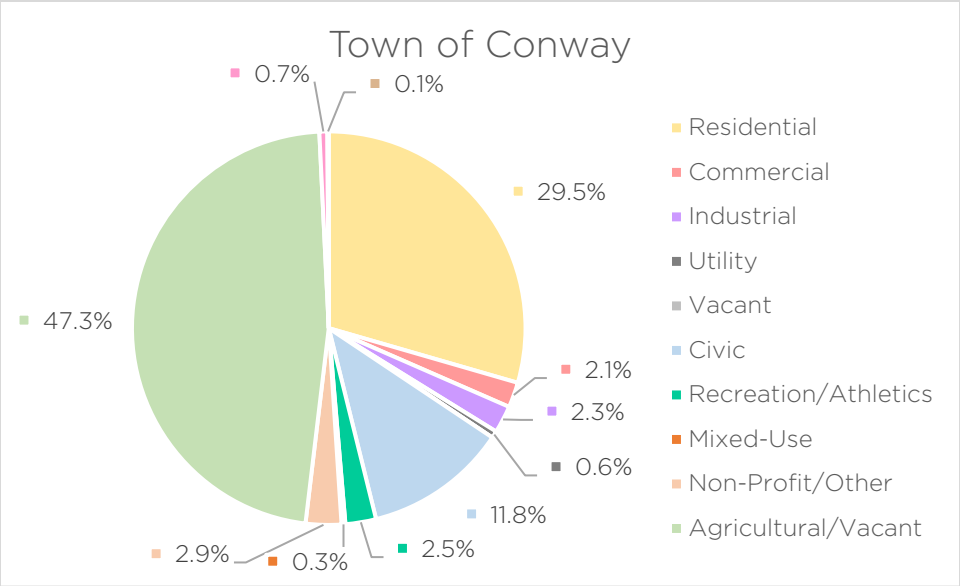
Figure 6: Building coverage on lots in Conway.

- As shown in the **Lot Coverage** map, very few parcels in Conway exceed 50% lot coverage. Lot coverage is the proportion of a lot that is covered by buildings. It is distinct from impervious surface, which is the area of a lot that is covered by buildings, pavement, and other structures that limit drainage. Lower lot coverage is expected in areas with conservation value, industrial areas, and low-density residential development.
- The areas with greatest residential density generally do not overlap with areas with highest lot coverage. In other words, units are not occupying a large proportion of the lot, even when there are many residential units on the same lot. This trend of low lot coverage may be driven by the substantial greenspace and parking requirements in the town's Site Plan requirements.

Land Use Breakdown

The following calculations and assessments of land use in Conway were created using the New Hampshire State Tax Codes. The tax codes record different categories of parcels; however, these categories do not necessarily align with traditional categories of land use (e.g., agricultural land, residential land, vacant land, open space). To support this analysis, our team manipulated the tax codes and grouped certain categories to provide a more functional understanding of land use in Conway.

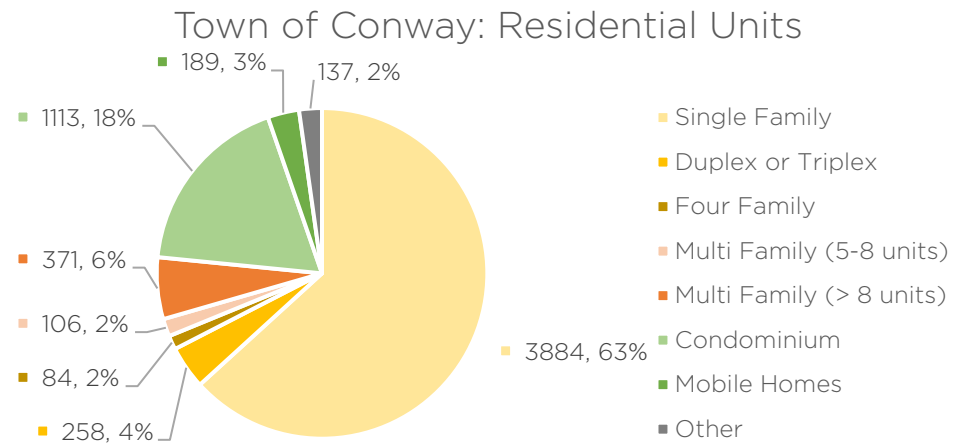
Town-wide



Land Use Analysis

- As shown in the chart above, agricultural uses and vacant land account for nearly half of overall land use in Conway, while residential uses account for nearly one third of land use. Civic uses are the third-most common land use category. Industrial and commercial uses account for a small percentage of overall land use.

Note: Because the New Hampshire tax codes do not distinguish between active and inactive agricultural lands, they are grouped here.



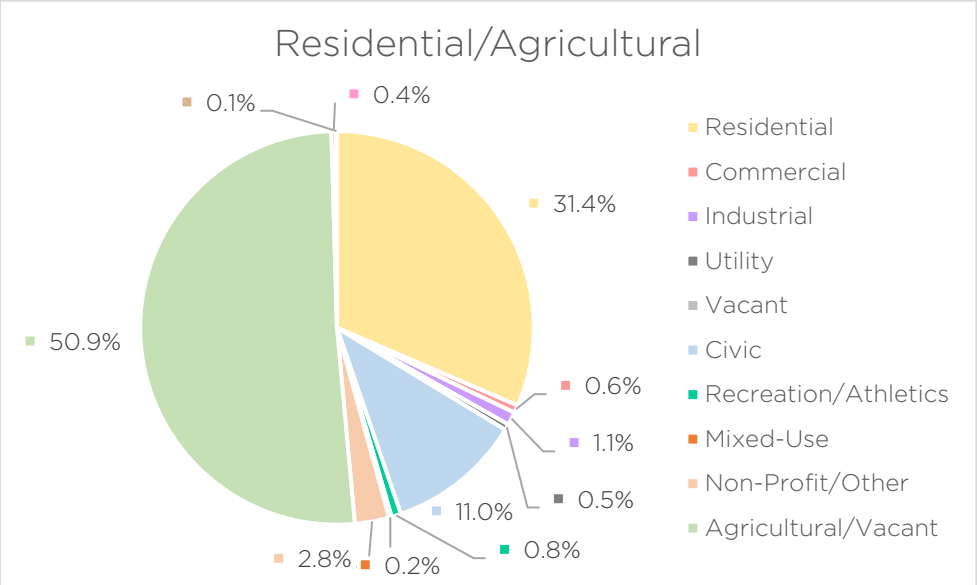
Unit Breakdown Analysis

- As shown in the chart above, single family dwellings account for 63% of residential units in Conway. Condominium-style units are the second-most common residential unit type in

Conway, accounting for 18% of all units. Multi-family buildings of over 8 units account for 6% of residential units in Conway.

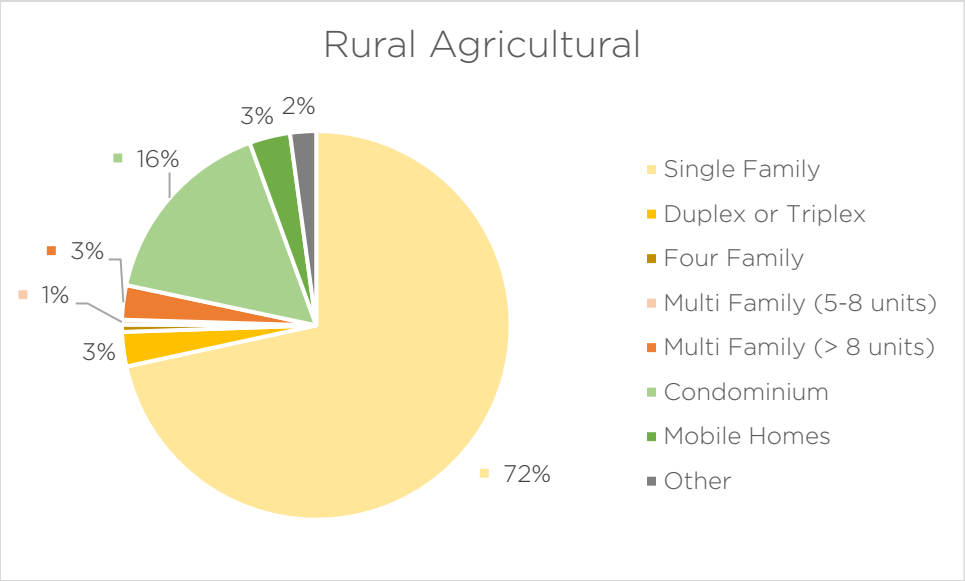
- As noted in Conway, there is a lack of "missing middle" housing types in Conway. Missing middle housing types refer to duplexes, triplexes, townhomes, and other multifamily housing. In scale and density, this type of housing is in the middle between single-family housing and large apartment-style housing.

Residential/Agricultural (RA) District



Land Use Analysis

- The land use breakdown for the RA district mirrors that of Conway as a whole. This is likely because the RA district accounts for a vast majority (86%) of the town's land area.
- The RA district accounts for 69% of all residential units in Conway. The district functions more as a residential district than a quasi-conservation district.

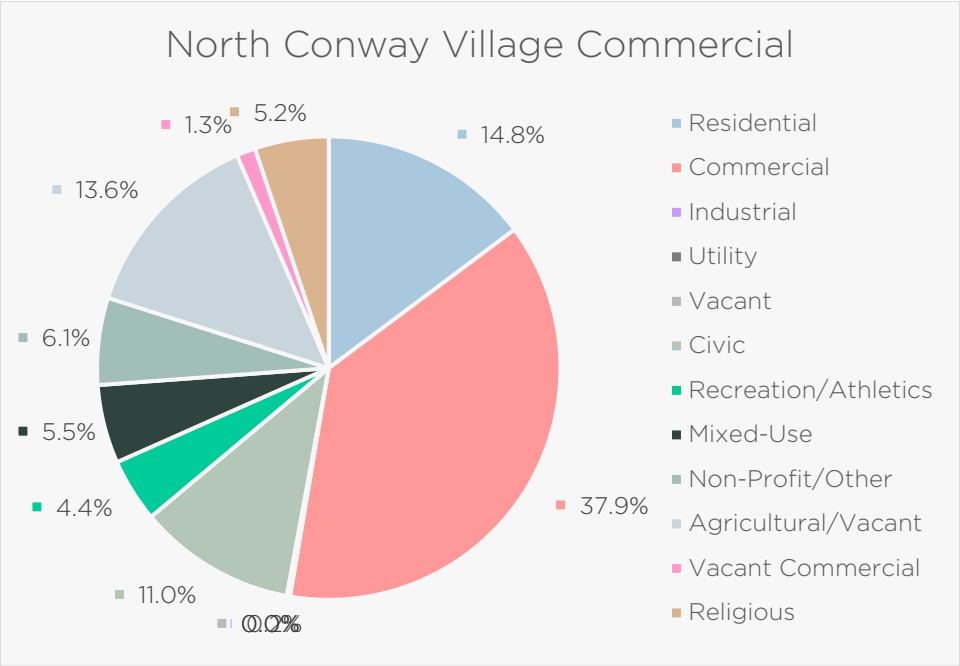


Unit Breakdown Analysis

- The RA district largely supports the development of single-family homes. Single-family homes account for nearly 75% of residential uses in the district.
- Although mobile homes are permitted in this district, they account for just 3% of all residential units in the district. Condominium units account for 16% of all residential units in the district.
- At present, the AR district does not contain a balance of residential unit types. Single-family homes are over-represented in this district.

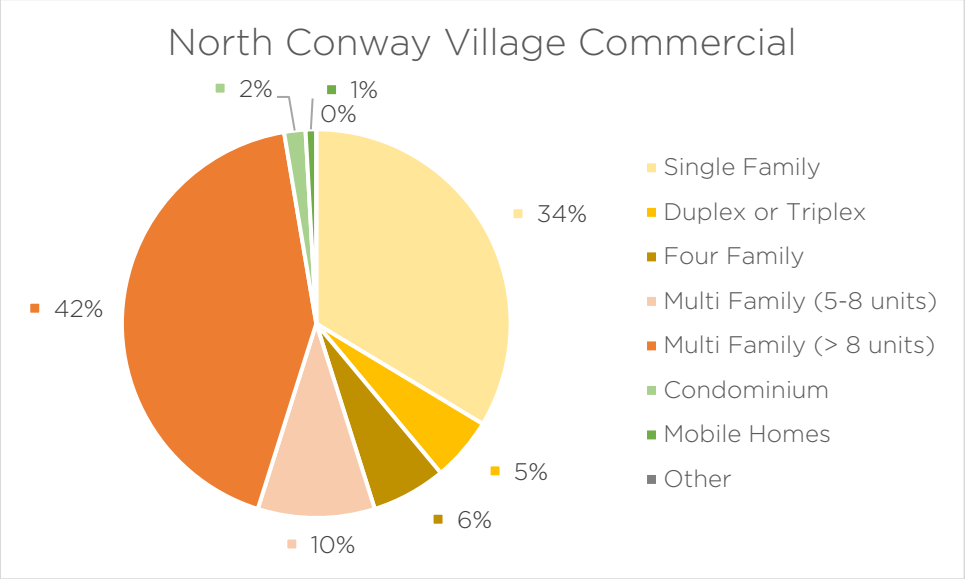
Lot Density Analysis (AR)	
Average # Residential Units/Residential Lot	1.20
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	3696.00

North Conway Village Commercial (NCVC) District



Land Use Analysis

- The NCVR district has a diverse mix of land uses, which is appropriate for a village center. However, these uses are segmented on separate lots; Mixed-Use lots account for just 5.5% of land uses in the district.

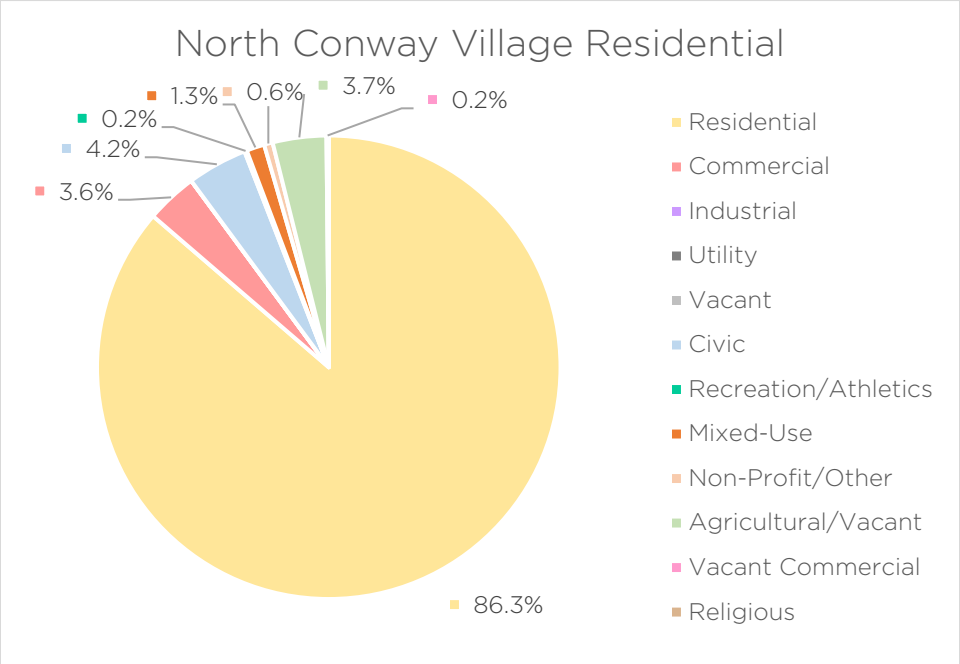


Unit Breakdown Analysis

- The NCVC district contains the largest percentage of multifamily units of any district in Conway. However, the NCVC district provides just 2% of residential units in Conway.
- Although mobile homes are permitted in this district, they account for just 1% of all residential units in the district. Condominium units account for 2% of all residential units in the district.

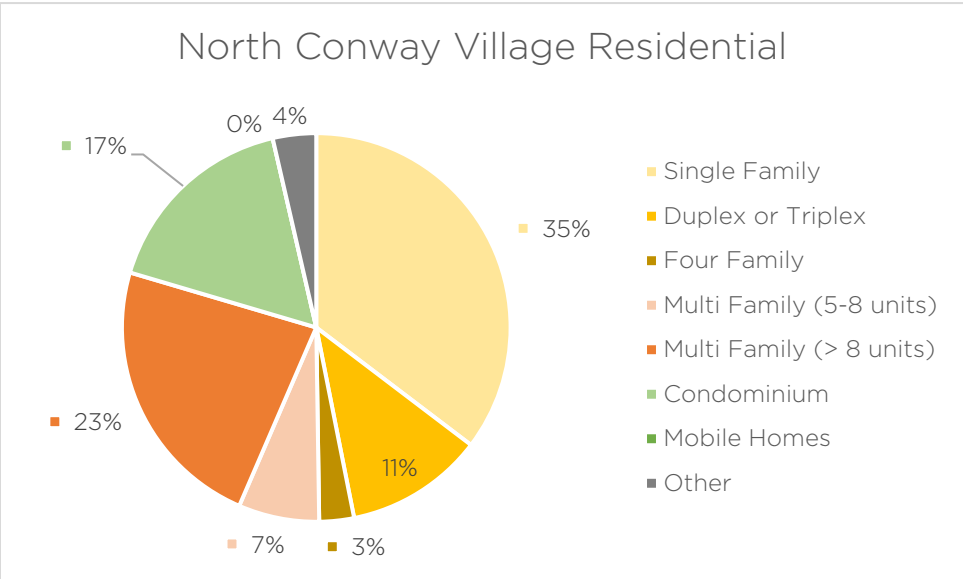
Lot Density Analysis (NCVC)	
Average # Residential Units/Residential Lot	2.21
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	52.00

North Conway Village Residential (NCVR) District



Land Use Analysis

- 86.3% of uses in the NCVR are residential. The remaining uses consist of low-impact commercial and civic uses. Mixed uses account for 1.3% of units in the NCVR.

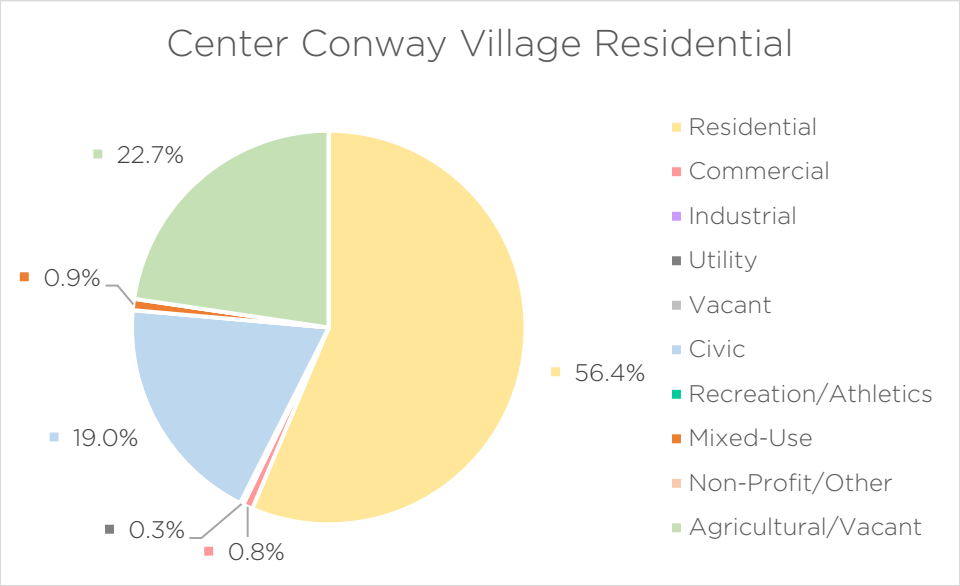


Unit Breakdown Analysis

- The NCVR contains a balance of residential unit types. This district contains the highest proportion of high-density multifamily (>8 units/lot) and condominium units of any Village Residential district.

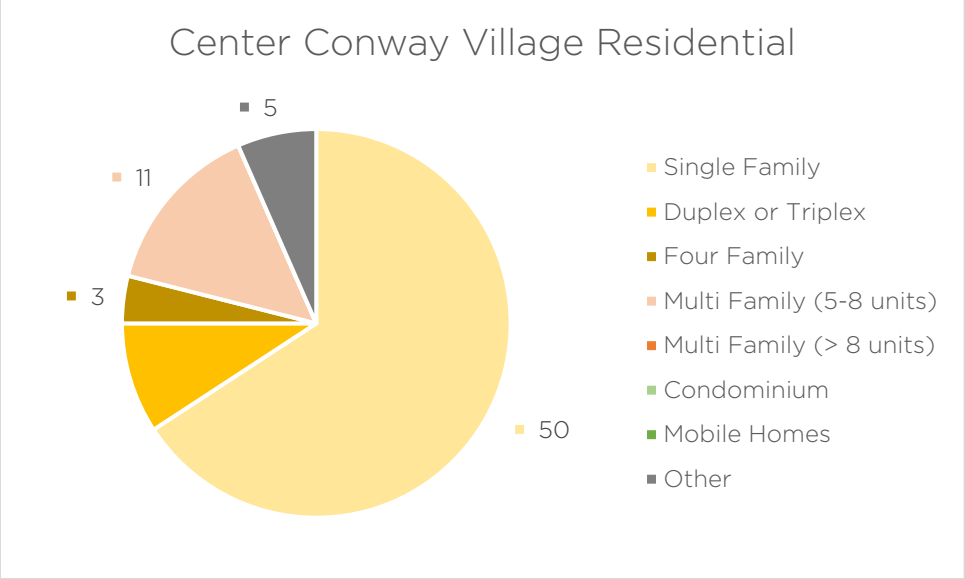
Lot Density Analysis (NCVR)	
Average # Residential Units/Residential Lot	1.99
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	192.00

Center Conway Village Residential (CCVR) District



Land Use Analysis

- Non-residential uses make up 43.6% of the CCVR, substantially more than other Village Residential districts. The CCVR contains the largest proportion of civic uses of any Village Residential district.
- 22.7% of the district is Agricultural/Vacant land. The district is largely surrounded by the RA district.

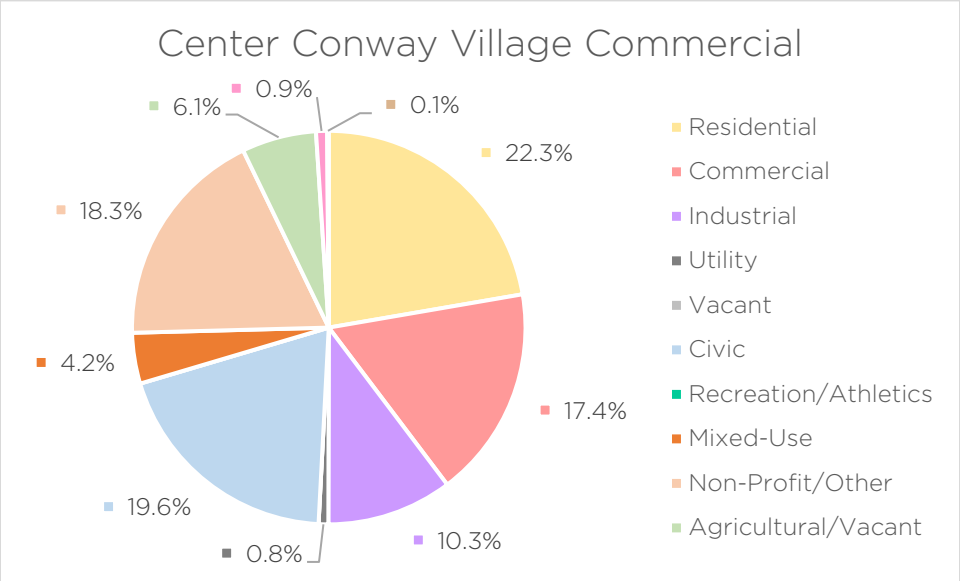


Unit Breakdown Analysis

- The CCVR contains no large multifamily residential uses, condominium development, or mobile homes.

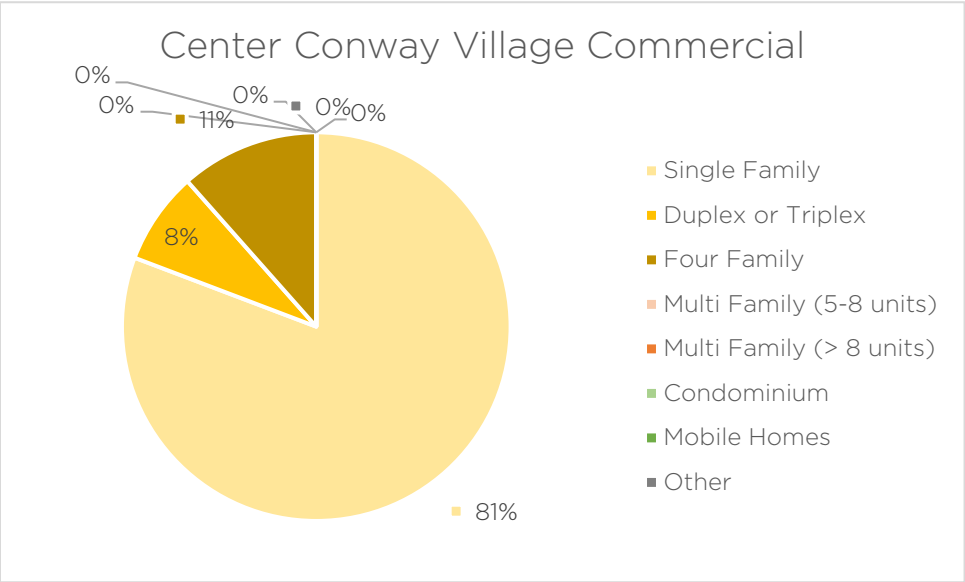
Lot Density Analysis (CCVR)	
Average # Residential Units/Residential Lot	1.26
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	61.00

Center Conway Village Commercial (CCVC) District



Land Use Analysis

- Like NCVC, CCVC contains a diverse mix of land uses. However, just 17.4% of uses are commercial in the CCVC.
- 10.3% of the district is Industrial uses, the largest proportion of any Village Commercial district.

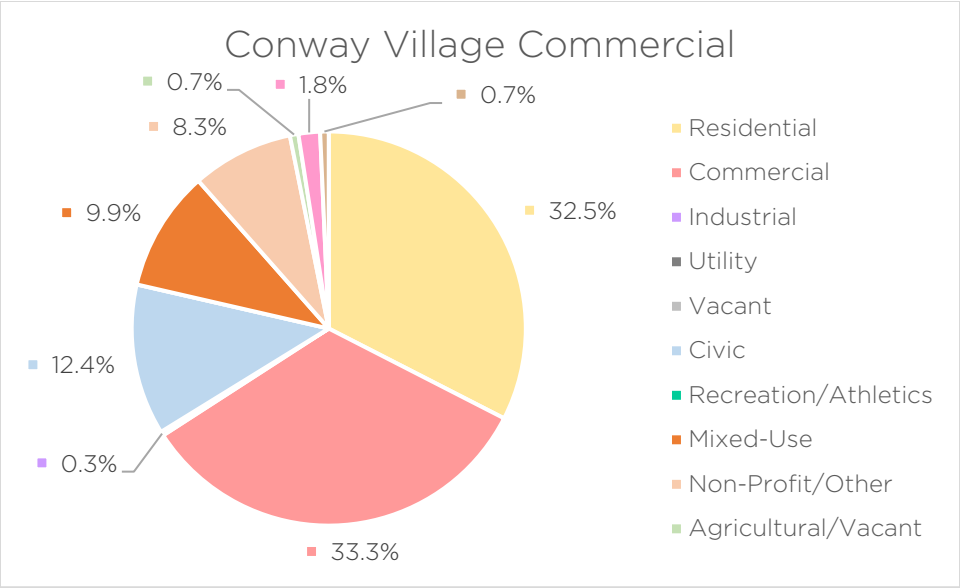


Unit Breakdown Analysis

- The CCVR consists largely of single-family homes and contains no large multifamily residential uses, condominium development, or mobile homes.

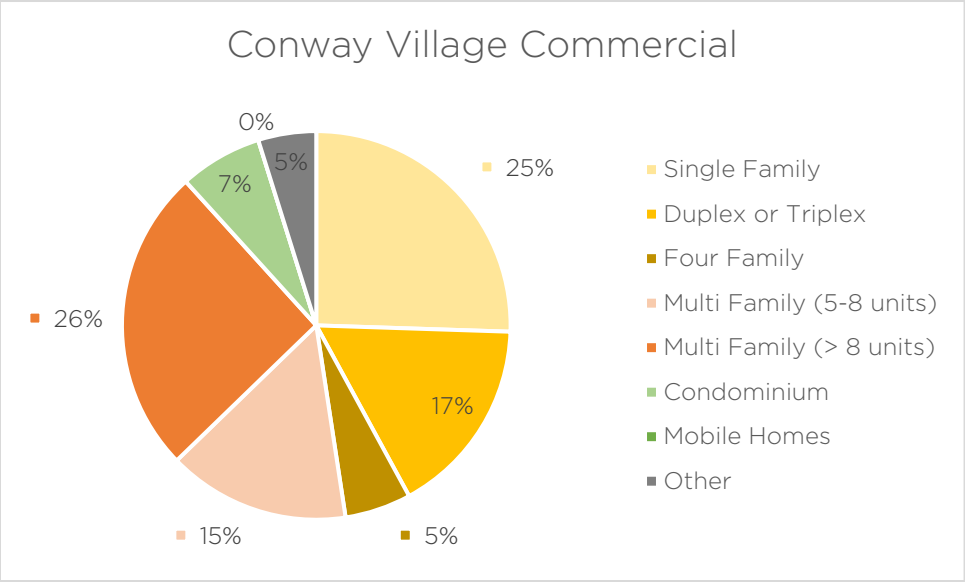
Lot Density Analysis (CCVR)	
Average # Residential Units/Residential Lot	1.22
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	23.00

Conway Village Commercial (CVC)



Land Use Analysis

- The CVC contains the greatest share of residential uses of any Village Commercial district, with 32.5% of units being residential and 9.9% being mixed-use.

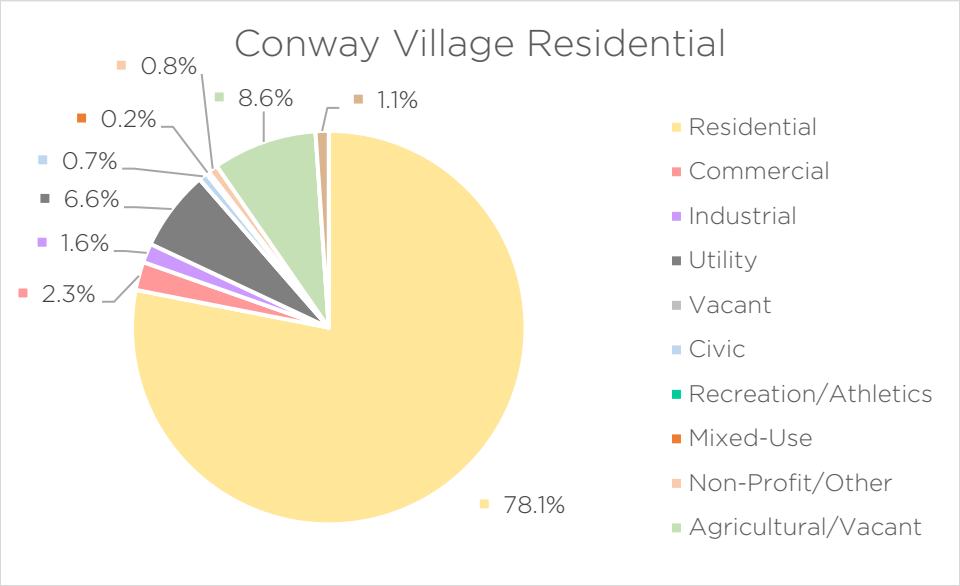


Unit Breakdown Analysis

- The CVC contains the broadest mix of unit types of the three Village Commercial districts. This district contains the highest proportion of duplexes of any district.

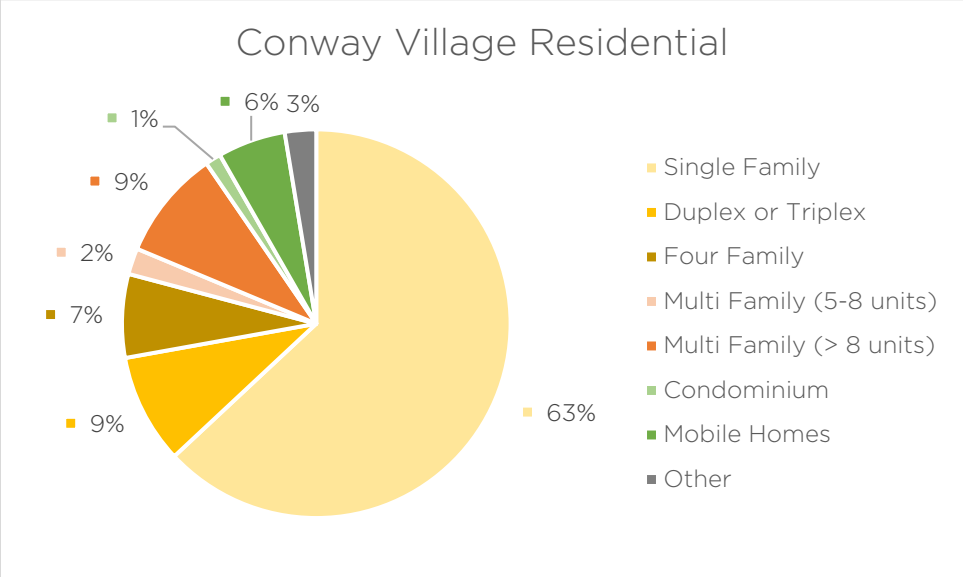
Lot Density Analysis (CVC)	
Average # Residential Units/Residential Lot	2.51
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	59.00

Conway Village Residential



Land Use Analysis

- The CVR district is overwhelmingly residential. There are few other meaningful uses; the other most common uses include Agricultural/Vacant (8.6%) and Utility (6.6%).



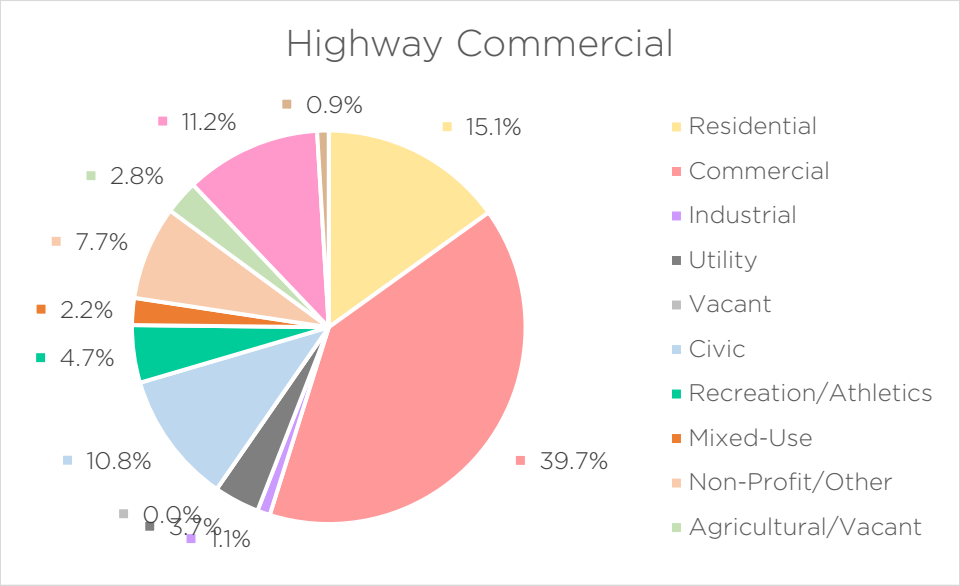
Unit Breakdown Analysis

- Just over 60% of units in the CVR are single-family units.
- The CVR contains the largest proportion of mobile homes of the three Village Residential districts.

Lot Density Analysis (CVR)	
Average # Residential Units/Residential Lot	1.34

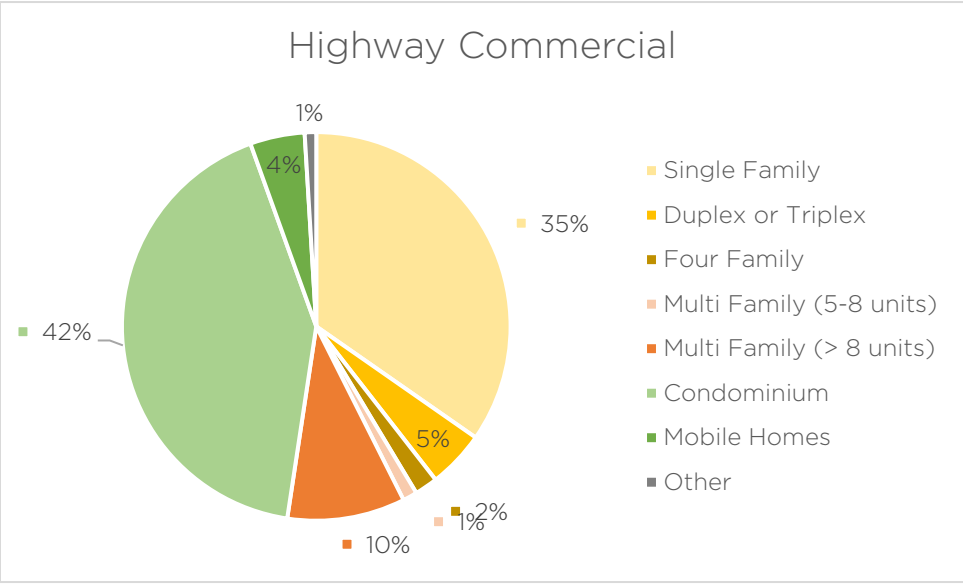
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	172.00

Highway Commercial (HC) District



Land Use Analysis

- The HC district is 39.7% Commercial and 11.2% Vacant Commercial. 15.1% of the district is residential.
- Several land uses make up a small share of the overall district (e.g., Mixed-Use, Civic, Industrial, Utility).

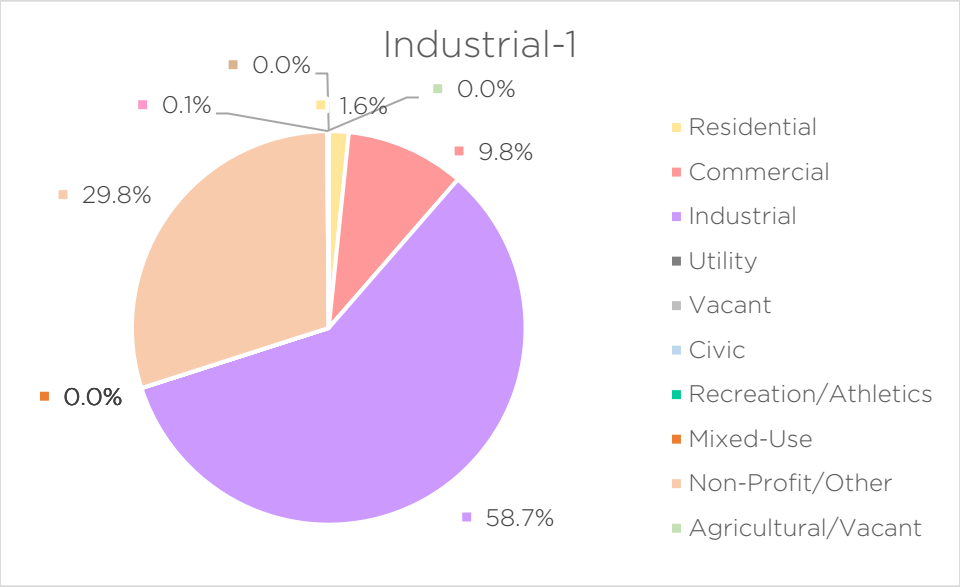


Unit Breakdown Analysis

- The two most common housing types in this district are single-family homes and condominiums. There is a lack of mid-density housing types in the HC district.

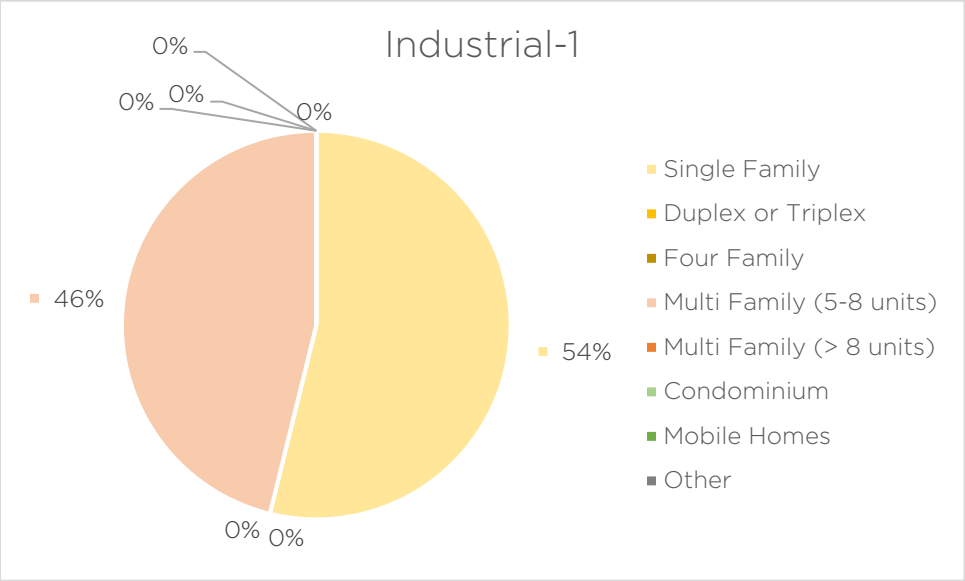
Lot Density Analysis (HC)	
Average # Residential Units/Residential Lot	1.91
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	220.00

Industrial-1 (I1) District



Land Use Analysis

- The I-1 district is largely industrial (58.7%). Non-Profit/Other uses account for nearly 30% of uses in the district. Residential uses are very limited within this district.

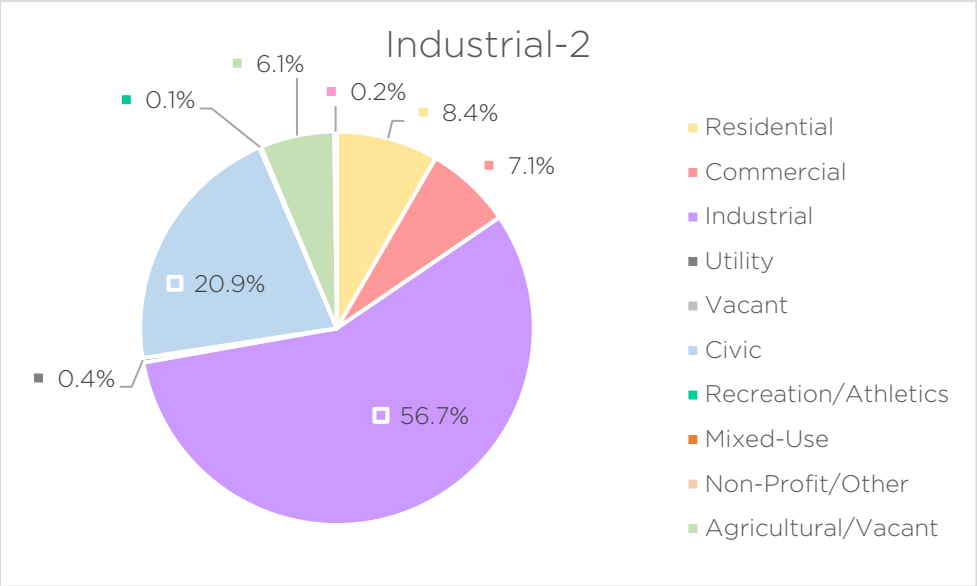


Unit Breakdown Analysis

- The I-1 district contains a small number of single-family and multi-family units.

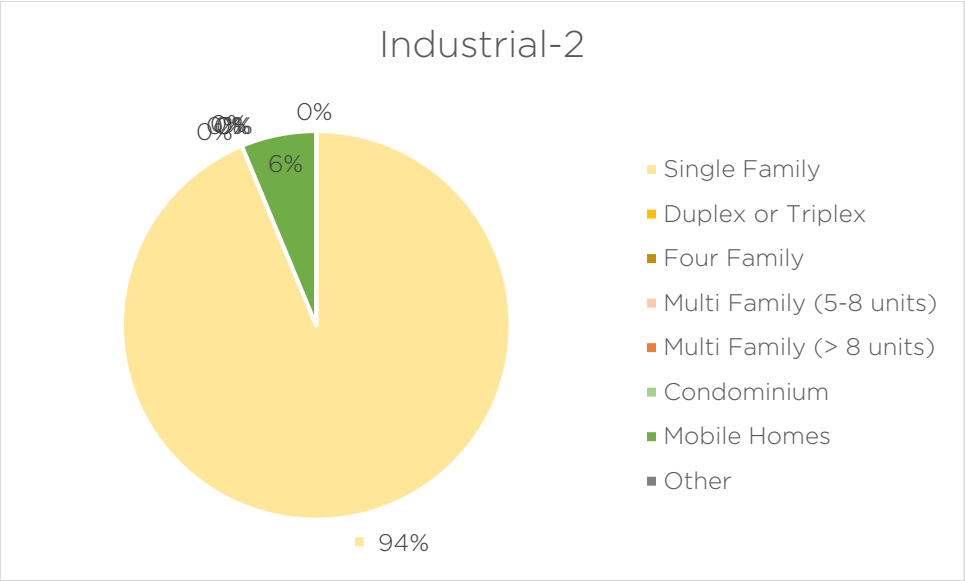
Lot Density Analysis (I-1)	
Average # Residential Units/Residential Lot	1.63
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	8.00

Industrial-2 (I2) District



Land Use Analysis

- The I-2 district contains nearly exactly the same proportion of industrial uses as I-1. However, the other uses have greater variety, with 20% Civic uses and roughly equivalent segments of Agricultural/Vacant land, Residential uses, and Commercial uses.

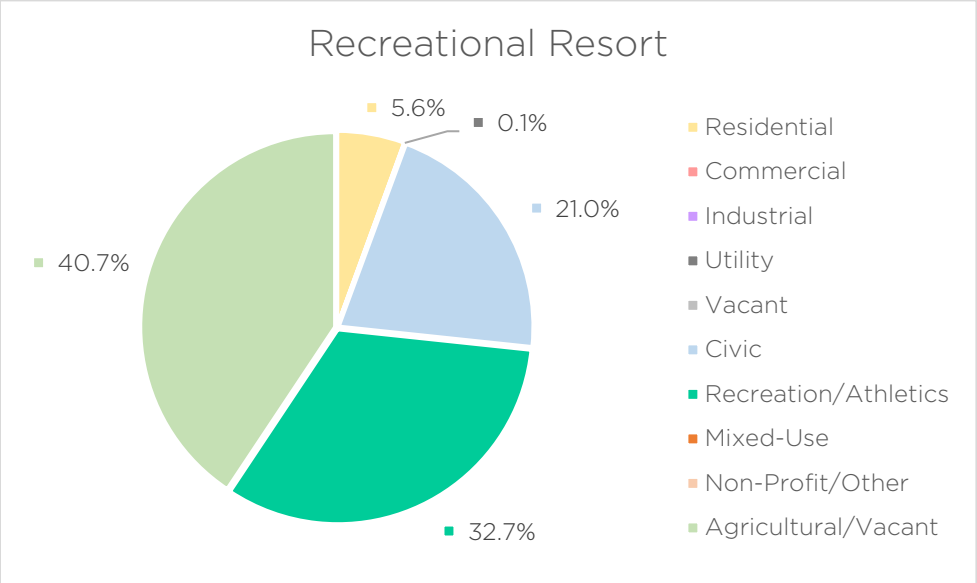


Unit Breakdown Analysis

- The I-2 district contains largely single-family homes along with a small amount of mobile homes. This unit mix corresponds to the lack of infrastructure capacity in this area.

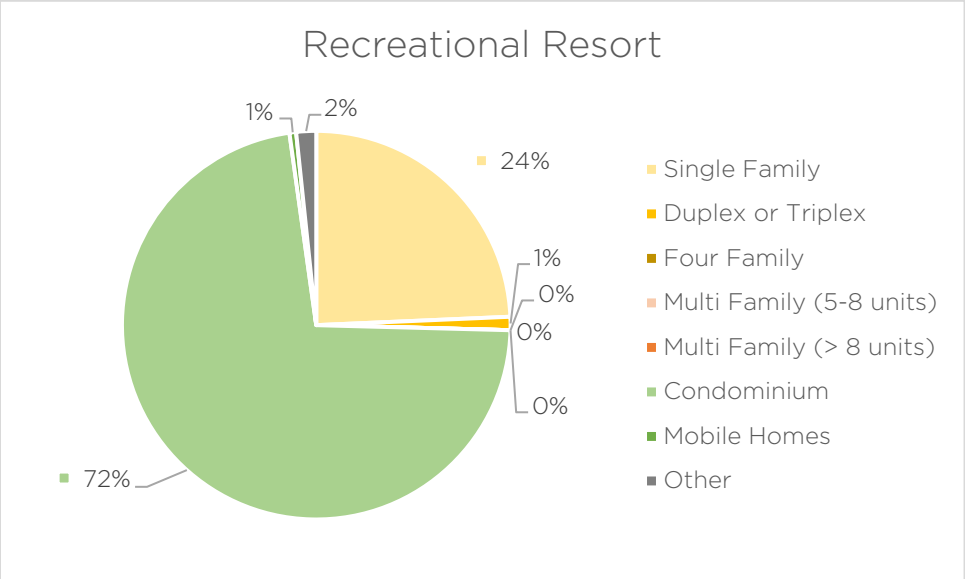
Lot Density Analysis (I-2)	
Average # Residential Units/Residential Lot	1.00
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	48.00

Recreational Resort (RR) District



Land Use Analysis

- The Recreational Resort district, which contains Cranmore Mountain Resort, offers a mix of recreation, civic, and residential uses. 40.7% of land in the district is classified as vacant, which is likely the portion of RR that is conserved by the Mountain Conservation Overlay District.



Unit Breakdown Analysis

- Condominium-style development is makes up about 75% of units in the RR district, while single-family homes make up most of the other 25%. This supports the intent of the RR district, which is to support mountain recreation and tourism in addition to conservation goals.

Lot Density Analysis (RR)	
Average # Residential Units/Residential Lot	2.92
Median # Residential Units/Residential Lot	1.00
Number of Residential Lots	50.00

Policy Context

This section provides an overview of Conway's governing structure and recent policy changes pertaining to land use in Conway.

Jurisdictional Context & Government Structure

Land use and zoning in Conway is primarily governed by two bodies: the Planning Board (PB) and the Zoning Board of Adjustment (ZBA). The PB is responsible for certain non-regulatory responsibilities, such as updating and monitoring the Town Master Plan and adopting Capital Improvement Plans (CIP). The PB is also responsible for some regulatory functions, including amendments to the site plan review ordinance and subdivision regulations.

The ZBA is a quasi-judicial body that reviews special exceptions as included in the zoning ordinance. The ZBA also hears appeals to zoning decisions and interprets unclear sections of the zoning ordinance. The ZBA has the authority to issue variances that deviate from the requirements

of the zoning ordinance. In general, the PB is responsible for long-range planning decisions and site plan/subdivision reviews in Conway, and the ZBA is responsible for ongoing review of current development proposals, such as variance and special exception requests. The Selectboard also has the authority to initiate zoning changes; however, these changes must be reviewed by the Planning Board and approved by the residents of Conway.

In addition to these governmental bodies, Conway also has four (formerly five) fire precincts, as shown on the **Area Context** map. These precincts do not line up with the boundaries of the Town zoning districts. The North Conway Village Water Precinct provides water services to the North Conway Village, Intervale, and the Route 16 strip areas.

Chapter 195 Affordable Housing

The Town of Conway has a section of its code dedicated to the provision of affordable housing. This purpose of this section is stated as follows: "The purpose of this chapter is to provide a mechanism to encourage the development of affordable units for moderate and lower-income households to meet the needs of the Town of Conway, to foster economic and social stability within the larger community by providing opportunities for home ownership and long-term rental units and provide for the sustainability of affordable units in the future through the use of deed restrictions and other legal mechanisms and to further the intent of the Town of Conway to meet the requirements described under New Hampshire RSA 674." RSA 674:58-61 has been in effect since 2010 and requires municipalities to provide "reasonable" and "realistic" opportunities for workforce housing in their zoning regulations. This includes rental multi-family housing.

The chapter applies to 7 of Conway's 11 zoning districts: RA, CVR, NCVR, CCVC, CVC, NCVC, and HC. Section 195-4, entitled "Density Bonus and Other Development Incentives,' sets minimum lot sizes for residential units served by water and sewer. The section sets a ¼-acre minimum lot size (5000 sf for additional units on a lot) for areas served by sewer and a 1/2-acre minimum lot size for areas served by water. The statute defines workforce housing as having 5 or more units. In order to provide 5 units, this ordinance requires a lot size of 0.73 acres. This requirement may limit the overall potential of this ordinance to provide small and large multifamily units.

Further in this section, there is a standard setting the minimum percentage of units classified as affordable in AH development: "At least 25% of dwelling units within the affordable housing development must meet the definition of "affordable units." When the number of affordable units is calculated to a fractional number, any fraction of less than 1/2 shall be rounded down to the next whole number; any fraction of 1/2 or greater shall be rounded up to the next whole number and treated as a whole inclusionary unit. For example, a three-unit development would be calculated as 3 x 25% = 0.75, which would be rounded up to one affordable unit. Mobile homes or manufactured housing as defined in RSA 674:31 are not permitted; however pre-site built units as defined in RSA 674:31-a shall be permitted."

The code stipulates that an "affordable unit" must meet the following specification: "the monthly rent shall be no greater than estimated maximum affordable monthly rent for Carroll County as most recently published by the New Hampshire Housing Finance Authority." The chapter provides that affordable units should be "comparable" in size and amenities to the market-rate units.

Provisions in the chapter related to cluster housing include the following items:

- Cluster housing must take the form of SF or duplex structures and shall not include manufactured or mobile homes
- Must be served by municipal water and sewer
- Floor area of units must be between 400-1200 sf
- All units must be used for long-term residency
- Minimum lot frontage for any lot shall be 50 ft

- Unclear policy on ADUs

State Policy Context

New Hampshire has few statewide requirements for zoning. Municipalities must allow agricultural uses throughout town and allow opportunities for workforce housing (RSA 674:58-61) and ADUs (RSA 674:71-73). A recent proposal to establish a statewide minimum lot size of ¼ acre or allow 4 units per lot was unsuccessful in the state legislature.

Considerations For Master Plan Process

How Town Zoning Interacts with Other Topics & Goals

- **Housing:** Land use ordinances help determine the type and location of housing that is provided in Conway. The zoning ordinance can help cultivate development patterns that promote health, affordable housing, and economic development. Zoning can also help align housing with other community assets and infrastructure.
- **Economic Development**: Zoning is an important economic development tool. Zoning ordinances can help ensure that a community has an appropriate balance of commercial and residential opportunities. Zoning can also support a community's core industries and values through the creation of special districts and standards.
- **Transportation**: A community's land use pattern determines how easily people can travel between destinations. In communities that are highly spread out, travel by car is frequently the only transportation option. In communities with more compact development, residents and visitors may be able to get around by walking, biking, or taking transit. Reducing dependence on car travel has climate benefits as well.
- **Infrastructure:** The availability of community water and wastewater infrastructure has a significant impact on the location, type, and density of development. Water and wastewater infrastructure are particularly important for housing development and affordable housing. Infrastructure capacity can support larger housing developments on smaller lots, where localized water and septic systems are infeasible or are cost-prohibitive to create.
- **Conservation & Sustainability:** A community's land use strategy should aim to encourage development in some places and prevent it in others. Zoning ordinances can establish districts and standards that support local conservation priorities to preserve forests, habitats, and wildlife corridors.

Community Goals & Public Input

The 2003 Plan provides the following goal statement related to land use: "*Regulations, policies and guidelines used to manage land development in Conway should change. In non-village portions of the town these changes should focus on targeting areas for medium and low density residential development, commercial and light industrial development, and limited development (protected areas). Village areas should be designated for a mix of high density residential, commercial and institutional uses.*" These goals are still highly relevant for Conway.

The last future land use map recommended large areas for PUD development in between Conway Village, Center Conway, and Settler's Green. PUDs have not been deployed this way, and this recommendation is no longer relevant. However, other recommendations from the 2003 map remain relevant: for instance, the map designates large portions of the current RA district as "low-density residential development." This is still an appropriate designation for much of this area, as it is not served by sufficient infrastructure to support additional density.

At the February Open House, participants shared that they wanted a more "thoughtful" land use strategy in Conway. They also wanted limitations on large-scale commercial development, such as hotels. Participants indicated that this type of commercial development was not serving the Conway community. Housing was a top priority at the Open House. Participants unanimously agreed that Conway is facing a shortage of units that are affordable to low-income residents. Participants also wanted the plan to address the role of STRs in the community. Some participants suggested disallowing STRs in residential areas. When asked about their favorite things about Conway, respondents frequently highlighted the community's scenic beauty, natural environment, and recreational opportunities. At the meeting, participants were also asked to note areas they thought would be suitable for additional housing development and/or conservation. The results of that exercise, along with the full summary of feedback, is available in the **Open House #1 Summary Memo**.

Zoning & Land Use Issues & Areas of Focus

This section summarizes the primary issues related to land use and zoning in Conway. The Areas of Focus are potential recommendations that the updated Master Plan could make. Each of these potential ideas will need further analysis. The Steering Committee is encouraged to provide feedback on these potential recommendation areas.

Overall Lack of Support for Community Goals in Zoning Ordinance

Conway's current zoning ordinance does not offer explicit support for some of the things that are most important to Conway residents, including recreation, scenic qualities, small-scale businesses, new housing opportunities, and historic preservation. The ordinance could benefit from specific standards and/or districts that support these community goals and values.

Potential Recommendations/Areas of Focus: See below.

Lack of Conservation/Recreation/Open Space District

The Town of Conway currently has no zone district specific to open space/recreation outside of the Recreational Resort district. Some of the Town's overlay districts fulfill some of the functions of a traditional Open Space zone district by preventing development and/or certain kinds of intensive development. "Conservation areas" is included in the Use Table and is permitted in all districts.

The Town's **RA** district does not currently contain standards that strongly support the provision of agricultural open space. The district limits the general density of residential development at one unit per acre (with exceptions for certain accessory units), which preserves the percentage of open space provided on individual parcels. However, the district does not contain additional standards designed to mitigate the fragmentation of farmland and/or habitat.

Potential Recommendations/Areas of Focus:

- Consider creating an additional zone district dedicated to open/space recreation. This district would primarily take lands out of the RA district that are presently used as recreation or Open Space.
- Consider adopting additional standards to prevent the fragmentation of farmland and habitat in the RA District.

Lack of Guardrails in RA District

The RA is currently over-providing residential units. The district is intended for low-density residential and agricultural uses, but it provides 69% of the town's residential units. The

development pattern in this area is highly diffuse, with residences scattered across most areas of the district. However, it is still possible to create large-scale residential development in this district through a PUD. Subdivided areas within the district do not align with the purpose and intent of the district.

Potential Recommendations/Areas of Focus:

- Consider formalizing intensively developed areas in a separate district(s) or adding them to existing village residential districts.
- Consider limiting commercial and residential uses in the RA district to discourage development that is not compatible with the scale and infrastructural capacity of the district.
- What aboutConsider adding provisions for a conservation subdivision standard applicable in the RA District?that prioritizes sustainable development practices.

Need to Align Development Standards with Infrastructure Capacity

There is an ongoing need to align denser development with areas with infrastructure capacity, which can support such development. As discussed, 69% of residential units fall within the Agricultural/Residential District, which is intended for low-density development.

Potential Recommendations/Areas of Focus:

- Consider organizing zoning districts around infrastructure capacity (and forecasted capacity) instead of managing two sets of standards for most zoning districts (a set for lots served by infrastructure and lots that are not served by infrastructure).

Lack of Historic Preservation Protections

As noted in the *Housing Existing Conditions Memo*, roughly 1/5 of homes in Conway are at least 80 years old. Historic buildings are an important feature of Conway's character and identity, and the town has lost key buildings to commercial development in recent years. Without standards for the preservation of historic buildings, Conway is at risk of losing additional historic structures.

Potential Recommendations/Areas of Focus:

- Consider adopting a demolition delay ordinance that applies to historic buildings and structures
- Consider adopting a Town-wide historic preservation ordinance aimed at identifying and protecting historic buildings and structures
- Consider allowing adaptive reuse of historic structures to encourage new residential units and disincentivize tear-downs
- Consider a density bonus for utilizing an historic structure
- Consider instituting reductions in parking requirements for historic structures

Lack of Differentiation Between Commercial Uses by Size

The current zoning code and use table does not differentiate between large-scale and small-scale commercial uses. This creates challenges in limiting large-scale commercial development (e.g., a hotel or big box store) in places where small-scale commercial development (e.g., a boutique or cafe) might be appropriate.

Potential Recommendations/Areas of Focus:

- Consider differentiating between different scales of commercial uses in the use table

- Consider restricting large-scale commercial development to the Settler's Green area
- Consider adopting a commercial linkage fee program, in which commercial developments of a certain size must provide a certain number of workforce housing units or a fee-in-lieu of those units. This type of program can help ensure that large-scale commercial development does not place undue strain on the local housing market.
- To ensure that new developments do not cause new transportation challenges, consider adopting new orderly development standards that encourage walkability and interconnectedness between new mixed-use developments and

Misalignment of Highway Commercial District

The Highway Commercial district currently applies to areas with vastly different development characters. The scale of development in the Settler's Green area is much more intensive than the spirit of a typical "Highway Commercial" district. The Intervale area's current designation, Highway Commercial, is not appropriate for the area.

Potential Recommendations/Areas of Focus:

- Consider breaking up the HC district into multiple districts of different intensities
- Consider allowing larger mixed-use development in the Settler's Green area; ensure that shared parking is available for development of this type

Lack of Multi-Family Units & Opportunities for Affordable Housing

Multi-family housing is defined as residences with greater than 2 units. This definition is limiting; there are areas where triplex or quadplex housing might be appropriate, but a larger apartment building is not. This flattening of multi-family housing types has likely contributed to the overall lack of "missing middle" housing types. See the *Housing Existing Conditions Memo* for a discussion of missing middle housing.

In addition, Conway may not be providing adequate support for multi-family housing under RSA 674:58-61. The statute has been in effect since 2010 and requires municipalities to provide "reasonable" and "realistic" opportunities for workforce housing in their zoning regulations. This includes rental multi-family (MF) housing. The dimensional standards required for multifamily housing are extremely onerous and prevent multifamily development on all but very large lots. For example, in the North Conway Village Residential district, lots with municipal water or water and sewer are required to have at least ½ acre for the 1st unit and 10,000 sf for each additional unit on the same lot. Although MF is allowed in the district, these standards functionally allow a maximum density of 3 units/acre, but MF housing is allowed in the district.

Potential Recommendations/Areas of Focus:

- Consider itemizing different types of multi-family housing in the use table
- Consider amending dimensional allowances to functionally allow multifamily housing

Lack of Specificity Regarding ADUs and STRs

The current zoning ordinance does not provide specific standards regulating the districts where ADUs and STRs are allowed.

Potential Recommendations/Areas of Focus:

- Consider limiting STRs to certain districts or with certain site standards
- Consider providing a density bonus for ADUs

Lack of Village-Style Development Standards

At present, Conway's village areas are limited by the Town's onerous parking requirements and dimensional standards. As a result, variances are required for most traditional village uses.

Potential Recommendations/Areas of Focus:

- Consider amending lot size requirements in village centers to promote more compact development and complement existing development patterns
- Consider amending the unique village standards for the Town's village areas to better align with existing land uses and suitable mixed-use building types
- Consider performance-based zoning standards for village districts. Performance-based zoning is a more flexible form of zoning that focuses on the impacts of a development instead of the specific uses permitted. This kind of zoning can be especially impactful in downtown areas, where the performance standards can be tailored to goals for village-style development.
- Consider a standard allowing for the utilization of on-street parking utilization for parking space standards within the village areas?

Address the Needs of Industrial Areas

The I-2 district is currently not served by water and sewer, which limits its capabilities as an industrial center. In addition, Conway's two industrial areas have some degree of residential development associated with them.

Potential Recommendations/Areas of Focus:

- Consider adopting performance-based zoning standards for the industrial district that aim to concentrate industrial activities in areas with water and sewer and separate residential uses from nuisances associated with some types of industrial activities (e.g., noise)

Onerous Site Plan Requirements

Conway's site plan requirements frequently conflict with town goals and the spirit of Town ordinances. As examples, the variable greenspace requirements have proved challenging for the village districts, since the small lots in that area often can't meet the requirement for greenspace. At times, developments cannot meet the greenspace requirement because of significant parking requirements.

Potential Recommendations/Areas of Focus:

- Consider adopting shared parking standards to encourage the efficient use of land, particularly in village and commercial areas
- Consider creating parking standards for all districts (not all districts currently have parking standards, creating discrepancies with the use table)

Next Steps

Takeaways

At present, Conway's land use ordinance does not adequately support community goals. The town's land use pattern is highly dispersed and segmented, making it highly challenging to walk and bike around Conway. The lack of standards differentiating large-scale and small-scale commercial uses has led to an excess in large-scale commercial opportunities.

Potential Areas of Focus: Analysis

Before the project team drafts the goals and recommendations of the plan, the team will conduct additional analysis tasks. The items below are suggestions for further analysis. Given available budgets, it will not be possible to complete all of these analyses.

- Identify areas for specific infrastructure extensions & formalized zone districts
- Conduct an analysis of the general suitability for housing & other types of development in different areas of Conway
- Quantify the taxable value per acre of certain types of development in Conway
- Quantify the public works costs of different styles of development
- Conduct a unit attrition analysis in select locations in town (how many units would be lost over time if density provisions stayed the same or changed?)
- Further analysis of land use and existing development in the RA district
- Assessments of parking in village and commercial areas