
Article 19: To see if the Town will vote to adopt amendment No. 16 to create Chapter 196 (Public Art) of the Municipal Code of Conway to create a Public Art Ordinance that addresses the installation of murals and also permits other art visible to the public on commercial and public property such as sculptures, street art, or other types of permanent art work.

Proposed by the Planning Board.

Recommended by the Planning Board (7-0-0)

Chapter 196 Public Art

§ 196-1 Purpose and Intent:

Regulations for Public Art were formulated to maintain a quality visual aesthetic while allowing for creative expression in appropriate locations. The established review criteria provide guidance concerning the compatibility and appropriateness of theme, location, design, placement, massing, scale, and materials of publicly displayed art with no intrusion into the artistic expression or the content of work.

§ 196-2 Applicability:

This chapter shall apply to any proposed, altered, or amended Public Art installation on commercial or public property in all Zoning Districts. Public art is encouraged in the Commercial and Industrial zones.

§ 196-3 Definitions:

MURAL Any permitted art painted or applied directly on a building, structure, fence, or object within the public view that is located on public or private property.

SIGN Any device, fixture, placard, structure or attachment thereto that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any person or entity, or to communicate information of any kind to the public, whether commercial or noncommercial. Any portion of any awning, either freestanding or attached to a structure, decorated with any sign element, either attached or part thereof, shall be considered a wall sign.

VANDALISM Any unpermitted writings, drawings, or other material posted on a public or private property. Typically, this is unlawfully placed on property not owned by the person posting the material.

PUBLIC ART Any original work of art which is sited in a manner accessible and visible to the public regardless if the installation is temporary or permanent.

§ 196-4 Plan Submittal and Approval:

A Zoning Permit shall be submitted to the Zoning Officer for any proposed Public Art on commercial or public property for review of the criteria below. The Planning Board shall consider applications at a Public Hearing. Public Art proposals on public property shall be referred to the Selectboard.

A. Any application for proposed or altered Public Art shall include:

- (a) The proposed design of the mural or artwork, in full color, drawn to scale. Designs should be representative of the community and the natural beauty of the Mount Washington Valley.

- (b) **Artist Qualifications.** The artist must demonstrate appropriate experience and provide examples of past similar work. The use of local artist, historians, or other community resources is highly encouraged in the design and installation.
- (c) A list of the proposed materials and the method of their application.
- (d) A document indicating the property owner's liability for maintenance and removal of vandalism. A schedule of maintenance must be provided. If the Public Art installation is not maintained, the Town of Conway reserves the right to demand removal at the expense of the property owner.

B. Public Art installations are prohibited of the following:

- (a) Placement in a manner which interferes with the identification or recognition of an exit, fire escape, stairway, window, any form of egress, or ADA access.
- (b) Identification of prices, products, or services for any commercial use.
- (c) Include any advertisement or be commercial in nature. Public art must not contain lettering, symbols or references directly to the promotion of any product, business, brand, organization, or service. The name, logo, or other indicator of the sponsor of the mural or the mural artist shall be discreetly displayed and shall not exceed 2% of the overall design.
- (d) Contain false statements, obscene language or images, or create a clear and present danger to the general public.

§ 196-5 Design Standards:

- A. Architecture.** The proposal complements the architectural design of the building on which the Public Art is proposed.
- B. Structural Integrity.** The location and materials of Public Art must have the structural integrity to support proposed materials.
- C. Historic Nature.** If the site is a designated landmark, a structure of merit, or a point of historical interest, the Planning Board may require a review be provided by the New Hampshire Division of Historical Resources indicating the proposal will not adversely affect the historic nature.
- D. Appropriateness.** The proposal does not detract from the character of the surrounding area or neighborhood as determined by the Planning Board.
- E. Limitations.** The proposal does not conflict with any prohibitions of § 110-39, Nuisances.

- F. Materials are of superior quality and intended for exterior use. Permanent installations must have a weatherproof and vandalism-resistant coating.
- G. Murals placed on a structure. Murals located on a front facade shall not exceed more than 25% of the area of which the mural is located. Murals located on the side or rear of a structure must be appropriate in scale and be suited for the character of the neighborhood, as determined by the Planning Board. Area requirements are cumulative and are not required to be contiguous.
- H. Murals placed on an object or surface not considered a structure to include murals on pavement, hardscaped areas, and objects such as light post or guardrails shall be appropriate in scale and be suited for the character of the neighborhood, as determined by the Planning Board.
- I. Total sculpture footprint area shall not exceed 250 square feet per acre. Square footage requirements are cumulative and are not required to be contiguous.
- J. Public Art shall not be placed within any setback or restrict pedestrian or vehicular travel. This does not apply to murals placed within a setback if the location is a legally existing nonconforming use.
- K. Public Art must be properly maintained to ensure that material failure, such as peeling paint, is corrected and vandalism is removed promptly. Removal of vandalism is the responsibility of the property owner and shall be removed within seven (7) days.