

**CONWAY PLANNING BOARD**

**MINUTES**

**OCTOBER 22, 2015**

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**JOINT MEETING OF THE CONWAY PLANNING BOARD  
AND THE SIGN ADVISORY COMMITTEE**

**MINUTES**

**OCTOBER 22, 2015**

A meeting of the Conway Planning Board was held on Thursday, October 22, 2015 beginning at 7:01 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Steven Porter (Sign Advisory Committee Member); Secretary, Kevin Flanagan (Sign Advisory Committee Member); Ray Shakir (Sign Advisory Committee Member); Planning Director, Thomas Irving; and Recording Secretary, Holly Meserve.

**REVIEW AND ACCEPTANCE OF MINUTES**

**Mr. Porter made a motion, seconded by Mr. Shakir, to approve the Minutes of October 8, 2015 as written. Motion unanimously carried.**

**NORTH CONWAY COMMUNITY CENTER (FILE #MR15-01) – MINOR SITE PLAN REVIEW (PID 218-29)**

Burr Phillips of Civil Solutions appeared before the Board. This is an application to amend File #FR14-04 relative to site lighting at 78 Norcross Circle, North Conway. Mr. Phillips stated they are requesting to change the head of 14 bollard lights that come up from the ground; instead of sticking out, which could be a potential danger to children, they would be flush with the top of the post. Mr. Phillips stated the proposed lighting is not dark sky compliant, and, therefore, requires a waiver. **Mr. Porter made a motion, seconded by Mr. Flanagan, to accept the application of North Conway Community Center for a Minor Site Plan Review as complete. Motion unanimously carried.**

Mr. Irving stated this is essentially what the Board approved; this is just a request to change the lighting. Mr. Irving stated the proposed lighting is similar to the IDA approved fixture and has similar characteristics of what you have already approved; the new fixture is just not IDA approved. Mr. Irving stated staff has no issue with the waiver request. Mr. Shakir asked if this is specifically for walk way lighting. Mr. Phillips answered in the affirmative. Mr. Shakir stated this would be down lighting anyway. Mr. Phillips agreed and stated there is a small percentage of light that looms sideways. Mr. Porter stated he has no issue with the proposed lights.

Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall read a waiver request for §123-26.5. **Mr. Porter made a motion, seconded by Mr. Shakir, to accept the waiver request for §123-26.5.** Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Motion unanimously carried.**

**Mr. Porter made a motion, seconded by Mr. Drinkhall, to approve the Minor Site Plan for North Conway Community Center. Motion unanimously carried.** The plans were signed.

**JOSEPH AND JAYNE POWERS (FILE #S15-08) – 2-UNIT SUBDIVISION REVIEW  
(PID 282-1)**

Ron Briggs of Briggs Land Surveying appeared before the Board. This is an application to create two residential units on 12 acres on Brownfield Road, Conway. Mr. Briggs stated this is a 12-acre parcel with two, one-acre exclusive use areas with the remainder being common land. **Mr. Porter made a motion, seconded by Mr. Flanagan, to accept the application of Joseph and Jayne Powers for a 2-Unit Subdivision Review as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none. **Mr. Shakir made a motion, seconded by Mr. Porter, to conditionally approve the 2-unit subdivision for Joseph and Jayne Powers conditionally upon Center Conway Fire Chief Approval; original stamp and seal of the Wetland Scientist on the plans; submitting a check made payable to the Carroll County Registry of Deeds for \$25; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on October 27, 2016. Motion unanimously carried.**

**IPTV-B-C42, LLC/CHARTER FOODS NORTH, LLC (FILE #FR15-06) – FULL SITE  
PLAN REVIEW CONTINUED (PID 235-8)**

Huseyin Sevincgil of MHF Design Consultants, Inc. and Dylan Rueckert of Charter Foods North, LLC appeared before the Board. This is an application to demolish the existing 11,074 square foot retail building and construct a new 2,727 square foot/50-seat restaurant with an interactive menu-board with speakers and drive-up window and associated infrastructure at 1672 White Mountain Highway. This application was accepted as complete on September 24, 2015.

Mr. Rueckert reviewed the revised architectural drawings and stated they added the faux windows; wood frame awnings; changed from a standing seam roof to asphalt shingles; and trimmed out some of the windows. Mr. Porter stated that the applicant has done a bit of new work, but when leaving the last meeting we told you we were looking for something more unique and doesn't have a flat roof. Mr. Porter stated he still has a major issue with the building design; and questions the site layout with the take out window at the front of the building.

Mr. Porter stated that drive-thru's are usually either off to the side or at the back of a building where they are less visual and has less noise impact to Route 16. Mr. Porter stated that he sees that as a long term detriment to the appearance of the site. Mr. Sevincgil stated we had to keep the speakers as far away from the residential district as possible; and went before the Zoning Board of Adjustment with this location of the speakers.

Mr. Irving stated the variance was to allow there to be one as the regulation prohibits those types of devices within 600-feet of a residential property. Mr. Irving stated in order to demonstrate that they were minimizing the impact they showed the speaker in this location with a masonry sound wall to call sounds away from the residential property. Mr. Irving stated did they have to put it in that location; they could have had other locations. Mr. Sevincgil stated this is what we were given to design; and if the site is reoriented it would have to be closer to the residential properties.

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Mr. Irving stated that they did provide a plan showing the building rotated; the only issue with that plan, although they rotated it, was the drive-thru lane was within the front setback and buffer. Mr. Irving stated that he suggested they move the building back and/or westerly which would have remedied the buffer issue, but he has not seen anything beyond that.

Mr. Porter stated even though they received an approval from the ZBA with this particular design, does not mean the Planning Board has to accept that design. Mr. Porter stated this Board can ask for it to be changed; personally he does not feel comfortable with this design layout and neither do a lot of the community members. Mr. Porter stated he still has a problem with the architectural design and the roof line being pretty flat.

Mr. Shakir stated the front elevation still looks like a side elevation and he would be interested in seeing what you did in mitigating intrusion. Mr. Sevincgil stated that they lined the back of the lot with arborvitae with a 6-7 foot planting height along with the 8-foot fence; we shifted the driveway to the South per the NHDOT; and we looked at the potential of relocating the dumpster, but we didn't feel we could because we have an above ground detention pond.

Mr. Shakir stated that he thinks they did a pretty good job on the visual and audio; but cannot say the same for the building itself as it still looks like a side of a building. Mr. Shakir stated that he thinks a gabled roof on the main elevation would bring it into focus, and then it would look like a front of a building. Mr. Rueckert stated the franchise is required to have certain aspects to make it look like a Taco Bell. Mr. Shakir stated it is our duty to make North Conway look like North Conway. Mr. Drinkhall stated that he agrees with all of the Board comments.

Mr. Porter stated that we like to be unique, and we like the New England architectural design. Mr. Porter stated we have dealt with the big box retailers over time and we know they have their prototypical designs, but there are certain things we want to see done. Mr. Porter stated we are looking for an alternative to a flat roof, a New England theme.

Mr. Irving submitted 11x17 plans to the Board showing the building rotated. Mr. Porter stated that he sees this as a more workable design. Mr. Sevincgil stated if the Board is adamant we can redesign the site, but what about the architecture and asked the Board's opinion if the south elevation was facing Route 16. Mr. Shakir stated he would be okay with that. Mr. Porter stated if it is a false roof line so it doesn't look like a straight flat roof he would be okay with that.

Mr. Drinkhall asked for public comment; Nancy Freitas asked where that puts the drive through if they rotate the building; she is concerned with headlights aiming into her home. Mr. Irving reviewed the plan with Ms. Freitas. Mr. Sevincgil stated they are not going to have headlights as there are two rows of arborvitae and a fence.

Mr. Shakir stated that the Board has concerns with the residents in the back, the audio, the visual appearance, the headlights and the gable roof; address those points and you likely won't be coming back. Mr. Shakir asked if the building had to be this shape. Mr. Rueckert stated they do have smaller building options.

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Mr. Irving stated depending on the proposed changes, it might require a reapplication to the Zoning Board of Adjustment. Mr. Rueckert asked if the Board was okay with the front elevation. Mr. Porter stated he could back away from the architectural design a bit if the building was rotated.

**Mr. Drinkhall made a motion, seconded by Mr. Porter, to continue the Full Site Plan Review for IPTV-B-C42, LLC/Charter Foods North, LLC until December 10, 2015 with the provision that new information is to be submitted by November 17, 2015. Motion unanimously carried.**

**OTHER BUSINESS**

**Fandangle's/Conway Hospitality (File #FR14-06) – Field Change Requests and request to extend conditional approval (PID 246-42):** Burr Phillips of Civil Solutions appeared before the Board. Jay Patel, applicant, was in the audience. This is a request for Planning Board approval of field and architectural changes to the current conditional approval at 1439 White Mountain Highway, North Conway. Mr. Phillips stated Mr. Irving considered the proposed changes under the current conditional approval above his purview and wanted them to be discussed at a public meeting with the Board.

Mr. Phillips stated they are proposing additional mechanical units around the building and a generator; and asked to go to two dumpsters instead of one. Mr. Phillips stated with the loss green space some of the patio was eliminated. Mr. Phillips stated they had to slide the propane tanks over, but they are buried. Mr. Irving asked if there was encroachment in the northeast corner buffer. Mr. Phillips answered in the negative.

Mr. Phillips stated the changes to the building were requested by Hilton and also due in part of the final design. Mr. Phillips stated there are changes to the architectural finishes, shutters and grids, as the trim was too narrow on the building and the windows on the front of the building were removed as there are elevators there and that is where they want their wall sign.

Mr. Shakir asked if the elevation where the windows were removed was the back of the building. Mr. Phillips answered in the negative and stated it is the front of the building. Mr. Shakir stated that proposed building is too stark. Mr. Drinkhall stated he cannot see how that front elevation, which is going to be extremely visible due to its location, conforms to our regulations.

Mr. Porter stated when they first came before us their request was for a three story, 76-room hotel; we did an extensive site plan review as far as landscaping, building design and how it was going to look from various points. Mr. Porter stated over the past three years the building has grown in height and there are less windows and shutters. Mr. Porter stated during the opening statement in 2012 it was acknowledged that this was going to be the gateway to the Mount Washington Valley; over the past three years that gateway has crumbled.

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Mr. Porter stated architecturally we are losing the front appearance; and we just beat up Taco Bell. Mr. Porter read an email from Steven Hartmann (attached) who was unable to attend this evenings meeting. Mr. Porter stated that he has a problem with this particular site as they have never, from day one, kept to what they were going to originally build. Mr. Porter stated being the gateway we should have seen, a lot sooner than three years, ground broken for this project; instead there have been several changes. Mr. Porter stated that he agrees with Mr. Hartmann that the changes are unacceptable.

Mr. Irving stated in 2012 the initial concern was the scale of the building and the visual impact; the Board worked very hard with the landscaping when it was proposed to be a three-story building. Mr. Irving stated under the latest conditional approval it was difficult to minimize the impact on that area. Mr. Irving stated it appears there are concerns among the Board members that the approval of the landscaping is getting lost with the architectural changes and the Board may want to revisit the landscaping.

Mr. Phillips stated there is no change in the landscaping, but to reduce the impact we could relook at the landscaping. Mr. Irving stated they will look at the landscaping with the architecture to minimize the impact. Mr. Porter stated the architecture was approved for this site with the landscaping; he wants to see how the proposed architecture looks with the approved landscaping. Mr. Porter stated landscaping played a major role in the size of that site.

Mr. Phillips stated the mechanical units are pretty small and hidden by landscaping. Mr. Shakir stated he doesn't think there is a conflict with the mechanicals at all, but the architectural renderings are undesirable and not acceptable. Mr. Patel stated the mechanical units can be hidden in the existing landscaping. Mr. Shakir stated he doesn't have a problem with the mechanical units as long as they are camouflaged.

Mr. Irving asked if the applicant has spoken to the Building Inspector and the Fire Chief in regard to the location and realignment of tank farm. Mr. Phillips stated they have spoken to the Fire Chief. Mr. Irving suggested that they speak to the Building Inspector as well.

Mr. Phillips stated that they have been working diligently on the easements; it is especially difficult with KGI as they have ten tenants and all ten tenants have to review and approve the easements. Mr. Phillips asked for a six-month extension of the conditional approval.

**Mr. Drinkhall made a motion, seconded by Mr. Shakir, to extend the conditional approval for Fandangle's/Conway Hospitality until March 24, 2016. Motion unanimously carried.**

**Committee Reports:**

**Sign Advisory Committee:** Mr. Porter stated the Sign Advisory Committee had their final meeting on October 1<sup>st</sup>. Mr. Porter stated they have a few more proposed changes to signage; internally lit window signs and roof signs and the lighting source shall be white light. Mr. Irving stated tonight is the last time the Sign Advisory Committee will be meeting.

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Mr. Irving submitted the proposed changes to the Board (attached) and asked the Board to review them. Mr. Irving stated the proposed changes could be discussed at the December meeting and the Board can determine then if they want to hold a public hearing.

**2016 Planning Board Dates and Submittal Deadlines: Mr. Drinkhall made a motion, seconded by Mr. Porter, to approve the 2016 Planning Board Dates and Submittal Deadlines. Motion unanimously carried.**

**November 12, 2015 Planning Board meeting: Mr. Porter made a motion, seconded by Mr. Drinkhall, to cancel the Planning Board meeting of November 12, 2015. Motion unanimously carried.**

The meeting adjourned at 8:31 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly L. Meserve". The signature is written in a cursive style with a large initial "H".

Holly L. Meserve  
Recording Secretary

**Thomas Irving**

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**Subject:** FW: Fandangle's/Conway Hospitality

**From:** steve [REDACTED]  
**Sent:** Thursday, October 22, 2015 1:17 PM  
**To:** Thomas Irving <tirving@conwaynh.org>  
**Subject:** Re: Fandangle's/Conway Hospitality

Tom  
As per fandangles  
I have reviewed the proposed changes. And feel based on prior approvals for the building and landscaping of this prominent site that the proposed landscaping along with the building are not in keeping with the original plans there for I would urge the board to vote against said changes, and would strongly suggest not granting an extension  
Thank you  
Steve Hartmann

## Signage Advisory Committee Recommended Amendments

The **internally lit window sign** amendment affects the following sections 147.13.1.6.10.6, 147.13.2.6.10.6, 147.13.3.6.10.6, 147.13.4.6.10.6, 147.13.5.6.8.6, 147.13.6.7.8.7, 147.13.7.6.8.7, 147.13.8.6.8.7, 147.13.10.6.8.6, 147.13.11.6.8.6 and 147.13.12.7.10.6.

147.13.X.X.X.X. Window signs which are affixed to the interior of the window, not to cover more than 50% of any window. Window signage may include one (1) internally lit sign per business. Such internally lit window signs shall not exceed two (2) square feet in area.

The **white light** amendment affects the following sections 147.13.1.6.13.1, 147.13.2.6.13.1, 147.13.3.6.13.1, 147.13.4.6.13.1, 147.13.5.6.11.1, 147.13.6.7.11.1, 147.13.7.6.11.1, 147.13.10.6.11.1, 147.13.11.6.11.1 and 147.13.12.7.13.1.

147.13.X.X.X.X. 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. The lighting sources shall be of white light and be energy efficient fixtures when possible. Fixtures shall be located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they be distracting to vehicular traffic. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

The **Roof Sign** amendment affects the following sections 147.13.5.6.3, 147.13.6.7.3, 147.13.7.6.3, 147.13.8.6.3, 147.13.10.6.3 and 147.13.11.6.3.

147.13.X.X.X.X. ROOF SIGN. A roof sign is permitted in lieu of a wall sign as permitted is §147.13.X.X.X. Such roof signs shall conform to the dimensional restrictions for the applicable wall sign. Roof signs are also limited to the existing three dimensional envelope of the building on which it is to be located and may not increase the building's three dimensional envelope or two dimensional footprint. Roof signs may be oriented to face any direction and shall have no more than two sides; a front and a back sharing a single geometric plane.