

CONWAY PLANNING BOARD

MINUTES

FEBURARY 11, 2016

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CONWAY PLANNING BOARD

MINUTES

FEBRUARY 11, 2016

A meeting of the Conway Planning Board was held on Thursday, February 11, 2016 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; Vice Chair, Steven Hartmann; Secretary, Kevin Flanagan; Raymond Shakir; Planning Director, Thomas Irving and Recording Secretary, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Mr. Flanagan, to approve the Minutes of January 28, 2016 as written. Motion unanimously carried.

**JOSEPH E. SULLIVAN, III AND BS INVESTMENT PROPERTY HOLDINGS, LLC
(FILE #S16-03) – BOUNDARY LINE ADJUSTMENT AND 3-UNIT SUBDIVISION
REVIEW (PID 230-42 & 44)**

This is an application to convey 0.15 of an acre to PID 230-44 (Sullivan) from PID 230-42 (BS Investment) and a 3-unit subdivision of PID 230-44 (Sullivan) at 2317 White Mountain Highway and 46 Locust Lane, North Conway (PID 230-42 & 44). Shawn Bergeron of Bergeron Technical Services appeared before the Board. Ron Briggs of Briggs Land Surveying was in attendance.

Mr. Porter made a motion, seconded by Mr. Shakir, to accept the application of Joseph E. Sullivan III and BS Investment Property Holdings, LLC for a Boundary Line Adjustment and 3-Unit Subdivision Review as complete. Motion unanimously carried.

Mr. Irving stated staff has no issues and there are no waivers requested. Mr. Drinkhall asked for Board comment; Mr. Hartmann asked if the proposed building exists. Mr. Bergeron answered in the affirmative and stated it was permitted and constructed as a garage and want to convert to a third unit. Mr. Drinkhall asked for public comment; there was none.

Mr. Porter made a motion, seconded by Mr. Flanagan, to conditionally approve the boundary line adjustment and 3-unit subdivision for Joseph E. Sullivan, III/BS Investment Property Holdings, LLC conditionally upon Town Engineer Approval; North Conway Water Precinct Approval; submitting a recorded drainage, utility and access easement and indicating CCRD book and page number on plan; submitting a Mylar; submitting a \$25 check made payable to the Carroll County Registry of Deeds for the L-CHIP fee; submitting four copies of revised plans with original surveyor and/or engineer signatures; submitting a performance guarantee for all site improvements; when the conditions have been met, the plans can be signed out-of-session; and this conditional approval will expire on August 11, 2016. Motion carried with Mr. Hartmann abstaining from voting.

PUBLIC HEARING – ZONING AMENDMENTS PROPOSED BY THE PLANNING BOARD

§147.13.8.6.10.1; §147.13.8.6.10.1.1; and §147.13.8.6.10.1.2; §147.14.3; §147.14.3.3; §147.14.3.4; and §147.14.3.5; §147.15; §147.13.8.6.7; and §147.13.8.6.8: This is a proposed amendment to add provisions for internal lighting; to add provisions for internal lighting conversions; to add the definitions of “Opaque” and “Translucent”; and signs allowed under §147.13.8.6.7 and §147.13.8.6.8 shall not be allowed to be illuminated.

Mr. Irving stated there was a revision for clarification that this applies to wall signs as well as freestanding signs and to amend the section that was posted to the actual section that is proposed to change. Mr. Drinkhall opened the public hearing at 7:06 pm. Mr. Drinkhall asked for public comment; Mr. Irving read a letter from Dot Seybold of OVP Management, Inc. Mr. Drinkhall closed the public hearing at 7:08 pm.

Mr. Drinkhall asked for Board comment; Mr. Flanagan stated that he supports Ms. Seybold’s comments; he did his own survey and found no one was really in favor of this amendment. Mr. Shakir stated Ms. Seybold has some legitimate concerns and he brought up the same concerns to the Sign Advisory Committee.

Mr. Porter made a motion, seconded by Mr. Flanagan, to recommend the proposed amendment to §147.13.8.6.10.1; §147.13.8.6.10.1.1; and §147.13.8.6.10.1.2; §147.14.3; §147.14.3.3; §147.14.3.4; and §147.14.3.5; §147.15; §147.13.8.6.7; and §147.13.8.6.8 as a single warrant article to the warrant as written. Motion defeated with Mr. Shakir, Mr. Flanagan, Mr. Porter and Mr. Drinkhall voting in the negative and Mr. Hartmann abstaining from voting (0-4-1).

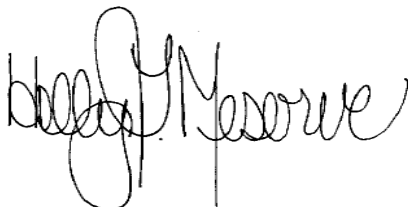
OTHER BUSINESS

Mount Washington Valley Regional Collaborative – Strategies to Support Affordable Housing & Economic Development: Coleman Moffett, Executive Director of Mount Washington Valley Housing Coalition; Jac Cuddy, Executive Director of Mount Washington Valley Economic Council; and Greyden Turner of the Mount Washington Valley Regional Collaborative, appeared before the Board. There was an overview of “*Final Report – Mount Washington Valley Region: Strategies to Support Affordable Housing & Economic Diversification*” dated September 2015.

Peter Andrew Jeschke and Rizona May Jeschke – Lot Merger (PID 240-10 & 11): Mr. Hartmann made a motion, seconded by Mr. Porter, to approve the lot merger for Peter and Rizona Jeschke. Motion unanimously carried.

Meeting adjourned at 8:00 pm.

Respectfully submitted,



Holly L. Meserve
Recording Secretary

Proposed new language for sign lighting...

~~147.13.8.6.10.1 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. 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.~~

147.13.8.6.10.1.1 External Illumination. Signs may be illuminated by external light. For free standing signs, lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. External sign lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. The external lighting sources shall be of white light. 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. Back-lit "Halo" type opaque sign lettering is permitted.

147.13.8.6.10.1.2 Internal Illumination for Free Standing and Wall Signs. Internally illuminated signs shall be constructed with an opaque background. Translucent letters and symbols shall not exceed 65% of the permitted message area; the translucent area shall be measured by a single rectangle encompassing all translucent elements of the sign. Any new sign that uses internal illumination must conform fully with all other provisions of this ordinance. Any existing externally illuminated sign that is converted to internal illumination must be brought into full conformity with respect to all sign requirements including, but not limited to: total number of signs, message area, height, width, sign structure dimensions and sign setbacks.

Propose new language for non-conforming signage...

147.14.3 NON-CONFORMING SIGNS. Signs lawfully in existence before the adoption of regulations, which made them non-conforming shall be permitted to continue in existence and be maintained.

147.14.3.1 No change in type, size of message area and/or support structure, height, location, message, illumination, number, or material shall be permitted without application to and approval from the Town.

147.14.3.2 Non-conforming aspects of the sign may continue, but no additional types of non-conformity shall be created by any change.

147.14.3.3 Permitted changes, except conversion to internal illumination, may allow reduction in any one or more non-conforming aspects, but shall not allow any nonconforming aspect of the sign to become increasingly non-conforming.

147.14.3.4 Any existing externally illuminated nonconforming sign that is converted to internal illumination must be brought into full conformity with respect to all sign requirements including, but not limited to: total number of signs, message area, height, width, sign structure dimensions and sign setbacks.

147.14.3.45 If a nonconforming sign is abandoned, the grandfathered rights shall terminate and any replacement shall comply with the requirements of this chapter.

Proposed new definitions...

Opaque: as referred to herein opaque material does not transmit light from the internal illumination sources.

Translucent: as referred to herein translucent material does transmit light from the internal illumination sources.

Proposed amendment to signs exempt from property line and permitting...

147.13.8.6.7 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

Signs allowed under this section shall not be illuminated either internally or externally.

147.13.8.6.7.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.8.6.7.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.8.6.7.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.8.6.7.4 Business name and directional signs with a message area of three square feet or less which are located over doorways. Such signs may project from the wall surface.

147.13.8.6.7.5 Flags.

147.13.8.6.7.6 One (1) portable a-frame sign per lot of record is permitted in the district, it may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted and no appendages to the sign are permitted.

147.13.8.6.7.7 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.8.6.7.8 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.8.6.7.9 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.8.6.7.10 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.8.6.7.11 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.8.6.7.12 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999.

147.13.8.6.7.13 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.8.6.7.14 One (1) real estate sign to identify lots for sale at each entrance to the subdivision in which the subject lots are located, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width.

147.13.8.6.8 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

Signs allowed under this section shall not be illuminated either internally or externally.

147.13.8.6.8.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.8.6.8.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.8.6.8.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.8.6.8.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.8.6.8.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.



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RECEIVED
FEB 10 2016

BY:

February 4, 2016

Dear Planning Board Members:

Unfortunately I was unable to attend the January 28th public hearing regarding the new sign changes due to a family emergency. I will also be unable to attend the meeting of the 11th as I will be traveling. As signage is a critically important component to the success of the retailers located in our properties, I would like to share some concerns and comments regarding the changes proposed by the Planning Board. With all due respect to the process and the input gathered from the sign committee, I have long felt that a complete overhaul of the sign ordinance is very much overdue. The band aid approach does little but create added confusion.

We are very much opposed to the blanket attempt to regulate lighting on 147.13.8.6.8 "Signs Subject to Property Line Setbacks and No Permit Required." The proposal to eliminate ALL lighting of these signs is poorly thought out and doesn't take into consideration the legitimate and essential lighting needs of the business community. Currently, there are probably hundreds of blade signs, enter and exit signs, church signs and flags scattered throughout Conway that would be affected by this change. Such a blanket change creates more problems for the already beleaguered zoning enforcement office. Further, we are a community with many months of very short daylight hours, and with many thousands of out of town visitors, make proper lighting of signage is as important as the sign itself. A "business name" sign located over a door needs illumination. All properly installed flags should have illumination. Entrance and exit signs are far more effective with some kind of lighting. An "open" closed" or "no vacancy" sign needs illumination. Buildings, landscapes, parking lots all have lighting. How are you going to police what is a landscape light and what is a sign light. This change has not been well thought out and doesn't provide the kind of direction and support the business community needs.

We are in favor of the clarification regarding Halo lit signs. Conway has always allowed the Halo signs as they meet the criteria for external lighting and they are used in a number of locations very effectively. They are very energy efficient, create very little ambient light and do not contribute to light pollution. Their use should be encouraged and the clarification will help. However, the language regarding internally lit signs is confusing. While we might be in favor of adding well regulated, internally lit signs of certain types, the proposed language is not clear and will create headaches.

Again, many apologies for not being able to present my concerns in person. I appreciate the effort the sign committee and the planning board are making to create a sign ordinance that provides for adequate signs, but still maintain the beauty and unique character of our New England community.

Sincerely,

Don Seybold

OVP Management, Inc.