

CONWAY PLANNING BOARD

MINUTES

JANUARY 25, 2007

A meeting of the Conway Planning Board was held on Thursday, January 25, 2007 beginning at 7:02 pm at the Conway Town Office in Center Conway, NH. Those present were: Chair, Robert Drinkhall; Selectmen's Representative, Larry Martin; Secretary, Steven Porter; Martha Tobin; Hud Kellogg; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Porter made a motion, seconded by Ms. Tobin, to approve the Minutes of January 11, 2007 as written. Motion carried with Mr. Martin abstaining from voting.

PUBLIC HEARING – PLANNING BOARD PROPOSED ZONING AMENDMENT - §147.5 INTERPRETATION

This is an amendment to clarify that the zoning ordinance is construed as a "Permissive Zoning Ordinance". Mr. Irving reviewed the proposed amendment. Mr. Drinkhall asked for Board comment; there was none.

Mr. Drinkhall opened the public hearing at 7:05 pm. Mr. Drinkhall asked for public comment; Dot Seybold stated that she appreciates what the Board is trying to do, but the portion that reads, "...lawfully adopted rule or regulation, the most restrictive, or that imposing the highest standard, shall govern" troubles her. Mr. Irving stated that is how it is currently written and that portion is not proposed to change. Ms. Seybold stated that it should be changed as it opens the door for change. Mr. Martin stated that that portion of the ordinance is not on the agenda. Mr. Irving stated that that language is in most of the Zoning Ordinances throughout the State. Mr. Drinkhall closed the public hearing at 7:11 pm.

Mr. Porter made a motion, seconded by Mr. Kellogg, to recommend the proposed amendment to §147.5 as written on the warrant. Motion carried with Ms. Tobin abstaining from voting.

PUBLIC HEARING – PLANNING BOARD PROPOSED ZONING AMENDMENT - §147.13.1.2.4.1.5, §147.13.2.2.4.1.5, §147.13.3.2.4.1.5, §147.13.4.2.4.1.5, §147.13.5.2.5.1.5, §147.13.6.3.5.1.5, §147.13.7.2.5.1.5; and §147.13.8.2.5.1.5

This is an amendment to amend the minimum size for apartments that are permitted in accessory structures relative to the special exceptions pertaining to Conway's "older homes". Mr. Irving reviewed the proposed change. Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall opened the public hearing at 7:12 pm. Mr. Drinkhall asked for public comment; there was none. Mr. Drinkhall closed the public hearing at 7:13 pm.

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Ms. Tobin made a motion, seconded by Mr. Porter, to recommend the proposed amendment to §147.13.1.2.4.1.5, §147.13.2.2.4.1.5, §147.13.3.2.4.1.5, §147.13.4.2.4.1.5, §147.13.5.2.5.1.5, §147.13.6.3.5.1.5, §147.13.7.2.5.1.5; and §147.13.8.2.5.1.5 as written on the warrant. Motion unanimously carried.

PUBLIC HEARING – PETITIONED ZONING AMENDMENT - §147.13.7.17

This is an amendment to allow educational museums within the North Conway Village Commercial District to incorporate the exterior as well as the interior into their educational purpose. Mr. Irving read the petitioned article. Mr. Drinkhall asked for Board comment; Ms. Tobin stated that the museum has history of trying to put a snow cat on the front lawn and this amendment would allow them to have the snow cat within the front buffer. Mr. Porter agreed with Ms. Tobin and stated that he could not endorse this article.

Mr. Drinkhall opened the public hearing at 7:19 pm. Mr. Drinkhall asked for public comment; Nick DeSouza asked what is the difference between snow machines displayed and displaying retail merchandise. Mr. Irving stated within the front setback there is a limitation under the site plan review regulations. Ms. Seybold stated that in this particular situation their entire frontage is within the buffer. Mr. Irving stated he thinks it would have been on their property and maybe within in the setback. Ms. Seybold stated there should be allowance for museums, but this is not very well written. Mr. Drinkhall closed the public hearing at 7:21 pm.

Mr. Kellogg stated that this amendment would open a Pandora's box and throws away the reason for buffers and sign regulations. Mr. Kellogg stated that this amendment opens up a mess and he surely hopes the Board will vote against this amendment. **Mr. Porter made a motion, seconded by Mr. Martin, to recommend §147.13.7.17 on the warrant. Motion unanimously defeated.**

PUBLIC HEARING – PETITIONED ZONING AMENDMENT - §147.13.8.6.8.1

This is an amendment to change the way sign dimensions are measured and decrease the restrictions on lighting for signage. Nick DeSouza of DeSouza Electrical appeared before the Board. Mr. DeSouza stated that he is a Green Light Surveyor, which is an EPA program that was started in 1995 and is now the Energy Star Program. Mr. DeSouza stated that the amendment has two parts; one is to try to eliminate that the lights have to be metal halite or quartz halogen. Mr. DeSouza stated that the town doesn't give any other latitude for other lights and there is a lot of technology that the town would never be able to use that is energy efficient lighting.

Mr. DeSouza showed pictures of lighting in the Town that showed fluorescent sign lighters, and stated according to the sign ordinance they are not allowed because they are fluorescent. Mr. DeSouza stated that he doesn't understand why fluorescent is not allowed when they are cost efficient. Mr. DeSouza stated that he understands the idea of the sign ordinance, to keep things in balance and to try to make it look nice and not like Las Vegas, but he doesn't see how sign lighters would be intrusive to any one.

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Mr. DeSouza stated that several Towns in New Hampshire do not restrict the types of lighting. Mr. DeSouza stated that another problem is that not many have bothered to put shields up to prevent affecting other property or vehicles.

Mr. DeSouza stated that the second part of this amendment is how the sign is measured. Mr. DeSouza stated that sign lights have to be included in the sign dimensions when measuring the size of the sign. Mr. DeSouza stated that there should really be some sort of change to allow fluorescent lighting, but not internally lit.

Mr. Drinkhall stated that a lot of the lighting that was referred to is grandfathered. Mr. Drinkhall stated that the purpose for the change was so the light would not spill over onto other properties. Mr. Irving stated these are grandfathered situations. Mr. Martin stated that the type of lighting referred to at the Mattress Giant is much more pleasing and appealing than the fluorescent. Mr. Martin stated in regard to sign lighters he is not a strong proponent of them, but he thinks they are ugly.

Ms. Tobin thanked Mr. DeSouza for his presentation. Mr. Kellogg stated it goes against the grain of what the Board is trying to do. Mr. Kellogg stated that this would definitely be opening a Pandora's box. Mr. Kellogg stated that the Town is trying to put forth a New England appearance. Mr. Kellogg stated that he would want to see the new technology before voting on it.

Mr. DeSouza stated that the Wild Things sign is a nice sign and those do not meet the criteria of the sign law. Mr. DeSouza stated that there are other ways of making the lights look nice and having the ambiance that the Town wants. Mr. DeSouza stated that the point source of lighting would go for miles and fluorescent dissipates much faster. Mr. DeSouza stated there should be some sort of alternative. Mr. DeSouza stated that some towns measure the light with a meter. Mr. Drinkhall read the existing ordinance. Mr. Drinkhall stated that most examples are grandfathered.

Mr. Martin stated that the technology is getting ahead of our ordinance. Mr. Martin stated that Mr. DeSouza did a nice job on the presentation, but not sure if the amendment is worded quite right. Mr. Irving stated that the amendment lighting change presented by the Planning Board restricting the types of lights was passed a few years ago. Mr. DeSouza stated that the lighting change occurred in 2003. Mr. Irving stated that he was hoping there would have been an article on the warrant for resources to redevelop the sign ordinance, but that is not happening this year. Mr. Irving stated that we need to start from square one and he would urge the board for next year to get the community on board to fund the complete rewrite of the sign ordinance.

Mr. Drinkhall opened the public hearing at 7:55 pm. Mr. Drinkhall asked for public comment; Ms. Seybold gave Mr. DeSouza credit for attacking this and she is glad to see that she is not the only one concerned with signs. Ms. Seybold stated that they changed all their lighting to compact fluorescents and saved \$30,000 in the first two years. Ms. Seybold stated that the Board should look at the green part of it as well, as you want to keep the light on the sign. Mr. Drinkhall closed the public hearing at 7:58 pm.

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Mr. Irving stated this has been a good discussion and the Board needs to re-look at the lighting options. Mr. Irving stated that he is concerned with this amendment from an administrative enforcement point of view. Mr. Irving stated by not including lights as part of the structure, which is usually for the freestanding sign dimensions, we could end up with huge attachments to the sign. Mr. Irving stated that he is concerned with opening the door to allow much larger structures. Mr. Irving stated also, frequently at staff level, we have to determine whether or not this meets the specific ordinance and we have a hard time measuring something that generally has to be met. Mr. Irving stated “to be energy efficient when possible” is hard to measure. Mr. Irving stated that this is moving in the right direction, but difficult to enforce.

Mr. DeSouza stated he thought he changed it to be able to put it on the wall. Mr. DeSouza stated that he got the wording “generally white light” from several different other Town ordinances. Mr. Irving asked if there is a measure of whiteness. Mr. DeSouza answered in the affirmative.

Mr. Martin made a motion, seconded by Ms. Tobin, to recommend §147.13.8.6.8.1 on the warrant. Motion unanimously defeated.

**CECILE NASON/THE BEACH CAMPGROUND – BOUNDARY LINE
ADJUSTMENT REVIEW (PID 251-149) FILE #S07-02**

James Rines of White Mountain Survey Company appeared before the Board. This is an application to convey 2.0 acres to Tract I from Tract II resulting in a lot of 22.9 acres and a lot of 1.1 acres. **Mr. Porter made a motion, seconded by Mr. Martin, to accept the application of Cecile Nason/The Beach Campground for a Boundary Line Adjustment as complete. Motion unanimously carried.**

Mr. Drinkhall asked for Board comment; there was none. Mr. Drinkhall asked for public comment; there was none.

Ms. Tobin made a motion, seconded by Mr. Porter, to approve the Boundary Line Adjustment for Cecile Nason/The Beach Campground. Motion unanimously carried.
The plans were signed.

Meeting adjourned at 8:25 pm.

Respectfully Submitted,

Holly L. Meserve
Planning Assistant