

Zoning Task Force

Minutes Meeting of August 8, 2013

Approved Meeting of September 5, 2013

Present: S. Perley, **ZBA Representative, Chair**; J. Tivnan, **Planning Representative**; S. Weeks, Sr, **Member-At-Large**; J. Driscoll, **Member-At-Large**; M. Foote, **ZBA Representative**; S. Saunders; J. Moriarity, **Member at Large**

Absent: W. Contardo, **Planning Representative**; S. Bogert, **ZBA Representative**; L. Guild, **Planning Representative**

S. Perley called the meeting to order at 10:05.

Minutes: S. Weeks moved to approve the minutes of the July 25 meeting, with the second by J. Driscoll. All voted in favor, 6-0.

Chicken Ordinance Discussion: S. Perley said the ZTF determined at the last meeting to approve this use with a Special Exception. She asked the members if they had reviewed the wording on the ordinance and if there were any changes proposed.

M. Foote said he looked at this and asked if they had thought about the area or square footage per chicken in the enclosure. Murry McMurry suggests 3 ft of pen area per chicken. S. Perley said they followed the language in a Manual of Best Management Practices for Agriculture in New Hampshire as published by the NH Department of Agriculture, Markets, and Food and wondered if we wanted to be that specific especially since Best Practices is mentioned in the preamble. Most towns haven't set that but it is a standard. It was decided to leave the language as written.

M. Foote said he had one other question. When chickens are ordered from Murry McMurry, 25 is the least you can order them. S. Perley said that is not the case here in NH. She checked with other towns. Osbourne's sells in lots of 10. She said she went back and forth with other towns who said they did not use that to determine; people placing orders can share.

M. Foote said when you get them, to make sure they come sexed as sometimes you end up with a rooster. He asked what to do with it then as you can't kill it on site. S. Perley said we cannot control that.

M. Foote said do we need the no killing on site in the language as it doesn't take a machine gun; it's a very simple process.

S. Perley asked if there were any further comments on the language. We will permit the use in the RS, SFR, RG and CR by special exception and will be changing to not permitted in Airport Industrial.

Motion: J. Tivnan moved to forward the proposal as written to the Zoning Board of Adjustments. M. Foote seconded. 5 voted in favor and 1 abstained. (Steve Weeks)

FEMA Discussion: S. Saunders said these regulations were adopted back in early 2000, and have since been updated by the federal government. These changes were mandated by them. We received a letter which was sent in 2010, asking if we had adopted the language. We responded no. Their second letter said if not adopted the federal government won't endorse flood plain insurance. This is simple, just updates to their language, with some new definitions on new construction, and recreational vehicles being taken into account. The big key is any structure that goes through substantial improvements, if a new addition is greater than 50% of the overall market value of the structure, then the structure and any new construction must be constructed above flood level or with mitigation in mind. There is language on new construction.

On the back of the second page it states it must be designed to be adequately anchored with materials resistant to flood damage, and with all mechanicals above flood level. That is the big thing. The building permit gets circulated, Planning takes a look, if it is in the flood plain and the conditions are not met, the applicant must re-evaluate. If a question on whether it is in the flood plain the applicant must have the property surveyed.

The language was dictated to us by FEMA. S. Perley said there is a large map to look at. S. Saunders said she would go and get the map if needed. We do not have big swaths of flood plains. These are small rings around water sources.

S. Perley said this doesn't change our maps, it changes what the structures in the zone have to do.

M. Foote asked on pg 6, zones A1 – A30, are crossed out. He asked what this referenced and S. Saunders said each circle has a 2 letter name to it. That is what this refers to. There is some older language that does need to go. The new zones are A1 – A30. J. Driscoll asked if the definition is changed, and was told no.

J. Moriarity asked how the concentric rings are determined and was told by the elevation of flooding. S. Saunders explained the flood maps. She showed the index map and handed out the various areas for the board members to look at. She said that sometimes these are not real specific and there are questions as to whether or not the property is in a flood zone.

This boils down to whether or not you will be insured by the federal government. Flood insurance is required in flood plains.

S. Perley said the process now is that the proposed new language on chickens goes to the ZBA for a public hearing but that S. Saunders has suggested the FEMA language goes to Planning instead of Zoning as Planning deals more with surveyors and technical questions. We will probably send the storm water revisions to Planning too.

S. Perley asked if there were any questions on the language? If not, we will go ahead and take a motion.

Motion: S. Weeks moved to send the wording from FEMA to Planning for approval. M. Foote seconded, and all voted in favor, 6-0.

Signage Discussion: S. Perley briefly reviewed the changes to the sign section. She said there will be a number of changes suggested. She said this is a big issue in the city with the Electronic Message Centers (EMCs) being used all over the city.

The initial changes: pg 2, we are clarifying on-premise signs. Section 4, removal time for lighting displays, such as holiday lights, are being changed from 10 to 30 days.

Section 5, political signs are to be removed the second Friday after the election. The state mandates this so we are making this consistent with NH state statute. M. Foote questioned the word candidate, asking if it is the responsibility of the candidate alone to remove them and S. Perley said again we are following state language and generally the candidate should be responsible. Pg 4, (C), for signs located in two districts, we are making this subject to the most restrictive district.

J. Driscoll asked if a sign can be moved to the other district if it lies in two? S. Saunders said that is a good point. We should make this by property, not by sign, as properties bisected by district boundaries shall abide by the most restrictive zone sign regulations.

Under prohibited signs, Section C, we are just clarifying this to make it easier to understand. S. Weeks asked if we mean wholly or partially blocked as supermarkets do this all the time. S. Saunders said that is different, and there is a wall sign definition. There is also a window sign, we just don't want a wall sign to block windows.

S. Perley proposed adding a new Section G to deal with off premise signs, as they are currently not mentioned. We had issues with people putting up signs. One example is Dewhirst Funeral Home. There is no tenant so they are advertising for an ice cream store. DQ has advertised for other businesses in the off-season. M. Foote asked about grandfathering of those signs and S. Saunders said each incident should be a new incident. S. Perley said we need to clarify that the sign is to advertise your business, not others around town.

M. Foote had a question about a sign owner wanting to promote an event, or memorial. This is not promoting a business or a sale. S. Saunders said what about an event. S. Perley said this is not now addressed, and should we address that. S. Saunders said that she considers that a temporary sign for a special event as it is not permanent. We should clarify that so the interpretation is clear.

S. Perley asked if we should add that under off premise signs as G 4- temporary notices of special events or fund raisers, etc. would be exempt.

S. Weeks about what about a sign like heading out of Laconia? The electronic billboard in Tilton? M. Foote said we are trying to stay away from that. S. Saunders said there is an off premise sign on Union Avenue advertising a church by Lakeport Landing. There are two others on Endicott Street advertising

businesses not on their property; those are grandfathered. S. Weeks said there are some others in town and they are hard to police.

S. Perley said this can be done by special exception. This way it is controllable. S. Perley said we need to determine the size. S. Saunders said there is a maximum freestanding sign size. She gave examples from the current ordinance.

On sign illumination, S. Perley said we met with a supplier of EMCs and we have used some of their language. This is pretty standard to what other cities are doing as well. All new language is being added on these types of signs.

S. Perley said Kris Snow had mentioned a freestanding sign and said we need to clarify if someone can put different language on both sides of the sign. On pg 4 computations, it says one face. We need to make that clearer.

S. Weeks asked if that means the business or the copy? He said we are trying to generate business. You want to maximize exposure. A message center could be different advertising on both sides, but the sign panel designating business the same.

S. Saunders explained the changing of the changeable copy sign. Is this one sign or two? She said these are bound by a certain number of signage and of sq footage and to think about these types of signs.

S. Perley said to also think about the EMCs, as we are getting them everywhere. The City Council wants us to be business friendly. These signs are a big issue. Regulation is important.

S. Weeks said he thinks changing the copy only once an hour is unreasonable. He thinks once every 5 minutes is more realistic. S. Perley asked if someone has to do this or it is programmed and was told it is programmed, and done by computer. S. Weeks says you need one computer to do each side of a sign. That is double the exposure for a business.

J. Moriarty said if the sign copy is changing less frequently than a vehicle moving towards/away from the sign this is another event. S. Saunders said we had been told by the public that we want a more quintessential New England look. J. Driscoll said the look of the sign has to do with that and he feels the brightness is important.

J. Moriarty asked about pg 6, C 2,3, dealing with illumination. He said he feels this needs clarification. S. Saunders said we should define the types of illumination in 1, 2 and 3.

S. Perley said that many of the sign definitions are being updated.

S. Perley said we are not acting on this today, but will continue to work on this.

S. Saunders said we should have one more internal meeting before holding a public meeting.

There was discussion of the Professional zone which sits in the middle of the commercial zones on Union Avenue. The Zoning maps were referred to. S. Saunders said look in the downtown area on the map; the

pink is the business core. This is the center of the business area, with buildings close to sidewalks, and a tight density. Out from that is the Downtown Riverfront District. The DRD and BC are very strict with signs. The next area is purple, which is along major transportation corridors. This is the Professional zone which is less restrictive than the DRD but not wide open like the Commercial zone.

Those circles work on the map but as you drive from downtown to Busy Corner, you start at the edge of the DRD zone, where there is some commercial, then DRD, then Professional, then Commercial. You drive through several zones with different restrictions. The businesses think this is unfair when their neighbor right down the street can have more signage than they can. She asked the members to think about how we can fix this. Do we re-think the district itself and how the boundaries fit or think about the sign application in this area. This is not easy to solve.

S. Perley said there are lots of residences there, too. J. Moriarity said the Library, Yikes, the Stafford house, and train station are in different zones. The Library is Professional, the rest are not.

JT. Tivnan asked if city Council will review this and can they make changes and was told yes to both.

J. Moriarity asked if all the new language for the ordinance will be sent at one time to the City Council and was told no, a section at a time. S. Perley said we are dealing with some bigger issues now, but some sections are small, just typos and small sections. These are bigger. Stormwater management is bigger, too.

K. Snow asked if the public input session will be held during day or evening and 5 pm was suggested. J. Moriarity said he feels 5:30 is better so people can make it after work.

J. Driscoll asked if there is a history behind how the districts are set up and was told yes. He asked if we should be looking at this and S. Saunders said a lot of the districts have been in existence for a long time. The DRD was done later. The Winnepesaukee River District is exempt from the shoreline act. The Professional zone takes into account the layout of the existing businesses at the time. A lot of that is LRGH based along with small medical offices, and that type of thing. There are also law firms in that area.

S. Saunders said we are up against the shift in the whole media scale on signs. There is a hub-bub on the digital signs. The businesses that wanted the smaller New England type of signs now know they don't work as well and are trying to determine how to integrate that into the aesthetic values. S. Perley said there is a big trade off.

S. Weeks said businesses need signage to be competitive.

S. Saunders asked if we should wait a month, or 3 weeks, for the next meeting. M. Foote said we need to get through the ordinances. S. Saunders suggested a month, and having everyone take a good look at the sign ordinance. In the meantime, S. Saunders and S. Perley will do some clean up of the ordinance.

It was decided to hold the next meeting on Thursday, September 5, at 10 and then 2 weeks later hold a public input session on signs, maybe the 19th.

Motion to Adjourn: M. Foote made the motion to adjourn, with the second by J. Tivnan. All voted in favor and the meeting adjourned at 11:20 am.

Respectfully Submitted,

Kristine Y. Snow