

**ZONING TASK FORCE**  
**MEETING OF SEPTEMBER 5, 2013**  
**MINUTES APPROVED 10.17.13**

**Present:** S. Perley, **Chair;** J. Moriarity; J. Driscoll; Steve Weeks Sr; J. Tivnan; M. Foote; S. Saunders, **Planning Director**

**Absent:** W. Contardo, L. Guild, S. Bogert

**Call to Order:** S. Perley called the meeting to order at 10 am.

**Minutes:** The minutes from the ZTF meeting of August 8, 2013 were approved. The motion was made by S. Weeks, Sr. and seconded by J. Tivnan, with all voting in favor, 7-0.

**PUD Amendment:** S. Perley said the first thing on the agenda is the Planned Use Development. S. Saunders said that was repealed in 1996 when it was re-written and replaced with the cluster ordinance. She said that Southdown and a few other developments were built under the PUD.

We have been asked how those developments can make changes in their approvals now and we have had several recent variance requests recently so Legal suggested we make some changes to the ordinance. This clarifies that anyone wanting to make changes must go to the ZBA.

M. Foote asked if we receive a variance under the PUD, is it handled under the rules that existed at the time it was created or under the current cluster ordinance. S. Saunders said this change clarifies that. It is now unclear if, for example, Southdown needs to comply with the PUD language or the cluster or what their underlying zone is. This clarifies that any approvals are done under the ordinance that existed when it was granted.

J. Driscoll asked why this had been re-written and S. Saunders said the cluster was the newest planning concept at that time; it was thought to be more conservation minded. J. Driscoll asked if any big negatives and was told no. M Foote said this gives greater density than what people are probably used to seeing but does allow for more open space.

J. Driscoll asked if someone does seek to change, what do they look at and S. Saunders said they must meet the variance criteria as set by the state.

S. Perley said that in the existing ordinance Section 235-40, (C) was reserved, and the change fits there, so they are fitting it in. S. Saunders said it fits perfectly in the space. S. Perley said if this is approved today this could go right to ZBA.

**Motion:** M. Foote moved to approve the language and send it to the ZBA for a public hearing at the ZBA level. J. Tivnan seconded. The vote was 6-0 with J. Moriarity abstaining.

**Sign Discussion:** S. Perley let the committee members know that she gave them the new draft, and the sections highlighted in yellow are the suggested changes.

On page 2, temporary signs are being clarified. The words “on-premise” are being added.

S. Perley said that signs attached temporarily to the interior of windows or glass doors were discussed. She feels there is a discrepancy in window signage between this section and the definition. S. Saunders said she thinks we are enforcing the 75% of the surface area but not the 25% mentioned later in the definition of Window Sign. Discussion ensued.

M. Foote asked what the definition of art would be and S. Saunders said if someone wants to do a mural or something of the type, which does not include the name of their business, that would be considered public art.

M. Foote asked what defines accepted art over graffiti and is a permit required for that and S. Saunders said graffiti is not permitted, and is removed. If someone comes and asks to do an art project, it would be considered. She does suggest they notify the Planning department first.

J. Driscoll asked if this should be addressed so people don't come forward with things they don't need to.

S. Saunders said the 2 sections which are being looked at are 2 different things. Page 2, 235-51 (B) (3) is a temporary sign, like a gas station advertising chips, and which changes all the time. The other is a permanent sign with the name of the business. She feels the numbers are ok. Temporary signs are permitted to use up to 75% of the window, and the permanent 25%.

J. Tivnan asked about murals, mentioning Sunflower, and S. Saunders said they are allowed but that she usually suggests a letter from the business so in the future someone else understands what was done.

J. Driscoll asked for clarification again on temporary signs.

M. Foote mentioned the leather shop that moved from one location on Union Avenue to a new location on Union Avenue. He said they had a lot of signage. K. Snow said he had removed a number of his signs. S. Saunders said he is working with us. J. Driscoll asked if being able to see the interior of the store makes it different and S. Saunders said she is not sure of what the previous interpretation was.

She explained that we use the geometric shape around the letters to determine the square footage. J. Driscoll asked if the appearance from the outside is the goal, and was told yes. M. Foote said he doesn't think that the leather store looks like it fits in Laconia due to their signs.

J. Moriarity asked if we should add language and M. Foote read definitions again to make it clear.

M. Foote questioned temporary signs and S. Saunders said they can easily be removed and changed, while a permanent one can't easily be changed and would have the business name. S. Saunders said we are adding to the definition of window sign. We will take out the language “without a permit”.

M. Foote asked if there is any requirement for sign maintenance and was told that is covered in the current ordinance. S. Weeks asked about the removal of old signs, mentioning the Burger King as an example. S. Perley said a number of people let them remain in place as there could be issues with being permitted for a new sign if removed. S. Saunders said there is a termination portion to the ordinance, which states they have only one year.

S. Saunders said the proper place to add the language mentioned by J. Moriarty is in the chart. She explained the chart to members. She said to look under window sign, P5, which says the maximum size can be 18 SF. She suggested that maybe we can add “but not to cover 25% of the window”.

S. Saunders mentioned the roof integral sign language. She said we can also keep that in definitions, as well. S. Perley asked if we could put that into the chart, and S. Saunders said we can add a new reference, P14. M. Foote said we could make it either/or and S. Saunders said we could do that.

J. Moriarity asked what is the percentage of building glass on the façade or the building unit – is it the casing or the building façade? S. Saunders said this mentions visible window area so she interprets this as per casing.

J. Driscoll asked if they would ask for a variance and S. Saunders said most people want you to be able to see into their business. J. Driscoll said we should clarify the language, add the word “casing”, and remove “without a permit”. Any signs except for temporary ones need a permit.

J. Moriarity said he doesn't read the definitions, just the chart.

S. Saunders said that definitions begin on page 8. We would have to integrate number 8,9,10 into the chart which we really cannot do.

J. Driscoll spoke about temporary signs, and said it is still confusing. He asked how we can clarify this so people can understand it better. S. Saunders said to bring ideas to the next meeting on how to clarify.

J. Moriarity said in reading through, he feels there isn't clarifications on any of these. If asking about a freestanding sign, for example, you must go elsewhere in the ordinance to find the definition. S. Saunders said there is a lot of clarification in the definitions. J. Driscoll said he is still not clear on window signs so S. Saunders read some of the ordinance. Signs mentioned in 235-53 are exempt.

On the window signs, it was asked if we should make a differentiation between a paper temporary sign or actual painted, real signs. J. Driscoll said he feels we should note the difference. S. Saunders said she and S. Perley will look at this, make some changes, and return with them at the next meeting.

S. Perley said on page 4, she highlighted a portion that she is working on. J. Driscoll said he is curious about this and asked her to explain. If a sign has 3 sides, does the front count? S. Saunders said she doesn't feel it is addressed. M. Foote said it sounds like an extra sign face to him. Melcher & Prescott has 2 sides, with nothing in the middle.

S. Saunders mentioned 2 sided signs and was told that Belknap Tire frequently shows 2 different sides. S. Saunders said that we have been told if it is an EMC they require 2 computers to run, one for each side. S. Saunders asked if we should add the word “identical”.

S. Saunders said the first thing we have to ask is do we care if the messages are different on each side? J. Moriarity said he doesn't care. S. Perley said she doesn't care if they are advertising the business on the site. M. Foote asked what if they are advertising 2 different components and J. Driscoll said it could be one building with 2 businesses. S. Saunders said they wouldn't do that as both of the businesses would want people to see their advertising.

J. Moriarity said how do we look at this? If you are driving up the street you already see the sign; the impact is already there; does it hurt anything, does it have any more impact? S. Saunders said no, it doesn't. S. Perley asked how we then calculate this.

M. Foote said if we are measuring both sides, the sign would have to shrink. S. Saunders said it would usually get one picture. We normally assume it is identical on both sides. J. Driscoll asked if we should clarify if it needs to be identical. S. Saunders said there is aesthetic value to have the same thing on each side. She wondered if people will capitalize on color scheme and how does that affect the city's image.

M. Foote said if using an EMC, people coming into town might get a message advertising a special, and then going out of town the sign could say thank you, come again.

S. Perley said we need the ordinance to be consistent for both the EMC and a freestanding sign. S. Saunders said if a 2 sided sign plays out to the maximum she thinks it would make people uncomfortable.

M. Foote said a freestanding sign should be same, but can EMC's be different? J. Driscoll said you are not seeing both sides at the same time. S. Perley said we need to address the EMC and changeable copy signs; can they can be different on both sides but the permanent signs should be the same? J. Driscoll said why separate things and S. Perley said EMC's are allowed in only certain areas, and the freestanding signs are permitted in more districts. J. Driscoll said possibly permit 2 different sides in certain districts and M. Foote said it could be one business who deals with 2 different products.

S. Saunders used the example of the tropical shaved ice business on Weirs Boulevard, who changed signs. S. Perley said a sign is permitted by size. Who cares what is on it, we permit the size. J. Driscoll said if we are cutting a sign in half in size, if it has 2 sides, we are calling it 2 separate signs. We are not avoiding the issue of 2 different things; people just have to install a smaller sign. J. Driscoll said he doesn't care what is on it.

J. Moriarity said he doesn't care if each side is the same or different. He cares that we make it clear we do not care on that. He feels the sign does not need to be identical on both sides.

S. Perley said we need to clarify temporary signs for special events under G, Off-premise signs; they are currently exempt.

S. Perley said on Page 6, we address illumination. Nothing is changing but a question was answered under A.

Under C, we are clarifying illumination and addressing external, internal, and direct illumination. Signs must be downcast lighting. We clarified definitions. S. Saunders said the purpose here is to limit the intensity. She explained the difference using examples and said the Weirs Beach sign is direct and not an EMC.

J. Moriarity said we should rewrite C to make it more technically accurate and said he would draft the language.

S. Perley said again we are clarifying on Page 7. S. Saunders said there is a value in spacing the EMC's out. S. Perley said a person could ask for a variance. Think of the aesthetics in permitting EMC's so close to each other in small distances. J. Driscoll said people would be mad if their neighbor's property is empty and they cannot place a sign.

S. Saunders said we have to determine which matters more – the aesthetics or the permitting. J. Driscoll said we already restrict EMC's, as they are allowed only in certain zones. S. Saunders said the anti sign people don't want the EMC's but S. Weeks asked if those people are in business?

J. Driscoll said we are revamping something that was written in the 90's. S. Perley asked if he is suggesting that we have no limit on how close the digital signs can be to each other, and J. Driscoll said he is not sure on the wording.

S. Weeks said a person owning a lot that has 80' frontage, probably could not afford an EMC. He said businesses are struggling now, and if they can afford an EMC sign they should be able to have one.

S. Saunders said in the CR zone the minimum frontage is 50'. She hears that people want the area to look like Meredith, not Tilton. S. Weeks said the two places are totally different. Meredith has water frontage, and is on a main road. Laconia goes from Court Street to Union Avenue to the Weirs. They used to just have wooden, artistic signs. If we are going to be a competitive commercial environment we need fewer restrictions.

J. Moriarity said there is a different economy in Meredith/Laconia areas. If you look at places throughout the city, you have the Wide Open, Laconia Drive In, Channel Marine, and Thurston's all within a small area.

S. Perley asked if we want to allow an EMC on every lot and J. Driscoll said he feels the quality of the signs is what is important. M. Foote said the intensity of the signage is important. J. Driscoll said the ECM's are the new version of the wooden artistic signs.

S. Perley asked if we should remove comment 5. What about comment 6 that speaks to locating an EMC within 200 ft of residential dwellings? Should we restrict this or not? S. Weeks said these are located in a commercial zone. K. Snow said people should realize before they rent in these areas that they will have light and noise. S. Perley asked if just restrict the nits at nighttime?

S Perley went on to comment 7. Should we permit the sign copy to change every minute, and not once an hour as the ordinance currently states. S. Saunders said it used to be every 5 minutes, and that caused stress on the residents. That was when EMC's were first out. S. Perley said we could change this to read 5 minutes, and maybe not allow them to change at night. S. Saunders said no, she feels we should leave it alone at night.

S. Perley said read the definition of EMC as proposed. S. Saunders said there is a difference between animated and changeable copy. Animated is only permitted in the Weirs area right now. Do we want to see that use on Court Street and Union Ave, too? She said it would be allowed in the downtown, too.

S. Perley asked what if we changed the definition of changeable copy to non digital and S. Saunders said that means we would be ok with videos up and down Union Avenue. She said the definitions are confusing.

J. Moriarity said the degree of frequency is the question. J. Driscoll said that could drive people towards a less expensive sign. He asked if we could have someone come in to speak to the ZTF on this. S. Perley passed out the information we had received after a meeting held with WatchFire, a sign maker.

S. Perley asked if we should go ahead and schedule the public input hearing or do another meeting with the ZTF. It was determined to hold another meeting first so the ZTF is better prepared.

S. Saunders said height of signs was questioned. If placed lower the glare is more. The color red is also very distracting.

**Next Meeting:** S. Perley suggested meeting dates and asked if the ZTF wants to meet on 9/26 or 9/19. It was decided to meet on Wednesday, 9/25 at 10:00 am.

S. Perley let the other committee members know that after signs we will be working on campgrounds.

J. Driscoll asked about signs on telephone poles and S. Saunders explained the permitted ones.

J. Moriarity asked what the reasons are for a 6 week delay in the use of banner poles. S. Saunders said she would take a look at that.

**Adjournment:** M. Foote moved to adjourn the meeting with the second by J. Driscoll All voted in favor and the meeting adjourned at noon.

Submitted:

Kristine Y. Snow

Zoning Technician