



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087
(603) 432-3806 / Fax (603) 432-7362
www.WindhamNewHampshire.com

Planning Board Minutes
10/21/09

Roll Call:

Phil LoChiatto, Chairman – Present
Nancy Prendergast – Present
Ruth-Ellen Post, Member – Present
Louis Hersch, Alternate – Excused
Sy Wrenn, Alternate – Excused
Ross McLeod, Selectman Alternate - Excused

Rick Okerman, Vice Chairman - Present
Walter Kolodziej, Member - Excused
Pam Skinner, Member – Excused
Kristi St. Laurent, Alternate – Arrived at 8:50
Bruce Breton, Selectman Member - Present

Staff:

Laura Scott, Community Development Director/Town Planner – Present
Tracey Mulder – Administrative Asst. – Present

Call to Order/Attendance/Pledge of Allegiance

Mr. LoChiatto opened the meeting at 7:48 pm, followed by the Pledge of Allegiance.

2010 Town Meeting Proposed Changes

Mr. LoChiatto opened up the workshop meeting reading the items on the agenda for discussion, which includes the Sign Ordinance, Continuation of Existing Uses, and Customary Home Occupation.

- Sign Ordinance (Section 706)

Ms. Scott outlined the Sign Ordinance format, and proposed the changes to the Board, and mentioned that this is at least the second time the Board has reviewed proposed changes at a workshop. Ms. Scott noted in addition to her own revisions, she received comments from Mike McGuire, the Building Inspector, Mr. Bruce Breton, and Mr. Rick Hammer on this version. Ms. Scott noted for the Board that in this version, she incorporated the proposed changes the Board decided on from the last meeting. Ms. Scott reiterated that this is not a public hearing but a workshop and the reason the ordinance is being revised is to clarify the regulations and make it more user friendly to implement and enforce.

There are three recommendations from Mr. Hammer that did not make it into the revisions for this meeting. They are as follows:

1. 706.3 Awning Signs. The proposed definition is 'any letters or words' incorporated and the question from Mr. Hammer is if we should include the word 'design' in the definition.
2. 706.3 Wall Signs: The definition is 'any sign attached parallel to, but within six inches of a wall'.....the proposal from Mr. Hammer is to change this to 12 inches because of new standards for mounting on walls.
3. 706.5 General Sign Regulations – All Districts: There was a recommendation that every free standing or wall-mounted sign should have the street number for emergency responder 9-1-1 purposes. And, this should not be part of the sign square footage.

Ms. Post addressed the Board questioning the Sign area definition with regard to adding the word 'image' and inquired whether this introduced ambiguity. Ms. Post wondered if it included letters or non-pictorial material and should it be clarified. Ms. Post questioned the existing definition of the 'Wall Sign' regarding 'which displays only one sign surface.'" The Board discussed clarifying the definition of sign surface to make it definitive. Ms. Post asked about section 706.4.2 Business Commercial A and B Districtsand the Board discussed changing some of the language in this section to make more definitive by taking out the word 'façade'. In addition, Ms. Post noted in several places in the document and the reference of temporary signs. Ms. Post is wondering if 'temporary' needs to be defined in the document. Mr. LoChiatto said there were different conditions for each temporary sign under the individual ordinances.

Ms. Scott made a change where there could be one temporary sign on each property for 15 days 6 times a year and the property manager could decided the schedule for each business in the unit. Since most businesses would like to have a temporary sign out at all the times, Ms. Scott proposed one per property. The current zoning allows one temporary sign for 30 days in a single calendar year. Ms. Post suggested to the Board the possibility that the restrictions on temporary signs could be too restrictive. She thought one way to address this is not one sign per tenant but perhaps attach the ordinance to the parcel and a certain percentage of tenants could have a temporary sign rather than a fixed number.

Ms. Prendergast questioned the definition for the awnings sign and thought the previous language with regard to the 'visual message' wordings intent was to incorporate logos along with letters and words and thought we should continue as such. In addition, Ms. Prendergast questioned the wording under Sign Area for "contiguous image area" and asked the Board for clarification to the sign structure that supports the sign and she wondered if the support structure should have size limitations. She also discussed that Home Occupation residential signs should be restricted from being internally lit. Mr. LoChiatto said the size of the Home Occupation sign should be addressed as well.

The Board discussed how the Village Center signage used to be reviewed through the Historic District Commission and this language has been struck from the ordinance.

Mr. Breton discussed with the Board under ordinance 706.4.3.2 the wording 'Architectural Detail'. Ms. Scott asked what the Board would like and Mr. LoChiatto did not have a problem and thought the current wording was fine. Mr. LoChiatto and Mr. Breton discussed the ordinance and the planning board design review process and it was decided that this was covered under the design review process. Mr. LoChiatto said he was pleased Mr. Breton pointed out this ordinance because it brought up another point about signs on adjacent storefronts within the same building and how they should be coordinated in design, height and proportion and that the Board does have control over this in the ordinances but not in the site review.

Mr. Breton also questioned the General Sign Regulations in All districts under ordinance 706.5.6 regarding how to determine who is permitted to advertise meetings by putting up temporary signs.

Ms. Skinner asked for clarification about the flag regulation wondering if the meaning was for "open" flag signs attached to a building in addition to national and state flags. She wondered if they were attached or on a flagpole. Ms. Scott said usually it was attached to the building. Ms. Skinner thought it should be made clearer. She wondered if the Board should regulate the size of flag that would go on the building. She wondered if that would be an issue down the line. Ms. Scott said that if it were larger than 3x5 than they would be in violation under the proposed language. The Board discussed the possibility of making a change in the size of the flag to 4 x 6 and the number of flags to two per tenant. Ms. Scott noted that flags are another form of advertising and she does receive calls about flags. The Board discussed how many signs, type of signs, and size of flags that could go on a building.

Mr. LoChiatto made a few comments regarding the sign ordinance, the language in ordinance 706.2 with regard to signs that have received "Planning Board approval that those signs.....the reviewing agency will be the Building Inspector an the Code Enforcement Officer." Mr. LoChiatto discussed changing this language perhaps to the 'permitting authority'.

The board discussed minor changes to the document for clarification with regard to Home Occupation signage under 706.4.1 Mr. LoChiatto specifically asked about temporary signs on off site locations on another person's property and if this should be listed in the ordinances. Ms. Scott clarified for the Board that if a use is not listed it is not allowed and this is covered under Temporary signs. Mr. LoChiatto was satisfied that the Town was covered. The Board discussed illuminated signs, how they should be illuminated and they should be dark sky friendly and light the sign only -- minimizing any light spillage.

Mr. LoChiatto opened the discussion to the public.

Mr. Rick Hammer, of Hammer and Sons Sign Co., addressed the Board regarding the signage ordinance. Mr. Hammer's comments were:

- 706.2 Construction – All Districts: Add the word ‘electric’ to the building code and have it read specifically ‘building and electrical code’. Mr. LoChiatto said the building code prescribes the electrical code, mechanical and plumbing code.
- 706.3 Wall Sign – He would like to see this changed from 6 inches to 12 inches as 6 inches is an old thickness for an electric sign and typically, they are now 8-12 inches.
- Hours of Illumination – He asked the Board for clarification for hours of illumination if the sign is in a business district. He questioned the Board as to why a business would have to turn off their lights if they were not next to a residential area. He thought the Board should strike turning lights off at a certain time and he wanted to know the Board's opinion on this and thinks this should be taken out of the ordinance. Businesses get a certain amount of advertising even in off hours when the sign is lit and does not think lighting should be restricted. Mr. LoChiatto responded that this is not just this illumination sign ordinance but in the zoning ordinance as well. Since the business is closed, the lights should be off and Mr. Hammer does not understand why because it does not hurt anyone. Mr. Hammer provided the Board an option of using a photocell that shuts lights off at sunrise. Mr. LoChiatto said the ordinance was drafted to preserve the bedroom community quality and rural character of the Town.
- Flags - He thought that if you allowed a flag size of 4x6 it would be wiser to use a square footage. The Board discussed providing language in the document with the square footage rather than the actual dimension. The Board discussed going back to the original size of 3 X 5 and making it 15 Sq. Ft.
- Signage – He discussed the different components that can make up one sign and suggested new language for this ordinance. For instance, three components (logo, name, type of business) would be considered one sign and not three.
- Image Area – He would like to see the Board keep this in the ordinance to encourage spacing and provide a sign with a nice margin rather than lettering that runs to the very edge of the sign.
- Awnings – Asked for clarification about awnings and why awnings would need a permit from the Planning Board. Ms. Scott indicated this was put in there specifically because if an existing building wanted new awnings with the name of their business as signage they would need to go before the Planning Board because it wasn't just a change it would be considered a sign.

The Board discussed the awnings being considered a sign and this would be fine if it is the only sign for the building but it becomes problematic when they have the awning with a logo in addition to signage.

Mr. Alan Carpenter, 8 Glenwood Rd., addressed the Board regarding the signage.

- Construction – He asked the Board for clarification with regard to those signs ‘not requiring approval by the Board”, specifically what type of signs do not need Board approval. Ms. Scott answered that if it were an existing sign.
- Awnings – He would like to see graphics and symbols added to the ordinance. Ms. Post indicated that the Board was in the process of deciding whether to add the word design to this section.
- Signs area – He asked for clarification regarding what was meant by ‘embellishments’ and he asked the Board to quantify or eliminate this term.
- Cautioned Board against consolidation of districts by keeping them listed individually in section 706.4.
- Temporary Signs – He asked how we enforce the current temporary sign ordinance. Ms. Scott encouraged Mr. Carpenter to call the office when he sees these signs and the office will follow-up. He also asked what the purpose of a temporary sign is and why a business would need temporary sign 20% of the year. Mr. LoChiatto and Ms. Prendergast provided examples of the need for a business to have temporary signs. In addition, Ms. Prendergast said that it is a way for a new business to drum up business etc. Mr. Carpenter questioned why they would need it for 90 days. Ms. Scott pointed out that it was by parcel not by business.
- Flags – Asked Board for clarification with regard to signage with respect to open and decorative flags. He thinks that the language is extremely permissive. He does not see this as a huge risk and if it is the Board’s intent to show national and civic pride then the Board should take out all language other than national and state flags. However, if the Board’s intent is to increase the advertising of the entity then the current language supports this idea and he supports the previous version.
- Mr. Carpenter inquired about the overall height and maximum sign area and wondered if it was expanding or staying the same. Ms. Scott said just the height section and sign area for Home Occupation Uses. Mr. Carpenter said the sign ordinance was rewritten because it was foreseen that many businesses would be coming to town and the changes we make today is what the town will look like in the future. Mr. Carpenter said if the Board changes the height requirements than all the previous town tenants would be at an extreme disadvantage. New businesses will have tall signs and will diminish the previous businesses. He highly encouraged the Board to leave the sign height alone.

Mr. Ross McLeod addressed the Board regarding the sign ordinance. He likes the new ordinance but has some questions and comments:

- Construction in all districts – He would like to see as many signs as possible come before the board for a sign permit. Does not think onerous burden on behalf of applicant.
- Awning Sign – He thinks the wording ‘visual message’ should be in the definition. He encouraged the Board to stay with what is working in the ordinance rather than redefining and making more complicated.
- He agreed with the illuminated sign change, projecting sign discussion, sign area changes, home occupation, and temporary signs.
- Clarify residential definition by specifically defining residential and all other as ‘non-residential.’
- Concerns regarding the language in 706.5.2 with respect to signage installed by a governmental agency.
- Illumination: Agreed with Mr. Carpenter. He believes limited illuminations provides, energy savings, quality of life and gives the Town a rural feel even though we are more of a bedroom community. We don't need the visual clutter. He encouraged the Board to keep this new language.
- General Sign Regulation – Where the document discusses “indicating the meeting of any Windham civic organization or directions to religious.....Mr. McCloud said that the Town was mixing governmental entities with non governmental entities and said giving certain perks to certain commercial speech at the detriment of other commercial speech. Perhaps it should say ‘a meeting of any Windham Civic organization or Town organization’ as opposed a private educational organization.
- Externally illuminated signs should read ‘down-lit illumination is encouraged’. Perhaps change the language to “for all externally illuminated signs down-lit illumination is required except for good cause shown.’
- Flags – He thinks the language is redundant with reference to ‘open’ signs because it is mentioned elsewhere in the ordinances under temporary signs. In addition, the word decorative opens up an assortment of problems. Keeping it to national and state a flag makes it simpler.

Ms. Kristi St. Laurent arrived at 8:50 p.m. and was seated for Mr. Kolodziej.

Carol Pynn, Cobbetts Pond Road, Commended the Board for taking public input for the sign issue.

- Under Village Center District, she wants to know why Historic District Commission sign review was deleted and asked the Board for an explanation. Mr. LoChiatto said the idea was Historic District Commission's authority is over the Historic District not over other districts. Ms. Pynn said it should say the Heritage Commission. Ms. Pynn said the Heritage Commission is charged with the entire town with regard to any historic resource for the Town. She believes the Heritage Commission should be allowed to speak to the proposed signage for that area and should be allowed - and their input would be valuable to the Board. Ms. Scott mentioned that the Historic District Commission and Heritage Commission have the same membership and they have the opportunity to review all non-residential applications that come before the Planning Board as part of the Technical Review Committee due to Site Plan Review. Ms. Pynn hopes the Board would not want to see a conglomeration of signs. She would like to see in the ordinance as it currently reads and have it changed to Heritage Commission and not Historic District Commission. In addition, Ms. Pynn was hoping that the board could work with the Heritage District Commission when approving signs and get businesses to comply with more of the historic look of the town.

Ms. Pynn reiterated her point that they would like to make comments on signage and have the name changed to Heritage Commission. Ms. Scott read the RSA for the Heritage Commission charge to the Board. Heritage Commissions are usually the precursor to the establishment of Historic District.

Representative Margaret Crisler, Sunridge Road, addressed the Board about the sign ordinance:

- She outlined for the Board that the land use Boards are the Planning Board, Zoning Board, and the HDC and have similar statutory authority. She believed that Ms. Pynn's point was very well made and the Village Center District is defined as our historic town center and contains a great deal of historic homes and structures.
- Feels strongly this Board should review all signs that are proposed because any ordinance we put in for signage will be the same for a restaurant as for an adult bookstore and the Board needs to be careful of the wording in the ordinance.
- She had some concerns about ordinance 706.2. And said it does appear that some signs that are installed and are not on a Site Plan would not come before the Planning Board but rather staff would approve them. She feels strongly that the PB should look at every new sign in Town. She wants to remind everyone about the community concerns about signs and the Board has the responsibility to ensure proper signage for the Town. In addition, 702.2 indicates that 'No permit is needed for the repainting, cleaning and general maintenance or repair of a sign'.....so long as the sign copy or structure is not modified in any way. She would like to have more items included in the last sentence such as materials, color and graphics.

- She agreed with the shutting down the lights at 10:00 p.m., as many of our commercial districts are adjacent to residential areas.
- Flags – subject to abuse regarding decorative flags because they are another form of advertisement. She thought this should be discussed with Attorney Campbell about how many American flags a can be flown per development. She commented about offsite signs and that second floor tenants would like to have a way of advertising their business.

Mr. LoChiatto noted the time. He had hoped to take the comments and suggestion and have them worked into revised document that the Board could speak to at a public hearing. Ms. Scott said she would review them for the board and follow up with a rewrite.

Ms. Prendergast wanted to ensure that for electronic changeable copy signs that the signs will not have changing wording throughout the day but rather one message per day.

Ms. Scott outlined for the Board the changes discussed by the Board and the public will be incorporated in the next draft.

Continuance of Existing Use (Section 400) discussion postponed until November 4, 2009.

Customary Home Occupation (Section 602.1.6) discussion postponed until November 4, 2009.

Financial Guarantee Release – Canterbury Road Extension

Mr. LoChiatto read the memo in to the record regarding the established escrow account for Canterbury road Extension established in July 2004, in the amount of \$7,465.20 to ensure the proper construction and completion of the road and related improvements. Legal counsel has reviewed the road deed and there are no concerns. A request was made to release the escrow funds, principal plus interest, for completed work.

Included for the Boards review is the field observation report from CLD Engineers, email from deputy chief Morgan and a letter from Jack McCartney indicating the road was in satisfactory condition.

Motion by Mr. Breton to recommend that the Board of Selectmen release the \$7,465.20 plus any interest. Second by Ms. Post. Motion passed 7-0.

Meeting Minutes – Review and Approve

- September 9th - Motion by Ms. Prendergast to approve with amendments. Second by Ms. Skinner. Motion passed 6-0-1. Mr. Okerman abstained.
- October 7th – Mr. Okerman motioned to approve with amendments. Second by Ms. Prendergast. Motion passed 6-0-1. Ms. Skinner abstained.

Ms. Scott asked the Board with all the meetings coming up if they could meet at 6:00 pm. It was decided the Board would stay with the regular 7:00 pm time.

Mr. Breton suggested the Board take the Economic Development Survey presentation to the Selectman meeting with the Planning Board in attendance. Ms. Post responded that the Economic Development is one of the very significant segments of our Master Plan and comes under the purview of the Planning Board and Board of Selectman. She thinks the Planning Board is likely to bring a different more specialized focus on the issue. Mr. Breton reiterated that he is not taking anything away from the Planning Board but that he is inviting the Planning Board to the BOS meeting to consolidate the presentation to save time and effort. Mr. Breton said he thought if everyone had the same goal; it would be fine to have one meeting. Ms. Prendergast thought a joint meeting made sense.

Mr. LoChiatto said if enough Planning Board members attend the BOS meeting for the Economic Development Survey presentation on November 2, then the Economic Development Survey presentation for the Planning Board could be taken off the agenda for November 11.

Ms. Scott said the Economic Development Survey PowerPoint Presentation would also be posted to the Town's website. Mr. LoChiatto said it was a good idea for the Planning Board members to attend the BOS meeting on November 2.

Adjournment

Motion to adjourn at 10:32 by Ms. Post. Second by Ms. St. Laurent. Motion passed 7-0.

These minutes are respectfully submitted in draft by Tracey Mulder.