



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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**Planning Board Meeting Minutes
December 9, 2009**

Roll Call:

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

Rick Okerman, Vice Chairman – Present
Walter Kolodziej, Member – Present
Pam Skinner, Member – Present
Kristi St. Laurent, Alternate – Present
Bruce Breton, Selectman Member - Present

Mr. Wrenn is seated for Ms. Post.

Staff:

Laura Scott, Community Development Director – Present
Elizabeth Wood – Community Planner - Present
Paula Wrenn – Minute Taker – Present

Call to Order/Attendance/Pledge of Allegiance

Mr. LoChiatto opened the meeting at 6:30 pm, followed by the Pledge of Allegiance.

2010 Town Meeting Zoning Amendments – Continued from 12/2/09

Section 200 & 602.1.6 Customary Home Occupations. Delete the existing definition in Section 200 and replace it with one that clarifies that it occurs primarily on the property, is a secondary use of the property, and does not adversely affect the character of the neighborhood. Delete the existing Section 602.1.6 and replace it with a new ordinance that includes a statement about the purpose of the Customary Home Occupation Ordinance; explains that these uses are permitted by the Planning Board with a Conditional Use Permit; sets the parameters for a home office; limits the exterior renovations, storage, lighting, signage, and parking, size, and traffic allowed for a Customary Home Occupation; restricts the number of employees who may work there; allows for the Planning Board to set conditions; and seeks guidance from the Code Enforcement officer as to the adequacy of the water supply, septic system, and driveway entrances.

Mr. LoChiatto read the proposed Zoning Amendments Section 200 & 602.1.6 Customary Home Occupation into the record.

Ms. Scott referred the Board to the documents she provided:

- A proposed ordinance from last week's meeting with the accepted revisions.
- An email from Attorney Campbell with legal comments.

Ms. Scott noted for the Board that she incorporated one recommended change from Attorney Campbell and asked the Board to review and make any additional changes to the document. Ms. Scott explained, that language in last year's warrant article regarding Customary Home Occupation was incorrect and this is being resubmitted.

Mr. LoChiatto provided the history to the original ordinance and explained that the proposal was brought forth by a resident because of a concern in the Zoning Regulations.

Ms. Scott explained that the notice covers the change and she outlined the changes:

- Instead of the applicant submitting a Special Exception from the ZBA, applicants will submit a Conditional Use Permit through the Planning Board.
- Parking requirements;
- Assessment of adequate water and sewage disposal system, and driveway entrances;
- Equipment restrictions;
- No exterior storage of material will be permitted;
- Planning Board can impose conditions on the Conditional Use Permit. Providing the Planning Board the flexibility with the type of business, the character of the neighborhood; size of the lot; proximity and concerns of the abutters.

Ms. Scott noted that these documents are available to the public via the Town's website and at the office, including the legal comments.

Ms. Prendergast commented on the suggestions of Attorney Campbell regarding the transferability of the Conditional Use Permit and suggested that perhaps additional language be added to the ordinance providing the Board with additional oversight.

Mr. LoChiatto asked Ms. Scott about the legality of the Conditional Use Permit (CUP) and questioned whether or not a Conditional Use Permit went with the land or the ownership if a home is sold. Ms. Scott indicated if a Conditional Use Permit was issued and it did not specifically indicate that the Conditional Use Permit was for the ownership only then the CUP would apply to the home unless there was a restriction placed on the CUP or if there was a restriction in zoning that indicated it was not transferable.

Mr. LoChiatto asked about wording submitted by Attorney Campbell and the use of the word 'occupant' and that it does not necessarily mean owner of the home. By using the word 'occupant' it could also mean someone who is leasing the home. The Board discussed this situation and determined that the home owner could only make this decision not the occupant.

In addition, Ms. Scott noted that in the current ordinance there is no mention of transferability of a home occupation.

After discussion by the Board, it was decided to add language to the document that would allow a Conditional Use Permit to be transferable only if the use and conditions are the same as the original application.

Mr. Okerman motioned to move 'Customary Home Occupation' amendment for public hearing. Seconded by Ms. Skinner. Motion passed 7-0.

Mr. LoChiatto opened the discussion to the public.

No public comments.

Mr. LoChiatto asked Ms. Scott to read the change to the Customary Home Occupation amendment stating that the CUP is only transferable if the use and any Planning Board imposed conditions are the same as the original application.

Motion by Mr. Breton to move Section 200 & 602.1.6 Customary Home Occupations to Town Meeting, deleting existing definition and ordinance and replacing with the proposed language as amended. Seconded by Ms. Skinner. Motion passed 7-0.

Meeting Minutes Review & Approval - November 11, 2009 & November 18, 2009

Motion to approve minutes as written from November 11, 2009, by Mr. Okerman. Seconded by Ms. Skinner. Ms. Prendergast abstained. Motion passed 6-0-1.

Motion to approve minutes as written from November 18, 2009, by Mr. Okerman. Seconded by Ms. Skinner. Ms. Prendergast abstained. Motion passed 6-0-1.

Community Development Director and Planners Report

Ms. Scott submitted the Community Development Director's November 27, 2009 Planner's Report. Ms. Prendergast asked for additional information on the Wall St/Rt 111 Corridor Study. Ms. Scott explained that this was a kick-off meeting. She had the opportunity to explain to the attendees where the funding was coming from, why the study was being done, and the process the Planning Commission was using. At the meeting, the Steering Committee received input from the public with regard to their concerns and recommendations. Mr. Wrenn represents the Planning Board on this sub-committee and he noted that business owners were not as concerned about traffic flow on Wall Street; however, landowners were concerned that they would be affected by the change if traffic was diverted off Rt 111. Another public meeting will be held in January/February 2010. After the first of year, there

will be a page dedicated on the Town website with additional information for the public on this project.

Mr. LoChiatto mentioned December 9, 2009 is the deadline for Citizen Petitions for Zoning Amendments. Ms. Scott noted that she has received four (4) Citizen Petitions:

- CIPA - Water Shed Protection District
- Historic District Commission requesting to revise their Ordinance
- Citizens petition to rezone the DOT parcel by Applewood Acres Golf
- Workforce Housing Overlay District

Ms. Scott will compare the wording of the Planning Board's and Citizens Petition of Workforce Housing. The Planning Board's Workforce Housing will be for Public hearing at next week's meeting and the Citizen's Petition will be on the 2010 Town's ballot.

Ms. Wood submitted the Community Planner/Code Enforcement Officers December 2, 2009 Planner's Report. Ms. Wood updated the Board that she has attended two of the Rockingham County Commission Workshops. Their next workshop is December 21, 2009 and the subject will be on Transportation. She has encouraged the Planning Board Members to attend. Ms. Wood indicated she would forward to Planning Board all future agendas for these workshops.

The Board took a 5-minute break from 6:55-7:00 PM

Minor Site Plan & WWPD Special Permit Application

A Minor Site Plan & WWPD Special Permit application has been submitted for Lot 24-C-46A (Sharon Road) in the Rural Residential, WWPD, Floodplain, and Aquifer Protection Districts. The applicant, Edward N. Herbert Assoc., Inc., on behalf of Pennichuck East Utility, Inc., is proposing a generator and 2 above-ground 1,000 gal propane tanks, as well as associated fencing and concrete pads, to provide back-up emergency power to the existing pumping and treatment facility at the Goldenbrook water system.

Mr. LoChiatto read in the record Minor Site Plan & WWPD Special Permit Application for Lot 24-C-46A.

Ms. Prendergast recused herself from the Minor Site Plan & WWPD Special Permit Application that was submitted for Lot 24-C-46A. The Chairman asked Ms. St. Laurent to sit in for Ms. Prendergast.

Ms. Scott referred to the information included in the packet for the Board:

1. A Memo from Ms. Scott dated December 3, 2009;
2. A memo from Pennichuck dated November 16, 2009
3. A Minor Site Plan Criteria Memo dated November 18, 2009;
4. A WWPD Special Use Permit criteria dated November 17, 2009; and associated TRC memos;

5. Planning Department and TRC Committee memos
6. Site Plan

Mr. Breton motioned to accept the Minor Site Plan & WWPD Special Permit application for Lot 24-C-46A as a minor site plan as it meets the criteria. Seconded by Ms. Skinner. Motion passed 7-0.

Ms. Scott said there was some concern expressed by members of the public that the Town was holding up Pennichuck from installing the emergency back-up generator. However, the application was submitted on November 17, 2009 and was in front of the Planning Board in less than a month. Ms. Scott stated that this request was fast-tracked with the winter weather approaching and knowing how many people this would be affected if there were a delay. She just wanted it to be on the record that the Town was not responsible for any delays.

Mr. Peter Zohdi of Edward N. Herbert Associates presented a plan showing the location of Lot 24-C-46A; the existing pump house and five wells; the generator and two-1,000 gallon propane tanks being proposed. Because of problems the residents experienced with receiving water from these wells during the December 2008 ice storm, Pennichuck East Utility is proposing a new generator and two-1,000 gallon propane tanks. Ms. Scott believes this can all be accommodated within the WWPD.

Mr. LoChiatto opened the discussion up to the Public.

Mr. LoChiatto asked Mr. Zohdi how close the tanks would be to the nearest resident. Mr. Zohdi said a couple hundred feet and no buffer would be necessary as this is a wooded area and the generator and tanks are hidden very well. The fencing will be chained link and will enclose only the tanks.

Mr. John Boisvert, Chief Engineer of Pennichuck East Utility, addressed the Board and explained how the generator will work. He also discussed the noise level of the generator and indicated from about 7' it is approximately 72 decibels. A 5,000 watt portable generator is much louder than what is being proposed. Mr. Boisvert also wanted it made clear that there was no delay by the Town in processing Pennichuck's application.

Mr. Wrenn made motion to approve a WWPD special permit to install two (2) above-ground 1,000 gallon propane tanks and a generator on Lot 24-C-46A as submitted. Seconded by Mr. Breton. Motion passed 7-0.

Mr. Wrenn made a motion to approve the minor site plan for Lot 24-C-46A as submitted. Mr. Kolodziej second. Motion passed 7-0.

2010 Town Meeting Zoning Amendments

Section 719 Small Wind Energy Systems. Create a new ordinance for the regulation of small wind energy systems in accordance with NH RSA 674:62-66. Develop a Purpose Section, as

outlined in NH RSA 672:1-II-a; a Definitions Section of applicable terms; detail the procedures for review for non-residential use and residential use of small wind energy systems; develop the standards for review; what to do if the structures are abandoned; as well as sections on violations and penalties.

Mr. Okerman read into the record Section 719 Small Wind Energy Systems.

Mr. LoChiatto made motion to move into Public Hearing. Ms. Skinner seconded. Motion passed 7-0.

Ms. Scott reviewed the information in the Board's packets including the proposed Small Wind Energy Ordinance and the review of the proposal by legal counsel.

In addition, Ms. Scott received from Go-Green-Windham some edits to the ordinance.

Ms. Prendergast questions Item (iii) in Mr. Campbell's comments of November 23rd with regard to the OEP Technical Memorandum and the seven (7) key provisions. Ms. Scott will try to locate the seven (7) key provisions for the Board to review at the next hearing.

Ms. Prendergast also discusses Item (iv) if it was intentional to leave out the detailed requirements from the model ordinance for the building permit application. Ms. Scott stated that it was intentional to allow the Department to draft the application independently of the Zoning Amendment. Ms. Scott said she and the Building Inspector felt if it ever needs to change, you won't have to go back to Town Meeting for approval of what you need to submit for a building permit.

Mr. Okerman questions the 100 kilowatts under the definition "*Small wind energy system (building-mounted)*". He does not want confusion with roof mounted which are 4-5 kilowatts. He believes there should be no restriction on the roof mounted as they are no different than a weathervane or cupola.

Ms. Scott explained that the state RSA says anything less than a 100 kilowatt is a small wind energy system. The way it is written, building mounted is the same as roof mounted, for purposes of the ordinance.

Mr. LoChiatto indicated there should be size restrictions on small wind energy systems.

Mr. Okerman shared pictures with the Board of building mounted small wind energy systems.

Mr. LoChiatto clarified with Mr. Okerman if he is referring to the size of the wind energy system and not the kilowatts and Mr. Okerman replied in the affirmative.

Mr. LoChiatto questioned if the 100 kilowatts restriction for building mounted, is for one unit or multiple units.

Ms. Scott responded that there are currently no restrictions on the number of units for building mounted systems. However, building permits, abutter notifications and electrical permits are required for building mounted systems.

Mr. LoChiatto indicated he would like to see the size of the stand alone wind energy systems and the building mounted systems regulated. Mr. Kolodziej is concerned of the esthetics of allowing more than two per building.

Ms. St. Laurent questioned the noise level of these building mounted energy systems and the proximity to adjacent properties.

Ms. Betty Dunn addressed the Board and suggested wording for the ordinance such as "no more than... but not greater than 100 kilowatts..."

Mr. Breton suggested "less than 5 kilowatts not subject to the ordinance.." Mr. LoChiatto suggested 10 kilowatts.

Ms. Scott said she can add the wording "the installation of a single building mounted small wind energy system 10 kilowatts or less is not subject to the requirements of the ordinance but must obtain all applicable building permits. Any additional building mounted small wind energy system will be subject to the full requirements of the ordinance". Ms. Scott will review with Mr. Campbell.

Ms. Scott referred to the proposed amendments from Go-Green and agreed with two of their proposed changes:

1. 719.4.2.4, replace the word "roads" with "public right-away".
2. 719.4.11.2 Removing the language "the stock color from the manufacturer or painted with.." and replace with "the color of the small wind energy system shall be a non-reflective, unobtrusive color that blends in with the surrounding environment."

Ms. Scott would like the Boards input on Section 719.4.3 regarding building mounted systems. The suggested change to the ordinance from the Go-Green Committee is to add the language "and the system height is 1.1 times the horizontal distance to abutting property line". Their rationale is "this adjusts for bracing or hybrid roof mounted towers and measures from the previously defined system height to ground. It also parallels intent for tower setbacks. Without this clarification someone could attempt to place a tower on top of a building to avoid any setback requirements for protection to abutting properties".

Ms. Scott clarified that *"building mounted"*, means that the system is attached to the structure and if a system is attached to a pole and runs up through the garage, it is considered a Tower. Mr. Kolodziej suggests possibly wording such as "stand alone".

Mr. LoChiato suggests wording "the total system height can be no more than 1.5 times the height of the principle structure". He has concerns about the height of the roof mounted systems. He would like to see the height relate to the scale of the home vs. setbacks. This would apply to conforming and nonconforming structures.

Ms. Scott clarified to Mr. Breton the language of the setbacks "provided the system is not located within the building setbacks".

The Go-Green Committee would like to delete in its entirety, under section 719.4.11.1 stating "go where the wind is and optimally locate on the property to harness the wind subject to the setback provision. No towers will be installed if you meet this very subjective criterion. If anyone with insight opposes the idea for whatever reason, it is not possible to define and juristic on this criteria.

Ms. Scott explained the ordinance as written, that the applicant would have to show through their submitted plans, how the impacts are not going to be negative to the neighbors and community.

Mr. Breton made a motion to have another Public Hearing on Section 719 Small Wind Energy Systems on January 6, 2010. Ms. Skinner seconded.

Mr. Breton amended his motion to have Public Hearing on Section 719 Small Wind Energy Systems on December 30, 2009. Ms. Skinner seconded. Motion passed 6-1. Mr. Kolodziej opposed.

Section 609 Aquifer Protection District. Amend Section 609.2 Definitions to add "Commercial" to "Animal Feedlot", clarify that wastes from subsurface disposal systems is "Leachable Wastes", define "Solid Waste" using NH RSA 149-M:4,XXII, delete the word "Toxic" and define "Hazardous Waste" as NH RSA 147-A:2,VII, and delete "Minimum Lot Size", "Dwelling Unit", "Non-Municipal Well", "Sludge", "Structure"; delete Section 609.4.1 Permitted Uses; amend Section 609.4.12 Prohibited Uses to define solid waste per NH RSA 149-M:4,XXII, define hazardous waste per NH RSA 147-A:2,VII and not allow its processing or recycling, clarify that the storage of leachable wastes is prohibited, clarify that the subsurface storage or refined petroleum products and chemicals is prohibited, state that non-contact cooling water discharge is permitted, that the outdoor, open, and/or uncovered storage of road salt and salt/sand mixtures is prohibited; amend Section 609.4.3 Recharge Requirements that no more than 50% of the total parcel area within the District may be impervious surfaces and that paving requirements may be waived by the Planning Board; deleted the title for 609.5.1; delete 609.5.1.3 and replace it with language regulating excavations permitted under RSA 155-E; and amend 609.6 to allow a non-conforming use to continue unless the Code Enforcement Officer and Health Officer find it to be a hazard.

Mr. Okerman read into the record Section 609 Aquifer Protection District.

Ms. Scott explained this is a revision to an existing ordinance. She proposed that they eliminate all the 'permitted uses' listed and list only prohibited uses.

Mr. Campbell had concerns about referencing the RSA's. Ms. Scott reviewed about six other towns' Aquifer Protection District ordinances and most use the State's RSA's to define hazardous, solid and toxic wastes. She did not change the RSA reference.

Mr. Campbell is in agreement to drop the *permitted uses* and leave the *prohibited uses*.

Mr. Campbell's comment (iii) on "Code Enforcement and Health Officer"; Ms. Scott intended it to be both as they both have different skill sets to contribute to comments and may be 2 different people.

Ms. Scott will alter the wording on salt storage under 'prohibited uses' as recommended by Mr. Campbell to "*and other chemical deicing materials*".

Ms. Scott recommends to the Board that they review the RSA's and the agricultural section with regard to Mr. Campbell's concerns to see if they have any comments.

Mr. Breton made motion to move into Public Hearing. Mr. Okerman seconded. Motion passed 7-0.

Ms. Prendergast has concerns with 609.2 wording "commercial".

After discussion with the Board, Mr. LoChiatto asked Ms. Scott to remove the word "commercial" under 609.2 Definitions and 609.4.1 Prohibited Uses (609.4.1.8).

Ms. Prendergast has concerns with striking 609.4.1.1 and adding 609.4.2 with regard to fifty (50) percent of the density. Ms. Scott said there were always problems in the past with the wording *prohibited/permitted*; what about the fall through, and the density piece. She said the attempt was to give the methodology that only 50% of the total parcel within the district can be impervious with the hope that the water be recharged back into the ground and be very specific what's not allowed in the district.

Ms. Prendergast talks about 609.4.1.6 with regard to outdoor, open, and/or covered storage. Would the ordinance still allow salting and sanding in the District? Ms. Scott said she changed that because there is no way to enforce that provision. This is more about the storage of the materials in the Aquifer District. Ms. Scott will reinstate the existing language that was proposed to be deleted (609.4.1.1) to 609.5 Design and Operations Guidelines.

Ms. Scott will add additional language into 609.4.2 "...*may be waived by the Planning Board in such cases where in the opinion of the Planning Board strict conformity would propose unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations*".

Mr. LoChiatto opened discussion to the Public.

Mr. LoChiatto closed to the Public as there were no questions.

Mr. Breton made motion to move the Aquifer Protection District to the ballot as amended.

Ms. Scott recapped the changes in question to the Aquifer Protection District.

- 609.2 Definitions & 609.4.1.1 Prohibited Uses – remove the word "commercial"
- Reinstate 609.4.1.1 to 609.5 Design and Operations Guidelines
- Add to the Prohibited Uses 'other chemical deicing materials'
- 609.4.23 Recharge Requirements – add the waiver criteria "*may be waived by the Planning Board in such cases where in the opinion of the Planning Board strict conformity would propose unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations*".

Mr. Breton to amend his motion.

Mr. Breton motioned to hold a public hearing for the revised Aquifer Protection District on December 30, 2009. Seconded by Mr. Kolodziej. Motion passed 7-0.

Section 702.5, 614.2.1, 612.3.1, and Appendix A-1 Note #9 Buffers. Delete Sections 702.5, 614.2.1, and Note #9 from Appendix A-1 and replace is with language that requires a vegetative buffer 25' wide, fence, or earthen berm to be provided is a non-residential use (building, parking area, or driveway) is proposed closer than 100' from an existing residential use (residential structure, driveway, porch, deck, or garage). Delete section 612.3.1.

Mr. Okerman read into the record Section 702.5, 614.2.1, 612.3.1, and Appendix A-1 Note #9 Buffers.

Ms. Scott said this ordinance is to clear up the confusion by how you measure the buffer; where do you measure from; how do you measure it and where do you put the buffer.

She said the recommendation was made by the Board to delete the word buffer from the Village Center because the purpose was to have interconnectivity between the uses, sites and lots.

Ms. Scott would like the Board to review Legal's comments as Mr. Campbell questioned the proposed changes.

Mr. Breton wanted note made on Legal's opinion that they have the 'Town Center District' and should be 'Town Village District'.

Mr. Breton motioned to move to Public Hearing on Section 702.5, 6.14.2.1, 612.3.1 and Appendix A-1. Motion seconded by Ms. Skinner. Motion approved 7-0.

Mr. LoChiatto and Ms. Prendergast asked Ms. Scott to put 612.3.1 back into the ordinance with the following wording "*...from the abutting residential zoning district*".

Mr. LoChiatto opened to public discussion.

Ms. Betty Dunn spoke with concern about taking away the 50' vegetative buffer and making the buffer 25'. She is concerned with the esthetic look of taking away the buffer and being able to replace with just a fence. She does not think it is adequate protection.

Mr. Kolodziej would like to keep the vegetative 50' buffer. He said the Town has always tried to keep a certain look esthetically.

Ms. Scott advised the Board that there is no current language stating that the buffer has to be on the lot line.

Mr. LoChiatto said the intent of the buffer is to screen the disparity use from each other. He said you want to define your separation by 'use' not by lot line because the intent is to screen one use from the next.

Ms. Scott will change the language in 702.5 and 614.2.1 to "If a non residential use (building, parking area, or driveway) is proposed closer than 100' from an existing residential lot or residentially zoned district, a vegetation buffer of earth or berm 50' wide must be provided which will provide screening for residential use/zone".

Motion by Mr. Breton to move Section 702.5, 614.2.1, 612.3.1, and Appendix A-1 to move to the December 30, 2009 meeting. Ms. Skinner seconded. Motion approved 6-1. Mr. Kolodziej abstained.

Section 706 Sign Regulations. Amend Section 706.1 to expand the intent of the Ordinance; Amend Section 706.2 to clarify what signs need permits, who review and signs approves them; Section 706.3 Definitions have been amended to clarify definitions for "awning sign", "changeable copy sign", "illuminated sign", "projecting sign", "sign area", and "wall sign"; Section 706.4.2, 706.4.3 and 706.4.4 are deleted and incorporated into 706.4.1; Sections 706.4.6, 706.4.7, 706.4.8, and 706.4.9 are deleted and incorporated into the new 706.4.2; Section 706.4.10 remove sign review in the Village Center District by the Historic District Commission, clarify the review process for the Historic District Commission in the Historic District, and state the signs within the same development must be coordinated in design;

Section 706.5 clarifies that signs may be illuminated until 10pm of the close of business, removed the requirement for Police Department approval for political signs, street numbers up to 12" can be add and not count towards the sq ft requirements, and the size of temporary signs for sale or lease were amended as were the sign sizes for site contractors; temporary signs for non-residential uses were amended to allow one per parcel, they are product or event related, they are allowed in multi-tenant complexes, and they are allowed for 15 days at a time; signs must be down-lit; permits for awnings are approved by the Planning Board; flag can be 15sq ft in size, attached to the building, one per business, and no permit is required; and amended Section 706.6 Maximum Heights to delete "freestanding sign (complex)" and delete the requirements for wall signs and insert "locations to be reviewed and approved by the Planning Board", add home occupation sign areas, delete the legend, and delete * and A under Footnotes.

Mr. Okerman read into the record Section 706 Sign Regulations.

Ms. Scott reviewed the contents of the packet which included.

- 706. Sign Regulations strike-out version
- 706. Sign Regulations with new language
- Legal's comments

Ms. Scott said she made the following changes per Legal's comments:

- Sign Ordinance Amendment (i) – made change as recommended
- Sign Ordinance Amendment (iii) – revised 706.2.2
- Sign Ordinance Amendment (iv) (b) – made change as recommended

She asked the Board to review (ii) and (iv) (a).

Mr. Breton made motion to move Section 706 Sign Regulations into Public Hearing. Mr. Kolodziej seconded. Motion passed 7-0.

Mr. Breton said he would like to make a change with 'special permit' in section 706.5.6.

Mr. LoChiatto said the criteria needs to be set by Selectmen as this is not a Planning Board matter.

Ms. Prendergast said in section 706.5.5 the 'X' needs to be changed to 12" in size. Ms. Scott will make the change.

Mr. Rick Hammer of Hammer & Sons Signs said the changes to the Sign Regulations are a big improvement and a lot more business friendly. Mr. Hammer said that he would like the sign

height be amended to 16' for commercial use. The reason for this is 16' would allow a lot more visibility to find the business. However, 14' would be reasonable for commercial use. The problem with parking lot signs being lower than 14' is you lose the visibility of the bottom part of the sign especially when there are snow banks. The sign at Howie Glynn's is at 14' and he receives many compliments on it. Mr. Hammer said he believes that the Planning Board would be helping out businesses in the community by allowing the 14' height.

Ms. Prendergast states that if we start changing the sign height we may put the other amendments in jeopardy.

Mr. Kolodziej said at one time the sign height was 20' and we have been bringing the height down in increments over the years.

Mr. LoChiatto asked if the Board supports going higher than 12'. Board said to keep it at 12' height.

Mr. LoChiatto closed discussion to the public.

Mr. Scott recapped the two changes to be made to the Regulations:

- Page 2 add – "*non-residential sign was to conform to 706.2*"
- 706.5.5 – change the 'X' to '12 in.'

Mr. Kolodziej made motion to move to Warrant the Sign Regulations. Mr. Breton seconded. Motion passed 7-0.

Mr. Breton asked Ms. Scott to address the sign height in the Sign Regulations with Economic Development in 2010 with Mr. Hammer.

Motion to adjourn by Mr. Kolodziej. Seconded by Mr. Okerman. Motion passed 7-0.

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