

**TOWN OF CHESTERFIELD, NH
PLANNING BOARD**

Monday, February 3, 2014

Present: Brad Chesley, James Corliss, Jon McKeon, Davis Peach, Joe Parisi and Susan Lawson-Kelleher (7:40)

Call to Order

Chesley called the meeting to order at 7:15

Seat Alternates

Joe Parisi seated for John Koopmann

Review of the Minutes

January 6, 2014

Peach motioned to accept the minutes as amended from January 6, 2014. The motion was seconded by McKeon and passed unanimously.

Appointments

Conceptual consultation- Jim & Harriet Davenport – no minutes taken as conceptual consultations are non-binding on either party.

Town of Chesterfield - A public hearing will take place to review and vote on approval and recommendation of proposed amendments to the Chesterfield Zoning Ordinance.

Chesley noted that he will read the existing ordinance, the new ordinance, open discussion to the public, close public discussion and the board will then have its discussion on the proposed ordinances and vote.

401 --

Chesley read the proposed “purpose” under 401 Signs. The hearing was opened to the public for input/comment.

Mary Ann Lauterback asked where it is stated who enforces the ordinances and what the consequences are for violating the ordinances are. Chesley noted that the Zoning Book contains this information.

Corliss noted it is found on page 53, Article 7 which then directs you to look up an RSA. Mary Ann Lauterback noted that she has had some experience with ordinances and she feels that they are not always enforced across the board. She would like to see more consistency. She provided pictures to the board of signs around town. John Schlichting noted that he is concerned with the statement “Eliminate intrusive sign lighting” as someone will have to be in charge of what “intrusive” means.

James Hancock noted that he believes that these ordinances are regulating private property and he does not believe that should be allowed. Hancock noted that both the State of NH and the United States give freedom of speech rights and these ordinances are stepping on those rights. Hancock noted that there are civil remedies if a neighbor does something that you do not like and that is the way this type of issue needs to be handled. Hancock noted that he does not believe that free speech is a Town issue.

Corliss noted that Mr. Hancock's statements could be said about all zoning. Hancock noted that if it is a safety issue, he believes the government has the right to regulate it, but signage is free speech, not a safety issue. Corliss noted that part of the Planning Boards job is to attempt to understand what the Town wants the character of the Town to be and create ordinances to keep that character.

There were no more comments/questions from the public. Chesley closed the public discussion.

Board discussion

The board noted a typo in the proposed ordinance, which will be corrected.

Peach moves to accept the proposed change as corrected. Parisi seconded the motion which passed unanimously.

The Planning Board will be recommending Zoning Regulation 401 read:

401 Signs

Purpose. The purpose of this ordinance is to govern the placement and maintenance of signs, promote signs in keeping with the town character, discourage excessive signs by minimizing the number and size of signs, eliminate intrusive sign lighting, and encourage structurally sound and well-maintained signs in the interest of the health, safety and general welfare of the residents of Chesterfield.

401.1

Chesley read zoning ordinance 401.1 and the proposed zoning ordinance 401.1. The hearing was opened to the public for input/comment.

Brent Crowder noted that it appears that this only applies to businesses and not non-profit organizations. McKeon noted that it still falls under the category of temporary sign. There was some discussion on right of way and where the measurements begin.

There were no more comments/questions from the public. Chesley closed the public discussion.

Board discussion

Lawson-Kelleher noted that she is concerned about the differences in the right of way measurements. Lawson-Kelleher noted that she remembers one property on Route 9 where the right of way is 75 feet from the highway, this regulation would add another 10, making any potential sign 85 feet from the traveled lane. McKeon noted that they would be able to ask for relief from the zoning board in a case such as that. Parisi noted that he does not see a definition for permanent and temporary signs. Lawson-Kelleher noted that if the Town does not define it, the board looks to the State, if they have not defined it, then the board looks to the dictionary. Parisi noted that one of the reasons for the amendments is because some of the ordinances are not clear, making them hard to enforce.

Peach moves to accept the proposed amendment to 401.1. Corliss seconds the motion which passes by majority. (Yes: Lawson-Kelleher, McKeon, Chesley, Corliss, Peach) (No: Parisi)

The Planning Board will be recommending Zoning Regulation 401.1 read:

401.1 Setbacks

Business and home occupation signs may be erected only on the same premises where the business they advertise is conducted and shall be no closer than fifty (50) feet from any side or rear property line and ten (10) feet from any State or Town ROW. This applies to both permanent and temporary signs.

401.2

Chesley read zoning ordinance 401.2 and the proposed zoning ordinance 401.2. The hearing was opened to the public for input/comment.

Jeff Scott noted that he believes that A and D are contradictory. McKeon noted that they are not contradictory. Mary Ann Lauterback noted that realtors have more than one sign up in town and have the potential to not comply with this ordinance. Bob Brockman noted that surface signs deal with the surface of the building and then there is the perpendicular sign.

There were no more comments/questions from the public. Chesley closed the public discussion.

Board discussion

Corliss moves to strike the proposed 401.2 ordinance and leave it as it currently exists because it was not improved and causes confusion. Parisi seconds the motion which passes by majority. (Yes: Lawson-Kelleher, Parisi, Chesley, Corliss, Peach) (No: McKeon)

401.4

Chesley read zoning ordinance 401.4 and the proposed zoning ordinance 401.4. The hearing was opened to the public for input/comment.

James Hancock noted that the sign at Perkins changes more than twice a day. Lawson-Kelleher noted that if they are currently in compliance, they would be grandfathered from the changes. James Hancock note that he believes it would be reasonable for a business owner to have a changing sign, and the board should not put into place ordinances that will put existing businesses in violation.

There were no more comments/questions from the public. Chesley closed the public discussion.

Board discussion

Lawson-Kelleher noted that some existing signs around town have lights pointing up at the sign from the ground and she does not see how that little bit of light makes a problem. Corliss noted that the intent is to make all new lighting downcast lighting. McKeon noted that that type of lighting is old technology and is on its way out. Parisi noted that he strongly agrees with the changes as it causes less distractions for drivers.

Parisi moves to accept the proposed changes to 401.4. Corliss seconded the motion which passed by majority. (Yes:McKeon, Parisi, Chesley, Corliss, Peach) (No: Lawson-Kelleher)

The Planning Board will be recommending Zoning Regulation 401.4 read:

401.4 Illumination

Illuminated Signs must be downcast lighted, and lit either on the surface by lamp whose illuminating bulb or tube is shielded from direct view; or by internal means, with an illuminating bulb or tube which is shielded from direct view. Such lighting shall be shielded at its source from abutting streets and nearby properties. Signs shall not contain rotating, flashing, moving or scrolling words, lights or moving parts. Display elements shall not change so as to cause any distraction to the traveling public. Signs shall change no more than twice per day.

401.5

Chesley read zoning ordinance 401.5 and the proposed zoning ordinance 401.5. The hearing was opened to the public for input/comment.

Mary Ann Lauterback noted that having a sign reviewed by an engineer could be expensive. McKeon noted that this is already a code requirement; it was put in to make people aware earlier in the process.

There were no more comments/questions from the public. Chesley closed the public discussion.

Board discussion

Lawson-Kelleher suggested adding “such” to the ordinance to make it flow better.

McKeon moves to accept the proposed changes to 401.5 with Lawson-Kelleher’s suggestion. The motion was seconded by Corliss and passed unanimously.

It was noted that the addition of “such” was a minor change and does not require additional hearings.

The Planning Board will be recommending Zoning Regulation 401.5 read:

401.5

Projecting Signs

No sign attached to a building shall project above the roof line or wall coping of that building. All such signs shall have a structural review by NH licensed structural engineer before permit issuance.

401.7 E

Chesley read zoning ordinance 401.7 E and the proposed zoning ordinance 401.7 E. The hearing was opened to the public for input/comment.

Mary Ann Lauterback noted that a lot of money comes into this town from Non-profit organizations. She noted that it appears that they cannot have any more than one off premise sign at a time and this will cause issues with some of the non-profit organizations. Mary noted that People’s bank usually has more than one. Corliss noted that “I” addresses Mary Ann Lauterback concerns. Corliss noted that Mary Ann Lauterback is speaking of A and D, which the board has not proposed to change, they are remaining as they currently are written. It was noted that the board will review these items at a later date.

There were no more comments/questions from the public. Chesley closed the public discussion.

Board discussion

A semicolon will be added in place of the period after the second to last sentence.

Peach moves to accept the proposed change to 401.7 E. The motion is seconded by McKeon and passes unanimously.

The Planning Board will be recommending Zoning Regulation 401.7 E read:

E. There shall be a time limit of 120 days for any sign or succession of signs by any permit holder in any calendar year. Agricultural signs shall be exempt from the 120 day limit; they must be renewed on a yearly basis.

401.7 G

Chesley read zoning ordinance 401.7 G and the proposed zoning ordinance 401.7 G. The hearing was opened to the public for input/comment.

Mary Ann Lauterback noted that three days is not long enough for a yard sale. McKeon noted that the ordinance is just replicating what is stated under 405.

There were no more comments/questions from the public. Chesley closed the public discussion.

Peach moves to accept the proposed addition of 401.7 G. The motion was seconded by Corliss and passed unanimously.

The Planning Board will be recommending Zoning Regulation 401.7 G read:

G. Garage sales, yard sales, tag sales and auctions as per Article IV, Section 405 (Garage sales, yard sales, tag sales and auctions are permitted anywhere in Town on the owner's property for a period up to three (3) days in any one year) are exempt from Article IV, Section 401.7. Signage can be erected no Sooner than 24 hours prior to sale date and shall be removed with in 24 hours after sale date.

401.7 G

Chesley noted that there is currently no “H” and read the proposed zoning ordinance 401.7 H. The hearing was opened to the public for input/comment.

There were no comments/questions from the public. Chesley closed the public discussion.

Board Discussion

Parisi noted that he is aware the registered vehicles fall under the State, but there are often trailers on property with banners attached to the trailer. Parisi noted he was wondering if there was a difference between a banner and information painted on a trailer. McKeon noted there is no difference. This ordinance will make them have to comply with setbacks, but that is the most the Town can do.
Corliss moves to accept the proposed addition of 401.7 H. The motion was seconded by Peach and passed unanimously.

The Planning Board will be recommending Zoning Regulation 401.7 H read:

H. Trailers and other vehicles with advertising must be currently registered and must be movable. The location of which must be approved by the Code Enforcement Offices to comply with all setback and other zoning policies. Storage trailers and other vehicles that are not registered must have all forms of advertising removed.

401.7 I

Chesley noted that there is currently no “I” and read the proposed zoning ordinance 401.7 I. The hearing was opened to the public for input/comment.

There were no comments/questions from the public. Chesley closed the public discussion
Peach moves to accept the proposed addition of 401.7 I. The motion was seconded by Corliss and passed unanimously.

The Planning Board will be recommending Zoning Regulation 401.7 I read:

I. Short Duration (less than 2 weeks per year) Signs not associated with a fixed Commercial enterprise are permitted by notification to the Building Inspector and must comply with the limits of 401.7 size and lighting.

401.8

Chesley noted that there is currently no 401.8 and read the proposed zoning ordinance 401.8. The hearing was opened to the public for input/comment.

There were no comments/questions from the public. Chesley closed the public discussion

Board discussion

Chesley noted that it may be hard to regulate “good repair”. Corliss noted it gives Code Enforcement authority to keep the signs in town looking acceptable.

Corliss moves to accept the addition of 401.8. The motion was seconded by Peach and passed unanimously.

The Planning Board will be recommending Zoning Regulation 401.7 I read:

401.8

All signs must be kept in good repair.

Cersosimo Industries, Inc – This is a public hearing on an application for a Minor Subdivision of property located on Welcome Hill Road (Map 15, Lot A1) consisting of approximately 22.81 acres in the Rural/Agricultural zone.

Russ Huntley was present for Cersosimo.

The board reviewed the application for completeness. It was noted that the NHWSPCD was not addressed, the application is missing all requirements under 403.2B, the soils listed in the notes is incorrect, there is no 100 year flood information. The regulations call for five foot contours and there are two foot contours shown. It was noted that the shared driveway is in the setback, not crossing it as the regulation states.

Lawson-Kelleher motions that the application is complete enough for review. The motion was seconded by Peach and passed by majority. (Yes: McKeon, Lawson-Kelleher, Chesley, Corliss, Peach) (Abstain: Parisi)

Russ Huntley went over the proposed subdivision. He noted this is a three lot subdivision. Huntley noted that test pits were done, but they are not shown on the map. He will add them to the map. Bill Davidsson (public) noted that the lots are mislabeled in the survey notes. Corliss noted that there are several items that need to be addressed either by adding the information or requesting a waiver.

Corliss moves to continue the Cersosimo Inc public hearing to March 3, 2014. The motion was seconded by Peach and passed unanimously.

Items for Discussion

Master Plan

Have had 2 meetings – looked at plan and discussed – whole thing will be updated.

McKeon – public budget hearing – Warrant article 35,000 to finance the master plan update – it was lowered to 30,000.

Items for Information

Town and City Magazine – January/February 2014

Other Business

McKeon noted that Code Enforcement was looking to know if the New Saba gas station needed to bring the plans for the canopy to the board. The board discussed it and would like to review the plans.

Items for Signature

December 16, 2013 minutes

Wyatt, Ben – Plans

JA Mulligan – 11x14 plans – No signature lines – Board will look at others before signing.,

Proposed zoning changes

Adjournment

Corlisis moves to adjourn at 10:22 PM. Peach seconds the motion which passes unanimously.

The next meeting will be held in the Town Offices at 7:30PM March 3, 2014.

Respectfully Submitted by:

Patricia Lachenal

Planning Board Secretary

Approved by:

Brad Chesley, Chairman

Date