

Official
**HOOKSETT
PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENT**

WORKSHOP MEETING PROPOSED ZONING AMENDMENTS
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MONDAY, JANUARY 27, 2014
6:00pm

**HOOKSETT MUNICIPAL BUILDING
35 Main Street
Town Hall Chambers (Room 105)**

- I. CALL MEETING TO ORDER AT **6:04 P.M.**
- II. INTRODUCE MEMBERS OF THE BOARDS

ATTENDANCE – PLANNING BOARD

David Rogers (Chair), Tom Prasol, Tom Walsh, Frank Kotowski, and Donald Winterton
(Town Council Rep.)

Excused: Dick Marshall and Paul Scarpetti

ATTENDANCE – ZONING BOARD OF ADJUSTMENT (ZBA)

No one present.

REPRESENTING TOWN OF HOOKSETT

Jo Ann Duffy (Town Planner), Carolyn Cronin (Assistant Planner).

PLEDGE OF ALLEGIANCE

- III. PROPOSED ZONING AMENDMENTS FOR 2014. DISCUSSION
FACILITATED BY THE PLANNING BOARD CHAIR AND TOWN
PLANNER.

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1, as proposed by the Hooksett
Planning Board, for the Hooksett Zoning Ordinance to amend Article 4, Section A.2.;

Article 5, A.4.; Article 5-A, Section A.2; Article 6, Section A.2.; Article 10-A, Section G.2.g.7.; Article 13, Section G.3.d.; Article 16, Section G.4.d. and Article 21, Section C. to eliminate any reference to “churches, synagogues, convents and parish houses” and replace with “religious institutions.”

The purpose of Amendment No. 1 is to identify religious institutions generally.

D. Rogers: Does anyone have any questions or comments?

T. Walsh: What was the need for the change in the wording?

J. Duffy: About a year ago, I went to a conference regarding churches and cases against town with churches. We were told you cannot discriminate against any religion. Religious institutions are popping up in places other than the traditional church. The language in our ordinance was fairly old, so the purpose of this is to bring it up to date to say there are other things out there besides churches and synagogues.

T. Walsh: I just didn't realize we had problem before?

J. Duffy: We didn't have a problem, this is just to modernize the language.

D. Rogers: JoAnn, do you know why they use the word institutions, because that can be even broader than the original language. An institution, for example, could be a religious school or a college. I am thinking in layman's terms.

J. Duffy: I don't know but that is a good point. We can look into a better word rather than institutions to define better that it is for worshiping purposes and not schools.

D. Winterton: If you look at Amendment 2, it does say education in the last sentence.

D. Rogers: But what kind of education is that? Is it religious education, like on a weekend, or daily parochial school education?

J. Duffy: It is supposed to be for religious education, but we can tighten that up.

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 22, Definitions, to include the definition of “religious institution” as “Any place of worship (including a church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs), or structure or place of religious use in which worship, ceremonies, rituals, or education pertaining to a particular system of beliefs are held.”

The purpose of Amendment No. 2 is to add the definition of “religious institution.”

F. Kotowski: I have a little trouble with some of this when it deals with religious organizations. It is getting broad, in my view. I could claim I am conducting prayer services in my home and ask for an exemption. How do you police this to say something is or isn't a religious institution.

J. Duffy: I think they have to show proof of a non-profit status. The federal law on churches and religious places of worship is very broad as to what they allow, based on several court cases that have gone on over the past few years.

D. Winterton: JoAnn, I would guess from your conference, this all revolves around not limiting what you call religion because you could open yourself up to a court case. It is better to be more liberal in your definition than conservative.

J. Duffy: A prime example was that there was church service of some sort going on at the Regal Theater and they never came to the town for permission. No one would consider a movie theater a church. If the town had come in and said that was not allowed in that zone, they probably would have gotten in some sort of trouble for it. Churches can pretty much go anywhere.

D. Rogers: That opens up the question of what is an institution. It could be someone saying this is their building or location but the church institution or church body could have started in someone's house or some common center. I understand the breadth of the term institutions, and the trend is to allowing all sorts of things that may not have been considered a religion or house of worship in the past. Try to tighten that up, if it's possible. It may not be possible under the current state of affairs.

F. Kotowski: JoAnn, was that the term that was recommended for use at the seminar you attended by those putting the seminar on?

J. Duffy: I believe it was but I would have to double check.

D. Rogers: Obviously they know what they are doing if they are putting on the conference. From experience, this may have been gone thorough a number of times and we don't have to recreate the wheel if there is some reason to accept this at face value.

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 22, Definitions, to include the definition of "abutter" as "Any landowner whose property abuts (touches, borders on, or shares a common property line with) a subject property, including any properties directly opposite the subject property separated by a thoroughfare (i.e. street,

stream, railroad, etc.); or any abutting holder of a conservation, preservation or agricultural preservation restriction or easement.”

The purpose of Amendment No. 3 is to add the definition of “abutter.”

J. Duffy: We currently do not have a definition of abutter. A lot of towns draw a circle around property, maybe 300' out, and say those are the abutters. Hooksett does it differently and reflects the way the state laws describes an abutter. We thought it would be a good idea to put that in the definitions.

D. Rogers: Does this mirror the language of the RSA?

C. Cronin: It is not exact wording but it is very close to it.

D. Rogers: The thought is there, then?

C. Cronin: Yes.

D. Winterton: I would be in support of this because there is a charge when people have to notify abutters. If we make them send letters to people they don't need to that is not right.

T. Walsh: Have we ever had anyone complain or have we been questioned?

J. Duffy: Yes. All the time. For example, an abutter can be someone across the river and people don't believe that could be an abutter. This puts it in black and white and we will have something to refer to.

D. Rogers: Do you think this would relieve the some of the contention of what constitutes an abutter and what is fair and unfair?

J. Duffy: Yes. When you have the homeowner doing things themselves, a lot of the time they will say their neighbors are ok with what they are doing, but they still need to send a certified letter.

D. Rogers: I know that when the back lot line of our former home was in a different town, we would get notices from that town as being an abutter of projects that were going on over the line.

D. Winterton: Speaking from personal experience, is there anyplace we could add that an applicant does not have to consider himself an abutter?

J. Duffy: According to state law the applicant is not an abutter, but needs to get a certified letter sent to them when they do their public hearing.

D. Winterton: My point is when you own a lot and the lot next door. I had to send certified letters to myself over and over again and pay for it.

J. Duffy: Really? I don't have people do that.

F. Kotowski: What does state law say about who a letter must be sent to?

J. Duffy: When you send out public notices you have to notify the applicant, engineer, surveyor, anyone who has stamped the plan, and the neighbors who are considered anyone directly abutting or touching the property.

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 6, High Density Residential District –HDR, Section D.2., which currently reads, “Building height shall not exceed thirty-five (35) feet in height (Amended 05/14/13),” and replace it with, “Building height shall not exceed seventy-five (75) feet in height.”

The purpose of Amendment No. 4 is to increase the height of buildings allowed in the High Density Residential District.

J. Duffy: Years ago, in the zoning ordinance, we had that buildings could be 75' in height if we had a ladder truck. Either last year or the year before, we took that and said buildings should not exceed 35' in height, but we made a mistake and also took it out of the high density district which is where the only multi-family buildings are allowed. If you have a multi-family project you need to be higher than 35'. That is why we are changing it back.

F. Kotowski: Do we have a ladder truck?

J. Duffy: We do have a ladder truck, but the clause about the ladder truck was taken out.

T. Walsh: We took it out of mixed use last year, correct?

J. Duffy: It was taken out of almost every zoning area except performance. By mistake it was taken out of high density.

T. Walsh: Why is that a mistake?

J. Duffy: If you were to go and build a multi-family project in high density, which is where you want it, they would need to go higher than 35'.

T. Walsh: With 75' they could go 5 stories.

J. Duffy: We can change it to something different if you wanted to do that. Most of the ones we have seen are 2 to 3 stories. Do you have a suggestion?

T. Walsh: I am going to do more research.

J. Duffy: This was recommended by our previous Code Enforcement Officer, who is an architect, before he left. If you have something else that is fine. This is just what it was to begin with.

T. Walsh: So you are saying these 3 story buildings are more than 35' with a roof line?

J. Duffy: Yes.

F. Kotowski: Do you know what the tallest residential structure in town is currently?

J. Duffy: I don't.

F. Kotowski: I would suggest it is probably the new apartments up on University Heights. I would be curious to know how high those are?

D. Rogers: Are those 4 or 5 stories?

T. Prasol: I don't believe they are 5.

D. Rogers: Is it 12' per story?

T. Walsh: That is in commercial. I am not sure what it is for residential. It could be less than that.

D. Rogers: 50' might cover it?

F. Kotowski: It depends on where they are built as well; if they are on a hill or not.

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to repeal Article 10-A, Section I. Performance Standards for Sign Installations; Article 20, Signs; and Article 20-A, Signs – Route 3A and replace with the Sign Ordinance as proposed to become the new Article 20, Signs.

The purpose of Amendment No. 5 is to replace the three existing sign ordinances with one new, comprehensive sign ordinance.

D. Rogers: We have this in its entirety in a red-lined version, and there was also a supplement which is a comprehensive guide to changes within the sign ordinance. Tom Walsh chaired that committee, Don Winterton and Dick Marshall were on it but he is not here tonight. Tom, could you please give us a rundown on that.

T. Walsh: Sure. Thank you to everyone who was on the committee, and thank you to staff. Without them we could not have come close to completing this. We met at least a dozen times over the few months and went page by page, item by item, following public hearings and help from sign companies. Barlo Signs gave us a lot of advice. Combining the 3 into 1 was the first step. Then we went through things 1 by 1, reaching consensus on them in terms of trying to resolve a lot of complaints, waiver and variance requests we have been getting over the years. I am not sure if you have gone through it as you are receiving it tonight for the first time, but this is a really good piece of work.

D. Winterton: One of our charges was to eliminate the large number of variances and waivers that came before Zoning and Planning. I will compliment the committee. I think we accomplished that. We didn't eliminate that need, but we certainly reduced the number of variances that will come before us and it also will send a message to the business community that we hear them.

F. Kotowski: This comprehensive guide spells out, in layman's terms, what you hoped to accomplish. I now know the difference between the different types of signs.

T. Walsh: Not only did we take the history of our waivers and requests, but all of the research we did was through a lot of recommendations from the USSC, which is a private/public partnership and they did studies. When we revised the size of our signs on buildings and on roadside signs there is some data to backup why we did this for safety and traffic flow, etc. They are not gigantic signs but they are larger than they were in the past for reasons.

D. Winterton: I would again compliment staff on the marvelous job they did of gathering information for the committee.

T. Prasol: I want to thank the members of the committee who are here and not here. Having read through this it looks as though you were very thoughtful and deliberate and used quite a bit of resources. Thank you to staff for assisting them.

D. Rogers: Would you like time to go through all of this and then pass on it later? What is our schedule as far as these amendments go?

J. Duffy: We have a 1st public hearing scheduled for the end of February. If you make changes we have a 2nd one scheduled for March.

D. Rogers: Which may or may not need?

J. Duffy: Correct. If you do not make any changes we just need the one. We have a sheet here tonight with 5 changes that we are proposing to what you have with the red-line copy. Those would not be separate articles. They are just laid out that way for understanding. I can go through them if you would like.

D. Rogers: Sure.

J. Duffy: For Amendment SO1, currently, we have a definition on pg. 1 for back-lit signs, and on pg. 2 there is a definition for internally lit signs. This would eliminate both of those definitions and would replace those with a new definition that says: "Internally illuminated sign – A sign illuminated directly or indirectly by a light fixture, located within the sign structure. Internal illumination includes illumination designed to project light against the surface, behind the sign lettering or graphic, commonly referred to as back-lit shadow lettering or halo lighting." It sounds like the two are different but they are one in the same. It is just taking the two and putting it into one definition.

D. Rogers: Are there any comments for Amendment SO1? No comments.

J. Duffy: The 2nd one is basically what I described above; taking out back-lit. No. 3 is to add a requirement for landscaping on the bottom of signs. Currently we require that because, if you will notice in the photo that describes what the sign should look like, they always show the landscaping. The Planning Board has always requested that the base of the sign include landscaping but there was nothing in the ordinance addressing that. This would say: "All free-standing signs, and the premises surrounding same, shall be landscaped and aesthetically pleasing, or appropriate manner, with hardy plant materials, ground cover, lawn or hard surfaces that will remain attractive throughout the year and be maintained by the owner, thereof clear or rubbish and weeds.

D. Rogers: It should say "clear of" as opposed to "or."

D. Winterton: Did the previous monument sign ordinance require hardy plant materials?

J. Duffy: It did but there was no language. It was just this photo. We would tell them when they came in to the Planning Board that they would need to provide a landscaped plan.

D. Winterton: I like that it says lawn or hard surfaces because some of the monument signs that are in the Town of Hooksett get obscured by bushes that have grown up around them. I would be in favor of this amendment.

T. Walsh: Just to clarify, you said we did not have any landscape regulations in the previous sign ordinance?

J. Duffy: There was no text.

T. Walsh: So the only way we were forcing people to do this was based on the site plan landscape regulations, so this would clarify it if they wanted to put new sign in?

J. Duffy: Right.

D. Rogers: Ok. SO4.

J. Duffy: SO4 reads: "Signs or their supports shall not be placed in such position or manner as to obstruct or interfere either physically or visually with any fire alarm, police alarm, traffic signal or sign, or any devices maintained by, or under, public authority or with vehicle or pedestrian ingress or egress to or from any public or private right-of-way, roadway, driveway, or sidewalk." We currently have in our ordinance a section that says: "No part of any sign shall be located in or over the public right-of-way except for traffic control devices and directional signs authorized by the state."

D. Rogers: Is this B4, No. 4?

J. Duffy: It is B1, B4, but it doesn't get as specific as this one.

D. Rogers: This is above and beyond what B1 through 4 already cover.

T. Walsh: Does it need to? I don't think we have had any issues.

J. Duffy: It is your choice if you would rather keep what we have. I just thought this would be more inclusive so that someone would not block something in the future, and then we would not have anything to say they can not do that.

C. Cronin: Especially if we are increasing the size of the monument signs and not requiring setback. If those signs are going to be right on the road, you might want to be more specific.

T. Walsh: We are requiring a setback. Anything over 65 sq. ft. requires a 15' setback.

J. Duffy: Right, but you are more than doubling the size of your signs without any setback, so to be on the safe side we do not want to have any issues.

T. Walsh: I guess it doesn't hurt. Most of this we would tackle with site plan approval, but it might be different in the case where someone decides to do a sign exclusively.

F. Kotowski: Does the CEO look at the spot where a sign is going to be placed before work starts?

J. Duffy: Not typically, no.

F. Kotowski: Then maybe it is good to spell it out.

T. Walsh: Hypothetically, if somebody came in and said they were going to put in a 96 sq. ft. sign, code enforcement would not look at the existing site plan and confirm where the sign was going to go?

J. Duffy: He looks at the site plan, but he would not necessarily go out to the site.

F. Kotowski: Should he?

J. Duffy: It is probably a good idea, but currently they do not do that.

T. Walsh: The site plan is not going to show the traffic signals down the street or other things on the street. In spite of an ordinance change that might not be enough either.

J. Duffy: Because it says right now you can't be in the right-of-way and you can't block site distance, they leave it up to the professional sign companies to install the signs where they are supposed to go. Most of the new ones are only 10' tall, 32 sq. ft., so it hasn't been an issue that someone has put a sign in the wrong place. If they put it in the state right-of-way the state usually says something about it.

D. Rogers: SO5.

J. Duffy: This is to include a photo example of the window signs you are allowing so there is a picture to show people. We just need to find a picture that meets the ordinance.

D. Rogers: As far as the sign ordinance and the proposed, revised Article 20, we can review that before the 1st public hearing.

J. Duffy: You have a regular board meeting on Feb. 3 and the 1st public hearing would be Feb. 24. You have one more board meeting before the public hearing.

D. Rogers: Could you please put this as an agenda item for the Feb. 3 meeting, in case some of us have something to bring up or discuss about this.

Amendment No. 6

(Passage of this Amendment is conditional of the passage of Amendment No. 5)

Are you in favor of the adoption of Amendment No. 6, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 22, Definitions, to amend the definition of “signs,” which currently reads, “Any device, surface, logo, color scheme, pattern, object or feature; designed, erected, affixed, painted, illuminated, manufactured, lettered or maintained for the purpose of communicating a message,” and replace it with “Any device, display, structure, or part thereof, visible from a public place, which is used to advertise, identify, display, or attract attention to or communicate information about products, accommodations, services, or activities.”

The purpose of Amendment No. 6 is to redefine “signs.”

F. Kotowski: That includes the apple for the Applebee's logo?

T. Walsh: It would be allowed under this new ordinance as long as it doesn't have text.

D. Rogers: JoAnn, is there anything you want to add on this one.

J. Duffy: No. I think it is self-explanatory.

T. Walsh: I think it makes it simpler to read.

D. Rogers: In the very last line, information about products, accommodations, services or activities. I cannot think of an example outside of those listed items, but what if something came up that didn't fit into one of those categories. Should we say, including, but not limited to, or some legal working like that? Does any one have any comments? JoAnn is there anything else you wanted to add?

J. Duffy: No.

D. Rogers: Thank you for putting this together for us.

T. Walsh: Thank you again to Carolyn and JoAnn.

J. Duffy: Carolyn did a wonderful job.

C. Cronin: Thank you.

IV. OTHER BUSINESS

F. Kotowski: I will not be here on Feb. 24.

T. Prasol: Neither will I.

J. Duffy: Bass Pro Shops is having their ribbon cutting with the owner and the fishing specialist on Feb. 19 at 6:00pm. On Feb. 20 at 9:00am there will be a ribbon cutting for town officials.

D. Rogers: When does the store open?

J. Duffy: On Feb. 19. They said they expect approximately 3,000 people.

V. ADJOURNMENT

*D. Winterton motioned to adjourn. Seconded by T. Walsh. **Motion carried unanimously.***

The meeting was adjourned at 6:45 pm.

Respectfully submitted by,

**AnnMarie White
Recording Clerk**

NOTE: The 1st public hearing for the proposed zoning amendments 2014 is scheduled for Monday, February 24, 2014 at 6:00pm in Town Hall Chambers.