

North Hampton Planning Board
Public Hearing
Proposed amendments to Sign Ordinance Section 506
Monday, December 19, 2005

Members present: (1)Phil Wilson, Chairman; (2)Shep Kroner, Vice Chairman; (3)Craig Salomon, (4)Joseph Arena and (5)Jon Rineman, Selectmen's Representative.

Alternates present: Rich Goeselt and Ron Todd.

Others present: Jill Robinson, Circuit Rider/RPC and Wendy Chase, Recording Secretary.

Mr. Wilson convened the Public Hearing on the proposed amendments to the Sign Ordinance Section 506 at 6:05pm.

Noting Ms. Day and Ms. Pohl's absence, Mr. Wilson seated Mr. Todd for Ms. Day and Mr. Goeselt for Ms. Pohl.

Mr. Wilson stated that the specific purpose of this Public Hearing is pursuant to RSA 675:7 to review amendments to Section 506 of the Town's ordinances pertaining to signs and billboards. This is the third public hearing on this section.

Mr. Kroner asked that "if the ordinance passed would that make the majority of signs in town non-conforming?"

Ms. Robinson replied by stating that the existing signs would not become non-conforming because they were conforming at the time they were built.

Mr. Todd had questions on the last paragraph of the sign ordinance draft, which states that they would be non-conforming.

Ms. Robinson felt there was a grammatical error in the last paragraph.

Dr. Arena stated that were they were to make changes to the signs they would need to conform but if they made no new changes they fall under the "grandfathered" state.

Mr. Todd stated that there are signs in town that do not conform to the current ordinance.

Mr. Kroner suggested those signs may have been granted a Variance by the ZBA.

Mr. Todd requested clarification on what this new ordinance will replace. Mr. Wilson explained that it would replace all ordinances pertaining to signs and billboards. He also stated that this must be made clear to the public.

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Mr. Wilson explained that if a sign that is not conforming to the present sign ordinance and there is no proof a Variance was granted then the applicant must adhere to the current ordinance when making changes to a sign. They are not considered “grandfathered signs.”

It was determined that the last paragraph does not have a grammatical error and that signs that do not conform to the provisions of this ordinance are non-conforming “grandfathered” structures.

Mr. Salomon suggested adding legally existing to the last paragraph so that it will read: All legally existing signs which did not conform to the provisions of this ordinance on (date of adoption, 2006) shall be considered non-conforming structures. The Board agreed.

Mr. Todd had questions on the monument signs and pole signs. Ms. Robinson explained that a monument sign is a type of ground sign.

Mr. Kroner stated for the record that if he had his way all businesses would have wooden signs.

Mr. Kroner stated that the Board should closely monitor this new ordinance if it passes and see if there is a negligible impact financially on the town and maybe reconsider the ordinance if that is the case.

Mr. Rineman spoke on behalf of the Selectmen and thanked and congratulated everyone for their hard work on creating this ordinance and informed the Board that the Selectmen are concerned with the potential increase in the amount of legal fees the town will incur defending the ordinance and will be keeping a close eye on that and hopes that there won’t be a lot of problems with that.

Mr. Wilson explained that the Conditional Use permit puts the process in the hands of the Planning Board and the recourse would be the Superior Court. He feels that the Selectmen are suggesting that if the appeal is taken away from the ZBA than it will cost the town more money to be heard in the Superior Court. He stated that if the ZBA upholds the ordinance than the same legal fees would be incurred.

Mr. Salomon feels it is quicker and cheaper to appeal to the ZBA rather than Superior Court. Mr. Salomon is philosophically opposed to the provisions of this ordinance that take the decision of whether or not the ordinance is unreasonable as applied to a particular sign or a particular location away from the ZBA.

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Mr. Wilson stated that if the ZBA is going to grant variances then yes it will save the Town money in legal fees but if the ZBA defends the Ordinance in good faith than the case may end up in Superior Court anyway and would end up costing the town money in legal fees.

Dr. Arena stated that the Ordinances are written by the Planning Board but it is the Townspeople that votes on it and have the final say.

Mr. Wilson reminded the Board that the two major reasons the sign ordinance is being amended are: the first is because the ZBA was getting too many requests for variances and asked the Planning Board to revise the ordinance. The second reason was the results from the 1999 survey where the townspeople requested something be done about the signs in Town and the appearance of Route 1; it is not that the Planning Board is trying to take the power away from the ZBA.

Mr. Goeselt asked Ms. Robinson for her perspective on this ordinance whether she felt it was too restrictive or not. Ms. Robinson felt that it is more restrictive than some other towns but North Hampton lies on the Route 1 corridor and has a large commercial area. She added that town counsel went over the proposed amended sign and billboard ordinance and was satisfied with it.

Mr. Wilson opened the public hearing for comment at 6:51pm.

Gary Stevens questioned if one of his tenants left and took their sign why would he have to go before the Planning Board and notice his abutters to put in a new sign. Jill referred him to 506.3 Change of tenant, which states that the same footprint of the original sign is acceptable without Planning Board approval.

Mr. Stevens questioned if he changed the structural part of the sign would he have to go before the Planning Board. Mr. Wilson confirmed that he would need to get approval from the Board for changes made to the structural support.

Mr. Todd questioned if an applicant could appeal to the ZBA if they felt that they did not need a conditional use permit. Mr. Salomon answered that in his opinion they could. Ms. Robinson disagreed.

Mr. Wilson closed the public hearing for public comment at 7:26pm.

Dr. Arena moved and Mr. Kroner seconded the motion to add the language *legally existing signs* and to change the year 2005 to 2006 to Section 506.9 of the Sign Ordinance.

The vote was (6) six in favor, 0 opposed and (1) abstention. Mr. Salomon abstained. The motion carried.

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Dr. Arena moved and Mr. Todd seconded the motion to place the amended ordinance on the March 2006 Town Ballot.

**The vote was (6) six in favor, (1) one opposed. Mr. Salomon opposed.
The motion carried.**

Dr. Arena moved and Mr. Kroner seconded the motion to adjourn the Public Hearing at 7:30pm.

The vote was unanimous in favor of the motion.

Respectfully submitted,

Wendy V. Chase
Recording Secretary