



**Meeting & Public Hearing Minutes
North Hampton Planning Board
Tuesday, March 6, 2011 at 6:30pm
Mary Herbert Conference Room**

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These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

Members present: Shep Kroner, Vice Chair; Laurel Pohl, Tim Harned, and Phil Wilson, Select Board Representative.

Members absent: Barbara Kohl, Chair; Joseph Arena and Mike Hornsby

Alternates present: Nancy Monaghan

Others present: Brian Groth, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Mr. Kroner convened the meeting at 6:30pm and seated Ms. Monaghan for Mr. Hornsby.

I. Old Business

There was no unfinished business before the Board.

II. New Business

- 1. 12:03 – Gregory L. Taylor, Trustee H.A.L.T. Realty Trust, 60 Lafayette Road, North Hampton. Property location: 60 Lafayette Road, North Hampton; M/L: 007-119-000. Applicant: William E. Murphy, 3 Hillcrest Ave, Nahant, MA 01918.** The Applicant proposes a change of use from an existing Auto Repair Business to an Auto Repair and Auto Sales Business. Property owner: Gregory L. Taylor, Trustee H.A.L.T. Realty Trust; zoning district: I-B/R.

In attendance for this application:

- William Murphy, Applicant
- Gregory Taylor, Owner
- Chris Simons, Lessee

Mr. Murphy explained that his dealership business has been operating for thirteen (13) years and was most recently located in Exeter, NH, know as Tri State Auto. He is licensed by the State of New Hampshire to sell between six (6) and eight (8) cars. He explained that he would like to move his business to 60 Lafayette Road in the same building, but directly behind “Christine’s” retail store.

45 Mr. Kroner explained that the Planning Board had to determine whether or not the Application was
46 complete.

47

48 The Board raised the following issues with the submitted application:

49

- 50 • Under Section XIII of the Site Plan Regulations a dealership site shall have one building that shall
51 maintain a minimum of 1,200 square feet of storage space devoted to vehicle use only and there
52 is nothing on the floor plan that shows the square footage and how much of the space is
53 dedicated to auto repair space and how much is dedicated to auto showroom space. Mr.
54 Murphy said that the inside space would be dedicated to auto repair with room to display up to
55 two (2) vehicles. He said that the State of NH had reduced the required square footage to 750
56 square feet to be dedicated to the business of selling vehicles pursuant to RSA 259:29-a III. The
57 Board agreed that the 1,200 square foot requirement had to be met because that is the Town's
58 current requirement.
- 59 • Parking – the proposed auto dealership would require twenty-five (25) parking spaces in
60 addition to normal parking requirements. The plan did not show the appropriate number of
61 parking spaces for the site and for the uses on it.
- 62 • The width of the parking isle on the plan needs to be determined and noted on the plan.
- 63 • The 10-foot wide buffer that is required under the Site Plan Regulations needs to be addressed.
- 64 • The building is currently within the 100-foot wetland setback and the Board discussed whether
65 or not the proposal would be considered an expansion of a non-conforming use.
- 66 • The plan does not depict an area for loading and unloading vehicles which is required.
- 67 • The cars are parked right up against the boundary line. Mr. Taylor currently owns the abutting
68 lot, but the Board is concerned if the property ever changes ownership.

69

70 Mr. Simons leases a portion of the building from Mr. Taylor.

- 71 • He said that he took a portion of the "site plan" and outlined the parking spaces; each space is
72 two car lengths deep so there is enough parking for every business.
- 73 • Mr. Taylor agreed to allow Mr. Murphy to use three (3) parking spaces on Route 1 for displaying
74 vehicles.

75

76 Mr. Taylor said that the "use" of the property is a "grandfathered" use; it has been operating this way
77 for at least fifty (50) years. The property has been used for the past fifty (50) years as a repair shop, the
78 sales of motorized equipment, retail and storage.

79

80 Mr. Wilson said that the Planning Board has the authority to "waive" any of the Site Plan requirements,
81 but it is up to the Zoning Board of Adjustment to determine whether or not it is a "grandfathered use".
82 A non-conforming use cannot be expanded without a Variance.

83

84 Mr. Wilson explained to Mr. Taylor that a non-conforming use can be "grandfathered" but to expand on
85 a non-conforming use requires relief from the Zoning Board with a Variance. The Applicant may need to
86 go before the ZBA for an interpretation of the Zoning Ordinance of whether or not the proposal is an
87 expansion of a non-conforming use which would require a Variance.

88

89 **Mr. Wilson moved and Ms. Pohl seconded the motion not to take jurisdiction of the Application**
90 **because the Application is incomplete for the following reasons: (1) there is no delineation of the**

91 **interior use of the building to determine the number of parking spaces required for the proposed use;**
92 **(2) there is no provision for a landscape buffer on the property and (3) there is no specific information**
93 **on how parking requirements are going to be met, including the loading and unloading of vehicles.**
94 **The vote passed in favor of the (4 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.**
95

96 Mr. Kroner explained to the Applicant that the Board determined the following:

- 97 1. Allocation of space per unit to determine parking spaces per use.
- 98 2. Address the required landscape buffer; may request a waiver to the requirement
- 99 3. An area for loading and unloading vehicles should be depicted on the plan
- 100 4. It is the Planning Board's opinion that it would be in the Applicant's interest to let the ZBA
- 101 determine whether it is a "grandfathered" use or if it is an expansion of a non-conforming use.

102 Mr. Wilson added that the plan needs to depict the 1,200 square feet of area dedicated to inside storage
103 devoted to vehicle use or the Applicant can request a waiver to that requirement.

104

105 Mr. Taylor asked for a list of things the Board requires of him. Mr. Kroner said that he will meet with
106 Ms. Chase to go over what the Board needs.

107

- 108 **2. 12:04 – E. Dean and Cora Stevens, Trustees Stevens Trust, 273 Atlantic Avenue, North**
109 **Hampton. Property location: 172-178 Lafayette Road, North Hampton; M/L 017-084-001.**
110 **Applicant/sub-lessor: Ray Davis Jr., 10 Walnut Avenue, North Hampton; Applicant's**
111 **representative/sub-lessee: Robin Foley, PO Box 1086, Seabrook, NH 03874.** The Applicant
112 requests approval to sub-let 1,000 square-feet of space to Robin Foley for the use of an antique
113 and collectible store and the remaining portion of the building to remain as a car dealership.
114 Property owner: E. Dean and Cora Stevens, Trustees, Stevens Trust; Power of Attorney: Gary
115 Stevens, 69 Lafayette Road, North Hampton, NH 03862; zoning district: I-B/R.

116

117 In attendance for this application:

118 Greg and Robin Foley, Applicants

119

120 Mr. Foley explained that they were previously conducting their business in Hampton Falls and was given
121 the opportunity to sub-let 1,000 square feet of space from Ray Davis who operates a car dealership at
122 172-178 Lafayette Road. He said that the Building Inspector told them that they would need four (4)
123 parking spaces for their retail business. He said that there are four (4) marked parking spaces in the
124 front designated for his proposed business.

125

126 The plan submitted to the Board depicted thirty (30) parking spaces. The Board determined that the
127 Antiques business would be required to have three (3) parking spaces.

128

129 Mr. Groth voiced concern over the amount of available parking. He said that the adjacent dealership
130 requires twenty-five (25) spaces for vehicles in addition to normal parking requirements for the uses on
131 the site.

132

133 Mr. Kroner commented that the Business is "up and ready to run". Mr. Foley said that they stopped
134 operating to await approval from the Planning Board.

135 Mr. Wilson said that the Owners did not request a waiver to the parking requirements for the three (3)
136 required parking spaces.

137

138 The Board determined that thirty-three (33) spaces would be required for the two uses on this particular
139 lot. The lot that is technically part of the site that is currently used as retail space (Rainbow Swing Sets)
140 has over thirteen (13) parking spaces.

141
142 The Board discussed the many changes to the site over the years and how different the original Site Plan
143 now looks; they discussed requiring an updated Site Plan from the Owners before further changes to the
144 site would be considered for approval by the Board. Mr. Groth suggested writing a letter to the Owners
145 regarding this issue.

146
147 **Mr. Wilson moved and Ms. Pohl seconded the motion to take jurisdiction of the application.**
148 **The vote was unanimous in favor of the motion (5-0).**

149
150 **Mr. Wilson moved and Ms. Pohl seconded the motion to approve the Change of Use Application, Case**
151 **#12:04 with the Condition that the Applicant submit a letter from the property owners, Dean and Cora**
152 **Stevens, that three (3) of the parking spaces on the northern part of the lot be dedication for the use**
153 **of the tenants of the building subject to this application, and the Planning Board determined that**
154 **thirty-three (33) parking spaces are required for these two (2) uses, where only thirty (30) are**
155 **delineated.**

156
157 The Board determined that there are thirteen (13) parking spaces on the Rainbow Swing Sets site, and
158 based on the size of the building they would be required to have no more than three (3) spaces, so they
159 would have extra parking spaces available for the dealership to use.

160
161 **The vote was in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.**

162
163 **Mr. Wilson moved and Ms. Pohl seconded the motion to authorize the Vice Chair to write a letter to**
164 **the Owners, Mr. and Mrs. Stevens, that there have been multiple changes to the property without an**
165 **accurate Site Plan and it is the opinion of this Board that it would be prudent to provide a Site Plan for**
166 **any future Change of Use of the property.**

167 **The vote was in favor of the motion (4 in favor, 0 opposed and 1 abstention). Mr. Kroner abstained.**

168
169 **3. 12:05 – Public Service Company of New Hampshire (PSNH), PO Box 330, Manchester, NH**
170 **03105. Property location: Lafayette Road, North Hampton; M/L 017-027-000 and 017-028-000.**
171 **Representative of PSNH: GZA GeoEnvironmental, Inc., 380 Harvey Road, Manchester, NH**
172 **03103. The Applicant submits a Conditional Use Permit Application under Article IV, Section**
173 **409.10 to allow the replacement of the existing PSNH Distribution Substation within the 100-**
174 **foot wetland buffer. Property owner: PSNH, PO Box 330, Manchester, NH 03801; zoning district:**
175 **I-B/R.**

176
177 In attendance for this application:
178 **Sherrie Trefrey, Soil Scientist, GZA Environmental**

179
180 Ms. Trefrey, representing PSNH, said that she met with the Conservation Commission with the proposed
181 plans and they suggested that if the Planning Board approves the proposal they should add a condition
182 of approval to require a pervious surface for the access road to the substation. Ms. Trefrey said that
183 they changed the plans in response to the comments from the Conservation Commission by reducing

184 the impervious surface from 4,613 square feet to 2,429 square feet. She submitted one new plan for
185 review.

186
187 Ms. Trefrey explained that PSNH is proposing to replace the existing substation with a new substation
188 that will update aging equipment and increase power to accommodate increased energy demand along
189 Lafayette Road. There will be a new pole configuration and be more visually appealing. She said that the
190 project is more conforming because the substation footprint will be farther away from the wetland
191 resource than the existing footprint. .

192
193 Mr. Kroner said that the transformer comes close to the Abutter's place of business. Ms. Trefrey said
194 that one has to be built before the other one can be taken down; it has to do with the alignment of the
195 poles.

196
197 Mr. Kroner said the first order of business is to see if the application is complete.

198
199 Mr. Groth said that the plan indicates that some of the structures are within the side setbacks and some
200 of the new equipment is closer to the wetlands; within ten (10) feet.

201
202 Ms. Trefrey said that the driveway is gravel. The original proposal would require greater than 3,000
203 square feet of impact to the wetland buffer for the replacement of the substation, since that has
204 changed with the new plan Mr. Wilson questioned whether the Applicant needed approval for a
205 Conditional Use Permit to Article IV, Section 409.10.

206
207 The Board discussed whether the equipment would be considered a "structure". It was in the opinion of
208 the Code Enforcement Officer that it was not.

209
210 Mr. Harned asked for the detail on the secondary oil container. Ms. Trefrey said that PSNH did not
211 provide them with that information. She said that the secondary containment is secondary to the
212 containment outside the unit; the outside unit is the primary unit.

213
214 Mr. Wilson commented that the Essential Services section of the Zoning Ordinances is strangely
215 contained within the definitions. Essential Services proposals are reviewed by the Planning Board.

216
217 Mr. Groth said that the Board can act on it because it is an existing service but it is also an installation of
218 a service as described under Essential Services.

219
220 **Mr. Wilson moved to approve the application with the understanding that it will have a gravel**
221 **driveway.**

222
223 Mr. Kroner suggested they act on taking jurisdiction.

224
225 **Ms. Pohl moved and Ms. Monaghan seconded the motion to take jurisdiction of the Application.**
226 **The vote was unanimous in favor of the motion (5-0).**

227
228 Mr. Kroner opened the Public Hearing at 7:57pm.

229

230 **Paul McInnis, Kenellie Realty LLC**, said that his business abuts the substation and that he is not against
231 the transformer being rebuilt, but asked why it couldn't be rebuilt in its current position.
232

233 Ms. Trefrey said that the construction has to be sequenced in a way to facilitate the construction to get
234 enough separation distance from the operating transformer and the new poles; there has to be enough
235 distance between the two substations. Mr. McInnis asked if a portable station could be used during
236 construction.
237

238 Mr. McInnis offered the following concerns he has and would like the Board to consider:
239

- 240 • The two new poles on Route 1 could pose an additional burden on drivers as they attempt to
241 leave the stop sign on Juniper Road onto Route 1; the new poles are larger than normal.
- 242 • The proposed new transformer and the overhead lines will be ten (10) feet from Mr. McInnis
243 side yard property line.
- 244 • One of the two new poles will be less than five (5) feet from his property line.
- 245 • In his opinion if the transformer were to be rebuilt where it currently exists it would have far
246 less disturbance on the wetlands setback.
- 247 • Having the transformer and overhead poles so close to his property could diminish his property
248 value.
- 249 • The plan doesn't show any type of visual and protective screening.

250

251 Mr. Kroner closed the Public Hearing at 8:05pm.
252

253 Mr. Groth said that the transformer pad and the poles are considered accessory structures by the
254 definitions and must meet the side yard setback.
255

256 Mr. Wilson said that if the Board determined that the poles and equipment were structures then they
257 have the authority to require a Site Plan.
258

259 Ms. Trefrey could not answer some of the technical questions. She was hired to address the wetlands
260 questions as a Soil Scientist.
261

262 Mr. Wilson suggested continuing the application to the April 3, 2012 meeting and asked that Ms. Trefrey
263 encourage PSNH to send someone to the next meeting that can answer the Board's engineering
264 questions. He said one question he has is what kind of noise the transformer produces.
265

266 Mr. Groth said that the application is a Conditional Use Permit application and that no longer needs to
267 be addressed so if it is a new application then it needs to be noticed differently. He said that Board
268 needs to determine if the proposed transformer structure and the proposed poles fall within the side
269 yard setbacks and would they be considered accessory structures if there is no primary structure.
270

271 Mr. Wilson said the question is whether they're structures at all.
272

273 Mr. Kroner said that it is appropriate to have a representative from PSNH to come to the next meeting
274 to discuss options available to them to accommodate the Abutter in this case.
275

276 Mr. Wilson said the Board needs to decide whether or not they need to apply for a Site Plan Review. He
277 also said that they may have to request a Variance from the 100-foot wetland buffer if the Board
278 determines the equipment is a structure. Mr. Groth said they would also need a Variance from the side
279 yard setback.

280
281 Ms. Trefrey said that when she talked to the Town she was told that the application fell under Essential
282 Services, which the Planning Board reviews. She understands the concerns from the Abutter, but
283 doesn't feel that it should change the process. She said that when she first submitted the application
284 they were over the 3,000 square feet of impact to the wetland buffer and that has changed.

285
286 Mr. Kroner said that the plan submitted to the Board was pretty close to what a Site Plan entails.

287
288 Mr. Wilson said that the Board could act on the plan submitted with some modifications or conditions if
289 a Representative of PSNH were present to answer the Board's concerns.

290
291 Mr. Groth suggested asking the Town's Attorney whether or not the poles and transformer are
292 considered structures and if they would need Variances.

293
294 Mr. Wilson said that Essential Services under the definition section seems to define a separate sort of
295 process; it states that the Planning Board must approve it before it can be installed, but does not state
296 that a site plan is required.

297
298 **Ms. Pohl moved and Mr. Harned seconded the motion to rescind taking jurisdiction of the application.**

299
300 Mr. Wilson said that he prefers to continue the Application to the April Meeting and ask the Applicant to
301 send a qualified representative to the meeting to answer the Board's technical engineering questions.
302 He said that if the Board finds that a Site Plan is required the Board has the authority to make judgments
303 on the application before them.

304
305 Mr. Kroner agrees with Mr. Wilson and said that the best course of action is to continue the application
306 and ask a representative to come to the Board to answer questions.

307
308 **The vote on the motion to rescind taking jurisdiction of the application was 0 in favor, and 5 opposed.**
309 **The motion failed.**

310
311 **Mr. Wilson moved and Ms. Monaghan seconded the motion to continue the application, Case #12:05**
312 **to the April 3, 2012 meeting and notify the Applicant that the Board has significant questions and**
313 **would like a qualified representative present to address them at that meeting.**

314
315 **Mr. Harned made a friendly amendment to include, after significant questions, "about it other than**
316 **just the wetlands impact". Mr. Wilson accepted the friendly amendment.**
317 **The vote was unanimous in favor of the motion (5-0).**

318
319 Mr. Wilson suggested that a copy of the definition of Essential Services be forwarded to PSNH so they
320 know the definition before the next meeting.

321
322 Ms. Trefrey asked if the Board was satisfied with the wetlands aspects of the plan.

323
324 Mr. Harned said he did not have an inherent problem with what is being proposed but is concerned with
325 the poles being so close to the property lines. He said that he believes that portable transformers can
326 be used and would like to talk to someone technical to answer his questions and to get a better
327 understanding of the proposed layout.

328
329 Mr. Kroner said that the issues will be forwarded to Ms. Trefrey.

330
331 Mr. Kroner recessed the meeting at 8:28pm.

332
333 Mr. Kroner reconvened the meeting at 8:40pm.

334
335 **III. Other Business**

336
337 **Public Hearing on proposed Zoning Amendments**

338 **Members present:** Shep Kroner, Vice Chair; Laurel Pohl, Tim Harned, and Phil Wilson, Select Board
339 Representative.

340
341 **Members absent:** Barbara Kohl, Chair; Joseph Arena and Mike Hornsby

342
343 **Alternates present:** Nancy Monaghan

344
345 **Others present:** Brian Groth, RPC Circuit Rider, Wendy Chase, Recording Secretary and Robert B. Field,
346 Jr., Chair, Zoning Board of Adjustment.

347
348 Mr. Kroner convened the Public Hearing at 8:45pm.

349
350 **1. "Enforcement" of Ordinance and Conditional Decisions. Amend Article VII, Section 704.3 and add**
351 **Article VII - Administration, a new Section 705 – "Enforcement".**

352
353 Mr. Field read the change to the Zoning Amendment that was made at the February 21, 2012 Planning
354 Board Work Session. The addition to Section 705.2 *which shall hold a Public Hearing to consider a new*
355 *request for relief, properly filed by an Applicant in connection with any such prior order.* Mr. Field
356 explained that it was a consensus of the Board that it should be the Zoning Board that makes any
357 changes to its orders; not a single individual. The Zoning Board will hold a Public Hearing to allow
358 comment on any proposed changes made to any order by the Zoning Board.

359
360 The Board received comments from the Town's Attorney, Matthew Serge regarding the proposed
361 Zoning Amendments. The Board read them during the meeting and they became public information.
362 Mr. Field was provided a copy of the Attorney's comments.

363
364 Attorney Serge recommended adding *pursuant to RSA 676:5* in Section 705.4 after Zoning Board of
365 Adjustment.

366

367 The Board agreed to accept that recommendation and determined that it was not a substantive change;
368 it is an editorial change.

369
370 Mr. Kroner closed the Public Hearing at 8:52pm.

371
372 **Ms. Pohl moved and Mr. Harned seconded the motion to move the proposed Zoning Ordinance**
373 **Amendment – “Enforcement” to the 2012 Town Warrant.**
374 **The vote was unanimous in favor of the motion (5-0).**

375
376 **2. Notice of Issuance Building Permits and Certificates of Occupancy. – add to Article VII, a new**
377 **Section 706 – Notice of Action – Notice of the issuance of Building Permit(s) and Certificate(s) of**
378 **Occupancy, shall be placed on record by the Building Inspector and published on the Town’s Website**
379 **at the time of issuance.**

380
381 Mr. Kroner opened the Public Hearing at 9:53pm.

382
383 Attorney Serge recommended a change to the sequence by moving iii to follow ii.

384
385 The Board agreed there were no substantive changes to the proposed amendment.

386
387 The Board agreed to add the “AND” before the ii and put the iii sequentially within the paragraph to
388 follow ii, and put everything in the “brackets” at the end of the paragraph and to add a period at the
389 end.

390
391 Mr. Kroner closed the Public Hearing at 9:01pm.

392
393 **Mr. Wilson moved and Mr. Harned seconded the motion to place Zoning Ordinance Amendment, –**
394 **Notice of Issuance of Building Permits and Certificates of Occupancy on the 2012 Warrant as**
395 **emended.**
396 **The vote was unanimous in favor of the motion (5-0).**

397
398 **3. Body/Bodies of Water – Wetlands – Minimum Lot Area. Add to Article III, Section 302 – Definitions,**
399 **the phrase “Body/Bodies of Water”. Add to Article IV, Section 411, commas in the first sentence**
400 **before and after “excluding bodies of water”.**

401
402 Mr. Kroner opened the Public Hearing at 9:02pm.

403
404 Mr. Field said that Mr. Buber was unable to attend the Public Hearing but asked that Mr. Field
405 communicate his comments/suggestions to the Board on the proposed Zoning Ordinance Amendments.
406 He said that Mr. Buber would like a restoration of language that was removed at the February 21, 2012
407 Work Session. He would like *perennial and seasonal streams, tidal waters, and marshes* to be added
408 back into the Amendment. He used RSA 485-A:2 XIV as a source to determine the definition of a “body
409 of water” and perennial and seasonal streams, tidal waters, and marshes are surface waters and should
410 be part of the definition.

411

412 Mr. Groth reviewed the definitions and the definition of surface waters includes “wetlands”. He said
413 that a “wetland” is a “wetland”, and it’s okay to define a “body of water” but if something is determined
414 to be a “wetland”, then it’s a “wetland” and not a “body of water”.

415
416 Mr. Field referred to the last sentence that states the definition is separate and distinct from the
417 definition of “Wetlands”.

418
419 Mr. Groth said that a “marsh” is a “wetland”.

420
421 Philip Thayer, Conservation Commission member, asked the Board to consider “vernal pools” when
422 addressing “body of water”. He commented on an issue the Board’s had last year, that marshes are
423 attached to “bodies of water”. He said that it’s possible to come from one end of a pond and go out
424 100-feet or 100-yards of vegetation; would the vegetated area be considered a “body of water” or a
425 “wetland”.

426
427 Mr. Groth said there are transitional areas.

428
429 Mr. Kroner said that there are plenty of places that stay submerged and support vegetation.

430
431 Mr. Harned said that that is the fundamental dilemma. He said the “body of water” transitions into a
432 “wetland” that then transitions into “upland”. He said he is worried about the transition from the “body
433 of water” into the “wetland” moving into the “body of water” and then that increased area can count
434 towards the lot size.

435
436 The Board agreed that a “vernal pool” is a “wetland”. They also decided that “wetlands” include
437 marshes and if marshes are included in the definition of “body of water” then it’s saying, by definition,
438 that it cannot be considered a “wetland”.

439
440 The Board and Mr. Field agreed not to include “marshes” in the definition of “body of water”.

441
442 The Board agreed to add perennial and seasonal streams, and tidal wetlands.

443
444 Mr. Groth said that basically “bodies of water” are surface waters that aren’t “wetlands”.

445
446 Mr. Wilson suggested adding that into the amendment as follows, *Surface Waters, defined by RSA 485-*
447 *A: 2 XIV that are not “Wetlands”*. He said that it makes it very clear that they are defining two mutually
448 exclusive steps.

449
450 They also agreed to add, after mean high water mark, *as determined by a Certified Wetland Scientist*.

451
452 The Board agreed that there were substantive changes to the proposed amendment and decided to take
453 the amended Zoning Amendment to a Second Public Hearing.

454
455 The quotation marks were removed from the beginning and end of the paragraph under Section 411.

456
457 Mr. Kroner closed the Public Hearing at 9:31pm.

458

459 **Mr. Harned moved and Mr. Wilson seconded the motion to take the proposed Zoning Amendment for**
460 **Body/Bodies of Water – Wetlands – Minimum Lot Area to a Second Public Hearing on March 20, 2012**
461 **as amended.**

462 **The vote was unanimous in favor of the motion (5-0).**

463

464 The Zoning Amendment with the changes made this evening is as follows:

465

466

467 Section 302 - “Definitions”

468

469 “Body/Bodies of Water”: Surface Waters, defined by RSA 485-A: 2 XIV that are not
470 “Wetlands”. The phrases “Body of Water” or “Bodies of Water” as used in this
471 Ordinance shall include, but are not limited to, perennial and seasonal streams, rivers,
472 brooks, lakes, ponds, tidal waters and water courses, natural or artificial. The extent of
473 the “Body of Water” or “Bodies of Water” shall be as measured by the mean high water
474 mark, as determined by a Certified Wetland Scientist not to include water features
475 otherwise defined as “Wetlands”. This definition is separate and distinct from the
476 definition of “Wetlands” found elsewhere in this Section and the two shall not be used
477 interchangeably nor shall they be deemed synonymous.”

478

479 Add:

480

481 Section 411 Wetlands – Minimum Lot Area:-

482

483 Wetlands, but not a “Body of Water” or “Bodies of Water”, may be used to satisfy
484 minimum lot area and setback requirements provided that, that portion which is wetland
485 does not exceed fifty (50) percent of the minimum required lot area and provided that the
486 remaining lot area is sufficient in size and configuration to adequately accommodate all
487 required utilities. *3/13/79. **(Balance of paragraph to remain unchanged.)**

488

489

490 **4. “Signs and Billboards”. Replace Article V, Section 506.6.G – Signs and Billboards with a new Section**
491 **506.6.G – “Size, Number and Dimensional Criteria of Signs in the R-1 and R-2 Zoning Districts”.**

492

493 Mr. Kroner opened the Public Hearing at 9:35pm.

494

495 Mr. Field went over the changes made to the proposed amendment at the February 21, 2012 meeting.

496

497 Mr. Wilson said that “Contractor’s signs” should not be allowed.

498

499 Mr. Field said that the ZBA’s argument is that there can be safety issues on a construction site and it can
500 be beneficial to have a sign with a name and phone number to call if there are any issues.

501

502 Mr. Kroner said the only concern he had was who was going to keep track of when the sign went up and
503 when it should be taken down.

504

505 Mr. Kroner closed the Public Hearing at 9:38pm.

506

507 **Ms. Monaghan moved and Mr. Harned seconded the motion to take the proposed Zoning**
508 **Amendment to the 2012 Town Warrant.**

509
510 Mr. Wilson said that he would relinquish his definition of a Contractor's sign as a "billboard" if the Board
511 agrees to amended the final paragraph to state *one sign per residence under construction or an*
512 *approved lot identifying the Contractor or Developer shall be permitted provided that such sign does not*
513 *exceed one square foot in size.* The sign should serve as information not as advertisement for the
514 Contractor.

515
516 **Mr. Wilson offered the following amendment to the Zoning Amendment, *one sign per residence under***
517 ***construction or renovation or per lot approved for development that identifies the Contractor of the***
518 ***Developer and provides a means of contact shall be required. Such sign shall not exceed 12" x 12" and***
519 ***shall be posted on the frontage of subject lots and shall remain until construction or renovation is***
520 ***completed or the lots are sold.***

521
522 Mr. Field asked about Realtor signs. Realtor signs are covered under the Sign Ordinance. He questioned
523 whether there would be a conflict.

524
525 **Mr. Harned moved and Ms. Pohl seconded the motion to take the proposed Zoning Amendment**
526 **"Signs and Billboards" to the Second Public Hearing on March 20, 2012 as amended.**
527 **The vote was unanimous in favor of the motion (5-0).**

528
529 The Zoning Amendment with the changes made this evening is as follows:

530
531 Replace: "Section 506.6 (G) "Signs and Billboards"
532
533 "G. Size, Number and Dimensional Criteria of Signs in the R-1 and R-2 Zoning
534 Districts.
535
536 No more than one sign shall be allowed for any business located in the R-1 or R-2
537 Zoning Districts.

538
539 The dimensional criteria for signs placed or erected on business properties in the
540 R-1 or R-2 Zoning District, including but not limited to, ground signs, monument
541 signs, pole signs, pylon signs, wall signs, sandwich-board signs, etc., shall be the
542 same as those specified within Section 506 of this Ordinance with the exception
543 that, under no circumstances, shall any sign exceed four (4) square feet per face,
544 not to exceed two (2) faces (total surface area shall not exceed eight (8) square
545 feet). Advertising shall be allowed on each side of such sign, if so desired by the
546 business. Internally or externally lighted signs, whether illuminated directly or
547 indirectly, are prohibited in the R-1 and R-2 Zoning Districts.

548
549 One (1) sign per residence under construction or renovation or per lot approved
550 for development that identifies the Contractor or Developer and provides a means
551 of contact shall be required. Such sign shall not exceed 12" x 12" and shall be

552 posted on the frontage of subject lots and shall remain until construction or
553 renovation is completed or the lots are sold.

554

555

556 The Board signed the Mylar for 44 Woodland Road (2-lot subdivision) and the Vice Chair signed a
557 Voluntary Lot Merger for Willow Ave and Chapel M/L 005-027 and 001-136.

558

559 The meeting adjourned at 10:00pm without objection.

560

561 Respectfully submitted,

562

563 Wendy V. Chase

564 Recording Secretary

565

566 **Approved March 20, 2012**

567