



Meeting Minutes
North Hampton Planning Board
Tuesday, September 6, 2016 at 6:30pm
Town Hall, 231 Atlantic Avenue

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8
9 These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a
10 transcription.
11

12 **In attendance:** Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Dan Derby, Terry
13 Belluche, and Jim Maggione, Select Board Representative; Jennifer Rowden, RPC Circuit Rider; and Rick
14 Milner, Recording Secretary.
15

16 Chair Harned called the meeting to order at 6:35 pm.

17 **I. Old Business**

- 18 **1. Case #16:09 – Applicant, Hampton TCB, LLC, 953 Islington Street Suite 23D, Portsmouth, NH**
19 **03801.** The Applicant requests a site plan review to amend previous site plan approvals by
20 constructing a 3,500 square foot building for restaurant and offices and a 10,500 square foot
21 hangar with associated pavement improvements at Hampton Airfield. The Applicant also
22 requests a Conditional Use Permit to allow construction of buildings and other site
23 improvements within the Aquifer Protection District. Property Owner: Hampton TCB, LLC, 953
24 Islington Street Suite 23D, Portsmouth, NH 03801; Property Location: Hampton Airfield, Cedar
25 Road and Lafayette Road, North Hampton, NH 03862; M/L: 003-061-000; Zoning District: I-B/R,
26 Industrial – Business/Residential District.
27

28 In attendance for this application:

29 Todd Baker, applicant; Peter Saari, attorney for the applicant; Dennis Quintal, engineer for the applicant.
30

31 Mr. Saari addressed the Board. Mr. Saari stated that the applicant has created a definition for a hangar.
32 The applicant's proposed definition with associated notes is included on sheet one of the plan. The
33 applicant's proposed language includes the applicant's request that sanitary facilities be allowed within
34 the hangars.
35

36 Mr. Quintal addressed the Board. Mr. Quintal presented the Town Engineer's project review letter dated
37 August 30, 2016 to the Board and discussed several points raised in the letter. Mr. Quintal noted the
38 Town Engineer's continuing concern regarding the encroachment of the parking area and its access
39 upon property owned by the railroad company. The applicant still believes that the parking area is
40 allowed by prescriptive easement. However, the applicant has an alternative plan if the railroad
41 company requires that the parking area be moved off of its property. Landscaping around the restaurant
42 building has been shown. No other landscaping improvements are proposed. The septic system
43 associated with the new proposed restaurant has been approved by the State of NH. The following
44 items are outstanding and could be listed as conditions of approval:

- 45 a. Town of Hampton, NH approval
46 b. Amended Alteration of Terrain permit
47 c. On-going compliance with Long Term Pollution Prevention Inspection and Maintenance Manual

48 Mr. Wilson suggested that it is in the best interests of the Town that an acceptable remedy for the
49 parking encroachment issue is on file prior to approving the current plan.

50

51 Mr. Quintal presented a copy of the alternative plan for the parking and access area if the applicant was
52 required to cease its encroachment on the railroad property.

53

54 Mr. Harned suggested that the alternative plan for the encroachment area be added to the plan set with
55 notes indicating that the change must take place if the property owner of the current railroad bed
56 property requires the removal of the improvements and that the encroachment cease.

57

58 Ms. Rowden stated that the current septic system shared by four hangars on the east side of the airfield
59 may only have a capacity to handle a half bath in each hangar. Ms. Rowden's proposed language for the
60 definition of hangar use, while differing from the applicant's version, does take into account septic
61 requirements. If any proposed use for the hangars does not meet any federal, state, or local regulations
62 associated with the current septic system, then an amended site plan will be required to approve the
63 proposed use.

64

65 Ms. Monaghan asked for clarification regarding what type of uses did the proposed definition of hangar
66 and hangar use allow in the hangars.

67

68 Ms. Rowden stated that the following uses may be allowed:

69

a. storage of aircraft is the primary use

70

b. storage of aeronautical equipment and dry storage of other items that are incidental to and do
not interfere with the primary purpose of storing aircraft

71

72 c. small office space and half bathroom that are incidental to and do not interfere with the primary
73 purpose of storing aircraft (a larger bath with shower may be allowed if the current shared
74 septic system can handle the increased load)

75

76 Ms. Monaghan asked for clarification regarding the airfield rules and regulations noted on the site plan.

77

78 Mr. Baker explained that the rules and regulations are documented and users of the facilities sign a
79 lease acknowledging that the primary use of the airfield and its facilities is for the safe use of aircraft. If
80 an activity is interfering with the primary purpose of the safe use of aircraft, then it is stopped.

81

82 Mr. Wilson suggested that in addition to its own airfield rules that the applicant add an inspection
83 process to its best management practices manual which would ensure that the Town's aquifer
84 regulations are also followed and pollution of the aquifer is prevented rather than discovered after the
85 fact.

86

87 Ms. Monaghan suggested that annual inspections of the hangars be a condition of approval for the
88 amended site plan application.

89

90 Ms. Rowden stated that submittal of an inspection report to the Town on an annual basis could be a
91 condition of approval.

92

93 Mr. Wilson suggested that the condition of approval be that the property owner submits verification to
94 the Town on an annual basis that all facilities on the airfield site are operating in full compliance with the

95 Town ordinances and regulations, especially those regulations pertaining to the Aquifer Protection
96 District.

97

98 Mr. Harned asked if the language of the hangar definition and use notes could be construed to allow
99 non-aeronautical uses in a hangar 100% of the time.

100

101 Mr. Baker answered that the definition of hangar uses states that storage of aircraft is the primary use
102 for a hangar. Anything that interferes with this primary use is not allowed.

103

104 Mr. Maggiore arrived at 7:21 pm. Mr. Harned opened the public hearing at 7:22 pm. No comments were
105 made. Mr. Harned closed the public hearing at 7:23 pm.

106

107 Ms. Monaghan stated that it has been agreed by the Board and the applicant that no sleeping spaces are
108 allowed in the hangars. She asked if the space above the restaurant or other office space would have
109 sleeping areas.

110

111 Mr. Baker stated that the areas are intended for offices only. However, pilots may on occasion rest for a
112 couple of hours in a lounge area.

113

114 Ms. Monaghan stated that overnight stays are considered a residential use which is not allowed in any
115 spaces.

116

117 Mr. Baker stated that he understands that overnight stays are not allowed.

118

119 Mr. Harned presented the conditional use permit application to the Board.

120

121 **Mr. Derby moved that the Planning Board grant the Conditional Use Permit to allow construction of**
122 **buildings and other improvements within the Aquifer Protection District associated with the amended**
123 **site plan application for the Hampton Airfield site. Second by Mr. Wilson. The vote was unanimous in**
124 **favor of the motion (6-0).**

125

126 Mr. Harned presented the amended site plan application to the Board.

127

128 **Mr. Wilson moved that the Planning Board approve the Site Plan Review application for Case #16-09**
129 **to amend previous site plan approvals by constructing a 3,500 square foot building for restaurant and**
130 **offices and a 10,500 square foot hangar with associated pavement improvements at Hampton Airfield**
131 **subject to the following conditions:**

132 **1. Applicant shall submit evidence of receipt of Town of Hampton, NH approval.**

133 **2. Hampton Airfield Hangar Definition and Use notes fifth bullet shall be broken into two separate**
134 **bullets and changed to state the following:**

135 **• “Storing legal, non-aeronautical items that do not interfere with the primary aeronautical purpose**
136 **of the hangar.**

137 **• Non-aeronautical operations and activities that are incidental and subordinate to the primary**
138 **hangar use, provided no additional parking is required and all local, state, and federal regulations are**
139 **met.”**

- 140 **3. Applicant complies with plans and requirements contained within the “Long-Term Pollution**
141 **Prevention Inspection and Maintenance Manual” noted in Town Engineer letter dated August 30,**
142 **2016.**
- 143 **4. Notes shall be added to the detail sheets of the plan indicating a contingency plan for relocation of**
144 **parking and access areas encroaching upon Lot 999-011-000 in case the owner of Lot 999-011-000**
145 **requires the removal of the improvements or activities within the encroachment area.**
- 146 **5. If in the event that the property owner of Lot 999-011-000 requires the removal of the**
147 **encroachment area on Lot 999-011-000, then the contingency plan as noted on the detail sheets shall**
148 **be executed.**
- 149 **6. The owner of the Hampton Airfield property shall submit to the Town of North Hampton on annual**
150 **basis verification that all facilities on the airfield site are operating in full compliance with the Town of**
151 **North Hampton ordinances and regulations, especially ordinances and regulations pertaining to the**
152 **Aquifer Protection District.**
- 153 **7. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of**
154 **all licensed professionals whose names appear on the plan. All conditions of approval shall be listed**
155 **on the Mylar pursuant to NH RSA 676:3.III.**
- 156 **8. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land**
157 **Surveyor, certifying that all monuments depicted on the plan have been properly set.**
- 158 **9. Applicant shall submit evidence of receipt of all required federal, state, and local permits including,**
159 **but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their**
160 **numbers, as appropriate, on the recorded page of the plan.**
- 161 **10. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the**
162 **amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment**
163 **Program (LCHIP).**
- 164 **11. All fees incurred by the Planning Board including, but not limited to, consulting, engineering and**
165 **legal fees, have been paid by the applicant.**
- 166 **12. There shall be no changes to the approved site plan on the recordable mylar except to meet these**
167 **conditions of approval.**

168 **Second by Mr. Derby.**

169 Discussion of the motion – Mr. Harned stated that the notes added to the plan regarding the
170 encroachment area should state that the applicant recognizes that the Hampton Airfield encroachment
171 onto the railroad company property in no way grants any property rights for the railroad property to the
172 property owner of the airfield site.

173 The Board came to a consensus without objection that a performance guarantee was not necessary for
174 this application.

175 **The vote was unanimous in favor of the motion (6-0).**

176

177 **II. New Business**

- 178 **1. Case #16:11 – Applicant, Logic Enterprises, LLC, 108 Lafayette Road, North Hampton, NH**
179 **03862.** The Applicant requests a site plan review to allow a vehicle dealership on property. The
180 Applicant also requests a waiver from Site Plan Regulations Section VIII.B.20 – Stormwater
181 Drainage Control Plan. Property Owner: Logic Enterprises, LLC, 108 Lafayette Road, North
182 Hampton, NH 03862; Property Location: 108 Lafayette Road, North Hampton, NH 03862;
183 M/L: 013-028-000; Zoning District: I-B/R, Industrial – Business/Residential District.

184

185 In attendance for this application:

186 Dmitry Bykhovsky, applicant; Joe Coronati, engineer for the applicant.

187 Mr. Coronati addressed the Board. Mr. Coronati stated that the applicant intends to sell high end
188 vehicles on the property and use the property in a manner similar to the car dealership previously
189 located on the property. All aspects needed for operation of the dealership already exist on the site. The
190 only change to the current site for the proposed use in the site plan application would be to remove the
191 existing chain link fence. Proposed hours of operation are 8 am to 8 pm, 7 days a week. 30 car spaces
192 are shown on the plan.

193
194 Mr. Coronati explained that the current site plan was a temporary measure to allow the applicant to
195 begin business activities while the applicant was preparing a more extensive plan to remove the existing
196 building on the site and construct a new facility. The applicant intends to submit another site plan
197 application for a new facility in the future.

198
199 Mr. Harned noted that the 30 spaces indicated on the plan do not satisfy the site plan regulation
200 requirements for 25 display spaces and 19 parking spaces. Also, there are no notes to indicate which
201 spaces are for display and which spaces are for parking.

202
203 Mr. Coronati responded that there is additional space both on the site and within the existing building
204 for more display spaces.

205
206 Mr. Harned suggested that the plan be amended to represent the required number of display and
207 parking spaces and indicate which spaces are for display use and which spaces are for parking use.

208
209 Mr. Harned presented the applicant's waiver request to the Board.

210
211 Ms. Rowden stated that the request was reasonable since there were no proposed changes to the site
212 that would increase storm water run-off.

213
214 Mr. Harned opened the public hearing at 8:10 am. No comments were made. Mr. Harned closed the
215 public hearing at 8:11 pm.

216
217 **Mr. Maggiore moved that the Planning Board grant a waiver from Site Plan Regulations Section**
218 **VIII.B.20 – Stormwater Drainage Control Plan. Second by Mr. Wilson. The vote was unanimous in favor**
219 **of the motion (6-0).**

220
221 Mr. Harned asked the Board to consider whether a complete application has been submitted.
222 Ms. Rowden stated that, in her opinion, the application was complete.

223
224 **Mr. Wilson moved that the Planning Board take jurisdiction of the site plan application to allow a**
225 **vehicle dealership at 108 Lafayette Road property. Second by Ms. Monaghan. The vote was**
226 **unanimous in favor of the motion (6-0).**

227
228 Mr. Harned open the public hearing at 8:12 pm. Mr. Bykhovsky addressed the Board. Mr. Bykhovsky
229 presented pictures to the Board of his current business operations in Massachusetts to illustrate the
230 future facilities being contemplated for the 108 Lafayette Road site. Mr. Harned closed the public
231 hearing at 8:15 pm.

232

233 Mr. Wilson moved that the Planning Board approve the Site Plan Review application for Case #16-11
234 to allow a vehicle dealership on property at 108 Lafayette Road subject to the following conditions:
235 1. Parking spaces and display car areas shall be clearly indicated on the recorded page of the plan.
236 2. Applicant shall submit a recordable Mylar of the approved plan with signatures and seals affixed of
237 all licensed professionals whose names appear on the plan. All conditions of approval shall be listed
238 on the Mylar pursuant to NH RSA 676:3.III.
239 3. Applicant shall submit a Certificate of Monumentation, stamped and signed by a NH Licensed Land
240 Surveyor, certifying that all monuments depicted on the plan have been properly set.
241 4. Applicant shall submit evidence of receipt of all required federal, state, and local permits including,
242 but not limited to, NHDOT driveway and NHDES subsurface system approvals and shall note their
243 numbers, as appropriate, on the recorded page of the plan.
244 5. Applicant shall submit a check made payable to the Rockingham County Registry of Deeds in the
245 amount of \$25.00 for mandatory state fee to fund the Land and Community Heritage Investment
246 Program (LCHIP).
247 6. All fees incurred by the Planning Board including, but not limited to, consulting, engineering and
248 legal fees, have been paid by the applicant.
249 7. There shall be no changes to the approved site plan on the recordable mylar except to meet these
250 conditions of approval.
251 Second by Mr. Derby. The vote was 5-1 in favor of the motion with Ms. Monaghan opposed.

252
253 2. Case #16:12 – Applicant, J & S Greystone Village, LLC, 223 Lafayette Road, North Hampton, NH
254 03862. The Applicant requests a site plan review to amend previous site plan approvals by
255 creating seven (7) additional manufactured housing units with associated roadway construction.
256 The Applicant also requests Conditional Use Permits to allow fill in excess of 3,000 square feet of
257 surface area for the construction of roads and other site improvements within the Wetlands
258 Conservation District and/or its buffer area and to allow the erection of a new structure within
259 the Wetlands Conservation District and/or its buffer area. The Applicant also requests the
260 following waivers from the Town of North Hampton Regulations:
261 a. Subdivision Regulations Section XII.D – Manufactured Home Parks space requirements
262 b. Subdivision Regulations Section XII.O – Manufactured Home Parks minimum lot size for
263 on-site septic system
264 c. Site Plan Regulations Section IV.E.2.f – Lighting plan
265 Property Owner: J & S Greystone Village, LLC, 223 Lafayette Road, North Hampton, NH 03862;
266 Property Location: 223 Lafayette Road, North Hampton, NH 03862; M/L: 021-001-000; Zoning
267 District: R-1, High Density District and I-B/R, Industrial – Business/Residential District.

268
269 In attendance for this application:

270 John Chagnon, engineer for the applicant; Joe Mulledy, engineer for the applicant.

271

272 Mr. Chagnon addressed the Board. Mr. Chagnon presented a plan detailing expansion of the 60 unit
273 Greystone Village manufactured home park with seven additional manufactured home units and
274 roadway construction to access the housing units. The proposed roadway will connect Greystone Village
275 with the adjacent manufactured home park also owned by the applicant.

276

277 Mr. Chagnon noted comments in the Town Engineer and Circuit Rider Planner review letters indicating
278 issues with the application meeting certain thresholds required by zoning ordinance language regarding
279 obtaining a conditional use permit for filling and construction within the Wetlands Conservation District.

280 He suggested that the Planning Board conduct a site walk to aid the Board with its consideration of the
281 wetlands issue. In his opinion, the wetlands will be replicated and the functions of the wetlands will
282 improve as a result of the proposed plan.
283

284 Mr. Wilson presented the conservation easement document associated with the Greystone Village
285 property. Mr. Wilson stated that the large drainage structure proposed by the applicant is not consistent
286 with the easement language. As shown on the plan, the purpose of the proposed drainage structure is
287 to provide appropriate drainage for the proposed expansion project, not to redirect the flow of drainage
288 from abutting properties as allowed by the language of the easement. Also, in his opinion, the large size
289 of the proposed drainage structure and the proposed filling of 47,000 square feet of wetlands are
290 detrimental to the scenic, agricultural, recreational, and wildlife habitat protection purposes detailed in
291 the easement document. Before the Planning Board acts, the Board must defer to the Conservation
292 Commission to determine that the proposed plan meets the requirements of the easement document.
293

294 Ms. Rowden stated her opinion that upholding the terms of the conservation easement are outside of
295 the Planning Board's jurisdiction.
296

297 Mr. Maggiore stated that he agrees with Mr. Wilson. The Planning Board and the applicant may spend a
298 lot of time and do a lot of work on a plan that may be revised or denied by another group. The
299 Conservation Commission should consider the proposed plan prior to the Planning Board considering
300 the application. An independent legal opinion may also be necessary.
301

302 Ms. Rowden stated that the application is not complete due to issues stated in the Town Engineer's
303 review letter, such as lack of necessary information to evaluate the ability to place individual septic
304 systems on the lots for the proposed housing units. There are also waiver requests that need to be
305 addressed.
306

307 Mr. Harned presented the waiver requests to the Board.
308

309 Ms. Monaghan questioned whether the Board should consider the waiver requests due to several
310 interconnected issues noted in the professional review letters and by Board members which require
311 more information being submitted to the Board. She stated that the existing conditions on the property
312 are very different than the site conditions at the time of the original plan approval. There are more
313 wetlands now. There is a larger impact on the environment presented by the current proposed plan.
314

315 Mr. Harned asked if the Board should consider any of the waiver requests.
316

317 Mr. Wilson suggested that the Board not consider the application in any way. The applicant is modifying
318 a previously approved site plan. In his opinion, the conditions of approval of the previously approved
319 site plan, specifically as they relate to the conservation easement, do not allow the applicant to modify
320 the site as proposed.
321

322 Mr. Derby stated that it is difficult for the Planning Board to take jurisdiction of the application without
323 knowing the opinion of the Conservation Commission.
324

325 Mr. Wilson noted that the application lacks a significant amount of necessary information pertaining to
326 the conditional use permit to fill 47,000 square feet of surface area within the Wetlands Conservation
327 District.

328

329 **Mr. Wilson moved that the Planning Board deny as incomplete the site plan review application for**
330 **Case #16:12 to amend previous site plan approvals by creating seven (7) additional manufactured**
331 **housing units with associated roadway construction within the Greystone Village site located at 223**
332 **Lafayette Road. Second by Mr. Maggiore. The vote was unanimous in favor of the motion (6-0).**

333

334 **3. Case #16:13 – Applicant, Terrence Belluche, P.O. Box 168, North Hampton, NH 03862.** The
335 Applicant requests a preliminary consultation to discuss potential subdivision of property
336 located at 66 South Road. Property Owner: Terrence and Glenda Belluche; Property Location: 66
337 South Road, North Hampton, NH; M/L: 008-145-000; Zoning District: R-1, High Density District.

338

339 In attendance for this application:

340 Terrence Belluche, applicant.

341 Mr. Belluche recused himself from the Board.

342

343 Mr. Belluche addressed the Board. Mr. Belluche stated that he was considering subdividing his property
344 for the intention of separating an existing home and an existing detached barn with proposed residential
345 space onto their own lots in order to conform to the town's zoning ordinance.

346

347 Ms. Rowden stated that a subdivision may be possible per the regulations in the zoning ordinance
348 allowing a back lot. Also, the barn would become a primary structure on its own lot and need to meet
349 the increased setback requirements for a primary structure as opposed to an accessory structure. If
350 zoning requirements could not be met, approval of a variance would be necessary.

351

352 Mr. Harned stated that, according to the recorded plan for the property presented by Mr. Belluche, the
353 existing amount of non-wetlands area on the property is approximately one acre. If the property were
354 subdivided into two lots, the zoning ordinance requiring one acre of contiguous non-wetland area on
355 each lot for a dwelling could not be met. The wetlands and non-wetlands areas should be delineated by
356 a certified wetlands scientist.

357

358 Ms. Monaghan asked if the zoning ordinance setback requirements between the two buildings could be
359 met if the property was subdivided.

360

361 Mr. Belluche responded that the distance between the two buildings is approximately 45 feet. A
362 variance from the setback requirements may be needed.

363

364 Mr. Wilson stated that, since a new lot of record would be created with a new record date, the 100 foot
365 wetlands setback requirement may apply. The current 50 foot setback indicated on the plan presented
366 by Mr. Belluche and previously allowed may no longer apply after the lot is subdivided.

367

368 Mr. Belluche returned to the Board.

369

370

371

372 **III. Other Business**

373 1. Review of 2017 sign ordinance zoning amendment proposal.

374 Ms. Monaghan presented revisions to the proposed sign ordinance to be included on the 2017 Town
375 Warrant. The revisions made by the sign committee were the result of comments from Town Counsel
376 and input from the Circuit Rider Planner. Revisions attached as Appendix A to these minutes.

377

378 **Ms. Monaghan moved that the Planning Board approve the version of the sign ordinance revisions**
379 **based on Town Counsel's review presented at the September 6, 2016 meeting as the version to be**
380 **considered for inclusion on the 2017 Town Warrant at the September 20, 2016 public hearing. Second**
381 **by Mr. Wilson. The vote was 5-1 in favor of the motion with Mr. Belluche opposed.**

382

383 2. Minutes.

384 Mr. Harned presented the minutes of the August 16, 2016 Planning Board meeting.

385 Mr. Derby requested that the minutes be corrected to indicate the following regarding revisions to the
386 definitions section:

387 a. In line 70, change "proposed" to "initial",

388 b. In line 71, add "and work done by other Planning Board committees" to the end of the
389 sentence.

390 **Mr. Wilson moved that the Planning Board accept the minutes of the August 16, 2016 Planning Board**
391 **meeting as amended. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (6-0).**

392

393 The meeting was adjourned at 10:00 pm without objection.

394 Respectfully submitted,

395

396

397

398 Rick Milner

399 Recording Secretary

1 **Section 506 Signs**
2

3 **506.1 Purpose:** Signs perform important functions essential for public safety and general
4 welfare, including communicating messages, providing information about goods and
5 services, and orienting and directing people. Because of potential detrimental impacts, the
6 time, place and manner of signage must be regulated to:

- 7 a. Prevent hazards to vehicular and pedestrian traffic,
8 b. Enhance the visual quality and aesthetics of the Route 1 corridor as stated in the
9 first principle in the Vision Statement of the town's Master Plan, which was developed
10 from the results of multiple resident surveys;
11 c. Protect and enhance the historic, scenic character of the Town of North Hampton
12 as stated in the town's Master Plan,
13 d. Provide easy recognition and legibility of permitted signs and uses and promote
14 visual order and clarity on streets, and
15 e. Protect property values and private/public investments in property and support
16 businesses with effective, efficient opportunities for communication by reducing
17 competing demands for visual attention.
18

19 **506.2 Definitions**

20 **a. Sign.** An object, including a structure, movable object, wall or image displaying
21 any message visible to the public. *(Remove the following sentence: Notices legally*
22 *placed on public property and removed on a daily basis are not considered Signs.)*
23 Letters individually painted on or attached to a face of a building that identify only the
24 address of the occupant are not considered a Sign.

25 **b. Abandoned Sign.** Any Sign that:

- 26 1. Does not display a well-maintained message for 120 consecutive days,
27 2. The owner of which cannot be located after reasonable efforts are made,
28 3. No longer is fully supported for 120 consecutive days by the structure
29 designed to support the sign, or
30 4. No longer advertises a bona fide business.

31 **c. Conditional Use.** A use that, because of special needs or characteristics, may be
32 allowed only after the Planning Board reviews and approves an application for a
33 Conditional Use permit for that sign.

34 **d. Electronic Message Board.** A Sign with a display/message composed of a series
35 of lights that may be changed through electronic means.

36 **e. Feather Flag.** A lightweight portable Sign *that resembles a sail or a feather,*
37 *mounted on a single pole.*

38 **f. Ground Sign.** A Sign supported by one or more uprights, poles, pylons or
39 foundation elements in or upon the ground and not attached to a building.

40 **g. Inflatable Advertising Device.** An air- or helium-filled structure intended to
41 draw attention to a particular business.

42 **h. Internally Lit Sign.** Any sign illuminated from within.

43 **i. Materially Altered.** Any change in structure, location, lighting, dimensions,
44 shape, proportions or construction materials for the supporting structure.

45 **j. Monument Sign.** A freestanding Sign supported primarily by an internal
46 structure or integrated into landscaping or other solid structural features other than
47 supporting poles.

48 **k. Movable Sign.** Any Sign (1) on any vehicle or object that moves on wheels or
49 any other device or (2) that can be moved by picking it up and carrying it to another
50 location.

51 **l. Pole or Pylon Sign.** A type of Ground Sign that is supported by or suspended
52 from free-standing column(s). Such Signs shall meet all standards for Ground Signs.

53 **m. Sandwich Board Sign.** An A-frame style Sign, temporary and portable, having
54 two sides and no more than six square feet in total surface area per side.

55 **n. Temporary Sign.** Any Sign not permanently affixed to the ground or a structure.
56 If the Sign display area is permanent but the message displayed is subject to periodic
57 manual changes, that Sign shall not be regarded as a Temporary Sign.

58 **o. Wall Sign.** A Sign attached to, painted upon, placed against, or supported by the
59 exterior surface of any building.

60 **p. Window Sign.** A Sign affixed to the interior or exterior of a window or placed
61 immediately behind a windowpane so as to attract attention from outside the building.
62

63 **506.3 General Provisions:** Signs shall be permitted as designated below or in other
64 portions of the ordinance but all Signs shall be subject to the following regulations:

65 a. No Sign shall be placed in a manner that will endanger traffic by obscuring
66 sightlines, by confusion with safety and directional signs, by glare, or in the state or town
67 right of way.

68 b. No Sign with flashing electric lights or movement shall be permitted.

69 c. Illuminated Signs shall be lit by steady, white light through the use of full cutoff
70 fixtures and top-down lighting that complies with the International Dark Sky
71 Association's dark sky standard.

72 d. No Internally Lit Sign shall be permitted in any district. Signs shall not be
73 illuminated from within. Signs may be illuminated only by external light pursuant to
74 Section 506.3.c above.

75 e. Unless used to identify public safety facilities, illuminated Signs shall be turned
76 off when the business or facility is closed.

77 f. No Sign using an electronic message board shall be permitted.

78 g. No Sign that does not comply with Section 515 Outdoor Lighting, which, among
79 other things, requires compliance with the International Dark Sky Association's dark sky
80 standard, shall be permitted. .

81 h. No excessively bright, distracting colors that could be safety hazards shall be
82 permitted.

83 i. Businesses shall be permitted to post Signs only on the lot upon which they
84 operate.

85 j. Feather Flags of any design *are not permitted. American flags and other official*
86 *flags are permitted, but a Feather Flag in the design of any such flag or in an array of*
87 *any such flags, shall not be permitted.*

88 k. Movable Signs such as those on wheels or vehicles shall not be permitted. Signs
89 on a vehicle or trailer located for the purpose of advertising the business on site shall not
90 be permitted. The only Movable Signs permitted are those in Section 506.5(c).

91 l. Signs erected, constructed or maintained upon or which project above the roofline
92 shall not be permitted.

93 m. Inflatable Advertising Devices of any kind shall not be permitted. Individual
94 balloons or a group of balloons are allowed if when inflated they have a dimension no
95 greater than two feet collectively and are placed at a height no greater than 12 feet above
96 ground level so long as said balloons do not become a safety hazard by obstructing the
97 view of motorists. Such balloons may not be displayed longer than seven days.

98 n. All Signs authorized and/or regulated by federal, state or local law shall be
99 exempt from this ordinance.

100 o. Warning Signs and traffic control Signs intended to protect the public health and
101 safety are exempt from this ordinance so long as the number and placement are
102 reasonable.

103 p. No trespassing Signs may be posted pursuant to RSA 635:4 and shall not exceed
104 144 square inches in size.

105 q. A Sign designed to display the address of the parcel is not considered a Sign
106 within the definition in this ordinance.

107 r. Mixed-use lots shall be entitled to signage based on the zone in which the
108 conforming frontage lies.

109 s. Lots that cross zoning districts shall be entitled to signage applicable to each
110 district in which conforming street frontage lies, and these lots shall be restricted to
111 residential use signage only on conforming residential frontage and to commercial
112 signage only on conforming commercial frontage.

114 **506.4 Permits Required**

115 All permanent Signs regulated by this ordinance, *whether on residential or commercial*
116 *lots*, shall require a Sign permit issued by the Code Enforcement Officer. Applications for
117 a permit are available at the Town Offices, 233 Atlantic Avenue, Second Floor. The Code
118 Enforcement Officer shall promptly process the permit application and approve or reject
119 it and notify the applicant of the approval or the deficiencies in the application. Any
120 application that complies with all provisions of this ordinance shall be approved.

122 **506.5 Residential Lots in All Districts:** Each parcel shall be entitled to one permanent
123 Sign not to exceed four square feet to be (1) placed on the front of any building or
124 structure, (2) attached to a post not to exceed four feet in height, or (3) placed on the
125 ground. *No permit is required for temporary signs on residential lots.*

127 **506.6 Commercial Lots in the Industrial-Business/Residential (“I-B/R”) District:**

128 Each business shall be entitled to:

129 a. **One Wall Sign** per storefront not to exceed 24 square feet,

130 b. **Window signage** not to exceed 50% of total window area in aggregate.

131 c. **Two Movable Signs:** One sandwich board, not to exceed six square feet, and/or
132 one flag (except a Feather Flag, which is not permitted), not to exceed nine square feet.
133 Movable Signs must be taken in when the business is closed.

134 d. **One Temporary Sign**, for example, a banner, not to exceed 30 square feet, to be
135 displayed for a maximum of 30 days. These Signs are limited to one per year.

136 e. **One additional Temporary Sign** not to exceed six square feet (or two
137 additional temporary signs not to exceed three square feet each) is allowed for any
138 property that is for sale or rent or under construction. These signs are permitted for 180
139 days.

140 f. **One Ground Sign** per lot which may be either:

141 i. A Pole or a Pylon Sign, not to exceed 32 square feet, which shall be no greater
142 than 12 feet nor less than six feet in height as measured from the top of the Sign, or

143 ii. A Monument Sign, not to exceed 60 square feet, which shall be no greater
144 than 10 feet in height as measured from the top of the Sign, including the base, and shall
145 be located at least 10 feet back from the property line. The maximum Sign size of 60
146 square feet does not include the structural support. The structural support may not be
147 larger than 50% of the Sign. The width of the Sign shall not be greater than the width of
148 the base. The base shall be on the ground, and the top of the base shall be no more than
149 12 inches above the adjacent grade.

150 iii. If the commercial lot is a multitenant facility, it shall be entitled to only one
151 multitenant Sign (as defined in (i) and (ii) above) for the entire parcel. This Sign shall be
152 either a Pole or a Pylon Sign not to exceed 32 square feet, or a Monument Sign, not to
153 exceed 60 square feet, for a listing of all the businesses on that lot.

154
155 **506.7 Businesses outside the I-B/R District** shall comply with the provisions of Section
156 506.5.

157 158 **506.8 Change of Tenant**

159 A proposed Ground, Monument, Pole, Pylon or Wall Sign that is a material alteration of
160 an existing Sign shall require either approval of (1) the Building Inspector if the proposed
161 Sign fully conforms to the provisions of this ordinance or (2) the Planning Board if the
162 proposed Sign requires a waiver from any section of this ordinance. A new tenant's re-
163 use of the same supporting structure and replacement with a new Sign of the same
164 dimensions, construction materials, location, lighting or form shall not be considered
165 materially altered.

166 167 **506.9 Conditional Use Permit, Waivers and Appeals**

168 The Building Inspector may approve permits for all Sign applications that fully comply
169 with this ordinance.

170 a. Applications for a Sign permit shall include dimensions, lighting and a
171 photograph or to-scale rendering of the proposed Sign. Records of approved permits with
172 the application documents shall be submitted monthly to the Planning Board.

173 b. Any proposed Sign that does not fully comply with this ordinance shall require the
174 issuance of a Conditional Use permit by the Planning Board as authorized in RSA
175 674:21.

176 i. As part of the Conditional Use permitting process, applicants shall submit
177 waiver requests for noncompliant Sign characteristics they believe are necessary to
178 satisfy their needs.

179 ii. No waiver shall be approved unless a majority of Planning Board members
180 present and voting shall find that all of the following apply:

- 181 (1) It will not be detrimental to the public safety, health or welfare or injurious
182 to other property nor contrary to the public interest.
183 (2) Approving the waiver will substantially secure the objectives, standards
184 and requirements of this sign ordinance.
185 (3) A particular and identifiable hardship exists with respect to the applicant's
186 premises or property that indicates the waiver should be approved.
187 iii. The Planning Board reserves the right to approve applications for waivers as
188 presented or with conditions the Board deems necessary.
189 c. Any person aggrieved by a Planning Board decision on a Conditional Use permit
190 may appeal to the Superior Court as provided in RSA 677:15. These decisions cannot be
191 appealed to the Zoning Board of Adjustment (RSA 676:5.III).

192

193 **506.10 Inspection, Compliance, Notice**

194 *The Code Enforcement Officer shall enforce compliance with this ordinance. Anyone*
195 *violating any provision of the zoning ordinance shall be subject to a fine as authorized*
196 *by RSA 676:17 and may also be subject to other enforcement procedures as authorized*
197 *by RSA 676.*

198

199 **506.11 Nonconforming structure.** All legally existing Signs that did not conform to the
200 provisions of this ordinance on March 7, 2017, shall be considered nonconforming.

201

202 **506.12 Conflict.** When the regulations of this ordinance differ from those prescribed by
203 statute, ordinance or other regulation, that provision that imposes the greater restriction or
204 the higher standard shall govern.

205

206 **506.13 Invalidity.** The invalidity of any section or provision of this ordinance shall not
207 invalidate any other section or provision thereof.

208

209 **506.14 Message Substitution.** *The message on any allowed sign may be substituted*
210 *for any other message per Section 506.*

211

212

213

214

215

216 **Final8/29/16Counsel**