TOWN OF TILTON
PLANNING BOARD HEARING
JANUARY 10, 2006

MEMBERS PRESENT:

Chairman Michelle Jackson   George Helwig
Mike Curley                  Sarah Paratore
Bob Sharon                  Sandy Plessner

OTHERS PRESENT:

Eric Proulx                 Ben Barr
Fred Caruso                 Bill Norton
Al Traffie                  Leif Traffie
Paul Somero                 Douglas Rollins
James Walker                 Joe Plessner

AGENDA:

6:30 PM       Call to order.
Minutes of December 13, 2005
Correspondence & any other business

6:45 PM       First public hearing on proposed zoning changes to be voted on at the
March 2006 town meeting. A complete list of the proposed zoning
changes are available at the Town Hall during normal business hours.
Changes and additions include but are not limited to:

Article 2: Signage
Add to Article 2.3.2; “Signs which have blinking, flashing or fluttering
lights or other illuminating devices which have a changing light intensity,
brightness or color are prohibited.”
Add to Article 2.3.2, “No advertising of off premise businesses.”
In Article 2, for clarity, change the word “tenant” to “business” in the
signage description for the commercial districts.

At the March 2005 town meeting, voters approved the creation of a
zoning district called Mixed Use II District. (MUII) The Planning
Board proposes the following regulations for that new district.

Chart of Permitted Uses:
A. Residential: Permit single-family, apartments, condominiums, multi-
family and cluster development.
B. Public & Institutional: Permit Adult Care Facilities, child day care
facilities and Municipal and public works facilities.
Permit by special exception churches, nursing homes, and essential public
utilities and appurtenances.
C. Recreation & Entertainment: Permit by special exception municipally
owned recreational facilities, privately owned recreational facilities and
movie theatre or concert halls.
D. Office: Permit general professional business, financial or governmental office, medical, dental or health service office or clinic and banks.
E. Commercial Retail sales, rental or distribution of goods and Merchandise:
Permit fully enclosed within a building and occupying less than 3,000 square feet of floor space. Permit by special exception a fully enclosed within a building and occupying greater than 3,000 square feet of floor space.
Professional and Business: Permit fully enclosed within a building and occupying less than 3,000 square feet of floor space, hotels, motels, inns, and veterinary facilities.
Permit by special exception fully enclosed within a building and occupying greater than 3,000 square feet and sexually oriented business.
F. Restaurants: Permit within a fully enclosed structure with no drive-in service, no carry out service or no delivery service and within a fully enclosed structure with carry out and delivery but no drive-in service.
H. Industrial: Under Manufacturing, processing, repairing assembling of goods and merchandise (research & development) permit by special exception Industry light and accessory salesrooms.
I. Agricultural: Permit by special exception commercial greenhouses/warehouse for wholesale and retail sales.

Accessory uses:
A. Residential: Permit Home occupation, outdoor storage of a boat, recreational vehicle, or camping trailer, garage, carport, or parking space for use by residents of the premises, accessory structures and facilities including tool sheds, greenhouses, swimming pools and tennis courts.
Permit by special exception child daycare with up to 6 children and over 6 children and outdoor storage of one commercial vehicle.
B. Non-Residential: Permit parking space or garage for employees, visitors and customers; cafeterias for employees; child care for employees; recreational and fitness facilities for employees; dwelling unit for resident caretaker or security personal.
C. Residential and non-residential: Permit signs

Table of Dimensional Values:
Minimum lot size is 20,000 sq. ft. with sewer, one acre without sewer, and two acres for backland lots. No minimum frontage required.
Minimum setbacks; 20 ft. front, 20 ft. rear, and 20 ft. side.
Maximum lot coverage; 50%
Maximum structure height; 40 ft.
Maximum residential density (dwelling units per lot) 1
In section 2.3.5.1 amend to include the new MUII (Mixed Use II) District in the signage descriptions.
Amend Article IV to include description of the new Mixed Use II District to read, MUII is designed to accommodate a variety of residential, retail,
institutional, recreational and service uses in an integrated, planned, village-like setting, where water and sewer service is available.
Consider: Re-zone property known as Tax Map R-22 Lots 16, 73A, & 73B, and 73C from Industrial to a newly approved Mixed Use II zoning district.

HEARING:

6:30 PM Chairman Jackson asked the members if they had read the minutes for December 13, 2005. Mike Curley made a motion to approve the minutes of December 13, 2005. Bob Sharon seconded the motion. No further discussion. All voted in favor.

CORRESPONDENCE:

1. Post card from the Office of Energy and Planning announcing the 13th annual spring Planning and Zoning Conference to be held Saturday, April 1, 2005. Further information will be made available on the web site February 1, 2006.
2. Vollmer update and report on the Konover site dated 12/22/05
3. Vollmer update and report on the Konover site dated 1/09/06.
4. Several e-mails from various people connected with the Konover project and John Maynard concerning items that need to be addressed.
5. Newspaper article from the Citizen Online concerning driveways and regulations needed for driveways.
6. Letter and application from Plan NH offering design services to local communities and non-profit organizations.
7. Letter from DOT to Robert Hedden concerning the temporary signals at the new Lowe’s location.
8. Letter from Allan Clark of REI to Robert Haberman discussing surface water issues Mr. Haberman had with his property.

6:45 PM Chairman Jackson read the proposed zoning changes and then opened the first public hearing to the public for comments.

After a brief discussion by Board members regarding the additions to the signage regulations, it was suggested and agreed upon to add the word “animated” to the statement, “Signs which have animated, blinking, flashing or fluttering lights or other illuminating devises which have a changing light intensity, brightness or color are prohibited.”

Chairman Jackson told those present the Board would begin with discussion on the signage proposals and would then move on to the new Mixed Use II regulations.

James Walker stated he hoped the Board would take the wording as it was read and put it on the ballot as he felt animated signage was a safety hazard as those types of
Doug Rollins stated there were many distractions to drivers. Mr. Rollins stated it was the age of technology and the electronic signs should be allowed but he did feel the Board should have control over how many messages and the intensity of the lights.

Mike Curley told those present that he had spoken with Bill Lambert from the DOT and Mr. Lambert had stated he received lots of calls complaining about animated flashing signs from the public.

Ben Barr, from Barlow Signs, stated the electronic signs did not cause accidents even though people thought they did. Mr. Barr stated he had worked with communities to help set up regulations for signage. Mr. Barr stated the Board should think about what they were proposing as he felt to prohibit the electronic signs all together infringed on the freedom of speech. Mr. Barr stated the Board could control the flashing and animation. Mr. Barr stated he had worked with Nashua and that Nashua allowed the electronic signs but did control them.

Chairman Jackson stated it would be very difficult to enforce those types of regulations.

Discussion continued for sometime with the reasons why electronic should be permitted and why they should not. Most of the comments stated over and over again that they should be permitted; it was infringing on the freedom of speech and businesses coming in should be able to have the same thing that the surrounding businesses had. Board members stated they felt strongly that the electronic animated signage was very distracting to drivers and considered them to be a safety issue. Board members felt that if nothing were done, there would be so many of the animated signs along the already busy Rt. 3 that safety issues would become a serious problem.

Discussion turned from animated signage to static electronic signage that had a message that would fade out and a new message would appear. Members felt those types of signs could also be distracting as they changed so often, they appeared to be flashing. Discussion ensued on controls that could be put in place that would regulate how often the message would change. Mr. Barr explained that the intensity of the lights themselves could not really be controlled but the time between changes for the message could be. Board members elected to add to the proposed regulations the statement, “Static text electronic message board signs are permitted with message changes limited to a minimum of every 60 seconds.” Some members of the Board felt the new proposed change still be considered a safety issue. Ms. Paratore stated some communities did not permit electronic signs at all. Some of the board members felt they wanted to keep the first statement about animated signage but felt the static text electronic message board sign could be added.
Discussion turned to the proposed change that stated “No advertising of off premise businesses.” Mr. Proulx, from Tanger Outlet Mall, explained to the Board that the Mall and the radio station, WFTN, had a promotion going and that was the reason the radio station was on the message board at the Tanger Outlet Mall. Board members explained to Mr. Proulx that off premise signage was not permitted and had not been for a long time but now people were trying to use space on other business signs and that was what the Board was trying to prevent. Mr. Proulx asked if WFTN had office space at the Mall, they could advertise there and was told that was correct as then the radio station would be considered a tenant.

Hearing no further comments on the signage, Chairman Jackson began discussions on the proposed regulations for the Mixed Use II District. Bill Norton, Al & Leif Traffie and Paul Somero attended the hearing to discuss the MUII regulations.

Discussion on the density proposed ensued. Mr. Norton told the Board the numbers just didn’t work with the density the Board was proposing. Mr. Norton stated once they figured the cost for the infrastructure and preparation of the land, they could not build affordable housing. Mr. Helwig stated that he could go along with a bonus density for part of the residential percentage of development as long as the workforce housing met HUD’s definition of low-income housing. After a lengthy discussion concerning density bonuses for residential development, George Helwig came up with an addition to the proposed regulations for the Board to consider. Mr. Helwig stated the MUII district would consist of a desired mix of 40% residential, 40% commercial and 20% open space. Up to 30% of the 40% residential allotment would qualify for Bonus Density for permanently affordable housing units (by the United States Department of Housing and Urban Development definition of low and moderate income and housing affordability) for workforce and senior constituencies. Bonus density of 2 times for workforce or 2.5 times for senior housing times the density stated in the Table of Dimensional Values. Mr. Helwig stated the HUD DEFINITION: was “Moderate income is 80% or less of Area Median Income (AMI) and low income is 60% or less of AMI. According to HUD, housing is affordable if the cost of housing is no more than 30% of the gross household income.” After further discussion, Mr. Helwig stated the

Discussion turned to asking the voters to approve putting the Seven Points property into the newly created MU II District. Chairman Jackson stated she could not go along with putting these properties into this district until she knew the regulations had passed as it could leave the property being approved but the regulations being turned down. Chairman Jackson stated that would leave the property in a district with no regulations. Chairman Jackson stated she was willing to ask the voters if they would approve putting the property into the Regional Commercial district as that was the district next to this property and by doing that, it would allow the Traffie’s to begin commercial development of the land.

Chairman Jackson stated that she wasn’t really that comfortable allowing residential development on land that had a history for contaminants like this property did. There was much discussion of the information promised but never delivered to the Board
concerning the contaminants, the monitoring wells, the depth of the cap and other pertinent information needed in order to feel comfortable approving housing on the site. The Traffie’s promised to see to it that the information was sent.

Board members suggested writing the zoning question for putting the property into the Mixed Use II district to include a statement that would say, “If the regulations pass, would you approve placing this property into the MUII district.” After a brief discussion, Sandy Plessner stated she would seek advise from the town attorney regarding the correct way to write the question for the ballot.

Chairman Jackson asked Mr. Norton if he had any other issues with the proposed regulations. Mr. Norton stated he did not have any other issues.

Chairman Jackson told the Board they would need to approve the changes and schedule another public hearing. Ms. Plessner told the board the hearing would have to be no later than February 7th.

Hearing no further discussion, Mike Curley made a motion to approve the proposed changes and have a second public hearing on February 7, 2006 at 6:30 PM. George Helwig seconded the motion. No further discussion. All voted in favor of having the second public hearing.

Sandy Plessner gave each of the board members copies of the petitions that were turned into the Town Clerk’s office. After briefly reviewing the petitions, Chairman Jackson made a motion to schedule a public hearing for the petitions on January 24th at 7:35 PM. Mike Curley seconded the motion. No further discussion. All voted in favor.

9:40 PM The Chairman announced the end of the first public hearing.

John and Laura Maynard stopped by the meeting to have a few words with the Board concerning some problems they were having with the Lowe’s site. Mr. Maynard stated some of the lighting issues had been corrected but not all of them. Mr. Maynard stated the fencing was not as high as originally promised and some of the fencing was falling down and the end of Grant Street was so narrow now that if a car were waiting to pull out of Grant Street, there would not be enough room for a car to pull into Grant Street.

Mr. Maynard was advised to write a list of all the items and send it to Konover with a copy going to the Town.

10:00 PM Meeting adjourned.

Minutes prepared by,
Sandy Plessner