AGENDA

6:30 p.m. Call to Order
Minutes of the August 12, 2008
Correspondence
Any other business

6:35 p.m. Workshop

Members Present:

Sarah Paratore – Chair                      Mike Curley - Vice Chair
Nick Canzano                                     Deana Cowan
Robert Haberman

Others present: Lenny Birke

Meeting:

Meeting was called to order at 6:45 pm. We have no cases tonight so we are
going to work on the “Gray area” list and the CIP Program.

Sarah asked to the members had reviewed the minutes for the August 12, 2008
meeting. She asked if there were any corrections.

Sarah made a motion to accept the minutes of August 12, 2008 as written.
Motion seconded by Robert Haberman. Motion passed.

Correspondence:
2. 33rd Annual Municipal Law Lecture Series brochure
3. NHARPC – Fall Planning & Zoning Conference to be held at Loon Mountain on October 25, 2008
4. Landscaping at the water’s edge brochure to be held on Oct 8 & 15 at
Keene State College in Swanzey, NH
5. Letter from NHLSA dated 8-15-08 reminding that only have a licensed surveyor or Superior and Supreme Court of NH can determine boundary lines.

6. Request for Project Review by the NH Division of Historical Resources. Property located at 36 Ashuelot Dr. Tilton, NH (Tax map U3 Lot 15)

7. Memo from Helen Hanks, Chairman of Tilton Conservation Committee concerning the Wetlands File #2008-01251 – Procopio Tax Map U3 Lot 15


9. The Source newsletter for Summer 2008

10. Copy of the Concord site ordinance article stating it was upheld.

7:00 p.m. Lenny Birke stopped by for a conceptual discussion.

Lenny asked to speak to the board concerning property he has on 496 and 504 Laconia Rd.

He states that he currently has a rental business in the city of Franklin, NH and would like to expand and after reading the regulation thinks the rental business would be permitted use at his Laconia Rd location.

He was wondering if his type of rental is what would be allowed.

This area is zoned as MU (Mixed Use District) Under Commercial retail sales and rental is allowed.

Mr. Birke states that he is no longer a hardware store, He gave that up when he sold to Aubuchon’s. I am strictly rental equipment business, that sells retail hardware like the sand paper for the floor sanders.

Sarah asked if he rents construction equipment? Lenny states it could be anything from the floor sanders, wallpaper stripper, a backhoe, or a light tower that they use for night paving or DWI check points.

Some of the equipment will be kept on the outside of the building due to the sign of the size of the piece of equipment.

Lenny states that he is only using a couple of thousand square feet of the building.
Asked if he would be repairing something with a motor that would have gasoline and oil that would leak? If this you would have to put in some type of containment system to catch these fluid or have a service remove the fluids properly. He states he has no problem putting these items in.

Sarah states that if he uses more than 3,000 sq ft you would need a special exception, you can use outdoor storage. The board would like to talk about what that would look like.

Lenny states that he has had some interest in the red building as well as the gray building. He has also purchased the yellow house as well. I have interested business but so far no business has signed on. The businesses that have shown interest are restaurants, banquet facility, and optimist.

Sarah informed Lenny that the businesses wanting to rent or lease would have to site plan before they can open. You would also need to have an update driveway permit from DOT depending on the business that rents the space.

Mr. Birke had some questions about signage which Sarah explained the new signage ordinance and when the changes to that occurred. Sarah explained to Mr. Birke that if other business where to move in then you would need to come in for a sign permit with a copy of your design.

Sarah explained to Mr. Birke that if there has been a suspension of use for more than a year you need to do a site plan.

Mr. Birke states he will be back to do a site plan and will speak to Al LaPlante about the positioning of the sign when Parks goes to reinstall after the construction.

7:45 p.m.

Capital Improvement Project (CIP)

Sarah states that it is CIP time of the year, due to staff changes we did not do it last year.

The CIP is a program is a way of putting money aside for the town. The public, members of committees, police department, fire department, highway department, anybody can put forth an idea for a project. It's a way of planning for expense that will be coming like infrastructure expenses in advance.
The Planning Board oversees a subcommittee. The subcommittee puts a notice in the paper to submit a proposal form, hold meetings for the people can come in and explains their proposal, we rank them and submit it to the budget committee.

We will be sending out the notice that the proposal would be due back by October 24, 2008.

We need a CIP committee. We could ask on person from each committees or departments. It would be nice to have the previous committee back. Sarah asked Augusta to email the previous CIP Committee members letting them know that we are going to resurrect the committee and ask if they would like join us we will be meeting on Sept 23, 2008.

After some discussion the cut off date for the proposal submission was set for October 24, 2008. Need to get the “Press Release” published and the Public notice published in the local papers (Laconia Citizen, Echo, and Daily Sun).

Sarah took a few minutes to explain the CIP recommendation sheet to the board members who had some questions concerning how the cost of the project is spread out over the years.

Sarah passed out a copy of the “Model Lighting Ordinance” produced by Dark Sky.org. They are an international group who is trying to fight light pollution. This is consider the most technically sound lighting model ordinance that communities can adopt that is understood between lighting designers, engineers, contractors, manufacturers and community people. I was written with the input of the light people. Its’ goal is to minimize sky glow and trespass. It is accepted by environmentalist and manufacturers of lighting equipment and is simple to use. They use lighting zone to assign ambient lighting designation to different area use types, like single family residential or 24 hour entertainment, varies on how much light is allowed from no light LZ0 to high LZ4.

Sarah feels that we write some type of lighting ordinance to direct companies from putting lights straight up. This is a model that we may want to consider.

8:30 p.m. Workshop -c Gray Area List
These are items that need to be defined.

Zoning Regulation:

1) 10.5.2. Are outhouse allowed? (Definition of sewer disposal system)
This question came up after a site plan for 765 Laconia Rd (R09/23A). The building has no facilities in the building and only running water is a hose outside to the building. We required him to have a port-a-potty.

Our 10.5.2 states that all dwelling units and all commercial, public or industrial buildings will be connected to a sewage disposal system. When a public system is not available a private sewage system is required.

If we want to change we should change word from a private sewage system to say “septic system is required”.

Mike Curley suggests that we change it to state that all residential and commercial structures shall be equipped with running water.

Add in commercial to 10.5.1, and indoor running water.

Should read:

10.5.1 All residential and commercial structures shall be equipped with indoor running water.

10.5.2 change from “When a public system is not available” to be “When a public sewer system is not a available”.

We could put in a definition of a private sewage system. Add this definition as 2.1.57.

2.) What constitutes agricultural?

The states passed a law broadens the use of agricultural lands for monthly or weekly educational or teaching tours of their farms and using the barns for band which causes cars and traffic.

More research is required before we can decide on this one.

This is under the Agricultural section of the chart of permitted uses and specifies which area livestock (chickens) are allowed. Need to check the zoning map.

3.) Need a definition of a kennel? Where they can be located in the town?

Kennels is addressed under section E. Commercial item # 6.
4.) Guidelines for non-conforming buildings and the types of business that maybe run in these types of buildings.

This question came up when Best Care ambulance services wanted to move on to Cedar St. which is a residential area, which the building being sold was non-conforming. The comings and goings of the ambulances would be more disruptive to residential area.

The issue is we don’t have area for ambulances to be. This maybe put as # 8 under E. Commercial on Chart of permitted uses.

We also don’t have zoning for hospital or rehabilitation facilities. These should fall under B. Public and Institutional on the charge of permitted uses as they are similar to adult care and nursing homes.

Ambulance services should not be in village or downtown but could be permitted GC, IN, RG. Maybe permitted by special exception in MU or RA.

Taxi’s and limo services is not listed. Leaving it to the personnel business section in the chart of permitted uses.

Concrete company could go under “Industrial” section.

Plumbing and heating. This doesn’t have an area on chart. Sarah will check on other towns have office/non-office category.

5.) Need to have a better definition as to what a caretakers unit is?

Under chart of permitted under Accessory Uses – Non Residential (B)

Item #5 – Dwelling unit for resident caretaker or security personnel

This is permitted in very district and we have a density of 1 unit per lot in mixed use or 4 units per building in the DN.

Don’t see where it would be needed in these districts: VR, MR or DN. The resort commercial is the area that where this would be required or needed.

This is not needed in the IN area.

Change to permitted no where and by special exception in MU, RA, RG, GC
Not permitted in VR, MR, DN.
6.) Wetland buffer of 20 feet.

We have people that will build right up to the 20 ft buffer. How do you build without distributing the wetland buffer, so how do you keep someone from building that close to the wetlands.

Suggestion: We could state that the structure has to be 25 feet from the wetlands buffer. A structures is anything man made, which could include fences, but if you look at the states RSA’s.

The RSA for fences are defined by the state as something you can use to define your boundaries. Our ordinances don’t permit you to do that with a fence because you must be inside the setbacks.

7.) Site plan approval should have an expiration date shown on the notice of approval.

If we don’t adopt an ordinance we are held to RSA 674.39 exception of up to 4 years.

To cover us we can define active and substantial development and then if they don’t meet that then they are not exempt from zoning changes for 4 years. Which would be problem if do manage to put together impact fees and they would have 4 years of exemption from any impact fees.

What would substantial development be:
   a) subdivisions of lots
   b) roughed in infrastructure, such as roads

The board feels site plan approval good for 1 year with an extension of 1 year.

8.) Bill boards and banners

Bill boards are not addressed in ordinances.

Mike Curley states “bill boards not permitted”. There is no need for them as off premise signage which is not allowed in town anyway. If it is “NO” across the board then no one will argues with you.

A bill board is advertising off premise. That is it’s function but I think an argument could be made that it represents something else. If the bill board is on premise
then it would have to abide by the zoning ordinance which would restrict the size of the sign.

Sarah suggests that if we put it on the chart of permitted uses as NO anywhere then whether it is off premise or advertising or structure it would not be allowed.

I our defense it states no off premise advertising under signage. No off premise advertising is allowed.

Maybe we need the definition of bill board. Dictionary states a large outdoor sign board advertising posters.

Sarah summarizes that we have no off premise signage and our signs limits the size. We all ready have the rules that state no bill boards allowed.

The board is very pleased that Al is doing a great job enforcing the ordinances.

Motion made by Sarah to adjourn the meeting. Seconded by Mike Curley.

Meeting adjourned at 10:00 p.m.

Minutes prepared by Augusta Marsh

(These minutes are subject to the review and approval to the Planning Board)