

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Kahn; Finer; Worsman; Touhey, Alternate; Edgar, Town Planner; Tim Bates, Town Counsel; Harvey, Clerk

Finer moved, Sorell seconded, THAT THE MINUTES OF APRIL 10, 2007, BE APPROVED AS PRESENTED. Voted unanimously.

**APPLICATION SUBMISSIONS**

1. **INKWARE** – Proposed Site Plan Amendment to locate two hazardous material storage lockers on existing site, Tax Map S25, Lot 12, located at 189 Waukegan Street in the Business & Industry District.
2. **RAFD REALTY, LLC** - Proposed Site Plan Amendment to construct a building addition and related site improvements, Tax Map S23, Lot 33, located at 57 Reservoir Road in the Business & Industry District.
3. **RAFD REALTY, LLC** – Architectural Design Review of a proposed addition to an existing building, Tax Map S23, Lot 33, located at 57 Reservoir Road in the Business & Industry District.

Edgar – The applicant proposes to construct a 5,000 sq. ft. building connected to an existing 5,000 sq. ft. warehouse building which was approved back in 2004. The lot size is 4.1 acres. The application indicates that the proposed use is a personal storage warehouse which is basically what was previously approved for the initial 5,000 sq. ft. The combined facility would be 50’ x 200’ or 10,000 sq. ft. in total. Applications for Site Plan Review and Amendment and Architectural Design Review and abutters lists are on file. Filing fees have been paid. I would recommend the applications be accepted as complete for purposes of proceeding to public hearing.

Finer moved, Sorell seconded, THAT WE ACCEPT THE APPLICATION OF RAFD REALTY, LLC FOR A SITE PLAN AMENDMENT AND ARCHITECTURAL DESIGN REVIEW. Voted unanimously.

**PUBLIC HEARINGS**

1. **RAFD REALTY, LLC:** (Rep. Carl Johnson)

Johnson – The site plan you see before you is an amendment of a previously existing site plan approved by the Board a couple of years ago. This property is located on the corner of Annalee Place and Reservoir Road. You have plans prepared by Paul Fluet as well as a couple of overview plans prepared by my office which show less detail in terms of the grading and drainage but are a little easier to read in terms of the overall project. Mr. Dearborn purchased this property for the purpose of constructing a garage 50’ x 100’ in

size. The applicant collects antique automobiles so he needed a place to store his antique automobiles and also have a limited amount of work space within the building that he could do some restoration or repair of his personal vehicles. This is not a repair shop for the general public, this is a privately owned building with privately owned automobiles in it and Mr. Dearborn uses it for his own personal use. That building was approved by the Planning Board in 2004 and was constructed and used in that capacity since that time. Last fall Mr. Dearborn indicated that he would like to construct another one of these buildings behind the one that he has because he was running out of space. Essentially, what you have is the duplication of the original building in the front located directly behind. The use is exactly the same as the front building; it's the storage of automobiles. There is no intention to use this for any other commercial purpose. The site as John mentioned is overall 4.1 acres. Although its considerably large buildings together, it does occupy a slight portion of the property. You can see with the lot calcs which may have to be tweaked a bit because of some impervious surface changes, the total lot coverage with the buildings and the driveways and the walkways is about 15%. In this particular zone, I believe 75% lot coverage is allowed so you can see that although the front portion of the lot is being used, the great majority of the remainder of the lot is unused. One of the issues that came about in the development of this property is that had Mr. Dearborn indicated in the beginning that he wanted to have 10,000 sq. ft. of buildings on this lot, we probably wouldn't have put the first building in its current location. We would have oriented the buildings differently to make a better use of the property. Now that he's got 10,000 sq. ft. of building, we would have located them slightly different. At the time he figured that this was going to be big enough for his use and it wasn't an issue. The first building was kind of located right in the middle of everything because at the time that was all that we were directed to do. We have looked at a couple of different options, one of which is side by side and that doesn't work well for the topography because the topo is generally sloping up from Annalee Place and the contour lines run generally parallel to Annalee Place up in this direction. There is also a fairly significant wetland complex that's toward the middle of the property towards the north and that prohibits locating buildings in that portion of the property. There is an upland area that we looked at experimenting having a totally separate, totally accessed building down there, but it would require relief from the Zoning Board in terms of constructing something within the buffer setbacks of a wetland and we didn't think that was appropriate given the fact that we did have additional building space in the front and given the fact that the lot coverage in this zone is allowed to be fairly high. Originally, we decided to come off the existing parking area and access the rear of the building by a roadway essentially that paralleled the building so you would have a roadway going out the 200' to the back of the building and you'd have an elevated area where you could get a flatbed tow truck which he uses to transport many of his cars to back in to the building. Essentially, the turnaround that you see here is sufficient enough for a flatbed truck, there would be an overhead door

in the back and it's simply one car at a time type of thing. It's not a situation where he's bringing several cars at a time to this building. He's very infrequently bringing and taking cars from the building one at a time and they all fit on the flatbed tow trucks. In analyzing the site with Jeff Fagnant from Prime Construction, Mr. Dearborn proposed constructing a second accessway off of Annalee Place which would essentially be the access to the second structure that's going to be constructed on the property. Mr. Fluet designed an access roadway which comes from the southerly end of Annalee Place and traverses up to the rear of the building. Because there were some utilities here that are accessed that would probably freeze if there were a permanent type of accessway running parallel to the building. This created a situation where Mike Faller looked at the access point and he has some concerns in a memo that's in your packet regarding the amount of drainage that may come into Annalee Place as a result of the additional impervious surface, the roof area and the fact that he doesn't know at this point because of the lack of drainage calculations what the effect would have on the drainage ditches that are on the west side of Annalee Place so we've directed Paul Fluet to provide some additional engineering such that the pre and post development drainage, although it's going to be fairly minor, would be a wash. In other words, we would retain or have detention basins on the property such that there would be no additional drainage coming into the ditches, probably with the exception of a very small amount associated with the apron and the access onto Annalee Place. Mike was also a little bit concerned with the proximity of that entrance towards the intersection and I spoke to Mr. Fluet about that and he didn't think at the time that it was a safety concern. One of the reasons we have it located further to the south is because Annalee Place does rise up towards Reservoir Road and by having the entrance here, you're minimizing the slope of the accessway to get to the back of the building because essentially if you look at the grading plan that Mr. Fluet prepared, this is one flat continuous slab going back although they are two separate buildings, they are at the same grade. You would be in a situation where the closer or the further to the north you put this access point, the steeper it would be to get to the back of the building. I think we probably have to meet with Mike on site and go over some of his concerns. This lot does have over 700 feet of frontage on Annalee Place, I think we could probably locate some type of an entrance given the use on that frontage that would satisfy Mike. As I read his letter, he's primarily concerned with the drainage issues and I think if Mr. Fluet engineers some detention structures on the property, those fears could be alleviated because there would be no significant additional drainage going into the ditches. Chuck Palm, Fire Chief, has also written a memo that's in your packet and the Chief has some concerns. Mr. Fluet has looked at them and is prepared to address most of their concerns in the next go round of his engineering review. Many of the issues dealing with the building are occupancy type issues dealing with egress, the emergency lighting, the placement of adequate fire extinguishers as required by fire protection codes so much of what Chief Palm's letter is relating to are the code issues Mr.

Dearborn would have to resolve with Chuck Palm and Bill Edney prior to being issued a Certificate of Occupancy. Additionally, the Chief would like a Knox box to be installed and he would like Mr. Dearborn to consider providing a monitored fire alarm system. Given the value of the automobiles that Mr. Dearborn is storing in this building, that may be beneficial to both ends and that's something we'll address. We've tried to keep all of the improvements on this outside of the buffer area, this is a non-designated wetland. The wetlands were delineated by Nicole Whitney of Ames Associates and the process is to try not to have any impact to the buffer or any direct impact to the wetland resource. One of the issues that has come up here is the Town of Meredith Site Plan Review Regulations and Zoning Ordinance don't really have a mechanism in place whereby you are reviewing a personal use of a commercial property. Essentially, Mr. Dearborn is using this, zoned Commercial & Light Industry, piece of property for his private use as if he was building a garage on his property and the reason he's not building a garage on his property is because it's 50' wide and 200' long so he bought a big piece of property. The concern is that Mr. Dearborn realizes his own mortality and so does the Planning Department and at some point in time Mr. Dearborn is not going to be owning this property and somebody else is and we want to make sure that it's clear to anybody that might have an inkling in the future that by doing this Mr. Dearborn is, for lack of a better term, painting himself into a corner in that he is narrowing down the potential use of this property by doing this the way he's doing it for his own personal use. In other words, if he were to sell this property and someone came in off the street and wanted to put in a furniture store, that's not a good example because its retail, but some other higher intensity use of this property, he might not be able to do it even though he'll have 10,000 sq. ft. of building in a commercial/industrial zone, it has a very limited use and Mr. Dearborn fully understands that and to some extent feels that would be somebody else's problem down the line. What we don't want it to be is the Town's problem, we want it to be somebody else's problem down the line too and that's why we do have a note on the old plan and we will have a note on the new plan that basically says that this approval is for a very specific private use at the particular time that we're looking at it and there may be very many instances of permitted uses in the zone that will not be permitted here because of the nature of the way the property was developed. One of the major things that comes up in that is the parking issue. We have a 10,000 sq. ft. area and even if you take the lowest amount of use and the parking, you have to have 50 or 60 parking spaces associated with this building from the mass of the building and, of course, Mr. Dearborn essentially has all of his cars parked inside the building and only needs 1 or 2 spaces for when he shows up or one of his mechanics shows up on the site so he doesn't need parking and the Board was very willing to grant the parking waivers for that use. We're appearing again, we're doubling the mass of the building and at this particular instance, we're making the same claim that although Dick is doubling the size of the building, he still doesn't need any more parking than what he's got. What I've done on my plan and

I'll be talking to John about this in the next week or so whether we want it to even appear on the approved site plan but I did show that you could access from the front parking lot and create a strip of 60 degree parallel parking on the side of the building at such time as perhaps somebody wanted to put a machine shop in here, they might have ½ dozen employees that you'd be able to have sufficient parking, maybe not for every use, but you'd be able to at least have 10 or 12 spaces in here that you'd be able to have parking on the site somewhere to be able to address some future use of the building. I did that for informational purposes, we may want to look at that during the review process and say OK that's great that we know we can do that, it's feasible, it would work but we don't want to show it on the plan because we don't want to give anybody the indication that that's one more step towards changing the use. I think the focus should be on if the Board were to entertain an approval to make it as clear from my part and your part that the approval would be for Mr. Dearborn's use at the moment. I talked to Mr. Fluet today and we will take the direction that the Board gives us and proceed towards providing additional engineering if necessary and also dealing with the issues that came up in Mike Faller's review and then the other thing that the Board would probably want to talk to is some landscaping of the property which we don't at this point because we really just came up with the configuration of the new driveway. One of the issues that arose is that in the original approval of the Site Plan I had shown a buffer area between Annalee Place and the building where there were some significant pine trees and a lot of the underbrush had been removed but there were significant pine trees that I indicated on the plan would be a buffer and I think John has some photographs that some of those trees were removed so technically the site plan that was supposed to be providing the buffer was in one sense not adhered to. The Board may want to talk about some mitigating landscaping places where we could break up some of the mass of the end of the building there. Because of the nature of the side of the building we can't necessarily do it right next to the building. There's an issue that Chuck Palm has with providing a safe access to that long portion of the building so we might have to create some other berms with some other types of landscaping. Edgar – As Carl has indicated, Mike has raised some concerns regarding a total of 10,000 sq. ft. of runoff into the Town's ROW without any detention so it would be appropriate to direct the applicant as has been mentioned by Carl to conduct that level of analysis and to resubmit the plans and we would then set up the necessary process for the third party review of that analysis. As Carl has indicated, the 3 parking spaces associated with the 10,000 sq. ft. building does limit the utility of the site, not exclusively, we have a couple of other warehouses in town that are not considered occupied structures, one out on Foundry Avenue, for example, where there's no parking lot per se but as a practical matter it does certainly limit the utility of the site and we don't have a regulation that speaks to that specifically but as a practical matter, I wanted to raise the issue so we all knew that some day there will be pressure to utilize that building for something other than antique auto storage. During Phase 1 we had the

whole area of this second building to work with if we needed parking. Now that that developable area would be consumed by the building and the turnaround, I just didn't want to see us back into pressuring into the wetland setbacks because of an extensively sized building. It certainly is something we can discuss further in terms of the alternative parking that Carl has suggested. As Carl noted, the prior approval had incorporated a 30' buffer area which is essentially the lot line setbacks wherein the existing pine tree stand was to provide a visual buffer (see photos starting on Page 52 of your packet). Page 52 – That's the existing building so essentially we're looking at doubling that; Page 53 – Looking through some of the pine trees from the intersection or just approaching the intersection of Annalee Place and Reservoir Road; Page 54 is the ditch line, this is about the approximate area where the proposed driveway would come in; Page 55 – the next picture, I didn't measure out where the 30' mark was but the next two pictures (55 & 56) just show some of the stumps on the property where some of the larger white pine were taken down. In the minutes of the '04 meeting, the way I recall that was the pine trees had some significance because we're dealing also with architectural review and the idea was that between the size of the building and the fact that it's a metal building visible from a public ROW, the idea was that the stand of pine would certainly kind of break up the visibility of the building. There is still a significant number of white pine still there. Some were taken and we didn't get into that level of detail at that point where we were mapping every tree but here again I think there's probably an opportunity to look at some reasonable level of planting that might help that situation a little bit. We would typically look at a performance guarantee when we get down to the wire on the final engineering for site stabilization. As Carl has indicated, the Fire Chief has reviewed the plans and he's OK with the 20' access road on the front of the building, we just need to confirm that it can support the weight loads of the fire apparatus and these are things I'm sure we can work out with Paul Fluet. Consistent with the prior approval, any approval should be stipulated upon the fact that there is no outside repair of vehicles, no outside vehicle maintenance or washing, no outside storage of chemicals and hazardous materials, etc. The site is located in the water supply watershed for the Town and that was a condition of the prior approval and is something that should carry forward in anything we do later on this one. Here again, similarly we should carry forward any specific notations with respect to the limitation of the use and that changes of use would require additional review in flagging that situation clearly. The application is also subject to Architectural Design Review. Essentially, what has been submitted to the file is what was submitted to the file the first time around which is catalog information for a building that you see in the site photographs. There's not a whole lot more to say about it than that. What I've recommended is that the Board should request that the applicant modify the design to provide for storm water detention or infiltration and treatment. We would need a technical review fee in the amount of \$1,900.00 for the engineering review of that re-submittal. We could continue the hearing to a

date specific. What's important here is to allow sufficient time for the re-submittal of engineering plans and fees and time for the applicant to address some of the other review comments. Basically, that would mean at least a month continuance; we couldn't do it on a two week cycle. Further, I would recommend that the Board take a look at the site prior to the continued hearing and we could also perhaps request Mike to be part of that to review any of his concerns on access. As we have in the past, we'd ask the surveyor to stake in the field prior to the Board's inspection the corners of the proposed building, I think some stakes at the 30' setback line would be helpful measured from the ROW and the proposed driveway location itself. That way it would be a fairly quick site walk, it's not a difficult site to get around, we would have our bearings out in the field and we could visualize what we needed to visualize prior to coming back to a reconvened public hearing.

Johnson – Mr. Chairman, the only response I would have to some of John's comments are that we would certainly agree to the date specific and Mr. Fluet is ready to provide the additional engineering fairly quickly so we would be able to meet the application deadline two weeks prior to the one month away meeting. I would like to meet if I could with Mike Faller as quickly as I could to try to resolve some of the access issues and I don't want to conflict with the Board meeting with him out there either, but I'd kind of like to get him out there to look at a couple of issues that we have there.

Edgar – We could schedule the inspection close to the hearing.

Johnson – The other thing I'd like to mention is that the building has been up there for a while and you can see by the photographs it's neatly kept, there's not a lot of junk lying around the building so I think the precedent has been set in terms of Mr. Dearborn's capacity to keep the building neat, keep the outside storage to a minimum and no storage of the cars. In terms of the trees, I don't have the benefit of any prior photography; I know a couple of the trees out there were damaged. Maybe I could talk to Mr. Dearborn about why the trees were removed but there may be some mitigating reason there, but we'd certainly be willing to entertain some additional landscaping if that would be the Board's directive.

Worsman – I guess my thinking is the parking. I agree to remove the diagram of parking spaces from the plan but is there any way to add to the plan, if we choose to accept this, our requirement that any future use of this building not allow encroachment into the wetland for parking. Is there any way to word it, I'm trying to think of what subsequent uses are for this building and everything I can think of requires substantial parking and human nature is to push into the wetland, how do we protect that in the watershed?

Edgar – The generic answer is you can always attach conditions as long as they are reasonable and Carl's response probably would be that we have no idea what the future holds and would probably on behalf of his client suggest that we not tie the hands needlessly.

Johnson – I think I would answer that a little bit differently on my behalf based on some legal information that happened on a project that I worked with is that the Board can make clear their desires to avoid wetland impacts because developing within the buffer and within a wetland is a zoning application and it's a special exception, you can't deny somebody the right to

apply to the Zoning Board for relief. You can't predetermine somebody's right. If you look at any wetland applications granted by the State of New Hampshire, it says right on it no future wetlands impact. They put that on the permit, but they don't have the right to deny somebody in the future for asking for it so what it has to be, we've already demonstrated in my presentation that we've tried to do this avoiding any wetlands impact because we know if we go to the Zoning Board and say we really don't have any parking now that we've got 10,000 sq. ft., we want to park in the wetland buffer, it's not going to be received very well so I don't know if it's appropriate, I'll ask my client but one mechanism that is available is to put a line on the plan and actually restrict the property in a certain way from being developed, make it a green area not subject to further development by owner design. I don't believe the Board can prevent him from asking for relief, I believe that would be one mechanism you're trying to drive at is if the Board's going to allow the front end of this to be developed, let's permanently somehow protect the back end. Edgar – The answer probably lies in the middle somewhere, you can't stop somebody from asking but if the Board stipulates or finds that this approval is predicated on the fact that the representation is there won't be any wetland relief, you might be able to word that type of thing into the mix that would certainly make it difficult to overcome in the future. The bigger issue is really the wetland impact issue potential which is what I flagged in the staff report. Has your client given any consideration to a smaller building? If you went to 50' or 75', you might end up with some additional potential parking on the end of the building, has that been considered at all? Johnson – I don't know the answer to that but I will tell you that this is the building I was directed by my client to present on the site plan. Edgar – Carl, could you explain for everyone what you started to share with me about why it is we would need a separate access to the other end of the building. Why is it that the buildings can't be interconnected? Johnson – I don't know anything other than what I was told and it's because they are two separate buildings essentially and there is no direct connection between the front building and the back building. If you were in the front building and wanted to go into the other building, you'd have to walk out one of the access doors and walk into the building. Vadney – Do they have a common wall? Johnson – No. My understanding is that's because of the way the buildings are constructed. That's not an official answer, that's what I'm sharing with you that I've been told. I think you'd understand that if it could be constructed so you could go in between, that would be the logical thing a client would do, he wouldn't want to have to walk out of one building and go into the other so it's some structural reason that's causing that to be the case. Vadney – I would make one comment I made the last time this came before the Board and it may not be something we can control here but I was concerned then and still am and one of the most common complaints I get from citizens is that we need more places for business and this is a commercial zone. To use it for something, not that I'm against storing antique cars, but it's not a job producing kind of facility and we have a very limited amount of commercial space so it does disturb me that we



take 4 acres and put 10,000 sq. ft. on it and it employs about ½ a person. That's not a good use of our zoned land so that's more a philosophical statement that I'm going to struggle with between now and the next meeting.

Kahn moved, Touhey seconded, I MOVE WITH RESPECT TO RAFD REALTY, LLC, FOR SITE PLAN AND ARCHITECTURAL DESIGN REVIEW, TAX MAP S23, LOT 33, THAT WE REQUEST THAT THE APPLICANT MODIFY THE DESIGN TO PROVIDE STORMWATER DETENTION OR INFILTRATION TREATMENT; THAT THE APPLICANT PROVIDE A TECHNICAL REVIEW FEE IN THE AMOUNT OF \$1,900.00; THAT THE HEARING BE CONTINUED TO THE FIRST HEARING IN JUNE (JUNE 12, 2007); THAT THE BOARD CONDUCT A SITE INSPECTION PRIOR TO THAT MEETING ON SATURDAY, JUNE 9, 2007, AT 8:00 A.M., AND WE REQUEST THAT THE SURVEYORS STAKE THE FIELD PRIOR TO THE INSPECTION SHOWING BUILDING CORNERS, 30' SETBACK LINES FROM THE ROW AND RESERVOIR ROAD AND ANY PROPOSED DRIVEWAYS BE INDICATED. Voted unanimously.

Edgar – If we can push the site walk to a date just prior to the hearing, that would allow the possibility of either having some engineering plans that I would have a better feel for and certainly allowing them to maybe revise the driveway locations.

The Board voted unanimously to recess their regular meeting for consultations with Town Counsel. (7:45 P.M.)

### **MEETING RECESSED**

At 8:58 P.M. the Board voted unanimously to go back into the public meeting to discuss possible changes to the Sign Ordinance.

Vadney opened the discussion regarding possible amendment of the sign ordinance. If the existing ordinance says, "Signs which are animated, flashing or with intermittent illumination are prohibited, with the exception of time and temperature signs", why can't you just put a period there and take out where it says with the exception of time and temperature signs. Why doesn't that do it? Kahn – I don't think you have described the universe of electronic signs when you say "signs which are animated, flashing or with intermittent illumination". If you said signs which are animated, flashing or with intermittent illumination and electronic signs instead of including electronic signs, I would be happy with that. Go to John's version and just take out the word including and substitute the word "and". Edgar – What I've tried to do here for purposes of a broader ban would be to include images, videos or changing in lights that are used to form text which is essentially what these LED things are. In some of these other definitions by illustration they go on to include all forms of these modern technologies that you'll see in that

paragraph. I don't know what a holograph is but a holograph display, liquid crystal, fiber optics and different things are basically electronically programmable. The significance there is the sequence of images, videos or text and the rate that they change is programmed, modified and changeable by electronic means. The rest of it goes on to illustrate the types or manners of different types of electronic signs. LED signs are the ones that most of those pictures are of but that may be too narrow if you just said LED only then you could get any number of these other things possibly in lieu of that. Worsman – Does it make any sense to place anywhere in here the fact that they can be viewed for long distances? We keep using downward shining lights or protections. Edgar – That would be part of the discussion in the public hearing. Bates – You would have to define what a long distance is, if it's too bright or you can see it too far away, that's too vague. That can be used as support at the public hearing. Edgar - But not as a regulatory standard because if it's banned, it doesn't matter. Vadney – You also have a problem if you're not doing the whole Town, you have to start looking at speed limits, what distance and how long it takes to read a sign and whatever, it would be very mushy. Edgar – The other thing that's intended here in this discussion is most of the towns that are into this level of definition have a definition of reader board to basically be manually changed and they use the word manually changed to make a distinction between electronically changed and from a staff point of view these manual reader boards that don't have the brightness, that aren't on 24/7 and you can't see them from ½ mile away are not defined currently in the ordinance and the idea of defining it was simply to make sure it's distinguished from electronic message signs so that we didn't inadvertently prohibit manually changed signs. That wasn't the staff's intent and we thought the value there would be to define reader boards as not being within the definition of electronic. Vadney - I would like to go to the people with the simplest change possible. We don't want them to have to go back and forth requesting modifications. We basically want to say we're taking out time and temperature and then we can explain why we're taking it out as a separate thing at the hearing but the change itself should in my estimation say something as simple as the original #5 in the ordinance today: "Signs which are animated, flashing or with intermittent illumination are prohibited." Then, if you want a sentence that follows in that same thing saying: This includes electronic and non-electronic signs. Kahn did not agree. I think you're setting a standard and there are too many different kinds of electronic signs and they are not going to be construed as animated, flashing or with intermittent illumination. Vadney – We can then have a new definition for electronic signs. We don't have a definition for electronic signs; we have to do that one. The amendment would be to make the one I just said and the second part of that would be another change to the ordinance that would add a definition of electronic signs. Kahn – We have to prohibit electronic signs. We need to eliminate the word "including" and say "and electronic signs" because including means that it has to be animated, flashing or intermittent illumination, if it's not one of those 3 and it happens to be an electronic sign, it

isn't going to be prohibited. Finer – So we cross off including and put “and”. Kahn – Then you need the definition. Vadney – So we go to the first #5 and put “and”. Edgar – Instead of the word including. Think of it this way, Section 5 is the only part of the ordinance that says this is what is prohibited in Meredith so think of Section 5 as the prohibition section so we prohibit all signs that are animated, we prohibit all signs that flash, we prohibit all signs with intermittent illumination and we prohibit electronic signs. Bates – Are you going to define intermittent the way Bill Edney tried to do? Kahn – We're not doing electronic signs. Vadney – If we don't add that or do what he recommended or mentioned, then if we went to the Town meeting and we made this new #5 including electronic signs and this is a definition of electronic signs and everything that's existing is grandfathered, there will be no new ones from this point on, Meredith Village could call in Paquette and say turn on the automatic stuff because there's no definition of intermittent. Edgar – Let's just say that happened and we have two of these, one that hasn't been built yet, but we have two permitted, both of those permits, right, wrong or indifferent are conditioned upon no more than one change per 24-hours. Bates – If you don't have a definition of intermittent, there's nothing in the world in a legal battle about what intermittent means. Edgar – The first part of the fight would be that they are violating the condition of the permit that they had agreed to. After a lengthy discussion relative to banning electronic signs, etc., it was the consensus of the Board to move forward with amending the Sign Ordinance, that this ban would be townwide and that time and temperature signs would also be excluded from the ordinance.

Kahn moved, Mr. Chairman, I move that we notice a public hearing to amend the zoning ordinance to change Article III, Section H, Subsection 5, to read as follows: Signs which are animated, flashing or with intermittent illumination, and electronic signs, are prohibited.

I also move that we amend Article 7, Definitions, to include definitions of electronic signs and reader boards as set forth in the materials that we have in front of us. Worsman seconded.

**Electronic Sign** – A sign, or portion of a sign, that displays an electronic image or video, or uses changing lights to form a message in text form. The sequence of images, videos or text and the rate of change is programmed, modified and changeable by electronic means or electronic activation. This definition includes signs using similar technologies including television screens, plasma screens, digital screens, flat screens, LED screens, video boards, holograph displays, liquid crystal display signs and fiber optic signs. Reader Boards as defined are not considered part of this definition, nor are signs that are specifically intended for public safety or traffic control.

**Reader Board** – A sign designed to accommodate changeable copy including, but not limited to individual letters and numbers that can be removed and replaced by hand. Electronic signs are not considered as part of this definition.

From a discussion point of view, I just want to go over that electronic sign definition to make sure you're comfortable with that. We haven't really talked about that. Kahn – This is kind of an amalgam of different ordinances that you've been looking at. It looked to me like a fairly extensive shopping list. I didn't have a problem with it. Certainly the technology is going to come up with something that's not on a shopping list but it seemed to me we've got it defined in such a broad fashion, we're probably OK at least for this millennium. A lengthy discussion of the definition of electronic sign took place. Edgar – One thing here I think that is intended as well as the other towns that have defined these things is to distinguish an electronic sign from some other internally illuminated sign and the means by which the text is changed is one way to describe that. Bates – If you take the 2<sup>nd</sup> sentence out, what do you lose? Vadney – That it can be set remotely. Bates – The first sentence says, a sign or portion of a sign that displays an electronic image or video, or uses changing lights to form a message in text form. Edgar - The reason why it was put there is because I'm taking descriptive information from several towns and I pulled in what I thought was relevant to give you the big picture and it doesn't mean it all has to stay there. Some towns would define electronic signs as being this programmable thing. Other towns would define it by example using plasma, etc. I just kind of tried to weave it together into one definition but it may be too much. Kahn – To the extent that we don't want to confuse the public if we can shorten it, it would be helpful. Bates – I think it's confusing and I don't think it gives you anything that you'd lose if you take it out. Vadney – The thing I think that might be thrown out by a judge if it came to that is the action part of it where it says modified and changeable by electronic means or electronic activation. The thing about it, we shouldn't be trying to control how he changes his sign, we just say we don't want the thing changing. Edgar – It was intended to be descriptive, if it causes a problem and it doesn't provide any benefit, whack it. Kahn – I am receptive, I am indeed amending my motion to change the definition of electronic sign to delete the second sentence and to delete in the third sentence, the word similar and to add after the word technologies, "such as, but not limited to" and delete the word including. Edgar – Just for your own information if someone says, does that mean I can't have a TV set playing on the front counter of my retail shop and the answer is that it is not regulated. These signs are basically visible from the highway so things that are interior to a building that are not purposely projected through a window are not considered signs by definition. They have to be visible from a public ROW. Bates – It's still got to be a sign using one of those technologies. Worsman – Does that mean they could have one of these signs in their window? Finer – I'll give the perfect example of that, the haircutting place up on Route 25 across from

Moulton Farms, they were limited on how big their sign could be outside so they filled their picture window with a sign. Could they turn around and make this an electronic one? Vadney – That seems like one we probably would be hurting ourselves if we tried to include it, it may be worthwhile sometime in the future but for the sake of getting this through, why muddy it with the sign inside the building. Kahn – I'm not sure we don't regulate those already. Vadney – It may already be covered and it's not an issue but whatever it is, I don't think it should be added to this. Kahn – We either regulate signs inside buildings or we don't and I think we probably do, but let's not make it part of this proposal. Colette, do you go along with these changes, you were the second? Colette – Yes. Sorell – So read it again. Vadney – Why don't you read the whole sentence into the record?

Kahn moved, I MOVE THAT WE PROPOSE AN AMENDMENT TO THE ZONING ORDINANCE TO AMEND ARTICLE III, SECTION H, SUBSECTION 5, TO READ AS FOLLOWS: SIGNS WHICH ARE ANIMATED, FLASHING OR WITH INTERMITTENT ILLUMINATION, AND ELECTRONIC SIGNS, ARE PROHIBITED.

THAT WE AMEND ARTICLE 7, TO INCLUDE A DEFINITION OF **ELECTRONIC SIGN** AND **READER BOARD** TO READ AS FOLLOWS:

**ELECTRONIC SIGN** – A SIGN, OR PORTION OF A SIGN, THAT DISPLAYS AN ELECTRONIC IMAGE OR VIDEO, OR USES CHANGING LIGHTS TO FORM A MESSAGE IN TEXT FORM. THIS DEFINITION INCLUDES SIGNS USING TECHNOLOGIES SUCH AS, BUT NOT LIMITED TO, TELEVISION SCREENS, PLASMA SCREENS, DIGITAL SCREENS, FLAT SCREENS, LED SCREENS, VIDEO BOARDS, HOLOGRAPH DISPLAYS, LIQUID CRYSTAL DISPLAY SIGNS AND FIBER OPTIC SIGNS. READER BOARDS ARE DEFINED ARE NOT CONSIDERED PART OF THIS DEFINITION NOR ARE SIGNS THAT ARE SPECIFICALLY INTENDED FOR PUBLIC SAFETY OR TRAFFIC CONTROL.

**READER BOARD** – A SIGN DESIGNED TO ACCOMMODATE CHANGEABLE COPY INCLUDING, BUT NOT LIMITED TO INDIVIDUAL LETTERS AND NUMBERS THAT CAN BE REMOVED AND REPLACED BY HAND. ELECTRONIC SIGNS ARE NOT CONSIDERED AS PART OF THIS DEFINITION. Worsman seconded. Voted unanimously.

Edgar – What would happen at this point, Mr. Chairman, if this is approved to go forward you and I would have to sit down and work out the schedule in terms of notification, hearing dates, meeting room availability and I would ask that you have the discretion to set those dates. I advised Carol I would be touching base with her in the morning because of the whole Town Meeting issue so I would just ask that you be given the discretion to set those dates.

Bates – I would like to adopt a second motion after you adopt this one. There's an issue now where you've proposed the zoning amendments but it's only good for 120 days. You've got to have a Town Meeting within 120 days and you don't know if it's going to be voted on within 120 days so what I'd like you to do is adopt a motion requesting that the Selectmen hold a Special Town Meeting to consider the zoning amendments no later than 120 days after it's posted for the first public hearing.

Kahn moved, Sorell seconded, THE MEREDITH PLANNING BOARD REQUESTS THAT THE BOARD OF SELECTMEN SCHEDULE A SPECIAL TOWN MEETING TO VOTE ON A PROPOSED ZONING AMENDMENT NO LATER THAN 120 DAYS FROM THE DATE THE FIRST PUBLIC HEARING IS POSTED. Voted unanimously.

Worsman – I need a clarification of that. We need to hold a public hearing as a Selectboard or the Planning Board? Bates - The Planning Board holds the public hearing on the proposed zoning amendment but the Selectmen need to decide whether or not to support the effort by scheduling a Special Town Meeting. Worsman – And then it's voted on by ballot? Essentially, there truly isn't a Town Meeting, there's simply a ballot vote. Bates – It is a Town Meeting but there's no business session where people get together. It's not a deliberative session. Edgar - Essentially, it's the same process that we follow in March except we're doing it at a Special Meeting and in lieu of March it will be July or something. It's the exact same process in terms of posting and you're the hearing officer and at the close of the hearing you have to determine whether or not to put it on the Warrant and if you vote at that point to put it on the Warrant, you would have a parallel request of the Selectmen to hold the necessary Special Town Meeting. Finer - Are we bound to this if we get shot down entirely in a public hearing? Edgar – No, you have 3 options, you can go forward, thank you for your testimony and you want to get it to the voters, you can pull the plug and say oops or you can texturally modify it. If it's a substantial change to the text, we have to hold a second hearing on the modified text so you have a lot of options going forward. You are the ones that are going to be catching the bullets directly and you need to be confident in what you're doing. Vadney - Practically, if we don't go forward within the next 120 days, it would most likely be we would then bring it back for a regular vote at the March Town Meeting or something. I doubt we would postpone it until September or whatever 120 days is. Edgar – The law requires once you've posted, it has to be done within 120 days. Vadney – Assuming we don't meet that point, we probably wouldn't regroup and say let's do it in October. Edgar – It's hard to speculate, Herb, because we have no idea what would have given rise to us not having a meeting within 120 days. Let's just say you're going to vote on this and within a very short order, there will be a posting. The clock's ticking at that point and the purpose of this motion is to communicate the request to the Selectmen so that we're getting the ball rolling. Bates – The sooner the Selectmen decide whether they are going to call a Special Town Meeting and if so, what the date of that is going to be, the sooner they do that the better. As I said,

we're in this funny zone where we don't know yet if the thing is going to be dealt with within 120 days.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Mary Lee Harvey  
Administrative Assistant

The minutes were reviewed and approved at a regular meeting of the Planning Board held on \_\_\_\_\_.

---

William Bayard, Secretary