

MILFORD PLANNING BOARD PUBLIC HEARING
January 4, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Chris Beer
Steve Duncanson
Judy Plant
Kathy Bauer (BOS Representative)

Staff:

Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Feral McEleavy, Videographer

Alternate members:

Susan Robinson

Chairperson Langdell called the meeting to order at 6:35PM. Chairperson Langdell introduced the Board, explained the process for the public hearing and read the agenda.

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold Public Hearings on Tuesday, January 4, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

1. Minor zoning changes to Articles II, General Provisions to clarify definitions of Public Nuisance.
2. Modifications to Article VI, Overlay Districts, Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.
3. Modifications to Article VII, Supplemental Standards, Sections 6 to amend the Sign Ordinance by adding definitions, creating Price Numbering Signs, clarifying Off Premise Signs, creating Event Signs and modifying Electronic Message Centers
4. Revisions to Article V, Zoning Districts and Regulations relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.
5. Add to Article X, Administrative Relief, Section 7, to allow Office use by special exception in the Residence A and B districts.
6. Modifications to Section 4.01.0 and 7.07.8 to update the definitions of the Senior Housing Development Overlay District.

PUBLIC HEARING

Chairperson Langdell stated that the notice in the 12/23/10 issue of the Cabinet Press was incomplete in terms of tonight's agenda; however, the agenda did appear in totality in the 12/30/10 issue and was posted at the Town Hall and on the website. Therefore, we will hold a public hearing on agenda items 2 and 5 but any decisions will need to wait until the 1/18/11 meeting.

Article II, General Provisions and Article VI, Overlay Districts; to clarify definition of Public Nuisance.

Chairperson Langdell noted that this zoning change has been withdrawn per discussion from the 12/21/10 worksession.

Article VI, Overlay Districts; modifications to Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none. Any decisions or further discussion will be postponed until the 1/18/11 meeting.

Article X, Administrative Relief; modifications to Section 7, to allow Office use by special exception in the Residence A and B districts.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none. Any decisions or further discussion will be postponed until the 1/18/11 meeting.

Article V, Zoning Districts and Regulations; revisions relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.

- ***Add Office in accordance with Section 10.02.7 as an Acceptable Use by Special Exception in the Residence A district, 5.02.02.A***
- ***Add Office in accordance with Section 10.02.7 as an Acceptable Use by Special Exception in the Residence B district, 5.03.02.A***

Chairperson Langdell referenced “Item D.1” on page 4 of the staff memo dated 12/22/10 and explained that the proposed amendment pertains to office use as discussed from the Economic Development Advisory Council’s land use committee recommendations.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none.

C. Beer made a motion to table action on Articles V, Zoning Districts and Regulations, Sections 5.02.0 and 5.03.0 until the 1/18/11 meeting in order to make a decision on “Item D” in its entirety. S. Duncanson seconded and all in favor.

Article IV, Definitions and Article VII, Senior Housing; modifications to Section 4.01.0 and 7.07.8 to update the definitions of the Senior Housing Development Overlay District.

- ***Article IV, Definitions; revisions to Assisted Living facility, Congregate Care Facility and Independent Senior Housing.***

Chairperson Langdell explained that Attorney Drescher has reviewed our revisions and given some input. He was happy with our definitions, especially the reference to the RSA; however, he would recommend that we include the term “shall include but not be limited to” to the beginning of the definitions Assisted Living Facility and Congregate Care Facility, listed in Item E on page 5.

T. Sloan asked if that would change the intent. J. Langdell replied no, it is not a substantive change, but more of a clarifying point.

K. Bauer inquired what town counsel’s reasoning was. S. Marchant said he had no issue with the definition as proposed and she brought forward the Planning Board’s difficulty in finding a definition and balancing the RSAs and administrative rules with our fears that we would miss something we intended to be included. We didn’t want a facility like the Pillsbury House to have to go to the ZBA because it didn’t exactly fit. What we have is good and we can certainly go forward without this change, but this wording was town counsel’s recommendation to address items that didn’t fit quite perfectly and to make our ordinance cleaner. K. Bauer asked if this new clause would make enforcement more open ended for the applicant. S. Marchant said that town counsel didn’t think so because these definitions are so specific. The wording would not be wide open, but it would allow for some flexibility. J. Langdell said part of the challenge with revising the definitions was that they were taken from the front part of the RSA not necessarily from the regulations that are put forward by the State that have the different levels and more detailing so this may give us more ability without being a huge outlier.

J. Plant said she would prefer adding the recommendation from town counsel.

C. Beer said either way was fine with him.

S. Duncanson made a motion to amend the definitions of Assisted Living Facility and Congregate care facility with the wording as recommended by town counsel. C. Beer seconded and all in favor.

Chairperson Langdell opened the discussion for public comment; there was none and the public portion of the hearing was closed.

C. Beer made a motion to post and send the proposed amendments, as amended, to the March 2011 warrant. S. Duncanson seconded and all in favor.

Article VII, Supplemental Standards; Modifications to Section 7.06 to amend the Sign Ordinance by adding definitions, creating Price Numbering Signs, clarifying Off Premise Signs, creating Event Signs and modifying Electronic Message Centers.

Chairperson Langdell opened discussion for public comment on the proposed amendments listed on pages 1-5 of the staff memo dated 12/22/10; there was none and the public portion of the hearing was closed.

S. Marchant distributed a memo from Bill McKinney dated 1/4/11 and a revised sheet detailing the changes to event signage and explained that paragraphs 2-3 would be the focus of tonight's discussion. J. Langdell noted, as an aside, that the community wayfinding guide signs also referenced in that memo will fit into the bigger picture, as well as next year's work with the Traffic and Circulation Chapter of the Master Plan and possibly with the Economic Development Advisory Council's (EDAC) work on branding. S. Marchant explained that Bill McKinney met with the NH DOT and the DOT said they are working with many communities who are struggling with this issue. The business communities are coming forward to say we need signage in the Right of way and basic directional signs for special events. The DOT said that some communities have tried this and we were encouraged to add a definition for a "special" event based on some of the experiences and issues of those other communities. So, per the memo, we are proposing a definition for Special Event; *A significant public or private gathering or function with the potential to cause a large influx of traffic or population within a designated area or location for a specified duration of time. A Special Event shall only occur one per calendar year. Sporting events, graduations, religious, military and holiday celebrations, professional multi-exhibitor expositions and trade shows, community events on public or private land and other similar functions shall all be considered Special Events.* The purpose of this signage is directional in nature; to direct the public.

J. Langdell noted that the definition of a *special event* included "once per calendar year." S. Marchant said that one community enacted signage for "events" and a local used car facility held an "event" every weekend which was very frustrating to the community. So, even if a track team hosts a regional event twice a year, they would be two unique events and that definition would still work, but a weekly recurring event wouldn't fit. This is our best attempt to include DOT's suggestion. J. Langdell said all we're adding is the word "special" to what was posted for event signage and adding a definition for "special event."

S. Marchant said there are also a few revisions on the back page; all event signs shall only be within the official designated event sign location map areas which have been revised. The other change to note is that the DOT will not allow signage in their right-of-ways as described here; however, the DOT will allow for an applicant to apply for their electronic signage to use as directions to an event, in the areas we allow for event signs on the location map. NH DOT will be in charge of the roadside signs, that are similar to what our police use, and will regulate the wording as well as the set up of the signs. The applicant would also have the option to go directly to the DOT to request signage in the right-of-way. J. Langdell asked if there would be a cost from DOT. S. Marchant said she did not have any information at this time. If this were to move forward, we would have an informational sheet with contact information, instructions and costs. She also referenced Bill McKinney's memo that provided other options in paragraph 1 such as erecting a permanent sign at some of these locations with changeable copy. The DOT would sign off on the permit and it would fall under our ordinance as long as Milford agreed to be responsible for the signage.

T. Sloan asked if the DOT involvement only applied to specific the DOT locations; 1, 5, 6, 9, 10 and 11 on the map. S. Marchant said yes and added that the Right of ways within the downtown fall under the urban compact

zone which we have jurisdiction to police and maintain. J. Langdell said that the all major intersections where one would want a directional sign, 101A/Elm St, Rte13/101A, and 101A/101, are governed by the State and discussion followed. T. Sloan asked if the electronic message signs comply with our sign ordinance. S. Marchant replied that they are temporary in nature and that police and municipal signs are exempt. T. Sloan said it would be nice if we came close to the requirements for the general public at the same time as facilitating public safety for event attendance. Also, maybe some entities would be interested in the wayfinding signs as they would be attractive for the gateways into town and there may be grant potential. J. Langdell said this fits so well with our gateway discussions. S. Duncanson mentioned that one of the state DOT signs was used at the west end of Elm St during the Pumpkin Festival this year with the message “downtown event – choose alternate route.” S. Marchant said that’s exactly what they’re designed for, a large influx of traffic. J. Langdell said the special event definition will include varying degrees of events like the large Pumpkin Festival and Democratic events at the Dome as well as smaller events like the Congregational Church’s annual antique show.

T. Sloan said that Bill McKinney was very helpful to assist with the definition for special events and he would not be opposed to incorporating those changes into our definition.

T. Sloan made a motion to incorporate the revisions as outlined by Bill McKinney and Sarah Marchant. S. Duncanson seconded and all in favor.

Chairperson Langdell opened the discussion for public comment; there was none and the public portion of the meeting was closed.

S. Duncanson made a motion to post and send the proposed amendments, as revised, to the March 2011 warrant. C. Beer seconded for discussion.

T. Sloan brought up price numbering signs, listed as “Item 2; a and b” on page 2 of the staff memo and asked if anyone might construe this as being able to add 30% to the maximum square footage of the allowed signage for the numbering portion. S. Marchant referenced a previous discussion and said if we used total sign allotment it might take up more than 30% because sometimes the total allowed area is larger than the individual sign and includes multiple signs in the calculation. J. Langdell said that is a good point because the way this is written it is assumed that a price numbering sign will be part of a bigger sign. S. Duncanson said he interprets this as 30% of total sign that is allowed, if there was no sign to go with it, the maximum would be 30% of 6 SF. S. Marchant said the wording “allowed” could mean multiple signs within that total sign area. T. Sloan said it might be better to be ambiguous than to put have the sign total misconstrued. J. Langdell said another alternative would be to limit a price numbering sign to a section of sign for the numerical display. A discussion pertaining to wording and examples followed. S. Marchant said we currently allow electrical message centers anywhere and the intent for this revision is something very, very specific. J. Langdell said we can put it into practice for a few years and revisit it as needed when we have experiences or if other communities have issues. S. Marchant said the minutes will reflect the intent as well.

J. Langdell called for a vote and all voted in the affirmative.

Article IV, Definitions; revisions to Harvesting of Natural Resources, Hospice house, Health service facilities, Hospital, and Nursing home or facility

J. Langdell said Attorney Drescher had a few other non substantive recommendations for the definitions which we posted and sent to warrant at the last public hearing.

S. Duncanson made a motion to re-open discussion on the above definitions. T. Sloan seconded and all in favor.

The definition for *Harvesting of Natural Resources*, ought to include the words “on-site” in the language.

J. Langdell said that adding on-site to our definition of Harvesting of natural resources will better reflect the intent of our previous discussion.

T. Sloan inquired if it would be considered processing, not harvesting, if it wasn't done on-site. S. Marchant read the definition with the revision *The removal of natural resources, such as timber, freshwater, and earth materials from their natural state on-site*. This stemmed from a recent case using the definition of farm and the key phrase was on the 2nd in line in *on a farm*.... and on-site will just help clarify things.

J. Langdell said the definitions for *Hospice house, Health service facilities, Hospital, and Nursing home or facility* should also include the language "shall include but not be limited to."

S. Marchant said this revision involves the same wording as discussed earlier for Assisted living facilities and would add "shall include but not be limited to" to the beginning of each of the definitions for Hospice house, Health services facilities, Hospital and nursing home or facility.

T. Sloan made a motion to incorporate the suggested language from Attorney Drescher into the definitions that were originally posted at the 12/14/10 public hearing and repost and send the revised amendments to the March 2011 warrant. S. Duncanson seconded and all in favor.

The public hearing was adjourned at 7:20PM.

MINUTES OF THE JAN 4, 2011 PLANNING BOARD PUBLIC HEARING APPROVED JAN 25, 2011