

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
December 2, 2014**

DATE: December 2, 2014 TYPE: Public Hearing APPROVED: January 6, 2015
TIME: 7:00 pm

CALL TO ORDER:

ROLL CALL MEMBERS: Chairman Hank Whitney, Vice Chairman Phil Simeone, Bruce Donati, Sam Bouchie, Jonah Ketola,

ROLL CALL ALTERNATES: Holly Koski

ABSENT: Holly Koski, Charlie Eicher

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR (Interim): Kirk Stenersen

PLANNING SECRETARY: Susan Hoyland

APPOINTMENT OF ALTERNATES

OTHERS PRESENT Cheves Walling, Larry Cleveland, Roni Hamilton, June Sailor-O'Day, John O'Day, Ashley Saari

Pledge of Allegiance

a. Call to order and Roll Call by the Chairperson

c. Announcements

Roberta Oeser said that the Tree Lighting would take place Friday night.

d. Approval of Minutes

1. November 18, 2014
2. November 18, 2014 non public session

MOTION: Roberta Oeser moved to approve the Public and Non-public minutes of November 18, 2014 as written. Phil Simeone seconded the motion. **Vote: 6-0-0**

e. Old Business/Continued Public Hearings

1. **Notice of Voluntary Merger**, Theodore B. Covert, Map 45 Lots 94 and 93, located on John Ave and Pine Ave.

Planning Director Kirk Stenersen said that Mr. Covert had supplied the Planning Office with the appropriate deeds and that Dave Duvernay had signed off on this merger request. There are no issues now with this request and Kirk Stenersen said that Mr. Covert is just looking to merge these lots for tax purposes.

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

MOTION: Roberta Oeser moved to approve the Voluntary Lot Merger requested by Ted Covert for Map 45 Lots 94 and 93 located on John Ave. and Pine Ave. Phil Simeone seconded the motion.

Vote: 6-0-0

Roberta Oeser asked why the old forms had not been updated. Susan Hoyland said that we have updated forms in the office and on the website. Roberta Oeser asked that Dave Duvernay be given the new forms to use.

f. New Business/ Public Hearings

1. Public Hearing on the 2015 Proposed Zoning Amendments

Planning Director Kirk Stenersen presented the proposed article as follows:

Article #2:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows?

To amend Article XIII of the Town of Rindge Zoning Ordinance to **eliminate** Section F, which currently states: "An owner of contiguous lots, any one of which has less than the required frontage and/or area, must combine such lots to conform to the frontage and area requirements of this Zoning Ordinance before any building permit may be issued, unless said lots have been previously approved by the Planning Board or exceed five (5) acres in area."

This amendment is intended to bring the Town of Rindge Zoning Ordinance into conformance with N.H. State Statutes.

Planning Director Kirk Stenersen said that basically, zoning currently requires if you have two lots that are adjacent to each other, under the same ownership, and one of those lots does not conform, you must merge them. He said State Statute eliminated the ability to do that; that currently you have until December 31, 2016 to unmerge any lots that have been involuntarily merged. This proposed article would clean up our ordinance and remove this section that shouldn't be in there.

Roberta Oeser said that there are lots that are legal lots, pre-zoning, and as long as they can support the septic and well requirements, they are lots of record, but for a town to say that that lot doesn't exist anymore would be a land taking. Kirk Stenersen said that it is his understanding that this section is now illegal and that is why we want to eliminate it from the ordinance.

Chairman Hank Whitney opened the public hearing. There were no questions or comments from the audience.

MOTION: Roberta Oeser moved to approve the final form of proposed Article #2 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015. Sam Bouchie seconded the motion. **Vote: 6-0-0**

Article #3:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows?

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

To amend Article XIII of the Town of Rindge Zoning Ordinance to **eliminate** Section G, which currently states: “Any lot sold or transferred by the owner of a lot contiguous to said lot on or after March 12, 1991, that does not meet the frontage or area requirements of this Zoning Ordinance will not be considered a separate building lot.” (The Planning Board does / does not recommend this amendment.)

This amendment is intended to bring the Town of Rindge Zoning Ordinance into conformance with N.H. State Statutes.

Kirk Stenersen said that this is the article that Dave Duvernay had sought a legal opinion on. He was told that you could enforce this. Kirk Stenersen said that if you owned a legal non-conforming lot, you could build a house on it, but if you sold that lot to someone else, they could not. Kirk Stenersen said that that would mean that the status of a lot would depend on who owned it. Removing this article would rectify that. Roberta Oeser said that, as a real estate broker, if she had someone buying two lots, she would have them take ownership separately because of this section G.

Roberta Oeser said that should this article pass, we should not reuse the letter G as a section, but have a space holder and put ‘repealed’ next to section G.

Chairman Hank Whitney opened the public hearing. There were no questions or comments from the audience.

MOTION: Jonah Ketola moved to approve the final form of proposed Article #3 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015. Roberta Oeser seconded the motion. **Vote: 6-0-0**

Article #4:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows?

To amend Article V Section B.3, Article VI Section C.3, Article VII Section B.3 to read as follows:

3. Area:
 - a. Each lot shall have an area of no less than two (2) acres.
 - b. Single family dwelling lots shall have an area of no less than two (2) acres.
 - c. Two family dwelling lots shall have an area of no less than three (3) acres.
 - d. Multi-family dwelling lots shall have an area of no less than two (2) acres for each dwelling unit.

This amendment is intended to add a two (2) acre minimum lot size to non-residential lots. The current Area requirements in the Residential-Agricultural and Village Districts only mention residential dwellings. There are some non-residential uses permitted and therefore should be addressed. This will provide uniform Area requirements across the Residential-Agricultural, Village and College Districts.

Roberta Oeser said that she would like to see the wording of this article revised to be clearer. She suggested adding “To amend the following three sections:” prior to listing the sections.

The wording of the article was changed to:

Article #4:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows?

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

To amend the following three sections: Article V Section B.3, Article VI Section C.3, and Article VII Section B.3 to read as follows:

3. Area:
 - a. Each lot shall have an area of no less than two (2) acres.
 - b. Single family dwelling lots shall have an area of no less than two (2) acres.
 - c. Two family dwelling lots shall have an area of no less than three (3) acres.
 - d. Multi-family dwelling lots shall have an area of no less than two (2) acres for each dwelling unit.

Chairman Hank Whitney opened the public hearing.

Larry Cleveland said that he preferred this wording as it made it easier to understand for the general public.

MOTION: Bruce Donati moved to approve the final form of proposed Article #4 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015. Roberta Oeser seconded the motion. **Vote: 6-0-0**

Article #5:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows?

To rescind Article III, Section K and replace it as follows:

K. Road Acceptance: Prior to the acceptance by the Board of Selectman of any road previously approved by the Planning Board as a public way, said road shall be reviewed and inspected in the following manner:

1. The Roadway Committee, consisting of the DPW Director, the Director of Public and Life Safety, the Chief of Police, the Planning Director, one member of the Planning Board and two qualified citizens, in this case one being an abutter to the road being considered, shall be convened to render an advisory opinion to the Board of Selectmen based solely on the construction and acceptability of the road as built.
2. The Roadway Committee shall seek the opinion of a qualified Professional Engineer of their choosing, registered in the State of New Hampshire, who shall provide them with a written report regarding the compliance with Town standards, bond and security issues, projected maintenance, and other items requested. The owner of the road is responsible for the payment of all consulting and engineering fees incurred and failure to do so is cause for disapproval.
3. The Board of Selectmen shall conduct the layout and acceptance of the road as prescribed in New Hampshire R.S.A. 43 and 231, as amended, or to determine that the acceptance of the road shall be by a petition warrant article.

This amendment is intended to clarify the process for the acceptance of a road by the Board of Selectmen.

Kirk Stenersen said he thought this amendment was pretty straight forward and gets rid of the concept of the Selectmen advising the Selectmen.

Chairman Hank Whitney opened the public hearing.

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

Larry Cleveland asked if there was any way, in the voter's guide, the Board could put in a brief summary of what is being rescinded. He said that people will not realize that there was a procedure in place previously and will think this is a brand new process. Chairman Hank Whitney asked Interim Planning Director Kirk Stenersen if there was a concise way to draft something for the voter's guide. Kirk Stenersen said that Larry's suggestion was a good one and he will put something together to explain this better.

MOTION: Roberta Oeser moved to approve the final form of proposed Article #5 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015 and to add a better explanation. Bruce Donati seconded the motion. **Vote: 6-0-0**

Article #6:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows?

To amend Article V of the Town of Rindge Zoning Ordinance to **eliminate** Section 6, which currently states: "Churches' are allowed upon the granting of a Special Exception by the Board of Adjustment, when the Board is satisfied that the proposed use meets the requirements imposed by Article XIV,B

This amendment is intended to clarify the Town of Rindge Zoning Ordinance to eliminate a discrepancy with Article III, Section R which reads as follows: "Churches and other places of religious assembly are allowed in all zoning districts and are subject to Site Plan Review by the Planning Board."

Kirk Stenersen said that this should have been taken out two years ago and was missed. Roberta Oeser suggested saying this was due to case law. Kirk Stenersen said that that could be addressed with the voter's guide.

Bruce Donati said that he is looking for consistency on this. He said there are 8 districts, on 6 of them we have mention made of churches. On two, they are not mentioned. He said he understands that churches are allowed in all districts and that it would be appropriate to add reaffirming language that churches are allowed in each district's section of the ordinance. Kirk Stenersen said that while he doesn't entirely disagree with Bruce Donati's line of thinking, this should have been changed prior to holding the Public Hearing. Any major changes made this evening would result in the need for additional public hearings. Phil Simeone said we can clean this up another time.

Chairman Hank Whitney opened the public hearing. There were no questions or comments from the audience.

MOTION: Roberta Oeser moved to approve the final form of proposed Article #6 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015. Sam Bouchie seconded the motion. **Vote: 5-1-0** Bruce Donati voted no.

Article #7:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Sign Ordinance as follows?

To amend Article III, Section I of the Town of Rindge Sign Ordinance to **eliminate** the final sentence of that section, which currently states: "No Real Estate Directional signs may be placed in the right of way."

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

This amendment is intended to allow temporary real estate directional signs in the right-of-way to reflect the way the ordinance is presently enforced.

Chairman Hank Whitney opened the public hearing.

Larry Cleveland asked how big these signs are. Roberta Oeser said that basically these are an arrow directing people to a house that is for sale. Kirk Stenersen said they have a white background, a dark house, and dark lettering; are 6" x 24" and not more than 50" tall.

MOTION: Jonah Ketola moved to approve the final form of proposed Article #7 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015. Roberta Oeser seconded the motion. **Vote: 6-0-0**

Article #8:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Sign Ordinance as follows?

To amend Article V of the Town of Rindge Sign Ordinance to **eliminate** Section Q, which currently states: "Internally illuminated signs including Vending Machine Signs and/or their facades."

To amend Article III, Section F of the Town of Rindge Sign Ordinance to **add** the word "External" as the first word of the heading of section F so that it reads as follows: "F. External Illumination Standards:"

To amend Article III, Section F of the Town of Rindge Sign Ordinance to **add** a new subsection 1 and renumber current subsections 1 through 7 to 2 through 8. The new subsection 1 to read as follows: "The use of LED lighting and/or the use of efficient enclosed internal lighting is encouraged for all new applications and changes to all existing external lighting."

To amend Article V of the Town of Rindge Sign Ordinance to **eliminate** Section O, which currently states: "Illuminated Canopy signs."

(The Planning Board does / does not recommend this amendment.)

This amendment is intended to allow external internally illuminated signs while encouraging the use of LED lighting and/or efficient and enclosed lighting.

Kirk Stenersen said that he had spoken with Dave Duvernay in regard to the illuminated canopy signs. There is a difference between an awning and a canopy as outlined in Section XII Definitions of the Sign Ordinance:

Awning Sign: A shelter of canvas, plastic, metal or some other material, extending over a doorway or window and providing shelter from rain or sun, with sign message incorporated. Only the area of the awning where lettering or graphic images are located shall be considered the "sign area" for purposes of calculation.

Canopy Sign: A structure such as over the pumps at a gas station or bank drive thru on which the business displays the name, logo or company colors.

Phil Simeone said that if this article passes, we will be allowing internally illuminated signs forever. Roberta Oeser says that the new LED signs use less light, are much more energy efficient and emit less light. Jonah Ketola said you can see these much better. Kirk Stenersen said if your goal is to protect the night sky, this is a better way to go. Phil Simeone asked if this includes neon signs and flashing signs. Both Kirk Stenersen and Roberta Oeser said no. Flashing signs are prohibited.

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

Bruce Donati asked how this change would affect Sign Master Plans. Roberta Oeser said that Cheshire Marketplace is an example of this. Several had internally illuminated signs; several businesses had to go to the ZBA (Zoning Board of Adjustment) for variances to be consistent. Bruce Donati asked what would happen if a business owner did not want an internally illuminated sign. Roberta Oeser said that it would be up to the owner of a development to make that decision, and not the tenant. Jonah Ketola said that the Sign Subcommittee researched all the sign variances and determined that this change was needed. Chairman Hank Whitney said that this is to catch up with progress.

MOTION: Roberta Oeser moved to approve the final form of proposed Article #8 and forward for Town Meeting consideration at the second session of the annual meeting on Tuesday, March 10 2015. Jonah Ketola seconded the motion. **Vote: 5-1-0** Phil Simeone voted no.

Planning Director Kirk Stenersen said that he did not include an article to allow for numbering changes. He said that it was his belief that it is not necessary to do that each year because the state statutes allow you to do that. Roberta Oeser said that when we eliminate items from the ordinances, we should not eliminate and re-use that letter designation but rather mark that line “repealed” and use a new number or letter designation for additions.

The Board discussed the process to include their recommendations on the warrant. Chairman Hank Whitney asked that the individual votes be shown.

MOTION: Roberta Oeser moved that the votes as taken this evening show that the Planning Board recommends these articles. Phil Simeone seconded the motion. **Vote: 6-0-0**

Reports of officers and subcommittees:

1. Driveway Regulations

Hank Whitney asked if everyone had read the proposed Driveway Regulations and were ready to discuss them. Roberta Oeser said that she had not had time and asked if this discussion could be moved to another meeting. Chairman Hank Whitney said that we had been putting this off for quite some time and he would like to get this completed.

2. Large Wind Energy

Kirk Stenersen said that, after reviewing the proposed ordinance, it might be much simpler to just put in a zoning ordinance that says Large Wind Energy is not allowed. He said that this ordinance that is being proposed is quite restrictive. Phil Simeone said that they had removed many parts from the model ordinance that would make this even more restrictive. Planning Director Kirk Stenersen said that he is not comfortable moving this forward this year. Roberta Oeser asked if there are locations in town where a Large Wind Energy system could go. Phil Simeone said there are a couple of places in town. Roberta Oeser asked what affect this would have on other properties. Phil Simeone said that it blocks the view, there is a flicker from these, there is noise, and the blades throw off ice, and affect birds, bats and bees. Jonah Ketola said that whether or not we have an ordinance

Meeting Minutes
December 2, 2014
HW, PS, SB, JK, BD, RO, KS, SH

for Large Wind Energy, someone coming into town hoping to install one, would still have to come to the Planning Board. After some discussion, the Board decided to not move this forward at this time.

3. Master Plan

Roberta Oeser suggested that the Board review the Master Plan and make a motion that it is fine as it is. She said the Town of New Ipswich recently did this. Chairman Stenersen suggested addressing this after the Christmas holidays. It was his suggestion to combine this public hearing with the Driveway Regulation hearing to save on advertising costs. He suggested the second meeting in January.

Bruce Donati said that there were three items from the REDI (Rindge Economic Development Initiative) action plan, the charter and membership of the EDTF (Economic Development Task Force) that had been requested during prior meetings. Bruce updated the Board on the activity of the REDI and REIS (Real Estate Inventory Subcommittee)

MOTION: Jonah Ketola moved to have a public hearing for the Driveway Regulations and Master Plan during the second meeting in January. Phil Simeone seconded the motion. **VOTE: 6-0-0**

Larry Cleveland asked if there would be something for people to see prior to the public hearing as it pertained to the REDI action plan changes. Bruce Donati said there are minutes and he would put something together for Larry. Kirk Stenersen said that if any substantial changes are made at the first public hearing, a second hearing will need to take place.

h. Planning Office Report

Mr. Cheves Walling introduced himself to the Board. He said he had served on this Board many years ago and would like to be considered for an alternate position.

MOTION: Roberta Oeser moved to appoint Cheves Walling as an alternate for a term expiring March 2017. Phil Simeone seconded the motion. **Vote: 6-0-0**

Adjourned at 8:30 pm

Respectfully submitted,

Susan Hoyland
Planning Secretary