

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

AUGUST 24, 2004

A meeting of the Planning and Economic Development Committee was held on Tuesday, August 24, 2004 at 7:07 p.m. in the Aldermanic Chamber.

Chairman David Rootovich presided.

Members of the Committee present: Alderman Kathryn D. Vitale
Alderman David MacLaughlin (7:30 p.m.)
Alderman Richard LaRose, Vice Chair

Members Not in Attendance:
Alderman Robert G. Shaw, Jr.

Also in Attendance: Alderman-at-Large Brian S. McCarthy
Alderman-at-Large Paula I. Johnson
Jay Minkarah, Director, Economic Development
Katherine E. Hersh, Div. Dir., Community Development
Mike Lowe, Planning Board Liaison
Roger Houston, Director/Manager, Planning Department
Don Reed, Barlo Signs
Christopher Hodgdon, President Nashua Chamber of
Commerce
Sean Duffy, Zoning Board of Adjustment
Mark Fougere, Planning Consultant
Richard Cane, Flatley Company
Bette Lasky, Nashua City Planning Board

COMMUNICATIONS - None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

HELD IN COMMITTEE

o-04-19

Endorser: Alderman-at-Large Brian S. McCarthy
AMENDING THE PLANNING AND ZONING ORDINANCES OF THE

CITY OF NASHUA IN THEIR ENTIRETY

DISCUSSION

Chairman Rootovich

As you all know we have put this night aside strictly to discuss the sign changes for the sign ordinance, which is Division 9. We will start on page 178, which is 16-240. Mrs. Hersh before I start do you have any comments with respect to your division on any of the significant changes within this particular part of the ordinance?

Katherine Hersh

I don't. I would defer to Mr. Houston, but I would say that there were very few changes that I remember in this section at all. This section was updated probably 10 or 12 years ago with a group of people and well represented by the business community, and this is pretty much the same. I would defer to Mr. Houston.

Chairman Rootovich

Mr. Houston do you have anything at this time that you wish to add?

Roger Houston

There is not really much more to add beyond what Mrs. Hersh said. In the early '90s this was comprehensively redone. In the late '90s there were more changes made to the sign code, and recently it is probably one of the most up to date code sections we have in this. There weren't really any substantial changes other than things that the land use consultant pointed out to the committee that were of legal significance – some wording tweaking. Other than that it is pretty much what we have today.

Chairman Rootovich

First section 16-240 – Are there any comments? On to 16-241 – Interpretation, 16-242 – Prohibited Signs – any questions?

Brad Whitney

I would like to ask Mr. Houston I guess on 16-242 (f), any sign with exposed incandescent light bulbs – does that mean signs that do not have an enclosed cover over the bulb or does that mean signs that have a hooded area but the bulb itself is not enclosed but it has a hooded area to direct the light?

Roger Houston

I believe that section refers to just a single light bulb sitting out there. That is what that applies to.

Chairman Rootovich

I assume a floodlight would be an example?

Roger Houston

It doesn't refer to any fixture. If you had a bulb with no fixture, just a bulb screwed into a socket – that is it, that is what it prohibits.

Brad Whitney

Thank you.

Mike Lowe

I was just going to say that they have a new bulb out there that sort of fluorescent that goes around like that and comes back. I don't know if we would want to include – I would be afraid that if you threw something at it, it would explode anyway. That I think is the reason to cover that.

Don Reed

Mr. Chairman the only comment I would have is that perhaps that word exposed could be replaced with unshielded because my understanding would be the intent is that you would not be able to see this incandescent metal halide light or fluorescent light or lamp or bulb exposed – exposed means a lot of things. I think shielded would be a better approach to it.

Chairman Rootovich

Mr. Houston do you have any objections to that?

Roger Houston

I don't personally have any objections to that. We can certainly give this to the land use consultant and see what is acceptable.

Brad Whitney

I just want to mention that some of the newer electrical saving light bulbs that save on electricity aren't as powerful – while they are not an incandescent in a sense, but if you put a cover on

those particularly if they were covered they wouldn't be able to do their job. Some of those are designed to be just a bulb. You might consider how this would affect energy efficient light bulbs. Thank you.

Chairman Rootovich

Are there any further comments with respect to Section 16-242 – Prohibited Signs? No further concerns?

Alderman Vitale

Defined as motion picture projection part – does this sign on Amherst Street look like a motion picture to you?

Brad Whitney

Could you speak up please?

Alderman Vitale

I am questioning the motion picture projection and – would this sign on Amherst Street that just went up not be a motion picture projection type sign and if it isn't what would be?

Chairman Rootovich

I have to assume that all of the signs that are currently up would be grandfathered in.

Katherine Hersh

If there have been changes to that sign – I haven't been out there, but there have been changes to that sign, and I do not know whether or not code enforcement has gone out and looked at that sign to determine whether that sign ...

Chairman Rootovich

I drove by it twice today – it does not have the quick flashing. You have mortgage on there then it has the rates for about 8-9 seconds then it changes – if that is an indication of the change you are looking for?

Alderman LaRose

I would suggest that they also go there at nighttime. My neighbor complained to be about it and wanted to know who to call. I told her who to call. Apparently it really lights everything up. I guess she had to stop at the light at the airport road and it kind of blinded her. I know there was

a letter to the editor the other day that more or less said the same thing. I know I have been by there in the daytime and it is quite the thing.

Jay Minkarah

I think to answer the question motion picture suggests that the image actually evolves and moves rather than just flipping between image to new image to new image. I went out and looked at it, and it seems to be a series of still frames rather than a motion picture. I don't know what the definition is, but ...

Katherine Hersh

I think the real issue is we need to look at these things with respect to whether or not this type of signage is acceptable in our community or acceptable in certain places. Some places certain signage is acceptable and then in other places you wouldn't want that signage in a different place. Some signage is really not acceptable for a particular community. It is a relevant thing it is not something that is a blanket across every community. I have not gone out to see that sign, but I can tell you that I have heard about that sign in the last couple of days, and heard a lot about that sign in particular when it first went up. Maybe it is the type of sign that isn't acceptable to this community as a community.

Alderman Vitale

I would say the comments that I have received during this time – I don't hear from anybody saying that they think it is an acceptable sign. That is constituents speaking.

Alderman Johnson

I think my biggest concern when I saw it was this flash of a house on the sign and my concern is safety. I don't know whether or not acceptable is the right term, but I look at things in terms of safety. If there is a car in front of you and you see this big flash come up and you will see these big homes and things are moving so rapidly your attention should be on the road and not on this sign. I think it is more of a safety issue versus whether or not the community accepts it. I think if it were probably a smaller scale it might be something else, but this is a big scale like a big screen TV. I think safety – during the day, but at night it could really illuminate at night. I think it is going to be worse the reflection on the cars and I just think that if it is a code violation that they should be stopped immediately before we have any accidents on Amherst Street because don't give their full attention to the road and what is in front of them.

Alderman McCarthy

I think Alderman Johnson is absolutely correct. The debate we had around the changes to the sign ordinance right around the time that sign originally went up centered around that. There are two reasons why you change the copy that is on a sign; one is to get more real estate out of the sign by making it say different things over time and if you want a reasonable example of where

that is done the one in front of Royal Ridge Mall that is out there that you can see from the top of the hill out by Pizza Hut – you can see it for a long time as you come down the hill, changes every once in a while and you get to read the sign several times as you go by. That is one where if you are looking at it you see multiple things and they get effective use of the same real estate over and over again. The other reason to change the signs and the one that I think is dangerous is the one where the sign goes through motions to get your attention and says look at me over here and draws your attention away from the bumper that is 10 feet in front of you. That is the concern I have always had about signs like the one on Amherst and several of the other ones that have gone in.

We have had numerous occasions where signs that were up or signs that come up new are put the display moving images and they draw your attention away from what is going on the road. I don't think that is acceptable. I don't actually like the ones that change anyway because I think they give a kind of carnival atmosphere to our streets that we really don't have. I certainly have vast concerns with the ones that change rapidly in order to attract attention to the sign.

Sean Duffy

The current sign ordinance that we have in a couple of cases that have come in front of ZBA the way we have interpreted some of the current ordinances are if it is scrolling or standing and there for more than 3 seconds it is allowed on a messaging sign. That one has been there for quite a while. They are using new color still photography being presented. I had some photographs – I stopped – drove around for about an hour – I can't present that all here tonight, but I will leave it here for the record – right now that sign on Amherst Street goes up and stays. Under the current ordinance my opinion is that it is okay. It is when there is no animation that it is okay. If there is scrolling or movement that shows motion of characters, blinking lights going around, which several signs now again are pushing an envelope on, which I know the compliance department will be looking at, but all of the electronic messaging signs they are trying to push different envelopes in different ways because as Alderman McCarthy said the human eye and brain cannot turn away from that change. It is just human nature. It is built right into the brain. You cannot not look at it and it imprints and stops you from what you are doing. It is a pretty good safety concern. There is a saturation point so if everything is full of signage it shouldn't affect you, but the motion itself and the fact that it is intermittent is very powerful and does draw people away.

The current sign ordinance though we have several things. It is about identify and direction for businesses. That is the current sign ordinances. There is a lot of advertising that is now going up on that system so the ordinance that we are talking about here if they have still photos up there in full color on 40 foot signs that is allowed by the new ordinance as long as they are not moving or not seeing animation to the current ordinance is the way it is proposed. If you want to change it you have to think about that. The sign on Amherst technically I think could be an okay sign as long as there is no animation or movement in it.

Again the real point is it is advertising it too and they are doing a lot of advertising there in those

changes of messages. That will be a very safety orientated – that is why they make moving signs you cannot look away from it. You can't miss them if you look at them.

Roger Houston

I think that this is not uncommon. I don't know whether that sign is appropriate or not or should be allowed or not allowed. Actually I think that in the draft code it wouldn't be allowed because a certain percentage of the sign has to be non-message board. I think that the sign out there on Amherst Street is all message board. Again I have my own personal opinion of whether or not they are appropriate, but in terms of this discussion and whether or not it would be allowed in this one – you may know better than I do, but I think that just simply the fact that none of it is non message board in nature would mean that it is not allowable.

Sean Duffy

But it is grandfathered under the ordinance so any messaging sign we have out there right now technically can be converted as when we converted all of the electronic message boards there was an agreement that everybody who had messaging boards up at that time could have them and keep them up as long as they were 3-5 seconds in duration I think it was.

Brad Whitney

I just want to mention it came to my attention that not only signs attract attention off the road, but when you think about it picnics in yards, construction, accidents, walking people, attractive people – there are a lot of things that take a person's attention off the road.

Chairman Rootovich

I understand, but we are talking about signs right now.

Alderman McCarthy

I just wanted to call attention to I believe and I think I wrote this text so this was my intent – the current ordinance does not in fact allow graphics except on signs that are grandfathered. If you look at page 184, paragraph 2 subparagraph 2 the changing sign electronic shall be restricted to 3 lines of text, which means that it has to be text and not graphics.

Don Reed

Just for the record I would like to say that Barlo Signs did not install that sign on Amherst Street. We can't take credit for that. In any case, I would like to say a couple of words about that technology that you are looking at there. It is somewhat of a brand new technology in terms of the use of LED lights that have the ability to change different colors; individual bulbs can change

into different colors. In other words instead of having a red LED and a white LED and a blue LED these LEDs have the capability of actually changing color within the LED. That has allowed manufacturers of this type of a sign to show almost photo realistic images.

I had some concerns about that sign myself when I saw it go up and I think some of the concerns can be addressed by the enforcement department in terms of regulating the brightness of it. The sign is controllable in terms of the level of lumens coming out of the sign. I believe that the current use as it has been testified here seems to be in compliance in terms of the 5-second rule. As far as the graphics I know that I am not sure if the current zoning ordinance actually prohibits graphics or just says that there should be three lines of text, but I don't know in saying that does it actually prohibit graphics?

Alderman McCarthy

The ordinance is permissive so something that is not in it is not permitted. That was clearly – if you go back and look at the debate on that ordinance when it was passed that was clearly the intent of that section of the ordinance was to preclude graphics.

Don Reed

I would be glad to answer any technical questions about that.

Sean Duffy

Would it be realistic then under prohibitive signs back on 16-242 to include no photo realistic versions of signs are permitted by the ordinance?

Chairman Rootovich

I have no objection. It is something we can give the consultant. Anything else with respect to 16-242? I have a couple of questions with respect to temporary signs, but I will wait until we get to that section. On to 16-243 – Sign Permits – any questions?

Jay Minkarah

I have to start off with an apology. It had been my intent to provide everybody with copies of the changes I was going to suggest and I was not able to do that. After tonight's meeting I will be sure to do that. My comments actually are extensive on this section, and I don't know if you really want me to go through them all. I will give you an overview and then if you would like me to go through them I will. Just preliminarily I found this section in the ordinance very, very difficult to get through, and I thought it was unnecessarily complicated.

One of the areas is what I will address in this, which is there are a lot of areas that repeat themselves throughout this section, and there are areas that at least seemingly contradict

themselves. One of the things that I tried to focus on here was how can we reorganize this to make it a little more easier to read and comprehend. Fortunately or unfortunately I have interspersed that with some sustentative changes. With that entry if you would like me to go through the comments I will.

The first section that we come to is Applicability, which is really very brief because what we get right into after that is signs that are exempt from permit requirements and that are generally permitted in all districts. What I found in going through this section was that there are also several other areas where signs are referenced that are exempt from sign permit requirements and are allowed in all districts. To me it flows a lot easier if we take all of the signs that are exempt and put them in this same section. I say there is a theme because as we go through this you probably will find that I will make that suggestion in other places. Starting right off with Applicability I would propose ending it after the first sentence where it says Subsection on the second line so it says No sign may be established without a sign permit issued by the administrator unless exempted by this subsection. New subsection (b) permit not required – I suggest that because that lets you understand right away that the following items permits are not required. I add the sentence “and are permitted in all zoning district” again because all of the signs in this example are permitted in all zoning districts and don’t require a permit.

The first two stay the way they are. The third one and I would bring up our real estate signs. I won’t go through all of the language, but basically in the current zoning ordinance real estate signs are under a list of exempt signs, and they are in this one also, but they are put under the temporary sign section so you have to dig to find them. I would also suggestion eliminating section 16-255 on page 20 in its entirety. That is a section we can turn to if you would like – that is a section that addresses only real estate signs, and I think with the proposed change here that section becomes unnecessary.

Chairman Rootovich

You propose eliminating all of 255?

Jay Minkarah

Yes. I believe that all of the sustentative requirements in that section can be summarized with the following: Real estate signs are not to exceed 8 square feet for single family residential properties, 16 square feet for multi-family residential properties, and 32 square feet for all other uses in all other zoning districts. Real estate signs are limited to one for each side of the property abutting a public right of way and must be removed within 30 days after the sale, rental or lease. That summarizes everything that you see in section 255 at least I believe it does. I will say I did add right now it allows only one sign per property and I did suggest adding allowing one sign for each side of the property that abuts a public right of way simply because I think that is typically the practice and isn’t unreasonable. That aside I think that statement covers everything in here.

You will also notice I didn't put a definition of real estate sign. The reason I didn't put a definition of real estate sign is all of the signs for the most part, there is one exception I found, all of the signs that we are talking about are defined in the definition section. I don't really believe it is necessary to repeat the definition in each section.

The table that you will find 15-12 doesn't provide any information that paragraph didn't. There are a lot of tables – that is another I guess theme that I will have – there are a lot of tables that are very complicated in appearance throughout this section, but they don't really tell you much information. You can much more easily summarize them in 1 or 2 lines. Generally I think tables are good when they help explain, but not when they make the explanation more difficult. If that makes sense I will turn back to the next item.

The next one is similar. In the Temporary Signs section, there is a reference that national, state or corporate flags are exempt. That is on page 185 of the proposed draft. You can see once again it is under a heading that you would never find it, but you will note that these can be displayed in all zoning districts and no permit is required and then there are substantive requirements. Again I suggest let's bring that up into one section and eliminate that reference. The same thing is true for nameplates, which you also see on 185. I also put in historic markers in that section also.

The next one is Building Name Sign. I didn't suggest changing that. The alterations that include repainting and so on didn't change. The same thing for the signs that are clearly shown as site plan. Then I added another one again – Charitable and Public Service Signs – when you go to the temporary sign section – in fact I suggest eliminating all of that – if you go to pages 202 and 203 – under temporary signs we again have a section that says Applicability and then under subsection (b) Permits – it then lists some signs for which permits are required. I note that some of these signs do not require permits under the current ordinance namely contractor job signs and I would recommend that we continue to not require permits for those types of signs. Then you see a sign permit is not required for the following signs once again, but it is charitable and public service signs. I suggest bringing that up here. Once again it is a difficult place to put it and I think it makes more sense to put it in one section.

Next same thing for Political Signs – if you were looking on page 202 of the draft it references political signs. Those also don't need a permit. I suggest moving them up. This is a substantive change from the proposed draft, but not the existing ordinance – I do suggest that contractor signs not exceeding 32 square feet although there is a provision for if they exceed 1 acre in size they can be 64 square feet – those continue to be allowed in all districts without permits.

Chairman Rootovich

Can we go back to temporary signs – with respect to a sign where a business may want to put an A frame sign outside – is that being eliminated in this section?

Jay Minkarah

That is very confusing. I was going to get to that. It is not clear. I was going to suggest eliminating the section that referenced that, but I haven't got there yet.

The next one is Directional, Directory or On Site Internal Traffic Control Signs – this is addressed in a different section of the ordinance that you can find on page 190. This is a section that deals with directional signs. In this case they say a sign permit is required for some and not for others. You will find that under paragraph b sub part 2. Again I suggest pulling that up front to the section on exempt signs.

Now I have added some that weren't in the proposed ordinance. I would suggest them for a couple of reasons. I realize that there will probably be differences of opinion on them, but I also tend to believe that we shouldn't prohibit things that we don't intend to enforce. With that in mind, other temporary signs that I would suggest allowing without a permit would be temporary signs no greater than 12 square feet advertising on site employment opportunities, signs affixed to the interior of a window so as to be visible from the exterior that advertise products or services available within the building, prices, methods of payment or sales.

I would propose eliminating section 16-260 in its entirety. That is on page 205 – 206. That is the section that deals with window signs. It requires permits for window signs. It restricts the number of them, their placement, the area, the timing – again I don't believe that it is realistic or necessarily even desirable to attempt to permit and regulate signs that merchants tack on the inside of their windows. I suggested adding that to this section.

Next Lettering -- logo or graphics affixed to products or packaging displayed for on site sales – I think that is pretty obvious that if you have a product displayed for sale that is not a sign. Next Lettering – logos or graphics identifying or describing products or their manufacturers, vendors or distributors, which are affixed to the exterior of equipment such as vending machines, gasoline pumps, and other similar equipment. Obviously if you have a vending machine visible, if you have gas pumps that say Exxon those are exempt. Temporary signs which advertise garage or yard sales or lost pets, on-site temporary signs advertising the opening of a new business. I would propose eliminating subpart I in subsection 16-257(e) – that is at the bottom of page 202.

If you go to 202 there was a section on portable signs. Ultimately I suggest eliminating that in its entirety – a section on portable signs I will speak to the first item and then the next one. I have to first reference carnival signs under (e) – a grand opening of a new business is considered to be a carnival sign. I don't think that really fits into the definition of carnival sign so I would suggest moving it from there. The portable sign section that you see here – portable sign means any sign not permanently attached to the ground or building. If you look at the definition of temporary signs it includes portable sign – portable sign is a different thing than a temporary sign in the ordinance, but it is confusing because it has some different requirements associated with it. I would propose just eliminating the reference to it all together.

We have on the following page a series of restrictions or regulations related to temporary signs. Those should just simply be under the heading of temporary signs. We don't need to interject I think the term portable signs it makes it more confusing.

I still have one more on the list, but I can get back to that if anybody wants me to. One more on the list of signs that permits should not be required for are customary signs that give warning no larger than 2 square feet in area bearing messages such as beware of dog and no trespassing. If that makes sense I will stop.

Chairman Rootovich

Are there any questions so far?

Sean Duffy

Just two comments. I think the consultant and the committee tried to take the current ordinance language and fit it into a language and a structure that was a little different and new so I understand some of the issues that are being talked about. Personally looking at employment signs and portable signs as being allowed and permitted – when you do that they will be all over the place. If permitted the committee and the Aldermen will do what they decide to do, but if it is permitted they will put them up for a while and will take them down. Everybody needs help. Everybody will have a portable sign. They will be all over the place.

Alderman McCarthy

I guess I have to say I want to be very careful about changes to this section. First of all I would like to ask Mr. Minkarah to distribute – if you have a written version of the comments it would be easier to go over them together. With regard to temporary signs if we make temporary signs a category that is not restricted as to function the only restriction in there is that they can only be up for 30 days, which guarantees us a new sign every 30 days. There is nothing that stops you from replacing it on the first of each month with one that says something else like what my sale is for this month or my grand re-opening sale or whatever. I think we need to be very careful because we run the risk of simply relaxing the barriers completely.

We had a lot of debate several years ago about particularly the first paragraph in carnival signs and what constituted a festivity of lights or a cluster of flags or a string of propellers and the fact that we limited numbers of those and we couldn't really tell what was what. I think we do actually need to do some work there on what the scope is of the things that are allowed by that section of the ordinance. I just want to caution us to be very careful about the changes we make in that section.

Alderman Johnson

I have more problems with the political signs being tossed everywhere in the city than any other sign that is going up. I find them more and more on city property and nothing ever being taken down after the election is over with and the city workers have to do it. The worst thing is the political signs. If I was going to restrict anything I would put more restriction on the political signs that if they are where they are not supposed to be and they are notified to remove that sign that there is a hefty penalty on the candidate that has to pay for it. It is out of control right now. You can see how it is going up now and we are only at the beginning of the election season. It is going to get worse. That is my real pet peeve. If I have anything to complain about it is these political signs. They are all over the place. Like I said I don't see so much any of the other signs other than being hung up on the poles that they are not supposed to be. Again if we are going to write stuff we have to be able to enforce it. If we don't have enough people to go out there to enforce it and it is just on a piece of paper that does us no good.

I commend Mr. Minkarah for going through this and really trying to condense this down to make it understandable for the average person to be able to read this. Right now you can't. Everything should be put under a certain heading where it belongs rather than scattered. I want to say you did a great job. Thank you.

Chairman Rootovich

Are there any further comments?

Alderman McCarthy

I almost hesitate to bring it up, but the consultant in fact warned us when we talked about this that basically we have no right to regulate contend whatsoever. If we say something to be a directional sign it can be anything. We can't say you can have a two square foot directional sign but you can't put a sign that say sale on rugs in the same space. We need to be very careful about the overall scope of the signage we allow if you don't want to get that carnival atmosphere in the final analysis.

Mike Lowe

This ordinance is pretty much the same as it was when we worked on it 2-3 years ago. I can remember working on it for at least 4 months then we worked it again with the consultant. He went over it and the only changes that were made were the ones that the consultant made from the original ordinance suggestions. I think if we change it we will open up a can of worms especially with the portables and temporaries. You could do anything you want with them once you start doing it and that is what we have to watch out for. If we change them then what happens is you could have Bermer signs – I don't know if anybody here remembers them. You had a whole line of signs, 25-30 signs in a row. What did they do they went out and changed one sign. That is what we could end up with here. I think we have to be very careful of what we are doing especially on the portables and the temporaries. Please and thank you.

Alderman Vitale

When the committee was meeting did they go to communities that they did like their sign policy and were happy with it in any of the communities such as Palm Springs, FL or anything like that where they do have sign policies in place where they have not come up with the signs like on Amherst Street? What communities did we look at that we could emulate in any way in our own community and try and have a look that maybe the City of Nashua would like to have? How did that work?

Sean Duffy

Again my recollection too is that and some of the studying that I did was more than 7 or 8 significant communities – Merrimack, Manchester, Concord – they all have 25-30 pages of sign ordinances in their own cities. They have a full time person just looking at signs in Portsmouth. Many of the smaller towns in the area are very restrictive on signing and they have never lost a case at the State level in Superior or Supreme court for their ordinances as long as they enforce the signage. If you don't enforce it, it becomes non-conforming and you allow it and it throws your ordinance away. We didn't go out and look at other areas as far as I am aware.

Katherine Hersh

I can tell you from my standpoint that I was intimately involved in the discussions that the Board of Aldermen had back in the late '90s on the flashing signs when we had that ordinance that came in. In fact I was the one that introduced the legislation that said no electronic signs and that was not passed by the Board of Aldermen. Based on that discussion and based on all that went on and the decisions of the Board to answer Alderman Vitale's question, I have not felt that there was a strong policy by the Board of Aldermen to go in the direction of more conservative signage like a Stowe, VT or like some of the other places that we go to and say this is beautiful, this is wonderful, isn't this terrific – Camden, ME, places like that – places that I go and I take pictures of signs. I have tons and tons of pictures of signs that to me are the way we should be doing the signage. I have never felt that there was a real drive by the Board from a policy standpoint to go in that direction.

If that is the direction the Board wants to go I would be thrilled and I would personally love to work on that and do the research on other communities and what kind of ordinances they have and what we need to do to tighten our ordinances to get more of those kinds of signs. We have lots and lots of pictures that we have laminated of good signage so that when people come in with a new business that we can stand at the counter and say these are the types of signs that you might want to consider, these are the types of signs that look really good. When Alan Manoian was here he would go business to business downtown. Any new business that came in he would immediately get down there and talk to them about signs and point out to them what kind of signage that we really want in this city.

It is a matter of what the city wants and the policies. I think the ZBA would be more conservative even than they would be now about signage if there were more direction from the Board on that.

Alderman Vitale

I understand businesses wanting – how their sign is important to the business, how it is important to draw in business top the building that type of thing. How can we write this and make sure that the business does not feel like they are being restricted in their signage and still meet a goal that we don't have Las Vegas coming down our streets? To me there is a way to be able to have both things.

Katherine Hersh

I can give you my opinion on that. I think it is all relative. It goes right back to being relative. When you have a sign on Amherst Street that is big and flashing then the next business their sign does not get seen as well because all eyes are being drawn to the sign that is big and flashing so they say to themselves well I need a bigger, flashier sign in order to compete with that sign so people see my business. If you look at communities that have signage that are the types of signage that are more conservative and that are in my personal opinion more attractive, they are all scaled down. I think that is part of the problem. If some get to and some don't then there is a competition out there.

Sean Duffy

Having driven around Nashua a lot in the last 6 years and again I traveled to many states around the U.S., there are a lot of great businesses in Nashua, hundreds of them, and they have great signage and people know where they are and who they are, and whether there is advertising out there or not the reality is that there is a limit that is tried to be crossed, but a lot of people because of their competitive nature, 100,000 cars driving by and 20,000 cars a day they are advertising. They are using signage for advertising and information not identity and direction of this is where we are. That is really I think something you need to address and be aware of because you could have small signs or big signs, but again wonderful businesses doing great things and trying to work again as a business person or a resident – there are all kinds of limitations you have to be aware of and personally as a businessman that had to be next to a company that had that sign I wouldn't really enjoy it very much. I think it is a little more common sense than a lot of ordinances being put together.

Jay Minkarah

I do agree with Kathy. I think what does make sense is for us as a community to look at other communities – not just with an eye of saying how can we restrict more, but with an eye of saying what do we want. When you look through this ordinance what this ordinance says is you can't

do this and you can't do this, and we don't tell people what we want them to do. We don't show examples of what we think is good and what we think works. Ultimately that is really what we should be doing. I will segway, but I have been going around the city for the past couple of days taking pictures of different businesses and institutions for another purpose, but I couldn't help but keep this in mind and quite frankly I would be very hard pressed to find a single business in the city that I took pictures of that complies with our existing zoning code or the proposed zoning code. I assume some of them are grandfathered, I assume some got that way through variance. How other ones did I am really not sure and they weren't necessarily all bad looking either. Some of them were nicely designed, the signs were integrated well into the overall design of the building, some of them that I am sure that do comply with this are ugly. It is not necessarily just size and location and number it is design and style. That I think would take some effort, but it certainly doable.

Brad Whitney

In response to the comments made on advertising, signs are historically necessary for businesses to compete for business, to draw attention to their location, to attract customers, and they want to draw attention to the store, their product, their name, and to promote the service. If they can't do it with a sign what will they do? Will they have to pay money to have a one-day shot in the newspaper? They can't afford that. They need a sign that does allow them to advertise their service, their product, and promote their name. I am confused when – I understood that you thought advertising on a sign was not good for business.

Sean Duffy

Again I don't think I said it was bad and not allowed. I said those are the uses of the signs. Our ordinances are written for informational; where is the store, who are they, and their identity and for advertising. That is okay. What we are allowed to by case law regulate, my understanding I am not an expert, is we can't regulate the content so we can't say you can't advertise, but we can say how does this sign project and display in time and is it a static sign, is it a moving sign or is it text only. Those things we can do, but we can't say no advertising. Our current ordinance and the proposed ordinance don't say no advertising, but those are the three uses.

Don Reed

Just a couple of comments. I attend Planning Board hearings and variance hearings all over the state and these kinds of arguments come up all the time in small communities and big communities, Nashua, Manchester, Concord, Portsmouth and places like that. We fell in the sign industry – we agree with businesses that they need to be competitive in a competitive marketplace that signs perform a very important function in terms of not just identifying businesses but also giving them an opportunity to attract customers. Sometimes that takes place in the morning, sometimes it takes place in the afternoon, sometimes it takes place in the evening. Therefore, sometimes you have to have lighting on the sign that is attractive. I think that zoning allows you the opportunity to say we have a historic area or we have a downtown

area or we have a retail or commercial area or industrial area, and I think each one of those areas deserve the appropriate attention in terms of how you address the sign ordinance.

I think that the current ordinance as well as the proposed ordinance is definitely in the right direction. I think there is enough regulation in there to control the size, the square footage, the setback, the height of the sign, and I agree with Mr. Duffy that the content and the design is an area that as much as there are certain people that would like to say I don't want this sign to have neon all over it, well that may be true and I certainly wouldn't want a neon sign next to my house and I certainly wouldn't want a neon sign in a certain areas of the town that is maybe a little more sensitive, maybe a historic area where it wouldn't be appropriate. In a vibrant commercial area I think it is important that the signs be attention getting. I think the people that drive into a retail area like Daniel Webster Highway or out on Amherst Street are expecting to see a lot of signs and a lot of things to look at.

Granted there has to be some regulation and control so that the signs don't take too much attention away from the road. I think not to belabor a point, but I think when people drive out onto Amherst Street they are expecting to see a lot of visual attraction everywhere. Then you have to say well I have to drive too and actually you are not usually driving very fast on that road anyway. When I have been on that road I had to drive slow because the traffic was moving slow.

Alderman McCarthy

It is moving slow because they are reading the signs. I guess to me the overall question of regulating signage is one of balance. The value of commercial property is based on how much business they can do primarily and that in some way is related to the amount of advertising that the business owner can do. In that respect, when you loosen the signage ordinances you increase the value of that space. On the other hand, when you do that enough and you get a community where when people drive through it they say this place is tacky I wouldn't want to live here what you wind up doing is lessening the value of the residential real estate in the community. At that point you are actually taking value away from the residents to give it to the commercial entities. That is basically what zoning is all about is balancing the values of all of the properties in the community.

I think we have actually made great strides. About 12-13 years ago somewhere around in there when Home Depot came up they came in for a variance to get a sign that was a little larger than what we allowed on the front of a store. I happened to be at the ZBA meeting – this was before I was on the ZBA or involved in anything – and I actually testified on their behalf using the logic that regulating the size of home Depot's sign on a street that featured a 6 foot rotating turkey and a 13 foot cactus probably wouldn't affect the quality of life very much, but I am actually very pleased to say that we don't have that landscape anymore that through the kind of persistence we have had in the past 2 decades that the landscape along both Amherst Street and Daniel Webster Highway actually looks significantly better than it did at that time with respect to some of the advertising that was employed.

I think it is – when we look at communities that we like the standards for – I think that there are some we need to go look at, but I actually think this one is pretty good at the moment. We have a set of ordinances that I think reasonably express what we want if we had compliance with them. We need to look at that carefully again. We need to go look at some design standards from elsewhere, but I just want to be real careful about maintaining that balance as we go along with the signage ordinance.

Chairman Rootovich

Are there any further comments? Is there anything else with respect to 16-243 before we go on? Section 16-244 – Sign Requirements by District – any questions?

Jay Minkarah

I was going to ask you to back up. I was done with this section on Applicability, but I did have some comments on the Completeness Review.

This section is a sustentative change from the current ordinance. It puts in timeframes that we currently don't have, which would be my opinion are too long. Right now the way it is drafted if you are looking on page 180 and I think I will start with I think it is the very top – Completeness Review – “administrative officer will determine when the sign permit application is complete within 10 days after the application is filed.” You then go down to subsection 2 – “the administrative officer then has 15 working days to issue an opinion as to whether it is complete or not.” When I go through this then you have 15 days in the following section after he receives a completed application to comment. That in my calculation allows up to 29 days from the time a building permit application is submitted to the time the decision has to be issued, and I do think that is a little lengthy for a sign permit particularly since in some cases the applicant may have to go to the Historic District Commission and may have to go to the Zoning Board afterwards.

Chairman Rootovich

Just for the record does anybody know who the administrative officer is?

Jay Minkarah

I would assume in this case it would be the zoning administrator, but I could be wrong.

Roger Houston

I am currently the administrative officer.

Jay Minkarah

I did propose a couple of changes starting with the subsection – I did leave the first section 10

days to determine whether the application was complete. The first suggestion would be under if you see (e) – Decision – the first paragraph numbered 1 in the middle of the paragraph I think four lines down – if you see the sentence the end shall be deemed approved I would suggest inserting the sentence applications found to be incomplete shall be denied just to make it clear that if you have an incomplete application that is a denied application. I say that because I think it makes the rest of the process just flow a little more cleanly. The next paragraph (2) where it says such issuance shall be made within 15 working days I would suggest that we simply say within 15 days. I make the same suggestion in the next application. I also suggest eliminating the word completed so that it is 15 total days, which I think significantly, cuts down the time but allows enough time. Again I don't do the review, but I think it is enough time to review an application to determine whether it meets the requirements or not.

Katherine Hersh

So what happens if we don't have that done within 15 days it is just approved?

Jay Minkarah

Yes. That is what the ordinance the way it is written says.

Katherine Hersh

So I can't agree with that. We just don't have the capacity to necessarily do that. We process all of these applications as they come in and we process them as efficiently as possible and when we have somebody that is on vacation or somebody that is out sick then they don't get processed. There is just a limit to what we can do with the number of staff that we have. We can go back and tell I don't know what the numbers of days are that it takes us on an average to process any of these but ... tape flipped ...

Roger Houston

It is my understanding from the consultant, and I would like to have Mr. Falk as my designee for this particular thing. He issues most of the sign permits and reviews those for the department is that there is a provision in State law – the provision in the RSAs is actually 30 days that you have to review the permit and either approve it or deny it and that is where the 30 days comes from and leading up to this the 15 and the 15. To complete this review is basically is the application completed? Did they fill it out and sign it and put their name or phone number on it – basic things – is there enough information for the person reviewing the application to determine whether or not he can make a decision and that is all that is. I would like to key Mr. Falk opinion on this. I don't think he had a problem with this section because most of our sign permits do get issued within the 30-day period unless they are incomplete. Most of the sign applications are done by businesses, which tend to hire sign companies that tend to work with the city on a routine basis like this gentleman sitting next to me here. They know how to fill out the application forms, what are codes are, and the process is pretty succinct and seems to work.

Maybe he can elaborate on that with his experience with our department, but generally speaking that is my opinion on the subject.

Chairman Rootovich

My question Mr. Houston why was this section added? What was the reason for adding this particular section into the ordinance?

Roger Houston

I would have to ask the consultant.

Chairman Rootovich

Did the division give any input in terms of wanting this or is this something that he put in on his own?

Roger Houston

There were several discussions the consultant had one with the city attorney in completing his review, and the State law was one of those. I assume that this is where this provision comes from. I can't give you the details on that. It has been over a year and 4 months since we stopped this process. My memory isn't that good. We can certainly ask him when we have him back and this could be a question he could address.

Sean Duffy

In the current ordinances on page 1203, section 1663 about administration – our current ordinances have reference to some time guidelines including 20 days current RSA and State Statutes require that your ordinance specifically spell out a timeline in your ordinances and they suggest that 29 or 30 or 37 day period. I think we picked the shortest period I think of some of the case studies. That is my recollection. Again Mr. Clarke might want to correct it, but there are some references on those pages in the current ordinance if anybody would like to see it – not the exact ones that are on this, but the consultant had to break it into components of time and that is what he was asked to do. I don't know that it is a completely new subsection. It is an edited version or an improvement on the existing code.

Alderman Johnson

I want to go back to the decision, number 1, it says here the Administrative Officer shall approve or deny the application within the time periods described below after it is determined to be complete. If a decision is not rendered within the time period the application shall be deemed approved. Now is this sentence brand new or has it been there a while because if I heard Mrs. Hersh right, and correct me if I am wrong, you said that if the application isn't completed and you

haven't time to check you just don't want it automatically approved is that right basically?

Katherine Hersh

I don't want to reduce the amount of time that is in here to process the permit applications. We really work very hard to turn these around in the shortest number of days possible. That is our goal. We don't want somebody sitting around – first of all we don't want somebody sitting around waiting for it, second of all what happens is they call on a regular basis, which takes up more of our time. It is to our benefit to be able to be as efficient as possible. I just don't want – if it says 15 days I don't want to limit it to 10. Our goal is 5, but there are extenuating circumstances that we do run into particularly in the summertime, which is when a lot of people are pulling permits. That is when vacations are. I am not at all trying to put the onus on something else or anything else like that or cry about budgets. That is not what I am talking about. I am just giving you reality. This is reality that we work very hard to process them as fast as possible and to reduce the amount of time that we have to do it could be a burden.

Alderman Johnson

That one sentence that if in fact you have not done it within that time frame the application shall be deemed approved – has that happened in the past? Are we always within that timeframe?

Katherine Hersh

I actually don't know. I would have to defer since that is part of the Planning Department and the Zoning department's review.

Roger Houston

To my knowledge we have never had a problem with this or this section. As I pointed out earlier most people submitting sign permits are the very basic issues because they work with us on a routine basis. Whether the application is complete or not it is quite obvious when you look at the application form whether it is or isn't complete. Mr. Falk will normally call the sign company or the individual that submitted the application that there is a deficiency and it is corrected and we try to dispatch these as quickly as possible. It has never really been an issue.

Alderman Johnson

So you don't have a problem with that sentence at all it was just cutting down the timeframe.

Katherine Hersh

I don't think it is unreasonable that if we can't process it within a certain amount of time that somebody gets their approval. It is not fair for the city to be holding up people's applications forever. There needs to be some limits. I am just asking that we not be really tied so that when

we do have those extenuating circumstances that we can work within them that is all.

Sean Duffy

I believe that language comes right out of the current State RSAs and even though certain requests for variances come forth to the ZBA in the last 6 years denied sign permits – trying to reverse a ruling made by the Administrative Officer, haven't come before the ZBA that I am aware of. Usually they are out of compliance, they know that, they put a request in for a variance of some kind, but again I don't think the timeline have created at least in the last 6 years administrative problems that bounce up to the ZBA.

Roger Houston

The RSAs do say and I am almost certain it is 30 days to issue a permit. That is what the current laws say. I think our current ordinance actually spells out a lesser time. I think in some places it is like 20 days. Thirty days is the State standard and is a reasonable time period to issue a permit or deny it, which is always an option if it is not complete or it doesn't meet the terms of the ordinances or the regulations.

Alderman MacLaughlin

I am not sure that what I heard recommend dropping the word working days and I don't disagree with that for the following reason – it would probably work very well if you didn't count weekends in time for staff to review applications because we know that City Hall is closed on Saturdays and Sundays, but also there are those moments when a week falls with a holiday in it too so 15 working days is a very finite block of time, which I think cements the review process whereas if you begin to say just 15 days, which might include weekends and/or holidays then in deed there could be actually less than 15 days in total review. It might be under that. Working I think defines it very clearly. I know I heard Jay recommend dropping the word completed before application and to be very technical if an application were deemed incomplete during review then now it comes up more lengthy time for lengthier review. I think the two words work very well in defining a window that no one can use legalese to wiggle in and out of to say well I didn't get enough time or I got too much time or someone got more time than I did or I got less than someone else. I just think that it might put some gray area into this section whereas right now it is black and white. I think it works very well. Thank you.

Chairman Rootovich

Are there any further comments? Is there anything else with 243? Section 16-244 – Sign Requirements by District – any questions?

Christopher Hodgdon

I would like to point out a concern that we have that relates to the roof signs. This is principally an issue on Amherst Street, but if you look at the zoning districts on Amherst Street there are different districts right across the street from each other. There are some districts that allow roof signs and some that don't particularly CI, AI, PI not allowing a roof sign and HB and GB allowing roof signs. I think that creates an environment where businesses feel like folks just across the street from them or half a block down have been given a perceived competitive advantage by regulation. My concern is that is not principally not fair, but I think it also creates an environment where people are going to try to do whatever they can to get an advantage, and maybe that is when you get these signs that are more aggressive in their interpretation of what is and is not allowed. I would note that even had the Overlay District been included in this draft it would have not allowed a roof sign either and I guess I assume perhaps incorrectly that (b) Overlay be applied to Amherst Street so there still would be some inconsistency in that area that is generally as I drive out it pretty consistent in its use. It is a long stretch of commercial, some industrial and lots of retail office space. That is a concern that we have. Some inconsistencies in total sign area exist, but those are relatively minor. I think in most whether it is PI 250 or HB at 300 I don't think that is a great deal, but not allowing a roof sign when right across the street you would allow one I think can create a challenge for businesses.

Don Reed

I agree there and I also would like to add that by prohibiting roof signs in those areas you are encouraging more people to be applying for variances. I don't think it is a good way to use up the time for the Zoning Board to get involved with regulating roof signs in the areas where I think normally a roof sign in an industrial area would probably be very appropriate. That would be my suggestion. Also in regards to banners too I don't know why a banner would not be allowed in a PI district. I would think that there would definitely be a need for banners saying now hiring and things like that. Of course the banners fall into the Temporary Sign category. I think some extra attention ought to be given to column (e) and (f).

Roger Houston

If there is a problem between the two – some communities don't permit roof signs at all. If you are looking at those issues most people don't drive with their head up in the air anyway. Banner signs generally speaking those have not been associated very – they are usually for one time events and we do have provisions in existing code for signs and this mimics what existing code has. That is really a policy issue and there again aesthetics and how you want this community to look and quality of life and other issues like that.

Chairman Rootovich

Are there any further comments on Section 16-242? Section 16-245 – Sign Structure Standards – any questions?

Jay Minkarah

Turn to page 183 – I would suggest eliminating table 15-2 as well as subsection © above it that says Categories of Signs. I have stretched and looked and looked at this table and it is very difficult to figure out what it is intended to convey. It doesn't seem to give any information that isn't provided elsewhere. All of the types of signs are clearly listed in the ordinance, the district that they are allowed in are clearly listed, and they are described. I think it is just confusing and isn't necessary.

Chairman Rootovich

Are there any further comments?

Roger Houston

I think the organization of this section – I would think these should be some good questions I think we should propose to the land use consultant because I know that the way this was laid out is kind of a usual acceptable way that they lay out ordinances to make it more user friendly and that is what the committee was told. These are the issues that we can take up with the consultant and have him respond to that issue with the organization of this.

Chairman Rootovich

Any further comments? Section 16-246 – Awning Signs/Canopy Signs – Any questions?

Jay Minkarah

I have a lot of suggestions on this one.

Chairman Rootovich

I would hope as Alderman McCarthy said you submit those to the committee in writing after the meeting so we can have those to ponder.

Jay Minkarah

I will do that. Essentially with this section I would suggest first of all under the same principal I mentioned before – we already have a definition section defining them so I would propose eliminating subsection (1) and (2) under Applicability. Both of those are defined and we don't need them defined. I would propose changing the title of the section to 16-246 Awning Signs/Canopy Signs/Marquee Signs – this section applies to all three. It will make more sense as I go along, but what I tried to do is restructure this to be a little clearer. I actually suggested moving the definition of electronic sign to another section. In essence I didn't propose changing any of the substance in this I just proposed rearranging it so that I thought it made a little more sense. I don't think it makes sense for me to necessarily go through every one of those changes. Where

you see electronic awning sign defined for instance then you go down to the bottom of the page and you see a section that says electronic awning signs – those two should be together. I can send those out to everybody, but basically that was all that I proposed.

I also suggested eliminating the table 15-3. Once again when you look at that table it really isn't providing you with a great deal of information. I understand that there is an interest in using these tables consistently, but I don't think that they add. You can pretty much summarize everything that is allowed within this district verbally just in one line. If you notice when you look at it where the wooden signs are allowed is fairly consistent. If you look under height it is all 5 feet. If you look at clearance it is all 8 feet so putting this in a tabular form really doesn't help so I suggested just doing it with a couple of simple sentences.

Alderman MacLaughlin

I am a big believer that a picture is worth a thousand words. This isn't a picture, but it is a great diagram for people who may have a hard time interpreting very wordy documents. It stands out from the text and encapsulates everything from the sections very clearly. It could seemingly seem repetitive as you see the same clearance 8 foot across one row, but there are some rows which are different and as this document gets more precise perhaps language more concise some of these abbreviations might change to keep up with those. The table could be very useful. Thank you.

Chairman Rootovich

Is there anything further?

Christopher Hodgdon

My comment is substantially the same as my prior comment. Awning signs not allowed in the PIZ, AI or CI. GB and HB they are permitted. Again those are districts that are very close to each other and are a very similar use along Amherst Street. I think it is an advantage for one and disadvantages another.

Sean Duffy

In the committee I think too we fell into that trap a little too, but it was explained to us pretty clearly by the land use consultant you had the master plan, you write the ordinances, and then you do your mapping. You don't try to look at what is out there now in those districts by variance because that is the step after. Until the language is all finalized and figured out you shouldn't be writing your ordinances to kind of broadly brush – put everything where it is supposed to go. I know the first meeting, which I missed and a little of the second meeting had some points I will address at later meetings, but it is a trap that you really have to be careful of. I understand that you want to try to have it reflect what is out there right now, but you really have to write the ordinances first and then redo your map and redraw the lines. They are completely separate

processes. Or you just allow everything everywhere and I don't think that is the intent.

Christopher Hodgdon

I think it helps. I think it is a good point. My concern is that you have two types of areas one of which has gone through a substantial amount of change. It is not longer by most people's consideration an airport/industrial area, and the uses are highway business or general business. I am just concerned that the code establishes different allowable uses. I am sensitive of the idea that you can go through afterwards and adjust it to compensate for it, but the code doesn't prescribe that right now I think it creates an inequity for people.

Katherine Hersh

I think Mr. Duffy made some good points, and I want to reiterate that basically what we do is we start at the community with a master plan, which I am not sure if all of you remember, but we spent at least 2 years having numerous neighborhood meetings throughout the city. I can remember attending many of them, and there were 60-70 people at a meeting, and getting people's vision for their city – for what they see the City of Nashua as, and then that master plan was written and reviewed and went through the process at the Planning Board, and then the master plan came back to the Board of Aldermen and went through the process with the Board of Aldermen, and was approved. Then from that document, which expresses your vision you then write your laws so that you can accomplish the vision. That is really what we are trying to do here. I am just really reiterating some of what Mr. Duffy said, but referenced as the beginning part, which is the master plan.

Don Reed

My concern – I agree with Chris that what seems to happen is little by little a type of sign gets restricted in a buffer area from one zone to the next and it is sort of like the next time we come around now we are going to move that restriction further. I guess I am just concerned that the restriction seems to be arbitrary as if picking this area, that is where we are going to start restricting it. That is all I have to say.

Sean Duffy

I might just respectfully disagree. I understand the point, but I have seen my past practice since I have been here in '86 is in fact the other way around. It is the exception and the variances and the special exceptions that take by creating areas of transitions and they eliminate the PI zone by the spreading not the restriction, but by the release into those areas where something is supposed to be restricted in the first place. I understand your point, but I have to respectfully disagree on that one.

Don Reed

Point well taken.

Chairman Rootovich

Is there anything further? Section 16-247 – Banner Sign – any questions? Section 16-248 – Bracket Signs – any questions?

Mr. Lesieur

I was just going over that and I was a little curious because when first look at that section it defines a banner sign as a temporary sign of light weight materials of paper, plastic or fabric hung either with or without frames. Then it goes on to define a permanent banner sign as being basically the same thing; attached by means of rigid frames to a pole. Then when you look at subsection B it talks about permanent banner signs and then you go to 15-4 banner signs it doesn't make a distinction. I guess my question is why is the temporary one in there? I think you might have referred to the temporary part of it. I guess I am a little confused there. It is not permitted in the downtown and I know even the City had a banner out in the back here for quite a while. I don't remember what it said. I thought it was recycling or something. Even the city had a banner out behind City Hall here, which wasn't permitted in the downtown zone. In the current zoning code it only refers to permanent banner signs and all of a sudden in the new codes there is a distinction between a banner sign being temporary and then permanent. After it mentions that in applicability it doesn't say it anywhere else. I guess I am just kind of curious why that was put in there when after that there is no distinction. Maybe that should be pulled out or maybe perhaps like you suggested maybe we should put something about temporary banner signs that should be defined better and put in the temporary area. I guess a comment more than anything. I don't know if Mr. Houston has any idea on why that temporary part was put in there. I guess that was my comment.

Roger Houston

I can't speak directly as to why there were temporaries in there. I am looking at the existing code and I don't see temporary in that. I think it is just a – I think the word temporary is not right in this location because it implies something different than what it is probably intended. A temporary just means that these are not signs – they are usually canvas or plastic material that doesn't last very long anyway whereas a regular sign might last for numerous years. For instance a banner sign by construction doesn't last and I think that is what they meant by temporary not under the terms of a temporary sign.

Chairman Rootovich

Are there any further comments? Section 16-248 – Bracket Signs – any questions?

Don Reed

It reads in item B here supplemental standard - the sign shall be mounted on one or more posts or have a solid monument-type base. In my business we call bracket signs flag mounted signs. I believe that is what this is referring to. In other words a sign that has a post that comes up and then the sign is basically projecting off of that post. I don't understand why it would have a solid monument-type base. I think that language doesn't fit there. If you are going to have a bracket sign you wouldn't have a monument type base.

Sean Duffy

I think some of the local religious organizations have monument kind of structures that are graphic. I think that is what it was trying to address. Two poles instead of one pole.

Don Reed

I guess I am kind of surprised that there is even a regulation for a bracket type of sign. Why single out a sign for regulation. It is a ground sign whether it has two poles or a monument type base. I just don't understand why it would have to be specified as a certain type of sign that gets regulated in certain districts. I am kind of surprised.

I am also concerned that the setback in the GB and the HB is 20 feet as opposed to 10 feet in the others. I don't know what the rationale for that is. First of all if somebody could tell me why to specify some regulations on specific bracket type signs as opposed to any other type of ground sign.

Sean Duffy

Again I believe my recollection is that in the current ordinance you have to cover and document all of your current uses that are around in the city so certain things are identified and reviewed by the committee and the land use consultant – not just certain types of signs, but certain kinds of usage and such. You can't have your ordinance re-written that doesn't include all of your current uses.

Again the setback – again religious organizations are non-profits and usually are going to be back a little further and didn't need – that was the original thought – again they didn't need to be right out near the right of way and along a highway. We have had some cases at ZBA.

Chairman Rootovich

A comment with the setbacks being 20 feet in the GB and HB as opposed to 10 feet in the other districts?

-

Sean Duffy

Again that is for some of the religious organizations that are in right now. My understanding too is most of the businesses you wouldn't have two posts you would have signage or hanging signs, projecting signs, wall signs as compared to monument style. Again not just two sided sometimes 3 or 4. Again I don't know of any business signs that are bracketed signs realistically.

Jay Minkarah

I think we should think about with the setback – very often what they are calling a bracket sign – I am envisioning something of a really much nicer more substantial sign – that is something that you would probably want to encourage rather than discourage. The two post signs especially those with granite posts tend to be nicer than your one post sign. If we have a greater setback for those we are discouraging them so I think we might want to think about keeping that consistent with the other ground signs in the GB, HB zones.

Brad Whitney

I concede that Mr. Duffy mentioned the separation between religious and non-profit organizations having one type of need – a setback shouldn't have anything to do with – should be designed for either safety or whatever, but referring to religion doesn't make sense and is a little inappropriate. The value and the appropriateness of the sign itself is what should be considered only. Thank you.

Chairman Rootovich

Any further comments? Section 16-249 – Directional Signs – any questions?

Don Reed

Our concern here is Section 2 under Item (b). Sign permit for directional signs – I hope that I have a current version of this because this section reads incorrectly – a sign permit for directional signs that are sign is setback – I believe there are some typos there. Anyway “is setback less than 15 feet from a property line, or located so as to be visible from the public right-of-way.” We are concerned that there is a right-of-way setback down in the chart below item D that is suggesting that a directional sign be setback 15 feet and I would submit that a directional sign set back 15 feet will not do much good. I think the purpose of directional signs next to the roadway are to have traffic moving in and out of a property. If it is setback 15 feet you will have a hard time seeing it. I would suggest maybe taking a look at that section.

I also would like to comment on the item (5) under (b) – says “Directional signs shall conform to the Manual of Uniform Traffic-Control Devices.” I took a look at that document and I would suggest that if the City is concerned about maintaining some uniformity and style that a better word might be guided by rather than to conform because if anybody has taken a look at the

Manual of Uniform Traffic–Control Devices it is like rocket science. I think that in and of itself gets into some kind of content control that has come up here a couple of times. I would suggest some caution. I think the Manual of Uniform Traffic-Control Devices is really designed for governmental use in institutional settings and that kind of thing. In other words if somebody was going to put a directional sign for a fast food restaurant if he had to use the Manual of Uniform Traffic-Control Devices it would wind up looking pretty boring and generic.

Sean Duffy

Mr. Chairman on page 1206 of the current ordinances section 16-45 it talks about the directional signs and the current ordinance has that 15 foot from the property line item in that. It is not a new component of the ordinance it is the current ordinance, and again I might respectfully disagree about corporate emblems. There has been case law in New Hampshire that notes that directional signs are directional and when you use that corporate logo in your directional sign it is part of your signage. If you have a picture of a certain emblem that is also in your identity that is signage it is not directional. Directional is go here for A, B, C. Again I understand the point.

Jay Minkarah

It is a minor point, but I think if we look at number (3) where it says “One (1) directional signs may be located adjacent to a driveway.” I think it was trying to get to your point. I read that to mean within the setback. That 3 is supposed to be an exception to 2.

Brad Whitney

Regarding the logo, I have seen many times while driving down the street a number of businesses where the emblems are fairly close, the logo has been very helpful to determine which entrance to enter versus trying to read a name or an arrow.

Chairman Rootovich

Any further questions? Section 16-250 – Ground Sign (also know as Detached Sign, Freestanding Sign, Pole Sign or Pylon Sign) – any questions?

Don Reed

One of the comments we have is item © - Non-residential Districts abutting Residential Districts – We feel that the language there the way it is current written “Where a lot within a non-residential districts abuts a residential district, then the maximum sign height shall be reduced to fifteen (15) feet.” – we feel that should say when a lot abuts residential lots and not district. I think that by saying districts it places too much control on the regulation.

Chairman Rootovich

Aren't they one in the same?

Don Reed

Not really. I think a lot can abut another – if you have a residential lot that abuts a commercial lot and not the whole district. I think it would be more specific if it were lots and not district.

Sean Duffy

Again, my recollection here is it is very specific in the current ordinance that is the suggestion – the if you have say across the F.E. Turnpike you have a certain kind of district that allows the tall signs, but across the highway there are house and residential lots. There have been a lot of instances in the last 6 years where cases have come before the ZBA asking for variances where the residential areas were not abutting lots. I understand the point – it would be great to say if they were touching, but you can see these taller signs and especially if they are lit messaging across non-adjourning lots. I think the current language is very clear and is very helpful to the residents of the city.

Chairman Rootovich

Are there any further questions? Section 16-251 – Identification Sign – any questions? Section 16-252 – Monument Signs – any questions?

Don Reed

As I stated before one of our concerns is that there might be too much design control or content control. In item (d) – materials, it says “Monument sign structures shall be constructed utilizing the materials and colors of the primary structure of the site. Actual letters and panels shall be of colors and materials as specified in the approved sign scheme.” I think those kinds of things would place quite a burden on the administrator to look through and say well I am not going to give you a permit for this sign because it doesn't utilize materials and colors that are complimentary to the architecture. I think that is kind of a thin ice area to head out on.

Chairman Rootovich

Mr. Houston being the Administrator do you have any comments with respect to that?

Roger Houston

I don't see that as being a big issue. It should be something that is included on the application permit that describes how it conforms to that requirement and shouldn't be an issue for the person giving the sign permit to determine that. I think that is something that can be done very easily on the application form. We would check it obviously. I don't see that being an issue.

The issue is aesthetics that the sign bears some sort of relationship to the building and is done aesthetically.

Don Reed

I respectfully disagree. I think once you include that kind of language in the zoning ordinance there it sits and depending on the Administrator he or she would have the power to grant or deny based on some of those material issues. I think it gets into an area that the Zoning Administrator should not be involved in. I also think that down some further definitions down below under item (e) "There should be no separations between the sign and the supporting base." I would tell you that 99% of monument signs that my company builds we put what we call reveal in between the base and the sign in order for aesthetic reasons and also for practical construction reasons. I am just concerned that there is too much regulation here. I don't think it benefits anybody and it will become a burden for the Administrator.

Alderman Vitale

I think that I would disagree with you. I think that the Administrator can change at any time and I think that it allows for consistency between different Administrators that you may have, and that you need that consistency from how one Administrator would choose to handle something to another Administrator. You seem to be concerned about this. Is there any particular sign that you see has been a problem in the past that you could give as an example?

Don Reed

No I can't give you an example, but I can tell you that just by reading this definition I would think that it gives design control into the hands of the Administrator. I don't think Administrators should be granting or denying a sign permit based on some of the design features of the sign. I just don't think it is appropriate. I think it doesn't belong in the zoning ordinance.

Brad Whitney

Utilizing the materials and colors of the primary structure – that will just make the sign blend in and become invisible. That is not really the purpose of a sign in a business.

Roger Houston

We're talking about the base of the structure not the sign. The sign is where the content is. This is just the structure that supports the sign. The monument sign usually if the site is done by an architect, if it is a brick building they try to bring in a brick material for their monument sign or some other material that would be compatible with the building. It is just design and it fits better, looks nicer, and is more aesthetic. That is an image that most companies or businesses want to project. Sometimes it costs them a little more money, but that is an image that most businesses would like. I think the successful ones anyway especially firms like to project that image.

Mike Lowe

We run into it in the Planning Board 2-3 times. I think Burger King was one where they wanted specific sign colors and we had to talk them into having it be sort of the whole area at the Market Place Plaza. It would have looked out of place. I think where the Osco Drug place is I think that orange sign does look out of place. This is the same part and parcel. You want it to at least blend in with the surrounding properties. You don't want it to stand out like a sore thumb. That is the purpose of this I think more than anything.

Brad Whitney

Regarding Mr. Houston's statement it says actual sign letters and panels shall be of colors and materials as specified in the approved sign scheme. That seems to compliment what Mr. Reed said about the city making decisions and regarding the letters Mr. Lowe was saying. You are talking about making signs invisible. They need to stand out. Look at Citizen's Bank. If that blended in with the bank building you wouldn't even see their signs. I think that it is a concern for the viability of a business.

Don Reed

Just a final word -- I agree with a lot of the comments that were made. I know that I have been in the sign industry for 30 years and I have been a designer at Barlo Signs for the past 15 years, and I have designed a lot of monument type signs. I am very proud of the work that I have done. My concern here is very, very specific in that I don't feel that a Zoning Administrator should be telling me that the sign doesn't appropriately match the building materials, etc. I don't think that is an issue or an area that should be regulated. I think those issues should be left up to whether it is a sign designer or an architect or whatnot, but I think it places too much burden there and forces the administrator into making a personal call on what he or she would think looks appropriate.

Jay Minkarah

I think a lot of what has been said touches on the conversation we had earlier. It certainly would be helpful if we had standards that we could elaborate more. I am not sure that we have right now the opportunity to do that. I think that is probably another task, but I would agree that it certainly would be helpful if we could elaborate design standards and really the monument signs/ the ground signs are probably the area where those are the most important.

Katherine Hersh

This may very well be an area that we might do this ordinance just a little bit differently and maybe put in examples. I have seen ordinances or actually some of the work that NRPC has done on design standards for non-residential developments for example. If you look at their web

site they probably still have it up there. What they do is they put in pictures and diagrams and things like that, which you give really a better example of what is trying to be conveyed in this so as well as putting in the standards I think we should put in some pictures and some diagrams. We would be happy to provide that – Nashua examples.

Chairman Rootovich

Are there any further comments on the monument signs? Section 16-253 – Off-Premise Signs – Any questions? Section 16-254 – Projection Signs (also known as “Suspended Signs”) – any questions?

Don Reed

Just a quick comment – under item © it says “A projecting sign shall not exceed two (2) sign faces.” I don’t really understand why that would have to occur. I know that there are many projector signs that have actually three (3) faces. Four would be a little tricky, but three (3) faces and you have more of a cube type of sign that has information on three (3) sides. I have a little issue with two (2) sign faces.

Sean Duffy

My understanding and recollection is that when you start adding three sides to it, it becomes part of your wall signage sign so if you are doing like off the back of Christmas Tree shops that is technically part of your wall signs. The projecting sign is one sign hanging out on an arm I believe. I think that is what the ordinance is trying to address. Would you hang something that is three dimensional from an arm? Is that what you are talking about? Like a pawnbroker’s chess piece of something?

Don Reed

That is always possible. Signs for hundreds of years have had more than two faces in a projecting sign. The one I am thinking of primarily is a sign that is a cube sign that – in a certain area – obviously there is no point in doing that sign in some places, but I have designed myself signs that have three faces and are classified as projecting signs. It seems like there is just too much regulation. It seems like wherever – let’s sit and think and come up with a way to regulate this even more, and I don’t understand what the end goal of it is. I think a projecting sign normally is two faces, but why specify that it is two faces?

Chairman Rootovich

Are there any further comments? By the way Mr. Reed all of the comments you have will be addressed with the consultant when he comes back on board.

Don Reed

Thank you.

Chairman Rootovich

Section 16-255 – Real estate Sign – Any questions?

Don Reed

I agree with what was suggested before about dealing with real estate signs. Again I think this is an area where I see just enough regulation. Real estate signs are pretty much widely used and everyone understands how they are being used.

Sean Duffy

Some of this comes directly out of the current ordinance. It is pretty clear and direct. I don't think it is significant. I think if we start eliminating things you open it up for more interpretation and potential exposure and change to the norm that you have out there that has been established by the current ordinance.

Alderman McCarthy

I guess I sort of understand how real estate signs are traditionally used on a property that is for sale. The problem I would have and I think we need to address is we are starting to see the ones that get stuck up on the street corner at the main street that direct you to where the house is. There are corners in the city that could have that sign up permanently basically because there is always a house for sale somewhere in the neighborhood. I think one of the reasons we have so much regulation is this is a simple case of give them an inch and they will take a mile. It is there is this constant erosion to get more signage up and I know from my years as Ward Alderman and as an Alderman-at-Large that there is this constant push from the other side of the place has too much signage. We have to decide on what reasonable limits are for those things.

We are unfortunately prohibited from making off premises signs illegal, but off premises real estate signs come out and we get into an area where something has to be done about that. We have temporary signage all over. We get these flurries of going out of business sales where people stick up signs all over the place, we get guys who drive around during the summer and stick up the tree cutting signs anyplace where it looks like it will stay up for a day or two.

In the aggregate, it just amounts to a lot of visual clutter particularly in our residential neighborhoods that frankly I don't think the residents want there.

Alderman Johnson

Again I am going to say it is great to say no to this and no to that, but who enforces the signs to come down and to call the people up to say these signs don't belong up there, we don't want them out there?

Katherine Hersh

We do enforce that.

Alderman Johnson

The city really does not enforce it all that much because I know what is going on with those political signs, as fast as they are coming down they are going back up and nobody is being fined.

Katherine Hersh

Those aren't on public property and those aren't enforced by code enforcement.

Alderman Johnson

It doesn't matter. Miss Games has problems that I know are going on and she can't even deal with that right now again from what I understand. I am not going to get into that. The issue becomes we have signs out there that the city cannot handle to take them off the properties most of the time. The calls come in and we call them and they can't get down fast enough. As soon as they are down they are back up. We keep writing more and more regulations. We have become a city of these regulations and we can't enforce half of them. Books sound good – 400 some odd pages of this is great, but if we can't enforce it what is the purpose of it? Thank you.

Chairman Rootovich

Are there any further comments? Section 16-256 – Roof signs – any comments? Section 16-257 -- Temporary Sign – any questions? Section 16-258 – Time and temperature sign – any questions? Section 16-259 – Wall Signs – any questions?

Don Reed

I just wanted to if I may Mr. Chairman go over item (c) wall signs shall be subject to a maximum letter and logo height – the letter and logo height restrictions relate as a percentage of the average height of the building face, etc. I must admit I don't have the existing sign ordinance in front of me, but it seems to me that there is a lot going on here in terms of saying the logo and letters, etc. I think there are square footage regulations in place now for how big a sign can be on the wall. As far as getting into how big the logo or the letters should be I think that is too much regulation and borders on interfering with the content of whatever the sign is on the wall.

Sean Duffy

Again I tend to agree with those comments. This is where again I – by ordinance we had to spell out the current ordinance and to be a little more succinct with the current RSAs of the State to be more definitional. I think the problem the committee had is when you have large big box ... tape flipped ... the existing signage if you look at that frontage that looks kind of bare right now. Again that still exceeded the current sign ordinances, and it was a variance pretty significant size. When you get a Christmas Tree Shop or something that has a different aesthetic in the building or the cut of the buildings smaller signage looks a little different so I think again the discussion, and I am not a proponent of doing significant change here, but I think it is something that could be addressed because you have small locations like the tanning salon at the old Nashua Mall there where there is a walkway going to the back so they are going to put three stores back there and they only have room for half of a store sign and they have 3 big signs there. There are some issues with small areas and large big box that you do have to do something. We tried it here, but it may not be exactly perfect.

Chairman Rootovich

Are there any further comments? Section 16-260 – Window sign – any questions?

Don Reed

Item (a) “signs located above the ground floor may not be illuminated.” Again I apologize for not having a copy of the existing ordinance, but I don’t know why that would be there. It seems arbitrary to me.

Chairman Rootovich

I believe that is a new addition.

Jay Minkarah

I could probably speculate as to why because that is limited to the D1, D2, and D3 districts. I am assuming that is because many of the upper floors is residential.

Don Reed

Item (c) “Signs containing text and/or graphics may only be displayed in gold, black, and/or white using any letter style or font provided that it does not exceed ten (10) inches in height.” Question as to why it should be defined gold, black, and white.

Chairman Rootovich

Does anyone wish to comment?

Don Reed

Those are some of my favorite colors, but that doesn't mean that is appropriate.

Sean Duffy

I understand the point too, but I believe some of this actually came from developers and people that own property – like the electronic messaging signs in windows – residents and people of other commercial properties nearby don't want to see other people's window signage from their abutting property. That is where some of this came from. It is great for that owner, but how do the people nearby feel that have to look at that window signage – again I don't remember all the discussions.

Jay Minkarah

I don't see how that really applies – C isn't really talking about illuminating signs just the color of the lettering.

Don Reed

I understand all of the content and color and structure. I understand trying to explain some design standards we are looking for versus saying you have to do this. Again that is a real problem in case law I am sure.

Brad Whitney

Regarding the letter style and font provided that it does not exceed 10 inches in height. I think that is overly restrictive for being able to read the signage from a distance. Some buildings are set back from the street. People are traveling at a particular speed and only have a fraction of a second to glance. If they have a 20% off sign and it can't be read properly it is not doing what it is intended to do to let everyone know he has discounted his products, please come in. I think there is another problem with limiting the size of the letters with the fraction of a second that people have to look. It would be difficult and it wouldn't do purpose. Again I would have to go with Mr. Reed that I think limiting them to three colors – who determines that? Again it may not even stand out and defeat the purpose of what the merchant is trying to achieve to get people to come into his store.

Chairman Rootovich

Are there any further comments? Section 16-261 – Sign Master Plans – any questions or comments?

Don Reed

My comments are basically directed at item 6 where it gets into the standards – “Signs shall be appropriate to the architectural character of the building on which they are placed.” All of these items in here again enter into the area that I consistently opposed and that is designing the signs and the graphics and placing those design standards on the designers of the signs of which I am one. I understand the intent here I really do, and I think it is a noble intent. I respect the City for trying to look out for the visual qualities of the community. I think that is something that has to be done. The problem I have in trying to put these things into the zoning ordinance and then have somebody stand there and enforce them – the problem is that in order to enforce these kind of design standards a lot of times they have resorted to a design review board system where they have a panel of people that sit there and every sign that comes before them they review and then that is passed along to either the Planning Board or the ZBA depending on the conditions of the proposal. Even with that procedure – I must admit I go up to Concord quite a bit and they have a design review board there that they review everything that comes through there.

I must admit there are a lot of times it becomes very arbitrary and it becomes very narrow point of view of what they think looks good on an individual basis. Everybody has an opinion as to what they think is good and bad design and whether or not this sign should be brown and that sign should be green, etc, -- constantly coming up against these kind of embedded sections in zoning ordinances. We in the industry just stand opposed to this kind of design standards being placed in ordinances.

Brad Whitney

On page 207, item 6 D – “Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval.” – a lot of companies have spent a lot of money designing a particular logo and they promote that logo and protect it and register it and own it. Some of them are not round, square or oval, and it is important that they be able to promote their logo, which is their identity. On G, “Groups of related signs shall express uniformity, create a harmonious appearance, and provide a visual and aesthetic coordination of the information presented to the public.” – here if you are not careful you will end up with mundane stagnant regimentation with lack of individual expression. I think it is that individual expression which motivates people to go into business.

Roger Houston

This provision on sign master plans is – I will just read it here “The development may adopt a sign master plan to govern its advertising”. This is an encouragement. This is not a mandatory provision. A lot of centers want to do this. Some places call me and have sign packages for a shopping center. Some call them master sign plans. They are designed so that every one is aesthetically more pleasing. For the shopping center it projects a different kind of upscale image

for the shopping center, and the tenants aren't playing war with one another so to speak in terms of their signage.

Don Reed

My opinion would be that if this section was included in the zoning ordinance it should be classified as recommendations and not as – the way it is worded the master plan shall include standard design to achieve the following objectives, and I think these objections should be recommended and not mandatory.

Christopher Hodgdon

I am wondering if this is the type of section that someone may choose to apply – I am wondering whether anyone at any point could be required to apply it, and I am also wondering if there are any incentives in here that would encourage anyone to choose to create a sign master plan. If we point those out it may help to understand why someone would choose to have this.

Roger Houston

Where I have seen these things applied it makes good business sense plain and simple. It makes for a better looking center and is able to attract more patrons. That is why a lot of your more up scale shopping centers will promote these sort of master sign programs. I have seen it in a lot of other communities. They want to do this or they already have their scheme in place.

Brad Whitney

My first comment was similar to Mr. Reed's where number 6 says that master plan shall include standards. I think that should be suggested or should rather than shall. Regarding the uniformity and creating harmonious appearance and all that – the plaza on 101A when it first – they had regulations that all signs had to match the same color as the Shaw's Plaza and at that time it was all an orange color so all of the signs in that entire plaza were the same exact color and it was terrible. People complained. There was no identity and it didn't take very long before you started seeing greens and blue and reds and it made the whole plaza look much more alive than a cemetery.

Chairman Rootovich

Are there any further comments? Section 16-262n – Non-conforming Signs – any questions?

Mr. Lesieur

I really have no other comments except looking at 16-262 because we have a lot of non-conforming signs in our business. I guess the question that I have because I don't think this is in the existing code is looking at (e) Removal – you are looking at 180 day window for a non-conforming sign if any of the three exist so it is it can be either 1, 2, or 3 – obviously I guess I

can understand number 1 in terms of the sign being damaged. I guess my question on number 2 is if 50% of your building is damaged and you have the appraised value and no plans have been submitted for reconstruction or restoration of the building in accordance with applicable codes and ordinances I guess I don't know what that necessarily means. I would guess if my business has a fire and I lose over half of my business I don't necessarily want to lose those signs. I would have no idea about the accordance with applicable codes and ordinances. There is no timetable if I do have a fire. After I have a fire and my business is closed what time limit do I have to comply to keep that non-conforming sign?

I guess I don't know if I am reading too much into it, but this caused me a little bit of confusion in terms of that – obviously the third one I have no problem with. If the sign has been abandoned whatever abandonment is – I know it is defined somewhere for 180 days – I can understand. That second one bothers me a little bit. I guess there is nothing referring to restoring the building in accordance with applicable codes and ordinances – there is no time limit there I guess or is it the 180 days?

Chairman Rootovich

I guess we would have to go with the amount of damage that was done to the building. You may have 30 days to reconstruct your building if the damage is minimal. If it is extensive it may take you 6 months. I guess that is the answer to your question. I don't think the city is going to require that you tear down the sign if they know you are reconstructing your building based on a fire. They will give you the adequate time that you need to reconstruct the building to meet all the current building codes and standards. There shouldn't be a time limit. It depends on the amount of damage that you have. I guess my point is you can't specify a time. One doesn't know.

Katherine Hersh

Correct me if I am wrong, but my understanding in reading this is that basically you've got 180 days to submit a reconstruction or restoration plan to the city. In other words if you have a fire then I think this is saying that the city would be looking for some intent on your part to reconstruct or to continue to repair that. It is over 50%, which is a significant amount of the building. I think that is the intent.

Chairman Rootovich

I would say if the fire is significant God forbid, that it would take you 6 months or whatever the city is not going to make you take down the sign. If you have a plan that clearly states that you are going to rebuild it they are not going to say well take down the sign.

Katherine Hersh

We work with you.

Brad Whitney

Number (e) removal number (3) – “If the sign has been abandoned for one hundred eighty (180) days.” That is too restrictive. Buildings are vacant for a long time and there is a difference between vacancy and abandonment I am sure, but on page 351, under the definition of abandonment it says the discontinuance of use of a structure for a continuous period of at least 1 year in any residential zone and at least 2 years in any non residential zoned district. I think that this is a problem where your big investment of a sign where either the owner is ill or the building is vacant – maybe they have some asbestos issues to take care of or something where they have to make an improvement to the building and it is very costly. To obtain financing or do certain things within a 180 days I think is too restrictive and it should be in accordance with abandonment as the definition for that length of time.

Chairman Rootovich

I guess I read it a little different. I think it would be strange to be abandon it especially the sign – if you have an automotive business in there and they moved out and you have a cleaning business go in and the cleaning business doesn't use the sign then it is abandoned as far as I am concerned.

Brad Whitney

Wouldn't it be abandoned after a length of time. If the cleaning establishment didn't want to use that sign you are saying it should be torn down?

Chairman Rootovich

I am saying it is abandoned at that point if the business has no interest in using it.

Brad Whitney

What about the owner that paid for it and has the sign there and maybe the new tenant doesn't have the money to – I don't know I just seems to be a burden.

Chairman Rootovich

That is just how I read it. If I am wrong then somebody correct me if that is not the intent.

Roger Houston

This provision is the same provision that is on page 1204 of the existing code, and I have not seen any problem with the application of this in the past 15-16 years. Unless there is something that happened before that I am not aware of I don't think this has ever really been a big issue.

That is existing language in existing sign codes.

Chairman Rootovich

Are there any final comments about any of the sections we reviewed tonight? Again these will be given to the consultant when he is back on board. Mrs. Hersh do we have an update on the consultant at this time?

Katherine Hersh

Yes. We contacted Urban Design Associates, Don Carter, and asked him if he could come back and do the final presentation on the downtown master plan. We thought it would be helpful for the committee for the September 7th meeting, which is the meeting that you had scheduled the downtown discussion. He will be here at 7:00 p.m.

Chairman Rootovich

We have him for additional meetings after that?

Katherine Hersh

This is Urban Design Associates. This is the consultant that did the downtown master plan not the land use consultant.

Chairman Rootovich

I am talking about the land use consultant.

Katherine Hersh

The land use consultant Mr. Houston has been working on the amendment to the contract and that is going to the Finance Committee September 1st. Our goal I think is to have the land use consultant, to give him all of the minutes from all of the meetings that we have had and all of the discussions, and to have him create a matrix that lists every issue, and then where it is located in the document, what the comments are, and what the recommendations are or what the language would be if this committee chose to make the change.

A lot of the discussion about this are policy issues. It is important to have a land use consultant because any changes that you make you need to make sure that they are legally correct and they fit comprehensively with the rest of the document. A lot of for example the discussions that we had tonight about the signage are policy decisions and it is not necessarily the land use consultant who will make the decision about whether the sign should be 10 feet or 15 feet from the right-of-way. It is up to this Board. He will put in that last column here is the way you can

word it if you so choose to adopt this particular thing.

Our goal has been to make sure that everybody can look on that list and say oh yeah I was really concerned about such and such and here it is right here on this list and here is where it is located in the document and here are the comments that were made and the recommendations.

Sean Duffy

If I may three brief comments on the last meeting – when we talked about 16-236 – control of glare – it was .02 foot candle foot – I did do a little more research on .02 – it is in the current ordinance that way. That is actually a lot of light at the edge of properties again understanding different commercial uses and residential and abutters and such. Again I know there were comments that .1 might be better not, but again .2 is actually a lot of light at the edge.

On 16-119 – outdoor display areas – I know you had some concerns Mr. Chairman about the fact that somebody would have to enter a site plan for outdoor display and again this is all language from the current ordinance – my understanding is there has not been a request or people don't have to come before Planning or ZBA for that, however, we did build in some more inclusive language that if somebody does want to do that for the future that all they have to do is put it on their site plan so it becomes something that they can ask for and be part of the planning process. It wasn't restrictive. I think it was a little more inclusive. I do understand the points you made that night too, but I just want to say for the record I think we were broadening the scope here a little bit.

The last one on 16-114, which is around page 133 – the neighborhood centers – again just very briefly a lot of the business uses in residential districts that this is talking about have to be granted by variance into those residential areas that we were talking about for this. I understand the comments were that 20% green space and open space might be too much, but that is the intent of this part of the ordinance being new is that in a residential zone that 20% with less sidewalks and less pavement is okay in a residential neighborhood. Otherwise you should go for a request for variance if you want to have only 5-10% open space. In fact I think that is the intent of the ordinance here is to hopefully have a plan that if infill happens and becomes inappropriate – it would be great if you had 10%, but to protect the residents' rights since they are not second class citizens that 20% is a reasonable amount.

Again I am just trying to add a little more clarification – we talked about green space and what is in it – it really was talking about 20% open space or green space instead of 10% as being the premium for being able to go in those areas that they are not supposed to be going into or by ordinance not allowed there. Thank you.

Chairman Rootovich

Are there any further comments?

Brad Whitney

Where is the 20% listed in that?

Sean Duffy

Around page 137. The section is 16-114.

Chairman Rootovich

The page is 139.

Sean Duffy

It doesn't specifically say 20% it says at least .2 square feet of space shall be provided per square foot for non-residential space.

Brad Whitney

What page is that on?

Sean Duffy

If you have the light gray covered, June 24, 2003 version it is 141.

Chairman Rootovich

Next week the 31st, that date was set aside strictly to discuss wetlands. I will notify the Conservation Commission to be present. Is there anything further? The Tuesday after that will be the downtown districts D1, D2, and D3. That will be on September 7th. Then we will continue where we left off in the book.

Don Reed

Mr. Chairman I would like to express my appreciation to this Board and to you personally for inviting us to have a word with you folks about this issue. I know it is very important and you have done really great work on it. We appreciate the chance to be involved.

Chairman Rootovich

We appreciate your participation.

ADJOURNMENT

MOTION BY ALDERMAN LAROSE TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 9:35 p.m.

Alderman Kathryn D. Vitale
Committee Clerk