

APPROVED

PLANNING BOARD
PLANNING BOARD MONTHLY MEETING
Wednesday July 27, 2022 – 6:00 PM
***Lincoln Town Hall, 148 Main Street, Lincoln NH**

*Hybrid meeting available both in person with social distancing & masks & via Zoom Meeting Platform to allow for town wide participation. A quorum of the Planning Board member must be physically present at the meeting. Although there is space in the room for 8-12 guests in addition to the Board members with social distancing, the public is encouraged to participate remotely using ZOOM.

Join Zoom Meeting

<https://us02web.zoom.us/j/83868796651?pwd=U2NWWENUbE9zbTQyMEs5R0NUNEtPd09>

Meeting ID: 838 6879 6651

Passcode: 550301

Or dial by your location 1-929-205-6099 US (New York)

(See also town website www.lincolnnh.org for same link, meeting ID and passcode.)

I. CALL TO ORDER: Chairman James Spanos

Members Present: Chairman James Spanos, Vice Chairman Joe Chenard (Arrives at 6:05), Selectmen's Representative O.J. Robinson, Paul Beaudin, Stephen Noseworthy

Excused: Mark Ehrman (alternate)

Staff Present: Fire Chief and Code Enforcement Office/Health Officer/Zoom Host and Moderator Ronald Beard, Planner Carole Bont

Guests: *None*

II. CONSIDERATION of meeting minutes from:

• **July 13, 2022**

- Chairman James Spanos, Vice Chairman Joe Chenard, Selectmen's Representative OJ Robinson, Paul Beaudin, Alternate Mark Ehrman

Motion to accept by Member Beaudin

Second Selectmen's Representative O.J. Robinson

Three "yes" and one abstention by Stephen Noseworthy

Motion passes

III. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

Review Sign Ordinance to recommend changes to comply with Clyde Reed et. al. v. Town of Gilbert Arizona, 576 U.S. 155 (2015), 135 S Ct 2218 (2015).

Discussion

The Planning Board starts their review of the Town of Lincoln's Sign Ordinance starting on Page 25 Section G Paragraph II.

Selectmen's Representative O.J. Robinson suggests the following:

"In all districts, one sign shall be allowed on a premise for each residence. One additional sign per premise shall be permitted in any district when there is an approved home occupation. Each sign shall have a maximum of four (4) square feet and shall be a maximum of six (6) feet high and may not be located within ten (10) feet of an abutter or a public right-of-way."

The Planning Board discusses their thoughts and Member Beaudin brings up the issue of aesthetics. He notes that if everyone had their one sign and then a second sign for their home business it could cause an issue for the community and the aesthetics.

The Planning Board discusses having a possible "special exception" for a second sign for their home business and the sign can be content neutral where they can say anything they want on it. Planner Bont adds that if it is a business use, the applicants would have to come in for a Site Plan Review approval for the signage, but recently the Planning Board has not wanted to address signage as part of Site Plan Review. Short term rentals are not considered a business according to the town's ordinance.

After more discussion Selectmen's Representative O.J. Robinson notes that the main question to be answered is whether or not The Planning Board wants everyone to put up signs in front of their houses where they can say anything they want. The Planning Board discusses this and due to the recent supreme court ruling they will not be able to control the content of any of the signs.

Member Beaudin suggests that they only allow signs for home-based businesses and not allow every taxpayer to put up a sign. Selectmen's Representative O.J. Robinson responds that he'd rather see every home be allowed a sign and if it gets out of control then the Planning Board can change it to only home-based businesses.

The Planning Board discusses the process of making changes to the ordinance and how the town votes on a warrant proposed by The Planning Board.

Member Beaudin brings up the issue of sign enforcement and wonders how that will work.

Selectmen's Representative O.J. Robinson recommends that The Planning Board allow one (1) sign, four (4) square feet for every property that is a residential use.

Planner Bont clarifies what is considered a "Residential Use" per the Land Use Schedule. "Residential Use" includes attached accessory apartments, detached accessory apartments, elderly and disabled housing, multi-family housing, cluster development, plan phased development, and manufactured homes.

The Planning Board discusses the aesthetics of signs and how to deal with that aspect of the ordinance.

Selectmen's Representative O.J. Robinson reads from the Town of Warner's Sign Ordinance:

"All signs shall be designed, constructed and maintained in accordance with the zoning ordinance in the Town of Warner Building Code. Signs shall be constructed of permanent materials (which eliminates cardboard and magic markers) and shall be property attached to the ground, building or other structure. Signs may also be subject to state and federal regulations. Other structures do not include telephone poles and street signs, etc."

The Planning Board discusses the possibility of limiting the thickness of a sign so as to restrict the use of objects such as a toilet that a plumber may put out. This way the issue of aesthetics can be somewhat regulated.

The Planning Board discusses difference sizes for the signs and how the second signs for a house for sale or rent would have specific size regulations and a yard sale sign would have size and time restrictions. Selectmen's Representative O.J. Robinson reminds the Planning Board that the content of the signs cannot be regulated.

The Planning Board discusses the possibility of every home having one (1) sign and the second (2nd) sign would be a special exception which could have a specific time frame associated with it. Selectmen's Representative O.J. Robinson adds that enforcement will be easier if they allow for normal activities such as yard sales, home sales and elections.

The Planning Board discusses the size of the one sign to be allowed at each home and determine a sign that is a maximum of three (3) x three (3) feet, a maximum of six (6) feet high, at a minimum of ten (10) feet from abutters or public right-of-way is reasonable.

The Planning Board reviews and discusses the sign ordinance from the Town of Warner and compare that document with the Town of Lincoln's Sign Ordinance:

- They agree that hanging a sign from a tree is acceptable.
- Vehicles with signage on them that are parked on a premise for a period of time solely for the purpose of advertising vs. a vehicle that is used for work purposes. A vehicle parked for a certain period of time could be considered a sign.
- Business buildings less than five (5) feet from a public way may put out signs on the sidewalk but will require Site Plan Review if it's a new business or if it is an existing business they would be required to apply for a sign permit.
- Signs that are traffic and safety signs can be regulated when it comes to content. If the town mandates such signage for traffic or safety purposes there is no need for a sign permit as it is being mandated by the town.

*****The Planning Board amends parts of Lincoln's Sign Ordinance to reflect certain items from the prohibited signs section of the Warner Ordinance. Planner Bont notes the suggested

changes to the Lincoln Sign Ordinance and The Planning Board will continue to make changes until they are ready to submit the final version*****

Definitions: The Planning Board discusses definitions and will review other ordinances and discuss at the next meeting.

Enforcement:

A discussion regarding the approval of a sign is only based on the framework of the signs.

Planner Bont comments that multi-business signage is sometimes based on square footage. If a business makes a new sign and the dimensions or shape are not the same as the approved sign, they may have to take it down because it is not in compliance. Only the approved dimensions are allowed.

If the size is the same but the dimensions have been changed it would be considered a new sign and would require Planning Board approval.

Chairman Spanos reminds The Planning Board members that the business can come in and request a waiver.

Planner Bont is concerned that enforcement of permits is going to be an issue. Member Beaudin suggests Planner Bont bring this enforcement concern before the Board of Selectmen.

The Planning Board discusses taking a photo of signs to keep on file in case they are changed later and a determination of whether or not the new sign conforms or needs to be approved again.

The Planning Board continues to review and amend the sign ordinance and stop after completing the review of page 63.

IV. NEW BUSINESS

Planner Bont discusses TESLA changing stations at River Walk. TESLA would like to install some additional changing stations and a plan has been submitted. Planner Bont notes she is not authorized to approve the plan for installing additional changing stations. She asks the Planning Board how they would like to proceed with this request. Planner Bont feels it may be best for them to come in for a conceptual meeting to help decide what the threshold for Site Plan Review would be. Planner Bont expresses that she would feel more comfortable if the Planning Board was involved too and aware of the plan as it relates to parking spaces and who is going to be allowed to use them. Planner Bont will invite Mr. Ducharme of RiverWalk at Loon Mountain to come in for a conceptual meeting.

V. PUBLIC PARTICIPATION AND OTHER BUSINESS: *None*

VII. ADJOURNMENT

Motion to adjourn by Member Beaudin

Second by Selectmen's Representative O.J. Robinson

All in favor

Respectfully submitted,

Judy Sherriff

Recording Secretary

Date Approved: August 10, 2022


Chairman Spanos

