



TOWN OF HUDSON

Planning Board

Vincent Russo, Chairman

Rick Maddox, Selectmen Liaison



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HUDSON PLANNING BOARD MEETING MINUTES July 22, 2009

I. CALL TO ORDER

Chairman Russo called this Planning Board meeting to order at 7:03 p.m. on Wednesday, July 22, 2009, in the Community Development meeting room in the Hudson Town Hall basement.

II. PLEDGE OF ALLEGIANCE

Chairman Russo asked Selectman Massey to lead the assembly in pledging allegiance to the Flag of the United States of America.

III. ROLL CALL

Chairman Russo asked Secretary Stewart to call the roll. Those persons present, along with various applicants, representatives, and interested citizens, were as follows:

Members

Present: James Barnes, George Hall, Vincent Russo, Terry Stewart, Richard Maddox (Selectmen's Representative) and Suellen Quinlan (arrived at 7:06 p.m.).

Members

Absent: Tierney Chadwick.

Alternates

Present: Brion Carroll, Tim Malley, Stuart Schneiderman, and Ken Massey (Selectmen's Representative Alternate).

Alternates

Absent: None. (All present.).

Staff

Present: Town Planner John Cashell.

Recorder: J. Bradford Seabury.

IV. SEATING OF ALTERNATES AND ANNOUNCEMENTS

Chairman Russo seated Mr. Carroll in place of the absent Ms. Chadwick and seated Mr. Malley in place of the tardy Ms. Quinlan. He then announced that he would defer review of the minutes of past meetings until a later time and would take up **New Business** Item A out of order.

XIII. NEW BUSINESS/PUBLIC HEARINGS

**A. SL Chasse Welding & Fabricating Sub. Map 110/Lots 37, 38 & 39
SB# 03-09 8 Christine Drive**

**Purpose of plan -- Request for Extension: (A) Subdivide Parcel "A" from Map 110/Lot 37 and consolidate with Map 105/Lot 14. (B) Consolidate remaining Map 110/ Lot 37 with Lots 38 & 39 into one new Lot 39. (C) Define drainage easement to benefit new Lot 39. (Note: Plan approved on 06-25-08).
Application Acceptance & Hearing.**

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell said both applications (for subdivision and site plan) had been received, stating that he had informed the applicants that they had to seek a one-year extension of the Use Variance for the site plan application, as the Planning Board could not take action on that.

Ms. Quinlan arrived at 7:06 p.m., taking her seat at the table although not yet recognized by the chairman of the inprocess hearing.

Mr. Patrick Colburn, of the firm of Keach-Nordstrom Associates, Inc., Bedford, New Hampshire, appearing before the Board as the engineering representative of the property owner, said they were requesting deferral to September 9th. Mr. Colburn reviewed the past approvals saying they had submitted the request for extension but had then been informed that they first must "re-up" the variances; he said the subdivision approval was up in June, when he first submitted the request, and the site plan approval and variance would expire in September, so he was here to request extension of the subdivision approval and the associated lot relocation. He said Mr. Chasse had not yet been able to proceed with the approved plan because of the lack of availability of funds, because of the economic situation.

Selectman Maddox said he did not understand why the Board could not approve the one-year extension with a stipulation that they proceed to the Zoning Board of Adjustment and obtain an extension of the variance.

Ms. Quinlan asked when purchase would occur, because of the economy. Mr. Colburn said he was not sure but that Mr. Chasse had said he hoped to proceed in the coming spring.

Mr. Barnes expressed confusion about the lot-line relocation request, asking why this had to be extended. Town Planner Cashell said nothing had been affected, as nothing had changed, but they were not planning on moving forward at this time. He

pointed out that a different plan might come up if things did not get better. Mr. Barnes questioned if the lot-line approval had expired. Town Planner Cashell said it was more that the applicant's attorney had advised them to proceed in this fashion.

Mr. Hall said the plan had not yet been recorded, so it was in limbo, adding that he was in favor of approving a one-year extension for both from when they were approved, saying he saw no need for them to come back after going before the Zoning Board of Adjustment, as the site plan would be invalid if the applicant did not get an extension of the variance.

Town Planner Cashell suggested that the Board grant application acceptance, saying he would draft up a motion for the one-year extension for the lot line, as suggested by Mr. Hall. Mr. Hall moved to grant application acceptance; Selectman Maddox seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion to grant application acceptance. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Chairman Russo opened the meeting for public input.

Mr. Bill Tate, 271 Nashua Road, Londonderry, NH, formerly of Hudson, owner of the property, reviewed the process by which Mr. Chasse had purchased land from him and built his existing firm and now wanted to expand—adding that he was in favor of that consolidation to make that happen, as it would increase jobs in the area, which would benefit the community. He noted that contributions had been made for the waterline going down to the new hospital building, in which both himself and Mr. Chasse had been involved.

Chairman Russo asked if anyone wished to speak in opposition or to provide comments or questions concerning the application. No one coming forward, despite a repeated invitation, Chairman Russo declared the matter before the Board, and asked if any members of the Board had any questions.

Mr. Hall moved to grant a 1-year extension for the ***Lot Line Adjustment/Consolidation/Easement Plan, S. L. Chasse Welding & Fabricating, Inc., Map 110/Lots 37, 38 & 39, Map 105/Lot 14***, Christine Drive, Hudson, NH, in accordance with the following conditions:

1. This 1-year extension is approved for the period from June 25, 2009 through June 24, 2010.
2. All terms and conditions of approval cited in the Lot Line Adjustment/Consolidation/Easement Plan-of-Record and the Decision of Approval, as approved by the Planning Board on June 25, 2008, shall remain in effect.

Mr. Carroll seconded the motion.

Selectman Maddox asked if the Zoning Board of Adjustment should be involved in the motion. Mr. Hall demurred, saying that had nothing to do with this application.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

B. SL Chasse Welding & Fabricating Map 110/Lots 38 & 39
SP# 06-09 Christine Drive

Request for Extension — Purpose of plan: To propose 13,800 S.F. of building expansion to the existing S. L. Chasse operation and to propose a new 12,800 S.F. manufacturing/office building to complement the existing S. L. Chasse operation along with the associated access, parking, drainage, landscape, and site lighting improvements. (Note: Plan approved on 09-24-08). Application Acceptance & Hearing.

Chairman Russo read aloud the published notice, as repeated above.

Town Planner Cashell provided draft motions for acceptance of the site plan extension application.

Selectman Maddox moved to accept the application for a 1-year extension for the SL Chasse Welding & Fabricating, Inc., Site Plan. Mr. Hall seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion for application acceptance of the site plan. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Chairman Russo opened the meeting for public input and comment, in favor or opposition. No one coming forward to provide input, despite two requests by the chairman for comment for or against, Chairman Russo asked if any members of the Board had any questions.

Selectman Maddox moved to grant a 1-year extension for the Site Plan entitled **Map 110/Lot 39 Non-Residential Site Plan SL Chasse Welding & Fabricating, Inc., 8 Christine Drive, Hudson, NH**, prepared by Keach-Nordstrom Associates, Inc., dated December 27, 2007, revised through (via Planning Board approval) November 13, 2008, consisting of Sheets 1 through 23 and Notes 1 through 30, in accordance with the following conditions:

1. This 1-year extension is approved for the period from September 24, 2009 through September 23, 2010.
2. All terms and conditions of approval cited in the Site Plan-of-Record and the Decision of Approval, as approved by the Planning Board on September 24, 2009, shall remain in effect.
3. This approval is contingent upon the applicant receiving a 1-year extension on the Use Variances for this site.

Mr. Barnes seconded the motion.

Speaking on his motion, Selectman Maddox said he agreed with Mr. Tate that nothing had changed except the economic conditions, saying granting this sort of extension was nothing unusual.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

Chairman Russo recognized Ms. Quinlan at this time, saying she would be seated from this point on, with Mr. Malley resuming his nominal role as a nonvoting alternate.

V. MINUTES OF PREVIOUS MEETING(S)

No minutes of previous meetings were addressed this evening.

VI. CORRESPONDENCE

Chairman Russo noted that items of correspondence received in tonight's handouts would be taken up in conjunction with the associated hearings, with any remaining items being taken up under **Other Business** at the end of the meeting.

VII. PERFORMANCE SURETIES

No **Performance Sureties** items were addressed this evening.

VIII. ZBA INPUT ONLY

No **ZBA Input Only** items were addressed this evening.

IX. DESIGN REVIEW PHASE

No **Design Review Phase** items were addressed this evening.

X. CONCEPTUAL REVIEW ONLY

No **Conceptual Review Only** items were addressed this evening.

XI. JOINT DISCUSSION/REVIEW

A. Review and Discussion on Proposed Amendments to Article XII, Signs, Relative to Allowing Electronic Signs in the Business (B) Zoning District.

Deferred Date Specific from the 05-06-09 Planning Board Meeting.

Chairman Russo read aloud the published notice, as repeated above.

Mr. Malley recused himself, noting that he was a member of the Chamber of Commerce and had been chairman of the group involved in developing the Chamber's document. He then took a seat in the audience section.

Mr. Carroll expressed concern about changes made in Exhibit A to Town Planner Cashell's staff report, which he felt to be the final version, saying he did not see those same changes in Exhibit C, which he took to be the marked-up copy of the previous version. He referenced C.15 on Page 2, saying it did not have text about maximum brightness that he saw in Exhibit A, adding that he did not know if there were other differences than those he knew about. He then asked if Exhibit C were the final and Exhibit A the revised.

Town Planner Cashell said Exhibit C was the draft prepared by members of the Chamber of Commerce, himself, and associates of Barlo Signs—adding that he had then tried to clean up Exhibit C more, but that the item that Mr. Carroll had referenced was the only real change. Mr. Carroll asked if the other preparers had had an opportunity to read the final version and did they agree to the changes. Chairman Russo said that would be taken up in the public discussion.

Selectman Maddox asked if copies had been given to the Zoning Board of Adjustment. Town Planner Cashell answered in the affirmative.

Chairman Russo opened the meeting for public input and comment, in favor or opposition.

Ms. Brenda Collins, 5 Locust Street, Hudson, said she was the Executive Director of the Chamber of Commerce. She stated that Exhibit C was the final document, saying she had not seen all the changes that Mr. Cashell had made.

Mr. Carroll said what he was asking was whether the Chamber had read Exhibit C, particularly with respect to the listing of 8000 Nits maximum brightness. Ms. Collins said Exhibit C was what the Chamber and others had provided and were providing tonight, and Exhibit A was the version finalized by Town Planner Cashell. Mr. Hall said Town Planner Cashell had made an error when he prepared Exhibit A, making changes to the text. Town Planner Cashell said he had made simple changes from a couple of versions, such as from singular to plural, as well as cleaning up the text in Subsection 2, which he thought read better in Exhibit A. He noted that his changes were boldfaced, and he then reviewed all of those changes, saying he felt a layperson would have a better opportunity to understand the new language in Exhibit A. Mr. Cashell said the Board could discuss this tonight to determine the final wording, and he then questioned whether the Board really wanted to go so far as to measure the lightness output on an annual basis.

Ms. Collins asked if they could review these changes on a line-by-line basis, noting that people at Barlo Signs had provided the technical information.

Chairman Russo noted that the Zoning Board of Adjustment members in attendance might want to participate in the discussion.

Ms. Maryellen Davis, a member of the Zoning Board of Adjustment, asked if they were working on Exhibit C or Exhibit A. Chairman Russo said he believed the intent was to go through Exhibit A, the final version. Town Planner Cashell added that the intent in going through the text on a line-by-line basis was to see if this (Exhibit A) was the direction the Board wanted to go in.

Ms. Collins noted that the reference to the General zoning district had been removed, saying they only wanted the signs to be permitted in the Business and Industrial districts, with the signs to be allowed in the General zoning district only with Planning Board approval. Mr. Barnes said this wording meant to him that the Planning Board would have no site-plan approval with respect to signs on the Industrial zoning district. Town Planner Cashell concurred, saying this had to be understood. Chairman Russo clarified that the Chamber wanted these signs in the Industrial and Business zone, but Town Planner Cashell had added the G zoning district. He asked if this were what the Board wanted. Some members of the Board expressed disagreement, and Mr. Hall suggested that this issue be left to the end of the discussion.

Ms. Collins referenced Section 3.

- (3) Electronic Changing Signs shall be allowed in the G zoning districts by site plan approval by the Planning Board. ~~only by the authority and with the approval of the Planning Board.~~**

Town Planner Cashell referenced the colored handout, asking if Ms. Collins could identify which of the illustrated signs on the colored handouts provided by the Chamber of Commerce represented 50%. Ms. Collins said the Manchester Community College sign showed 50%; Selectman Maddox objected that that sign was more than 50 ft² in size Ms. Collins referenced the Maine Street Cleaners sign, saying it was 100 ft², with 50% of it being EMC. Chairman Russo asked if there were any comments; none were brought forward.

Ms. Collins referenced Paragraph 4.

- (4) Electronic Changing Signs shall be restricted to a maximum of four lines of text only, and no additional graphics or images shall be allowed.**

Mr. Carroll asked if the definition of "text" were clear, asking if there were any thing to prevent the text from being turned into a display.

Ms. Jennifer Robichaud, 18 Havehill Street, a Barlo representative, said the problem was that not everything in this document version was what was being presented by the Chamber, saying it was not the intention to prohibit graphics. Chairman Russo said graphics was a point of contention. Ms. Robichaud said she would move that this be discussed a little more at the end of the discussion.

Mr. Barnes suggested a Chinese restaurant might want to display text in Chinese characters, saying he would present that that would be text, not graphics. He suggested that caution was needed. Chairman Russo suggested that the discussion come back to this later, as well.

Ms. Collins referenced Section 5.

(5) Electronic Changing Signs text size shall be restricted to a maximum of 10 inches in height.

Ms. Collins noted that a maximum 10-inch height was being proposed for the text. She said they had considered the Board's previous comments about the Sunoco and Irving station signs, noting that the text on the Sunoco sign on Lowell Road was 21 inches high, while the Irving sign on Route 102 was 7 inches.

Mr. Carroll said this seemed to be related to Item 4, questioning how the texts size would relate to any graphics.

Ms. Maryellen Davis asked if ten inches were better than seven, from the sign industry's point of view.

Ms. Robichaud said they were in uncharted waters, saying she could not say that there was a history with respect to height limitation in other towns, which generally were more concerned with overall size of the sign and the number of lines of text. She said the ten inches came from sign used in the examples, adding that the group had been aware that the members of the Planning Board were extremely unhappy with the size of text in the Sunoco sign.

Town Planner Cashell said Exhibit B had been submitted, then amended by Exhibit C, while Exhibit A came from the second version provided by the Chamber of Commerce group. He said they were really only dealing with the regular text, (unbolded, not struck through), and the Board should be dealing with Exhibit A in the changed text, as the other items were unchanged. Ms. Collins said Exhibit C was what the Chamber was proposing. Mr. Malley said Exhibit A was the version he had sent to Town Planner Cashell to get the latter's input, adding that Exhibit C was the final version and adding that he never got an electronic copy. Town Planner Cashell said the other items had been sent in much earlier, before the Chamber had worked with Barlo. Mr. Malley expressed disagreement. Chairman Russo said it probably did not matter much at this point, as the Board was addressing Exhibit A, and any heartache between the differences between the two could be discussed as the evening proceeded.

Selectman Maddox suggested that the documents should be dated. Ms. Quinlan noted that Exhibit C was dated. Selectman Maddox demurred, saying it was dated with today's date.

Mr. Arthur Bartlett, of Barlo Signs, said eight inches and ten inches were standard in the signage industry, saying it was the owner's decision, based on taste. If the Board limited the size to six inches and the sign had four lines of text, he continued, no one would be able to read anything. He said ten inches was a good size and was large enough for anything in this town, although larger sizes might be needed elsewhere. He said a minimum specification was not needed, as the property owners would exercise good judgment and choose something that could be read, saying small sizes such as six or five inches would not be used except on a gas station sign, where people just wanted to see the price. He suggested that the Board did not want to get into limiting the signs to six inches, as there might be an accident because drivers were trying to

read a sign with the text too small. He reiterated that a minimum size was not needed, saying the only reason of having a maximum size was to prevent gas stations from using 21-inch letters.

Selectman Maddox said there were other more important things, and the text size could be discussed at the end.

Mr. Schneiderman noted that Mr. Barlo had said too-small text might cause an accident. Mr. Barlo said it could, saying there was evidence that traffic accidents could be caused by regular signs with too small text or by non-illuminated signs. Mr. Bartlett said everything had to do with making the signs presentable. Mr. Schneiderman said he had asked that question because Mr. Barlo had said at the May 6 meeting that there was no evidence that any electronic sign had caused any accident anywhere in the country. Mr. Barlo said that was true, but it *could*. He said the intent was to get signs that were clear and more easily read, saying it was proven that these signs helped traffic safety. Chairman Russo asked if there were any other comments on this topic; none were brought forward.

Ms. Collins addressed Paragraph 6.

(6) Electronic Changing Signs shall not be installed as a component of a wall, projecting mansard roof, or directional sign.

Chairman Russo asked for clarification of "mansard roof." Ms. Robichaud said it was the part that hung down, citing the roof at the T-Bones restaurant as an example. Chairman Russo asked if there were any other comments on this topic; none were brought forward.

Ms. Collins addressed Paragraph 7.

(7) One Electronic Changing Sign shall be allowed per lot.

Mr. Barnes said he had a problem as this read to him that the owner had a right to a sign. Chairman Russo said the intent was to say that there could be no more than one EMC; he suggested that it be changed to "no more than one." Ms. Maryellen Davis suggested it should say that the sign had to be in accordance with the ordinance, which said only one sign. Mr. Carroll said that might not be needed, as it referenced Section C. Ms. Davis objected that Section C did not reference back to the ordinance.

Ms. Collins referenced Paragraph 8.

(8) Electronic Changing Signs shall be turned off daily at 11:00 p.m. and shall not be turned on prior to 6:00 a.m.

Ms. Maryellen Davis noted that no other business was asked to turn off their signs; she suggested that this should pertain only to the message-changing portion of the sign, noting that there were some signs in the town that stayed on all night. She suggested that the ordinance provide specific hours of operation. Chairman Russo said he thought a business owner might want the sign on during his business hours, noting that some places were open for business at very early hours, but he could see that the sign should be turned off when the business was closed. Selectman Massey said he thought that was a great idea but he would go even further, noting that the

suggested change would preclude the use of the sign for an Amber Alert communication in the off hours. He said the sign should be allowed for the hours of business operation. Selectman Maddox expressed doubt that Amber Alerts could be entered into the system outside of business hours. Mr. Arthur Barlo said Amber Alerts would be controlled by State representatives. Ms. Robichaud said she could investigate this concept. Selectman Maddox said a business wanting to operate outside of business hours could go to the Zoning Board of Adjustment. Ms. Quinlan expressed agreement, noting that there was always talk about the sign for the mortgage business on Amherst Street in Nashua—saying she did not notice it during the daytime hours, but only late at night, when all the other businesses were turned off, so she thought the 11:00 p.m. was a good start. Selectman Massey said the Board really had to think through the consequence, noting that some businesses operated 24 hours a day, and he felt that ought to be allowed, adding that this could be controlled when the site came before the Planning Board; he again expressed his belief that it should be limited to the hours of operation of the business. Mr. Carroll questioned whether this meant that businesses that closed earlier could be allowed to have their sign on until 11:00 p.m. Chairman Russo suggested that this needed to be discussed further later.

Ms. Collins addressed Paragraph 9.

(9) Electronic Changing Signs shall be required to be a minimum of 150 feet apart parallel to the roadway between Electronic Changing Signs.

Mr. Carroll said Paragraphs 9 and 10, taken together, might mean that someone would be out of a sign, if they had a 100-foot lot with 100-foot lots on each side. Ms. Robichaud said the intent was not to have one sign after another; she then pointed out that this verbiage was different from the Chamber's version. Mr. Hall suggested rewording it to say that an EMC shall be a minimum of 150 feet away from other EMC signs—noting that there was an issue if signs were on opposite sides of the road but he felt that should be left for further discussion, but the extra wording was confusing. Mr. Barnes said he would be in favor of that change, saying he was having trouble understanding what the currently proposed language meant. Mr. Carroll suggested taking Exhibit C's paragraph 9 and changing it to allow signs on both sides of the street. Chairman Russo noted that the intent at this time was simply to clarify the language. Ms. Quinlan said she disagreed with the intent, which she felt would prevent many small businesses from having signs, as she understood the reason for going through this whole process was to prevent a Vegas approach; she said other signs could be interposed, but what Mr. Hall had suggested would prevent other signs if someone put up an EMC sign. What the Board did not want, she said, was for every single business to have an EMC. Mr. Hall expressed disagreement with that interpretation, saying he had meant other EMC signs. Ms. Robichaud said she would agree; she then read aloud her proposed version: Electronic changing signs shall be a minimum of 150 feet between any other electronic message changing sign on the same side of the street or roadway. Mr. Hall suggested removing the word "between" and use "from" instead.

Selectman Maddox said this would mean that there could be a sign every 75 feet, with signs on alternate sides of the street interspersed at 150-foot intervals. He then

acknowledged, however, that the expense of the signs probably would prevent that. He suggested a diagram was needed, saying he thought the proposed text was overkill.

Mr. Schneiderman said the speed limit on Lowell Road meant that one would be looking at a different sign every one second when driving at the speed limit. Chairman Russo expressed a belief that the sign industry would regulate itself. Mr. Schneiderman referred to the banking industry and the insurance industry.

Mr. J. Bradford Seabury, a member of the Zoning Board of Adjustment, noted that a lot of this discussion was based on human nature, stating that some of the sign owners (and some of the sign makers) did things that the Board might not think logical. He referenced a business sign that had been allowed by the Zoning Board of Adjustment many years ago with a provision that the sign be turned off at the end of the business day, reporting that it had instead been hard-wired to the security system, so that the sign was on all night, every night, and was so to this day, even though the business had moved out of that location three years previously. He said the Board could not predict what some people might do and that he thought the Board had to be very cautious in order to prevent bad people from doing bad things or unthinking people from doing thoughtless things.

Ms. Collins addressed Paragraph 10.

(10) Electronic Changing Signs shall be allowed only on lots with a minimum of 100 feet of street frontage.

Ms. Stewart referenced the Old Nashua Trust firm on Derry Street, questioning whether this would allow that firm to have one of these signs. She said she was looking for "contiguous" so that they could be allowed a sign. Ms. Robichaud questioned whether that change would help. Mr. Carroll said the sign would have to be on the side where the 100 feet of frontage existed. Ms. Quinlan said she would be okay with the Old Nashua Trust sign, as there could only be one sign per lot.

Selectman Maddox said the minimum frontage of the Table of Allowed Uses required 150 feet of frontage. Chairman Russo noted that some businesses had been allowed to exist prior to that determination, so they had 100 feet or less.

Town Planner Cashell displayed an aerial view with the lots on which signs would be allowed color-coded. He said these things tended to pop up like mushrooms when allowed, noting that his work with a similar situation in another community had resulted in the erection of a lot more signs than had been anticipated.

Mr. Carroll asked what the average frontage on Lowell Road was. Town Planner Cashell said the lots he was showing were oversized lots. Mr. Carroll argued that the minimum distance one would see was 225 feet on Lowell Road.

Selectman Maddox suggested that Paragraph 9 be changed to 250 feet, with paragraph 10 to be 150 feet. He said everyone could not be guaranteed a sign. Ms. Robichaud noted that a free-standing sign would need 25-foot setback, saying many businesses did not have this. She noted that the recommendation was for a static EMC that would only change no more often than every 15 minutes.

Selectman Massey asked what was the difference between a normal backlighted sign, and one of these static-display signs. He expressed a belief that there was no real difference, other than it would probably be easier to read the LED signs. He said the key was Paragraph 11, which stipulated the amount of time required for the LED text to be fixed.

Ms. Maryellen Davis suggested that Paragraph 10 should reference the Table of Dimensional Requirements, in case it later changed. She also noted that the signs along the road would not all be changing at the same instant of time.

Mr. Hall said he would agree with changing Paragraph 10 to 150 feet, saying a large size requirement would in effect deny some property owners the right to having a sign. Ms. Quinlan expressed agreement.

Town Planner Cashell noted that these EMC signs, done right, would look better and would have a lot of aesthetic appeal. He suggested that the Board also should be concerned with what would be allowed for the other 50% of the overall sign. Mr. Carroll suggested that non-illuminated signs would be almost invisible at night, adding that he agreed with the change to 150 feet.

Town Planner Cashell asked if the sign industry people wanted to change the allowed height. Ms. Robichaud responded in the negative. She then referenced the point raised by Exhibit C's Section 10, saying the intent was to put signs on lots that had a minimum frontage in one direction of 100 feet. Selectman Massey said the Zoning Ordinance defined "frontage" as the distance along the front lot line. Mr. Barnes said the long definition of "frontage" in the Zoning Ordinance should be examined.

Chairman Russo declared a break at 8:48 p.m., calling the meeting back to order at 9:03 p.m.

Ms. Collins addressed Paragraph 11.

(11) All illumination elements on the face of an Electronic Changing Sign shall remain at a fixed level of illumination, and for a period of not less than 15 minutes ~~or 900 seconds.~~

Ms. Quinlan expressed agreement with this verbiage.

Selectman Maddox said he had thought the sign people had said one hour. Ms. Collins said this 15-minute limitation was being recommended by the Chamber of Commerce. No comments were brought forward.

Ms. Collins addressed Paragraph 12.

(12) Electronic Changing Sign messages shall fade onto and off the message area statically and uniformly.

No comments were brought forward.

Ms. Collins addressed Paragraph 13.

(13) Electronic Changing Signs shall be a minimum of 200 feet away from any single-family or two-family dwelling.

Mr. Hall suggested removing the word "away." Ms. Maryellen Davis suggested removing "single-family or two-family" and substituting "residential."

Ms. Quinlan expressed concern about multifamily residences being covered by this change, saying this would put the business community at a loss. Selectman Massey noted that the Board had done something similar when addressing the carpet business addition, saying it had expressed a distance from the nearest corner of a residential unit. Mr. Hall suggested that it should refer to the residential property line. Mr. Carroll expressed concern about restriction on businesses next to multifamily residences. Mr. Hall suggested it could be handled by a variance. Ms. Robichaud expressed objection, saying variances did not happen for signs in Hudson. Town Planner Cashell noted that many of the lots along Lowell Road had houses or residential properties 150 feet or less behind them, meaning they would not be allowed to have EMC signs. Selectman Massey said he did not think people in residential units would distinguish between EMCs and backlighted signs, and he expressed a belief that the Board would not accomplish what it wanted by imposing restrictions on what these signs could do as opposed to what the others could do. Chairman Russo suggested discussion be reserved for this item.

Ms. Collins addressed Paragraph 14.

(14) Electronic Changing signs are ~~shall be~~ prohibited in the Town Residence (TR), R-1, and R-2 zoning districts.

Mr. Barnes said he agreed with what it said, but it would be clearer if all the discussion about zoning be kept together. Chairman Russo expressed agreement.

Mr. Schneiderman noted that the Board recently dealt with a case in which homeowners were shocked to learn that businesses could be near their residences. He expressed concern that these signs would start popping up very close to residences and public parks, saying these signs could appear right across the street from Library Park. Ms. Robichaud reiterated that the Board should keep in mind that there was a 25-foot setback requirement for all signs.

Ms. Collins addressed Paragraph 15.

(15) Electronic Changing Signs shall be equipped with a dimming control, which shall be utilized, so that the brightness level will be highest during the day and lowest at night, and shall not operate at a brightness which is greater than any other sign or other sources of illumination in the area.

Mr. Carroll referenced the equivalent paragraph in Exhibit C, saying the he did not like the limited influence of the statement in the change, saying it could be continued on down the road, and he did not know what "area" meant in this context. He asked for comment by the Chamber representatives. Mr. Hall asked how these dimmer controls would work. Mr. Carroll asked for clarification as to why the text in Paragraph 15 had been changed so drastically. Ms. Robichaud said it had been crystal clear that the Town would want crystal clear specifics. She said Exhibit A.15 would be impossible to regulate, whereas Exhibit C.15 represented the results of many hours of consideration.

Mr. Deacon Wardlow, 1 Derry Street, a Barlo Signs employee, said the 8,000 NITS was an industry standard, noting that it was represented by the Peters Auto sign in Nashua, which currently was the brightest of tested signs. He said the 20% brightness change had no effect on ambient lighting and did not make an area any brighter. Chairman Russo asked how the 8,000 NITS correlated with brightness. Mr. Wardlow said NITS, as defined in the document, was a way of measuring brightness, saying sunlight was 5,000 NITS so signs had to be brighter. He said the sign industry used foot-candles, which were more easily measured and accessible. He said a photocell automated system could regulate the sign, or the owners could set the value themselves. Chairman Russo said he would rather see auto-regulated signs. Mr. Wardlow said he would differ, as he had seen photocells respond to ambient light, including nearby streetlights, and make the sign brighter than needed, up to 80% of maximum brightness, which was really too bright at night. He said the 20% had been tested and proven to have no dramatic effect on an area.

Mr. Carroll asked if Exhibit C.15 should be used rather than Exhibit A.15. Mr. Hall said he thought Exhibit A.15 had more specific controls, but the question was how it was going to be controlled. Chairman Russo said the Board would have to come back to this, saying he thought Exhibit C.15 with changes would be the preferred approach.

Ms. Collins addressed Paragraph 16.

- (16) Electronic Changing Signs shall only be permitted to advertise or display services or products of the business occupying the premises and community service announcements.**

Ms. Quinlan noted that this took out the whole issue of the Amber Alert, as well as other public announcements. Ms. Maryellen Davis questioned how this would be enforced. Chairman Russo asked why the Chamber had submitted this text. Mr. Malley said he was partially responsible for that, saying the intent had been to prevent people from renting out signs. Mr. Hall said he felt it should stay, saying it would be as enforceable as anything else in the town. Ms. Robichaud said this was partly her offering, so that two years from now a sign at Joe's Pizza would not be telling people to buy gas at Sunoco, saying this sort of thing was a problem in some other communities. Town Planner Cashell commented that some other communities were taking down a large number of regular billboard signs because an EMC could advertise for all of the interests involved.

Ms. Collins addressed Paragraph 17

- (17) The owner of ~~applicant~~ a sign which includes ~~permit for~~ an electronic changing sign component shall submit by the last Friday in January each year a predetermined fee designated by the Board of Selectmen or tier assigned Town representative annually, which shall provide the funds necessary for ~~to allow~~ the Town to conduct the required brightness measurement test, ~~to~~ relative to ensuring compliance with the sign ordinance.**

Ms. Collins noted that the Chamber had not proposed the annual permitting process. Mr. Hall said the Board had talked about having the person on whose property the sign

was located being responsible for the brightness, saying the only person the Town would have any control over would be the owner of the land. Ms. Stewart said she was totally against Paragraph 17, as it was against business. Selectman Massey said he would not want the Town to have to do the work to regulate it, saying it should be sufficient for the business owner to submit an affidavit, but he then pointed out that the Town was not requiring owners of regular signs to produce certification with respect to their brightness.

Mr. Carroll said he wanted to change one area, as throughout Exhibit A the messaging area was specified, so he did not think an “electronic changing component” was needed. Chairman Russo said he was looking for someone from the Chamber group to explain why this was put in there. Mr. Malley said one of the reasons for this particular article was a later item concerning a test that the sign met those requirements, and the Chamber did not feel it was right for the Town to have to pay overtime to the Building Inspector or to hire an expert. Ms. Stewart said she would strike Paragraph 18, as the Town did not pay the Building Inspector overtime; she again stated that this was anti-business. Ms. Robichaud said the development group had recognized that every loophole had to be closed—adding that she personally did not like this provision, but knew the ordinance would require a passing vote. Ms. Maryellen Davis asked if this were any different from the annual inspection for an elevator. Ms. Robichaud said she had never seen any requirement for inspection in her 20 years of experience, saying it was just like case lights or fluorescent lights in a cabinet.

Mr. Barlo said he was confused on this issue, noting that the group had not written this text. He questioned who would be responsible for the payment.

Selectman Maddox said he could see this as a challenge, asking who would do this. He said he applauded the Chamber for putting this in, saying there must be a company that could do this for the Town, but he agreed that as soon as the citizens thought the taxpayers would have to pay for it there would be some pushback. He suggested that the land-owner should be involved, saying the problem would continue when the business went away. He said charging the sign owner seemed the reasonable way to do this, but enforcement should be the same as for any other ordinance.

Mr. Carroll suggested striking Paragraphs 17 and 18 and giving teeth to Paragraph 19, suggesting adding that the sign owners should have to bear the costs of proving their sign was in compliance after complaints were made. Ms. Stewart said she could go along with that. Town Planner Cashell expressed agreement; he then referred to Selectman Massey’s previous questioning if this was really going overboard, as the Town did not regulate brightness on illuminated signs—adding that he did not know if the Town had to go that far. He said he had not come up with any of this stuff but had merely edited it, adding that EMC signs were not going to be as bright as the illuminated signs already allowed, and arguing that people thought of them negatively because they were new. Mr. Carroll said that, if the Board were going to regulate the brightness, the Town had to find a way to determine that the signs were in compliance, to find a way to cause to pay penalty those that did not comply. Town Planner Cashell expressed agreement.

Selectman Massey said he did not think the Board would ever see one of these things if all these regulations were applied—reiterating once again that he did not see why the Board was trying so hard to regulate these EMC signs when the other signs were not regulated—adding that some of the regular signs were blinding at night. He urged the Board to remember what the original catalyst for this proposed change was: the sign on Amherst Street, the flashing signs, the ones that were animated. He said the Board had not been talking at that time about flashing and huge signs, not brightness and word size of words. He expressed a belief that the enforcement issues being proposed would be a nightmare for the Town to do and was inconsistent with what was done with other signs, saying he thought the Board had lost sight of what it had wanted to do.

Selectman Maddox said he would have to disagree, saying the Board did not know where this would go and the Town could end up with things it did not expect, which did not exist today. He said Paragraphs 17 and 18 needed to be tied in, perhaps as subordinate parts of Paragraph 19. If the Town left it to the business owner to tell the Town it was okay, he said, he would remind the Board that the Board had never seen a business proposal that did not say its proposal was okay with respect to traffic.

Mr. Carroll said it would be prudent to restrain this development, noting that this was the wave of the future, and any new signs would be of this type. He said the old signs were grandfathered, predicting the Board member would regret it later if they did not set limits now.

Ms. Maryellen Davis noted that nothing was being said about color, and she wondered if the Board wanted to discuss that, such as specifying the color red versus amber or yellow.

Ms. Robichaud asked if the Board wanted to move Paragraph 18 after 19 with an add-on that testing would be required after receipt of a complaint, rather than have testing take place at application time. Mr. Carroll said that made sense. Mr. Barlo expressed agreement, saying control was needed and fining those that did not conform was the way to go. He said it would be a mistake not to put some controls in. He then added that the Amherst Street sign was all EMC, whereas what was being proposed was an EMC area below a standard fluorescent sign. Mr. Malley said the Chamber of Commerce would have an issue with changing the text so that the business community had to pay for testing every time someone called up to complain; he said the original intent of the fee and test structure was based on a maximum allowance, to eliminate future noncompliance by making sure the sign would do what the applicant had said it was going to do. Selectman Maddox expressed a belief that it was critical to have a test at the time of installation, to have a base line for subsequent complaints.

Mr. Carroll said only a moron would keep going out to test it if someone kept calling to say it was too bright. He said people would not harass a business if the sign had not changed, and it was basically self-regulating. He then stated that the Board should also be looking at how to regulate the luminous portion above the EMC.

Selectman Massey said he agreed it was important and agreed that paragraphs 18 and 19 should be there, but he questioned what good a yearly certification would be if the owner could have a different brightness for the next 364 days. He then stated that

there were people who would in fact harass business owners, particularly if they felt they had been hurt in some way. He suggested that only large or medium-sized businesses would be able to afford these signs, which averaged \$30,000 each, concluding by stating that certification of compliance at the time of installation should be sufficient, and adding that he agreed with Selectman Maddox that the Town would not train Town staff to do this measuring but would hire someone to come in and do it.

Mr. Wardlow said he had seen some independent studies and had done some himself just a week ago, saying removal of Paragraph 17 and putting 18 under 19 would be sufficient. He said the signs turned down 20% at night never exceeded the brightness of any ambient light source in the area, saying the EMC was always lower, in every single case he had found.

Mr. Carroll said he had not said to check on a yearly basis, saying he had wanted to strike 17, but there was a need to validate if there were complaints. He suggested that the Town would react to repeated complaints by requesting recertification, and he predicted that some people would call in maybe three times a year.

Mr. Hall said he did not see how there could be a different form of enforcement for these signs than existed for other types of Zoning Ordinance violations, saying the only other recourse would be legal action. He suggested that one alternative would be a fee at the time of installation or yearly to produce a fund, with that money then being used for independent verification, but he could not see putting it on the sign owner to respond if someone complained, saying some would but some would not. Referring to Ms. Davis's comment about colors, he said that should be discussed, adding that his personal preference would be that the signs should be amber, and nothing else, saying red was the most striking and noticeable. He said most of the EMC signs in the pictures were amber.

Chairman Russo said his concern about Paragraph 18 was that it would be virtually impossible to regulate the intensity of the signs as the ambient light changed, as had been indicated by another sign manufacturer in a prior hearing, not present this evening. He said he would like to hear from an independent person who did testing, who could say whether this proposed system would work. Mr. Wardlow said testing was usually done indoors under controlled conditions, adding that moonlight, fog, or other elements would affect post-installation testing. He noted that the person Chairman Russo had referenced had discussed foot-candle intensity, as measured at a given time.

Selectman Maddox suggested this issue should go back to the Chamber. Ms. Robichaud said the group had put this provision in because of the concern raised at previous hearings, and the worry of covering costs of ensuring compliance, but the Chamber had not been interested in yearly fees. Selectman Maddox said he would be leaning to a one-time fee at the time of installation so as to develop funds to be used to cover testing.

Mr. Normand Martin, a member of the Zoning Board of Adjustment, pointed out that the State regulated elevators, at the business's expense. He said he felt the businesses could do the same with the signs. He predicted there would be a lot of

complaints, if the signs were not regulated with a permit process, which was the only way to keep them compliant.

Ms. Collins noted that this taxed the businesses more, saying the proposed text had been put in there because of previous concern by Board members as to who would pay for testing, but it had been contemplated only as a one-time event. Ms. Stewart said this was not the way paragraph 17 was written. Ms. Collins said it was written that way in Exhibit C. Ms. Stewart said she could agree to a fee at the time of installation, but she was against an annual fee, which would be subject to future changes by the Board of Selectmen. Selectman Massey questioned what would be achieved if it were only done once. He said he would argue that the reason for annual inspection of an elevator was to ensure that passengers would be safe, just as the reason for regulating gas meters or store registers was to ensure value; in this case, he continued, he did not see why these signs should be treated any differently than other signs. He said he did not see that paragraph 17 was needed at all.

Chairman Russo asked Mr. Wardlow about the testing process. Mr. Wardlow said it could be done at any time, with a \$60 candle-light meter, saying he had done it by facing the signs with no other light source, saying the ideal time to measure it was at night time, with the meter first facing the sign and then facing the nearest ambient light source—or the moon, if it was out.

Chairman Russo noted the time as being 10:15 p.m., saying some information had been given to the Chamber group and he would like to wrap this up. Ms. Robichaud asked where it should go now. Selectman Maddox said the group should discuss these things and then work with Town Planner Cashell—adding that Mr. Cashell should not be making changes independently. Mr. Carroll noted that Ms. Collins and Ms. Robichaud had been taking copious notes; he suggested sending revisions back through Mr. Cashell should be the way to go.

Chairman Russo asked if there were any closing comments from the Zoning Board of Adjustment members in attendance. None were brought forward.

Town Planner Cashell asked if there would be a quorum present for the September 2nd meeting. Receiving some assurance, he proposed a deferral to that date. Mr. Hall so moved; Selectman Maddox seconded the motion.

Selectman Maddox noted that a lot had been said this evening, and he thought it would be a challenge for people watching on Hudson Community Television to understand—such as the 8000 NITS. He suggested that the more documentation that could be provided would be good, so as to minimize unintended consequences.

Mr. Carroll asked if the Peters of Nashua sign was at 20% at night or higher. Mr. Wardlow said he did not think that sign was dimmed at night, but noted that no one ever mentioned that sign, which was 8,000 Nits, but only complained about the mortgage office sign on the other side of the street. Mr. Carroll asked if the chamber could identify a sign that was representative of what was being discussed, so that the Board members could go view it. No response was provided.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor, and Chairman Russo declared the motion to have carried unanimously (7-0).

XII. OLD BUSINESS

No **Old Business** items were addressed this evening.

XIV. OTHER BUSINESS

No **Other Business** items were addressed this evening.

XV. ADJOURNMENT

All scheduled items having been addressed, Mr. Carroll moved to adjourn; Selectman Maddox seconded the motion.

VOTE: Chairman Russo called for a verbal vote on the motion. All members voted in favor.

Chairman Russo then declared the meeting to be adjourned at 10:24 p.m.

Date: October 26, 2012

Vincent Russo, Chairman

J. Bradford Seabury, Recorder

Terry Stewart, Secretary

These minutes were accepted as amended following review at the 02-13-12 Planning Board meeting.

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**HUDSON PLANNING BOARD Meeting Minutes
July 22, 2009**

Page 20

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 12-05-12:

Page 1, last line — the word “in” was inserted ahead of “place,” so that the phrase now reads “in place of.”

These minutes were accepted as amended following review at the 01-09-13 Planning Board meeting.

-- FILE COPY --

**HUDSON PLANNING BOARD Meeting Minutes
July 22, 2009**

Page 21

The following changes were made to the draft copy in accordance with review comments at the Planning Board meeting of 01-09-13:

Page 9, 1st text paragraph after item (7), 3rd line — added surname “Davis” after “Ms. Maryellen.”

Page 12, 2nd text paragraph after item (11), 1st line — changed “she” to “he” so that the phrase now reads “Selectman Maddox said he had thought”