

TOWN OF ALTON ZONING AMENDMENT COMMITTEE
Draft Minutes
September 27, 2016

Members Present:

Paul Monziona, Chair
Tim Morgan
Tom Hoopes

Others Present:

Nic Strong, Town Planner
John Dever, III, Code Official
Dave Hussey

CALL TO ORDER

Paul Monziona called the meeting to order at 6:14 p.m. He suggested allowing a public input time for Dave Hussey so he did not have to wait until the end of the meeting.

APPROVAL OF AGENDA

**Tom Hoopes moved to change the order of the agenda to provide a public input opportunity before the rest of the agenda items.
Tim Morgan seconded the motion and it PASSED unanimously.**

PUBLIC INPUT

Dave Hussey stated he wanted to bring to the ZAC's attention that the Alton Zoning Ordinance currently only allowed solar energy facilities for residential use or up to a certain amount of power generation. He stated that he had 10 acres of land in Alton that he wanted to use as a solar farm but that he was not currently allowed to do so under the zoning. Dave Hussey said that his initial idea was to apply for a variance to be allowed to get permits to do this on his land. He then thought that it made more sense to change the Zoning Ordinance to allow it as a use throughout town in appropriate circumstances. He noted that there was a lot of coordination that had to happen with the Public Utilities Commission and the power companies and the solar farm would have to be within a certain distance of a substation to make it work. Dave Hussey stated he would like to have a warrant article on the ballot in 2017 to allow solar farms in Alton. He noted that the use of solar power instead of fossil fuels made a lot of sense all around.

John Dever, III, stated that the Alton Zoning Ordinance currently allowed energy facilities up to 100 kW and Dave Hussey was talking 10 megawatts. He noted that this was why an application for a variance would be needed for Dave Hussey to proceed on his land under current regulations. Nic Strong noted that the Table of Uses indicated that energy facilities were permitted in the Rural District by right and in the Residential Rural District by Special Exception. John Dever, III, further pointed out that residential solar was allowed everywhere in town.

Dave Hussey stated that it might be possible to offer reduced rates for electricity to town departments from a solar farm. Paul Monziona stated that he had been an advocate for solar power for many years and he thought that as technologies advanced, the systems and facilities would change in the future. Dave Hussey stated that the solar panels were on a 20 year lease and at the end of the time would be upgraded for newer technology.

Paul Monziona stated that in order to get to the ballot in 2017 it would have to be determined where the solar farms could go in which districts, how much land would be needed and so on. He stated that such an ordinance would need to be thoughtfully drafted and then reviewed by the Planning Board to be put on the ballot. He noted that the amount of work involved was beyond the ZAC right now with everything else they were currently working on. Dave Hussey stated that he could write the language for the proposed ordinance. Paul Monziona stated that if Dave Hussey could draft the language and get it to the ZAC for review and discussion before going to the Planning Board that was doable this year. He noted again his concern with figuring out where in town solar farms would be permitted. Dave Hussey stated that they may not be able to go in every zone due to the regulations from the power companies and distances to substations and so on.

Paul Monziona suggested that Dave Hussey write his ordinance and get it to ZAC for the next meeting on October 11, 2016. Dave Hussey stated he would probably look at other town's ordinances, like Rochester or Milton, to get a place to start. It was noted the Site Plan Review for a solar farm by the Planning Board would review issues like the visibility of the systems.

CONTINUED BUSINESS

1. Review of amendments to Section 340 Sign Regulations distributed at 9/13/16 meeting

Tim Morgan began by pointing out that in the Purpose section, second paragraph, the wording read: "The Town of Alton Master Plan encourages the development of physically and visually attractive sites...". He wondered if that should read "signs". Nic Strong stated she would verify this from the Master Plan.

Tim Morgan next noted that Section B. 3. last sentence did not make sense to him: "The size of the overall sign size, and the numbers should not exceed 25% of the overall sign size, and the numbers should remain static until responding to change in the time or temperature at a regular and relevant interval.". None of the other committee members could recall why this language was written this way. Nic Strong said she would review the history of this section and try to determine why it was worded the way it was. Or the ZAC could just change the language to make sense during this update process.

Paul Monziona confirmed that the red highlights in the text was new proposed language from Nic Strong and ZAC should review that first and then get into the items such as the one Tim Morgan had just mentioned to clean up the existing section. He asked if the language under Purpose was all brand new. Nic Strong stated it was.

Paul Monzione noted language regarding non-commercial speech was included and made sense. He noted that the main focus was on temporary signs. Nic Strong noted that the whole point of the Reed v. Gilbert court case was that a town cannot regulate signs based on content. The proposed amendment before the committee was a suggestion to allow temporary signs by the district they would be allowed in within which the size, numbers, duration and location could then be further regulated. Paul Monzione stated that there still should be a general provision for temporary signs of any kind. Nic Strong noted that her proposal split the temporary signs between residential districts and commercial districts. She noted that they could be broken down by temporary commercial and temporary non-commercial instead.

John Dever, III, asked if the Town's current sign regulation regulated signs by content. Nic Strong stated that in the current ordinance temporary signs for special events were permitted for no more than 21 days; temporary signs of the portable type for advertising for a business could not exceed five days; real estate signs had a different time period. She noted that was what was at issue. Tim Morgan asked how the town should sync with the state statute on political signs. Nic Strong stated that if there was a category for non-commercial signs, political signs would fall within that category and could additionally refer to the RSA. Paul Monzione thought there was a likelihood that the RSA could be in violation of the Supreme Court case in Reed v. Gilbert.

Paul Monzione suggested that the ordinance should be changed to include regulations for any and all temporary signs with no content base at all. The location should be regulated regarding aesthetics and safety and so on and the duration would be determined by the event, with so many days being allowed prior and so many days being allowed after the event. He thought that "event" should be defined. If reference was made to the statute regarding political signs with the words "as amended" if it turned out that the law was unconstitutional it would go away.

Tom Hoopes asked if John Dever, III, had issues with ongoing yard sales. John Dever, III, replied that he did not currently. Tom Hoopes thought that the frequency of being able to have temporary signs per year would be important.

Paul Monzione raised a problem with calling out political signs and referencing the state law because it would make the Zoning Ordinance content based again. He noted that the event was the important factor; then every temporary sign, regardless of content, would be treated exactly the same, but would vary by how the event was defined. Tim Morgan pointed out that the sign regulation included a severability clause which would save the rest of the ordinance in the event of a challenge.

Tim Morgan thought that the draft prepared by Nic Strong was a good place to start and the committee should discuss the size, numbers and duration of the signs, and these things should be decided no matter how the temporary sign issue was broken down. He noted that the advantage of splitting the signs by district allowed for a differentiation of the commercial signs and residential signs. Tim Morgan stated that the proposed language under D. 3. addressed Tom Hoopes' concern with ongoing yard sales by defining the duration a sign could be up and how many times a year. Tom Hoopes stated it was important that the person who puts up a sign is responsible for taking down the sign within a day or two of the event.

Tom Hoopes asked if John Dever, III, had ideas on sign size. Tim Morgan asked how big a real estate sign was, 6 s.f.? Paul Monziona noted that there were some really big political signs out and about right now. John Dever, III, stated that in general he thought the sign regulation was currently too restrictive at 24 s.f. for business signs. He noted that size was not even the size of a sheet of plywood. Tim Morgan said that was how the size was arrived at because in the past someone had put up a sign that was the size of a sheet of plywood and that was deemed too big so the regulation was made smaller. John Dever, III, stated that his main interaction with signs was the number of signs, and the location of signs. He noted that, for the most part, a temporary sign for a wedding, for example, would not even come to his attention. He thought the town should define temporary signage for certain businesses, for example, A-frame signs that are put out on a daily basis, because that would be helpful for him. John Dever, III, thought it would be good to define additional square feet, not to exceed X amount of signs. He noted that there could be arguments over what is considered a sign, if it was painted on the window, for example, it was not a sign, or a banner or a flag would not be a sign. Tom Hoopes stated that the proposed definition in the ordinance included the things that would be considered a sign. John Dever, III, stated his definition of a sign was something that advertised a service or a product and was made to draw the public's attention to it.

Paul Monziona stated most towns take the same view that the allotted amount of signage for a lot would be used up if the storefront window was painted with the name of the company and the logo and so on. He noted that it did not have to be freestanding. He noted that the architectural style of a building could be considered signage. Nic Strong noted that the current Master Plan considered franchise architecture as excessive signage.

Paul Monziona stated that ZAC should determine how big a temporary sign could be but was not sure how to put a limit on the number of temporary signs allowed. He noted that particularly political signs could be very prolific all along the sides of roads and on people's lawns. John Dever, III, stated that to enforce that would be impossible, and thought that the focus should be on temporary signs for commercial businesses, for instance, putting out sign boards advertising lunch specials and so on. Paul Monziona did not think that would be considered an event, such as contemplated by the temporary sign definition. He thought that the businesses would have the signs permitted by the Zoning Ordinance and if there was a special event, for example, a sale they could have temporary signage. Tom Hoopes stated that normally a restaurant could have a menu posted. Tim Morgan noted that the ZAC should limit the number of calendar days that temporary signs could be posted. John Dever, III, stated that he would then have to keep track of those days that the signs were up. He stated that it would be good to have it defined so that if it did become an issue he would have the means to deal with it. Paul Monziona thought that in those situations it would become apparent if there were temporary signs very frequently. John Dever, III, thought that lunch special advertising was accessory to the main use. Paul Monziona thought it had to be distinguished if those kinds of signs counted towards the signage allowed for the business or if they would be temporary signs. He stated that he was all in favor of businesses doing what they needed to do to draw the customers in and be successful but it had to be determined if the business owner was trying to avoid the zoning requirements or not with their sign proposal. If someone had a sandwich board sign out every day advertising, for example, four featured properties for a realtor, would that be exceeding the sign requirement? Tom Hoopes thought it more legitimate for a restaurant to put out a daily special sign than a realtor advertising properties and perhaps the ordinance could be refined to

make that distinction. John Dever, III, stated this was coming back around to content based discussion.

Paul Monzione thought that if event was defined broadly enough that a featured home or a featured lunch would both apply they could go ahead with the temporary sign. He noted that even then the size of the temporary sign could be restricted along with the duration and frequency with which the sign could be displayed. He then noted that John Dever, III, could enforce the regulation if there was a nuisance sign. John Dever, III, stated he could address signs as a matter of safety if the sign was causing pedestrians to have to step into the road to get around it or distracting drivers. Paul Monzione stated that was perfectly legitimate because it was not content based, it was for safety and welfare reasons. John Dever, III, thought limiting the size of those particular types of signs was important. Paul Monzione stated that any sign that would be located on a public way or next to a right-of-way should not exceed X s.f. and should not impede traveling public. Any other temporary sign, regardless of content, should be limited to X s.f.

Paul Monzione pointed out that the very large political signs that had been going up in town gave a perfect example of what might be allowed by the temporary sign ordinance. Tom Hoopes asked if the committee thought that 6 s.f. was too big for a temporary sign. John Dever, III, stated that would be 2' x 3'. Paul Monzione did not think it was big enough. He thought it would be a real problem to restrict the size so much that the large political signs could not be installed. Tim Morgan thought that a section should be added to reference the political signs RSA. Paul Monzione noted the statute did not limit the size of political signs, just where they could be and for how long. He noted if the RSA got in trouble that provision of the Zoning Ordinance would go away with it. Tim Morgan agreed and said the Town would have to address it next year.

Tim Morgan noted that the proposal before the committee included a section entitled "Off premise signs" but there was no content. He asked if that was referring to the sandwich board signs that had been previously mentioned. Nic Strong explained that she wanted to know if ZAC wanted the ordinance to address signs that advertise a business or service that were not on the property from which the business or service operated. She noted that it was a whole different category because they may need permitting if they were permanent. Tim Morgan asked how they would be permitted and whether the Selectmen would have to issue the permit. Nic Strong asked if the Selectmen always get involved in off premise signs? Or if that was only on public property or in the right-of-way? What if the owner of the property on which the off premise sign would be installed was in agreement with the sign being installed. John Dever, III, noted that the existing sign ordinance addressed this in Section J:

"Permits may be granted for directional signs located off the site and such signs shall:

1. Indicate name, trademark, logo and direction to a business, institution or other activity and the general type of business and contain no other advertising matter,
2. Be limited to two (2) signs per business, institution or other activity and not to exceed sixteen (16) square feet per sign."

Nic Strong stated that under the new law she was not sure if they could be called directional signs, or that they specify what could be on the sign, and the language did not specify how the permit was granted. John Dever, III, stated that permit would be issued by him. Nic Strong stated that it should be specified where the permits came from and she asked what would happen with off premise signs on public property or in a right-of-way and whether the Selectmen were involved. John Dever, III,

explained that at present, any sign permit was processed through the Building Department. He noted that signs in the right-of-way depended on who owned the right-of-way.

Tim Morgan asked if a sign permit was denied, to where would the appeal be made. John Dever, III, stated to the Zoning Board of Adjustment.

Nic Strong stated that another question to do with permitting was that the proposed language for temporary signs both stated that they would be without a permit. She noted that was because it was combining all the existing categories of temporary signs and currently temporary signs for special events for educational purposes were required to get a permit but did not have to pay for the permit, but the real estate signs did not need a permit at all, and directional signs did need a permit. She asked John Dever, III, if lumping them all together into a temporary signs category without a permit would create problems for him.

John Dever, III, clarified that the temporary sign section would combine real estate signs and offsite directional signs, house for rent signs and so on. Nic Strong said yes, and also grand opening signs, all temporary signs would be without a permit, simply because how would John Dever, III, enforce permits for some of those things? She noted that putting them all in one category by nature of the sign instead of content made it impossible to say that one kind of temporary sign needs a permit and another kind does not. She asked if there were certain temporary signs that should be permitted or if it was okay to have them all without permit requirements. Nic Strong then noted that enforcement would become the issue because otherwise there was no point to the regulation. John Dever, III, was not going to be able to monitor the whole Town of Alton to count how many days a temporary sign had been there, and note how many times that year a temporary sign had been on the property. Nic Strong noted that neighbors complaining about signs might bring them to John Dever, III's attention. Paul Monzione also noted that after a while abuse of the regulation would become noticeable.

John Dever, III, thought that in regard to commercial temporary signs there should be guidelines regarding size, and numbers and duration. Tom Hoopes thought that a removal date within a certain time period of the event should be included. Paul Monzione did not think a distinction should be made about commercial temporary signs. He thought the ordinance should just reference temporary signs. He was concerned that having different requirements for commercial temporary signs versus residential temporary signs was straying into the content arena. Paul Monzione said that if a temporary sign for a business was allowed to be up longer, be bigger and have more of them because it was advertising a product, but the neighbor with a political sign in a residential setting could not have the same size or leave the sign up as long or have as many, then the Town would have regulated content. The Town would be giving the business an advantage over the resident due to the content of the sign and that was not allowed. Paul Monzione stated that the Town had to allow anyone with a temporary sign, regardless of content, advertising a product, or promoting a religious message, or promoting a candidate for office, to be treated equally. They would all be allowed the same size, and same number of signs for the same number of days. Nic Strong agreed with Paul Monzione and thought that the regulation should just be for temporary signs. Paul Monzione stated they had to be related to an event.

Paul Monzione stated now ZAC had to deal with the size allowed. Tom Hoopes stated John Dever, III, would monitor the situation over the next year if there were many calls and complaints he could

update ZAC. John Dever, III, stated he did not get many complaints about signs. The recent ones were mainly due to the actions of the merchant and the fact that the signs played a part was minor. He also noted that some of the complaints were to do with personal animosity not the sign itself. He thought the regulation should be as simple as possible. Paul Monzione stated that there could be more restrictive use of temporary signs in different locations as long as all temporary signs in those locations were equally restricted, for example, signs near a right-of-way there could not be as many or they could not be as large and not up for as long. This would be based on safety and zoning. Temporary signs in the Lakeshore Residential may be further restricted, perhaps larger signs would not be permitted; the regulation being based on size, not content.

Paul Monzione thought that when talking about size and number of signs and duration that should be looked at on a district basis. He said that then the Lakeshore Residential could be allowed smaller signs than in the downtown. Nic Strong stated that currently she had taken the regulations for the permitted business signs and created a table to make it somewhat easier to read. She noted that in the Lakeshore Residential District each business on a lot was allowed no more than one sign not to exceed four square feet. She asked if the temporary signs in the Lakeshore Residential should be added in another column to the table and then mirror the size for a business sign. Paul Monzione stated adding the temporary sign to the table was a good idea but a temporary sign might be able to be larger since it would only be there for a limited period of time. He thought the Town could afford to be more lenient for temporary signs because then political sign size would become less of a problem. Paul Monzione continued to see the political signs as the ones that would create the most issues under the new regulation of temporary signs, although it would be possible to get smaller political signs in a certain district. Tim Morgan liked the idea of allowing slightly larger sizes for temporary signs because in the Lakeshore Residential a regular business sign was four square feet. Paul Monzione stated that was very small. Tim Morgan said that for a permanent sign it was fine. Paul Monzione agreed because the sign would be there all the time. He also noted that the idea of revisiting the size of signs in general could be discussed for a future year. He noted a couple of recent variance applications for larger signs. Tim Morgan liked the idea of an additional column for temporary signs with a general section on temporary signs, how many were allowed and when they have to come down. He noted that avoided having to put the size in the temporary section. It was noted that the size, duration and number could all be included in the column in the table for each separate district. Duration would be specified by so many days prior to and after the event. Tim Morgan thought that an event sign in any area should be allowed to be there the same amount of time. That was why he was thinking there would be a separate section for temporary signs to deal with duration. Tom Hoopes thought they should be taken down within 48 hours. Tim Morgan said that was fine.

John Dever, III, asked what would be defined as an event. He stated that was another thing to get into. Paul Monzione stated that trying to list things would be very difficult. Tom Hoopes stated that listing things like weddings, yard sales, etc., would give an idea of the type of thing contemplated; and it provided John Dever, III, with some leeway in his job. Nic Strong stated that the proposed definition of temporary sign included the language that such a sign would be "used for a specific circumstance, situation or event intended or expected to take place or be completed within a short or definite period of time.". She thought that was broad enough that John Dever, III, could say that he did not think something was a temporary event or a specific circumstance and appeal to the ZBA.

Nic Strong stated that ZAC may want more definitions in that section, she had just included two, Sign and Temporary Sign.

John Dever, III, stated that under temporary commercial signs it specified each individual lot in a commercial district but there were lots with multiple businesses or buildings on them. Nic Strong stated that in the table for the Residential Commercial District the first column listed the district, then individual business on a lot, then multiple businesses on a lot. She asked if the temporary signage should be handled per business? John Dever, III, stated it would be hard to say one lot with ten businesses was only allowed one temporary sign. Nic Strong stated that John Dever, III, probably did not want eight temporary signs at the front of a lot with multiple businesses. He replied that he did not but that issue had to be addressed somehow. Nic Strong stated that the language currently stated that where two or more businesses were in one building or on one lot they were only allowed two signs jointly on the property. They were not allowed to have a permanent sign each if there were ten businesses on the lot; they had to share two signs. John Dever, III, did not think that was realistic, and it had never made sense to him. Tom Hoopes stated that the sign on the road was one thing and then the signs on the building(s) were separate. Nic Strong pointed out that each business could have ten (10) square feet on the building. John Dever, III, stated that number needed to be revisited too at a later date.

John Dever, III, thought adding a column to the table for temporary signs with the sizes allowed for each district was a good idea. Tim Morgan asked what size would be allowed in each district. John Dever, III, stated that his starting definition of a temporary sign was something that was easily transportable. Paul Monzione thought that the maximum size for any temporary sign, which could be smaller in the Lakeshore Residential District, should be the size of the large political sign across the street from the town hall. He asked what would be done about all the political signs that size that he thought would be used for the next few political campaigns. John Dever, III, stated that was not easily transportable. Paul Monzione stated that all the lawn signs were temporary because they could go up and come down without a lot of construction involved. John Dever, III, stated the sign Paul Monzione was referring to was bigger than what was allowed for regular signs. Paul Monzione asked John Dever, III, what he would do in future years, even for local elections, when people started putting up signs the size of the one across the street from the town hall. He asked, if there was a zoning ordinance with a specific limitation of size for temporary signs and whatever the next election was, John Dever, III, started driving around town and seeing those signs all over town, what would he do. Paul Monzione stated that personally he did not particularly care for signs that size but on the other hand he respected the rights of people to be enthusiastic about their candidate. Tom Hoopes stated there were more mid-sized signs. Paul Monzione stated this went back to his other comment which was being more lenient with the size of temporary signs because they could be tolerated due to the short period of time they would be around.

Paul Monzione stated he was trying to look at it from a practical perspective; the temporary sign ordinance had to be practical. John Dever, III, thought that if the ordinance allowed 24 s.f. maximum for a temporary sign and he went to tell the owner of the temporary political sign across the street to take it down that would be a problem. Tom Hoopes thought that 24 s.f. was too big for a temporary sign. Paul Monzione stated that it was not up to an individual person or even the code enforcement officer to necessarily decide whether to apply the zoning ordinance or not. He noted that he believed in the use of discretion and not making things out to be a bigger problem than they

actually were, but he was saying that the temporary sign ordinance should do all it could to allow temporary signs that would not create enforcement issues because they were temporary and because it was quite likely that there would continue to be very big political signs in the future. He thought the size of the sign across the street that was being discussed was probably about as big as there would be. He also stated that it should be recognized that probably the most popular type of temporary sign was the political sign and that they exceeded in number any other kind of temporary sign in town. Paul Monzione stated that some were left up too long and became a nuisance and a problem and should be dealt with, but on the other hand they were one of the best things about a free society and free speech so they should be encouraged and permitted in a way that makes sense. He said that if ZAC created a temporary sign ordinance that said temporary signs, regardless of content, could not be any bigger than 24 s.f. it could be problematic. John Dever, III, said 24 s.f. was the size allowed for permanent business signs in certain districts. It was noted that was 4' x 6'. Tom Hoopes thought it was too big for a temporary sign. Paul Monzione stated that the town had to be prepared to enforce whatever was decided upon for the size. He thought the giant political signs were too big.

John Dever, III, asked what would happen if the ordinance allowed 6' x 8' for temporary signs so then Busy Corner wanted to put a 6' x 8' sign on the corner. He said the unintended consequences had to be considered. Allowing 32 s.f. or 48 s.f. temporary signs could be abused by those people who wanted to push the envelope. Tom Hoopes thought that 12 s.f. or 3' x 4' was a good size. He noted that freedom of speech was all about allowing someone to put up the sign in the first place. He went on to say that as the signs kept getting bigger it was like someone standing over you shouting. John Dever, III, stated that if the ordinance said temporary signs had to be 24 s.f. and someone put up a 32 s.f. sign and he told them it had to be smaller, the first response would be that he was infringing on their right to free speech, whether that was valid or not.

Paul Monzione noted that the RSA regarding political signs appeared to only apply to public property from his reading of it; the Zoning Ordinance would govern what could take place in a person's private yard. He stated that the future of political signs would pose a problem from an enforcement standpoint. Tom Hoopes stated the signs could be considered distraction. Paul Monzione stated there was no question about that. He stated that such signs could be a big distraction especially at busy intersections. He noted that the signs across the street were a first-hand example of very large temporary signage in multiple numbers. Paul Monzione stated the content was immaterial to the discussion at this meeting but the committee should focus on public safety, distraction and a regulation within the zoning of proper aesthetic and potentially in the commercial zone the temporary signs could be bigger and in the Lakeshore Residential district, smaller. In the Rural district different requirements may apply and the committee should consider those. Paul Monzione stated that his inclination was to allow large signs as temporary but since the largest permanent sign currently allowed was 24 s.f., maybe that should be the biggest temporary sign as well. He did note that discussion had taken place regarding 24 s.f. not being very big for permanent signage. John Dever, III, stated that town had to balance all the factors and stated that the town needed to address the overall size of permanent signs at some point.

Paul Monzione stated again that he would tend more toward allowing bigger temporary signs than permanent simply because they were temporary and would be removed after the event. He stated that defining the event was important. Tim Morgan stated that considering the temporary signs in light of the current political campaign was interesting but thinking about allowing the same

requirements, for example, in front of the Busy Corner store made it more complicated. Paul Monziona agreed but noted that he did not want to see a zoning regulation that was either not going to be enforced or be a real burden on the town to try to enforce, particularly in the political arena. He suggested that the committee needed to think about the size issues for temporary signs. He noted that every temporary sign no matter its purpose or content had to be regulated the same way within the zone. Varying from zone to zone would be acceptable and even within a zone if there were safety factors in play. For example, in the commercial zone, temporary signs could be XX s.f. unless within so many feet of a right-of-way or pose a safety risk, at which point the sign should be a size that does not pose a danger. Tim Morgan stated there should be one temporary sign section.

Paul Monziona noted that commercial speech and non-commercial speech under the constitution were regulated differently by the courts and laws. Commercial speech could be regulated to a greater extent than non-commercial. Non-commercial speech had to pass the strict scrutiny test in order for government to abridge or interfere with non-commercial speech. Commercial speech did not have to pass the strict scrutiny test, it could be reasonable basis test. Paul Monziona stated that for the town's purposes that did not matter and the temporary sign ordinance should go across the board.

Paul Monziona asked if the committee wanted to talk about the numbers of temporary signs that could be allowed in a given zone and if that should be restricted. It was noted that the numbers had to be the same no matter the content or purpose of the sign. Paul Monziona stressed once again that the town could not allow one kind of sign over another because it would be in violation of the supreme court case. Nic Strong stated that some towns were approaching the temporary sign number issue in terms of frontage. Paul Monziona thought that was a very good idea. Nic Strong stated that the longer the frontage, the more temporary signs would be allowed and this was from a safety standpoint to avoid clutter and distraction. Paul Monziona thought this should be addressed in tens of feet. John Dever, III, thought this was a realistic way of dealing with the numbers. Nic Strong stated that smaller lots in the downtown area or Lakeshore Residential district would be allowed fewer signs than larger rural district lots.

Nic Strong stated that she would revise the proposed Sign Regulations with the amendments from this meeting and Paul Monziona asked the committee to think about the proposed numbers for total signs, and square footage of signs. Nic Strong stated that some of the redlined wording in the Sign Regulation was because she had moved the sections which the track change program on Word took as deleting and writing new language but some of the existing language had been deleted because it was in conflict with the Reed v. Gilbert court case. She noted that she would propose language for permanent off premise signs with a permitting process. Nic Strong noted that some sign regulations dealt with the other things that had been discussed at this evening's meeting, for example, window signs, A-frame signs, manual reader board signs and so on. The committee thought the whole sign section should be reviewed at a future time.

2. Review of amendments made to Section 319 Accessory Dwelling Units at the 9/13/16 meeting

Tom Hoopes was concerned that the committee get a handle on the amendments that would be proposed for ballot vote next year and make sure that things were being completed ready to go to the

Planning Board. Paul Monziona stated that at the previous meeting the committee had worked out the new language for Section 319. He stated the final version was before the committee this evening. Tom Hoopes asked for a rough date by which the ZAC recommendations should go to the Planning Board. Nic Strong stated that would be the meeting of November 15, 2016. Tom Hoopes said that Dave Hussey would be bringing his solar farm proposal to the meeting of October 11th. Tom Hoopes said the rest of the members of the ZAC needed to know the importance of having quorums at each meeting. He noted that Scott Williams would be away in October.

Nic Strong stated that the Section 319 amendment before the committee included:

- in the notes box in the Table of Uses, reference was included to the Special Exception requirements "***Section 520 criteria only. The additional criteria in Section 413 shall not apply to ADU in the LR District."
- Section 319, B. 5. was added, "In the Lakeshore Residential District an accessory dwelling unit is permitted only within or attached to a single family dwelling unit and shall require a Special Exception from the Zoning Board of Adjustment pursuant to the criteria in Section 520 in addition to the requirements of Section 319. The additional Special Exception criteria contained in Section 413 shall not apply to Accessory Dwelling Units in the Lakeshore Residential District."
- Section 319, B. 7. the language had been changed to say "shall have" or "shall not" and the last section said "in no case".

Tom Hoopes asked about Section 319, B. 7. c. which referred to accessory dwelling units not exceeding 50% of the dwelling structure. John Dever, III, stated the intent of that was to allow ADUs in accessory buildings with two options for the size calculation, using a percentage of the accessory building or the dwelling structure to calculate the size of the ADU depending on which one came out smaller.

Tom Hoopes asked about the zoning map referenced in Section 311. It was noted that map was referenced "as amended".

Nic Strong then noted the change proposed to Section 413 which added the language, "F. These additional criteria shall not apply to a Special Exception for Accessory Dwelling Units."

Tim Morgan moved to recommend that Section 319 and Section 413 as presented this evening be forwarded to the Planning Board as the Zoning Amendment Committee's recommendation for Zoning Ordinance Amendment.

Tom Hoopes seconded the motion and it PASSED unanimously.

3. Review of amendment made to Section 413 Special Exceptions in Lakeshore Residential District at the 9/13/16 meeting

Discussed under Item #2 above.

Paul Monziona stated the ZAC would have no need for further review of these sections and once the Sign Regulations amendments were reviewed that would be ready to go to the Planning Board as well. Nic Strong pointed out that at the last meeting, the Personal Wireless Service Facilities amendments were moved to go to the Planning Board.

4. Continue reviewing the Alton Zoning Ordinance, Working Draft 4.19.16, to be assisted by the packets dated 8/23/16 grouping the proposed amendments discussed so far

Nic Strong noted that these had been re-copied to the ZAC members. She stated that the tables she had prepared did not necessarily represent groupings of amendments yet but that she had prepared these to assist the ZAC members in their review of the definitions and ordinance amendment proposals that would have to go to the ballot.

Nic Strong noted that the first table included the items that were typographical errors or changes that should have been made but were not for some reason. She stated that she would take those, change the Zoning Ordinance and that table can be set aside. The second table included the things that ZAC had already discussed and determined would not be acted upon this year. This table could also be set aside.

Nic Strong noted that the next table included the items that ZAC had already discussed and would need a ballot vote. They had not been finalized or grouped together, the table simply included the items that would need a vote. Tom Hoopes asked if there was anything on the list that was absolutely critical for this year. Nic Strong stated that ZAC needed to get to the end of all the items that needed discussion in order to know that. She noted that some of them had to be done because the Table of Uses didn't include the use for some reason; those would be pretty vital but there were so many like that, once the language was finalized and the groupings made, then ZAC could determine whether or not they were critical for this year.

Paul Monzione suggested that the major section amendments had been discussed so at the next meeting the ZAC should start with the tables and dive into the details of the other things that needed review. Nic Strong stated that she had intended to make the ZAC's job easier so that instead of having to find the redlined language in the entire Zoning Ordinance that had been distributed to start with, they could use the tables to find the page numbers and sections affected, along with the reason the proposed amendment was coming up. She noted that the Table of Uses needed a whole review because there were so many uses included that had no definitions.

Paul Monzione stated that at the next meeting ZAC would start with a review of the Sign Regulation and then the tables for the rest of the Zoning Ordinance.

OLD BUSINESS

1. Old Business-
 - None
2. New Business-
 - None
3. Approval of Minutes-

September 13, 2016

Tom Hoopes moved to approve the minutes of September 13, 2016, as written.

Tim Morgan seconded the motion and it PASSED unanimously.

SET DATES FOR FUTURE MEETINGS

- October 11, 2016, at 6:00 p.m.
- November 15, 2016, with the Planning Board. Tim Morgan noted he would not be present at this meeting.
- December 20, 2016, public hearing on the amendments. Tom Hoopes stated that a snow date should be included in the notice of the first hearing so that there could be no problems with dates for the second hearing if one was necessary.

PUBLIC INPUT

Open to the public. None at this time. Closed Public session.

ADJOURNMENT

At 8:30 p.m. Tom Hoopes moved to adjourn. Tim Morgan seconded the motion and it PASSED unanimously.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,
Nic Strong, Town Planner