

GILFORD BOARD OF SELECTMEN
Work Session
A Policy Regulating Off-Ste Commercial
Signs in Public Rights-of Way
January 26, 2010
Town Hall

The Board of Selectmen convened in a special work session on Tuesday, January 26, 2010, at 8:00 a.m., at the Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Gus Benavides, Kevin Hayes and John O'Brien. Also present were Town Administrator Scott Dunn and Executive Secretary Sandra Bailey.

Staff in attendance consisted of Director of Planning and Land Use John Ayer and Building Inspector/Code Enforcement Officer David Andrade. Members of the public in attendance were John Goodhue, Dick Vaillancourt, Jerry Gagnon and Michele Engel.

Chairman Benavides stated that the purpose of this special work session is to review the proposed policy regarding the placement of signs within the Town's rights-of-way. He stated that this work session would have an informal format and the document would be reviewed on a page by page basis.

Beginning with page 1, Jerry Gagnon stated that he had concern in Section 1 regarding the authority of the Board of Selectmen to create this policy. Since Sections 8.8.4 and 8.8.6 refer to the Zoning Ordinance, he believes that this matter should come before the voters at Town Meeting. He conceded that the Board of Selectman has the authority to remove the signs, but beyond that, the ordinance is being changed. He is concerned with this process.

Town Administrator Dunn disagreed and stated that the intent is for the Board of Selectmen to create a process for the approval process, which is already granted to them in the Zoning Ordinance. The Selectmen have the authority to regulate highways, which supersedes the Zoning Ordinance. Jerry Gagnon then referenced the real estate sign at the entrance to the Lakes Business Park. He would like to see these lots sold but does not feel that the sign is in compliance.

Jerry Gagnon then provided an explanation of the procedure he uses each weekend for open houses at York Village. He places his signs out each day and takes them in after each open house.

Chairman Benavides then asked Jerry Gagnon if his opinion was that if the townspeople had an opportunity to vote on this change at Town Meeting, that they would vote against it. Jerry Gagnon and Dick Vaillancourt both replied yes. Selectman Hayes asked them to provide a proposal for the Selectmen to regulate the signs within the Town's rights-of-way. Jerry Gagnon replied that the only proposal needed is to provide David Andrade with the authority to remove signs.

John Goodhue provided further clarification on Section 8.8.4 of the Zoning Ordinance, which states that one offsite directional sign is permitted at each intersection and must contain no commercial message.

Returning to Jerry Gagnon's original concern, Chairman Benavides inquired if he still thinks that the Board of Selectmen does not have the authority for this policy and therefore, the work session should not even be taking place. Jerry Gagnon replied yes. David Andrade

pointed out that the existing Ordinance also allows for multiple signs, as long as they are approved by the Board of Selectmen.

Discussion then focused on creating generic signs. Michele Engel provided a copy of the real estate sign policy within the Town of Moultonboro, which provides for generic signs. It also has a provision for each sign to have a small designation on it indicating which real estate office placed the sign. If this type of policy were to be adopted in Gilford, she recommended that the Lakes Region Board of Realtors create the signs and distribute them. They would be uniform and could be purchased by each realtor.

Extensive discussion ensued regarding having a time limit for signs, since some intersections have permanent signs. Jerry Gagnon reiterated his previously stated position that we should not even be here today discussing this matter. Also discussed was David Andrade's authority and ability to enforce this policy. Selectman Hayes stated that this document is intended to mesh the authorities of the Board of Selectmen and Planning Board regarding signs.

Discussion then focused on Section 2.3 regarding open house signs. Jerry Gagnon reiterated that he has open houses every weekend at York Village and places his signs within the Town's right-of-way. Dick Vaillancourt pointed out that he has clients who request where they would like directional signs to be placed. Town Administrator Dunn countered that people do not have the authority to place signs within the Town's rights-of-way without authorization from the Selectmen. Chairman Benavides suggested removing the phrase "less than twenty-four hours per month" in this section. The Selectmen concurred to have this section state for "open house hours only".

Various comments were made concerning real estate signs within the Town of Gilford that do not conform to this policy. Section 3.1 (c) generated a great deal of discussion regarding the number of directional signs to be permitted at each intersection. Also discussed was the way that a "T" intersection would be regulated. Selectman Hayes suggested that each intersection be limited to two, rather than four, signs per intersection.

At this time, Chairman Benavides pointed out that the Board is willing to go back and review any policy that they have put in place. He recommended trying two signs per intersection with the understanding that it could be revisited if necessary. Regarding 3.1 (f), Jerry Gagnon pointed out that there are some properties in Laconia that are only accessed through Gilford. A provision for any out-of-town property that is only accessible through Gilford will be made.

Regarding 3.1 (g), Chairman Benavides is concerned that the ninety (90) days for permits is not long enough. Michele Engel pointed out that Moultonboro has no permit process or length of time for real estate directional signs. Selectman Hayes stated that without a permit, they will not know when or which sign might need to be pulled. John Goodhue countered that it really doesn't matter if it is a generic sign. He also suggested that the code number of each real estate office be placed on the sign to designate ownership. Michele Engel further stated that it is the responsibility of the LRBR to educate realtors.

Sections 3.1 (g) (h) (j) and (k) will be removed from the policy.

Brief discussion ensued regarding Section 4.1. Signs that are located within the State's rights-of-way are still subject to these regulations. Chairman Benavides expressed concern with the fines stated in Section 4.2. Town Administrator Dunn stated that these are standard fines which are mandated by the State of NH. David Andrade commented that in Section

4.3, he would prefer to keep the signs in his office. Town Administrator Dunn pointed out that it is important for people to know that if they have repeated and/or flagrant violations, they may not receive their signs back if confiscated. Sections 4.4, 4.5 and 4.6 will be removed from this policy.

Town Administrator Dunn is anticipating an effective date of May 1st. He further stated that Draft 6 will be posted on the website and the public hearing is scheduled for Wednesday, February 10, 2010.

The work session was adjourned at 9:17 a.m.

Respectfully submitted,

John T. O'Brien
Clerk