

LEGISLATIVE COMMITTEE MINUTES

SB62

Bill as Introduced

SB 62 - AS INTRODUCED

2013 SESSION

13-0904
06/01

SENATE BILL **62**

AN ACT authorizing the placement of a certain sign in the town of Danbury.

SPONSORS: Sen. Forrester, Dist 2; Rep. Ratzki, Merr 1; Rep. Chandler, Carr 1; Rep. Reilly,
Graf 9; Rep. Schamberg, Merr 4; Rep. Mulholland, Graf 17

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill permits the placement of one commercial sign outside a commercially zoned area in the town of Danbury.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 62 - AS INTRODUCED

13-0904
06/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT authorizing the placement of a certain sign in the town of Danbury.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Town of Danbury; Placement of Commercial Sign Outside Commercially Zoned Area
- 2 Permitted. Notwithstanding RSA 236:70, Ragged Mountain Pacific, LLC may erect and maintain
- 3 one sign on its property on the north side of the junction of Route 104 and Ragged Mountain Road
- 4 provided that Ragged Mountain Pacific, LLC receives a special exception from the town of Danbury.
- 5 2 Effective Date. This act shall take effect upon its passage.

SB 62 - AS AMENDED BY THE SENATE

02/14/13 0126s

2013 SESSION

13-0904
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Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Town of Danbury; Placement of Commercial Sign Outside Commercially Zoned Area
- 2 Permitted. Notwithstanding RSA 236:73, Ragged Mountain Pacific, LLC may erect and maintain
- 3 one sign on its property on the north side of the junction of Route 104 and Ragged Mountain Road
- 4 provided that Ragged Mountain Pacific, LLC receives a special exception from the town of Danbury.
- 5 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 77
SB 62 - FINAL VERSION

02/14/13 0126s

2013 SESSION

13-0904
06/01

SENATE BILL

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AN ACT

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1 77:1 Town of Danbury; Placement of Commercial Sign Outside Commercially Zoned Area
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3 one sign on its property on the north side of the junction of Route 104 and Ragged Mountain Road
4 provided that Ragged Mountain Pacific, LLC receives a special exception from the town of Danbury.

5 77:2 Effective Date. This act shall take effect upon its passage.

6 Approved: June 7, 2013

7 Effective Date: June 7, 2013

Amendments



Amendment to SB 62

1 Amend the bill by replacing section 1 with the following:

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3 1 Town of Danbury; Placement of Commercial Sign Outside Commercially Zoned Area
4 Permitted. Notwithstanding RSA 236:73, Ragged Mountain Pacific, LLC may erect and maintain
5 one sign on its property on the north side of the junction of Route 104 and Ragged Mountain Road
6 provided that Ragged Mountain Pacific, LLC receives a special exception from the town of Danbury.

Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

- ✓ Senator David Boutin Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator Bette Lasky
- ✓ Senator David Pierce
- ✓ Senator Nancy Stiles

START : 10:00 AM
STOP : 10:15 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: January 24, 2013

HEARINGS

Wednesday 1/30/2013

PUBLIC AND MUNICIPAL AFFAIRS LOB 102 9:00 AM

(Name of Committee) (Place) (Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM SB73 prohibiting an immediate family member of a school board member from being employed by the school district.
- 9:30 AM SB79 relative to an oath of city officers concerning appraisals of taxable property.
- 9:45 AM SB76 relative to disqualification of candidates.
- 10:00 AM SB62 authorizing the placement of a certain sign in the town of Danbury.
- 10:15 AM SB78 relative to the New Hampshire Municipal Association.

Sponsors:

- SB73**
Sen. Peter Bragdon Sen. Andy Sanborn Rep. James Parison Rep. James Coffey
- SB79**
Sen. Andy Sanborn
- SB76**
Sen. David Boutin Sen. Sharon Carson Sen. Sam Cataldo Sen. Martha Fuller Clark
Sen. Bob Odell Sen. David Pierce Sen. Jim Rausch Sen. David Watters
Rep. Gene Chandler Rep. Thomas Walsh Rep. Rick Ladd Rep. Robert Theberge
- SB62**
Sen. Jeanie Forrester Rep. Mario Ratzki Rep. Gene Chandler Rep. Harold Reilly
Rep. Thomas Schamberg Rep. Catherine Mulholland
- SB78**
Sen. Donna Soucy Sen. Bette Lasky Rep. David Danielson Rep. James Bolanger
Rep. James Coffey Rep. David Bickford Rep. Clyde Carson

PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Hearing Report

Deb Martone, Legislative Aide

SB 62 -- An Act authorizing the placement of a certain sign in the town of Danbury.

Hearing Date: January 30, 2013

Time Opened: 10:00 am

Time Closed: 10:15 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles, Lasky and Pierce.

Bill Analysis: Permits the placement of one commercial sign outside a commercially zoned area in the town of Danbury.

Sponsors: Senator Forrester; Representatives Ratzki, Chandler, Reilly, Schamberg and Mulholland.

Who supports the bill: Senator Forrester; Representatives Chandler and Schamberg; Bob Ashton, Ragged Mountain.

Who takes no position on the bill: Bill Lambert and Amy Mansfield, Traffic Division, NH Department of Transportation ("DOT").

Summary of testimony presented in support:

Senator Forrester:

- The Ragged Mountain Ski Area has had a sign in this location in the past. In their efforts to improve the sign both in esthetics and for notice to drivers, they learned from the DOT that the property on which it was located was zoned noncommercial.
- To their credit, Ragged Mountain went to the Town of Danbury and the DOT to seek a solution. SB 62 represents the end result of those discussions.
- All parties agree this bill is the proper way to receive approvals for the new sign at the junction of Route 104 and Ragged Mountain Road.
- Senator Forrester read into the record a letter from the Danbury Selectmen's Office urging support for the proposal.

Representative Ratzki (submitted testimony, not in attendance):

- SB 62 has unanimous support; he recommends passage of the bill.

Representative Chandler:

- As an aside, Representative Chandler's father was the original manager and developer of Ragged Mountain Ski Area. The sign in question has been there for quite some time.

Bob Ashton, President, Ragged Mountain:

- The zoning for the piece of property in which the sign is located is called rural district.

- There have been various forms of signage on this property since the late 1960s, early 1970s.
- Ragged Mountain owns the parcel of land where the sign sits. The intent is to erect an attractive main entrance sign on the parcel of land.
- For the past year, Mr. Ashton has been working with the DOT on this legislation. The bill is their recommended solution.
- Ragged Mountain is moving forward with some very significant upgrades to the resort; a substantial investment. A much more attractive, directional main entrance sign is needed. Road safety issues would also be addressed with the addition of a new sign.

Summary of neutral testimony presented:

Bill Lambert, Traffic Engineer, NH DOT

- Mr. Lambert is responsible for outdoor advertising control for the state.
- The outdoor advertising regulations are difficult to enforce and not necessarily consistent.
- The DOT controls outdoor advertising for Route 104 in Danbury, but not for US Route 3 in Boscawen, due to the federal Highway Beautification Act of the 1970s.
- Modifications to signs may have been grandfathered in the past, but when the signs are improved, they become subject to current outdoor advertising control.
- The DOT held a hearing in 2010 on this particular sign. The Department deferred a ruling due to the discussions between Ragged Mountain and the Town of Danbury, and the ongoing process of SB 62. No finding has been issued in that hearing.
- The particular sign is located outside of a commercial or industrial zone, where a sign like this would be permitted. It is adjacent to the zone.
- The Town of Danbury granted a special exception in June 2009, but federal law does not allow special exceptions in this type of zone.
- The town could alleviate the problem by changing the zoning, but choose not to expand the commercial/industrial zone. Danbury does support having a sign at that location.
- Mr. Lambert suggested the citation in line 2 of the bill should be changed to RSA 236:73, Restriction of Advertising.

Action: The committee voted to amend the bill with the RSA cite change noted, and unanimously recommended passage.

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Date hearing report completed: February 1, 2013

Speakers

Testimony

MARIO RATZKI
Representative, District 01

Public & Municipal Affairs Committee:
Senator Boutin
Senator Forrester
Senator Lasky
Senator Pierce
Senator Stiles

January 30, 2013

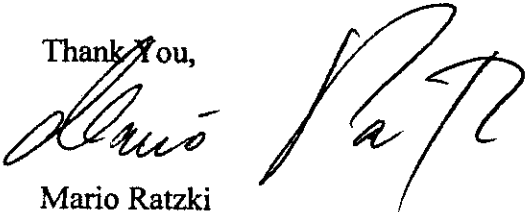
Dear Chairman Boutin and Members of the Public and Municipal Affairs Committee,

My name is Mario Ratzki and I am a Representative from District 01. I write this letter today in support of Senate Bill 62, allowing the placement of a commercial sign in Danbury, a town in my district.

This legislation has unanimous support from the Selectboard in Danbury and I would like to recommend that you vote "ought to pass."

I apologize that I am not able to be present for the hearing this morning as I have a Public Works and Highways committee meeting at the same time.

Thank You,

A handwritten signature in black ink that reads "Mario Ratzki". The signature is written in a cursive, flowing style.

Mario Ratzki
Representative, District 01



Office of Selectmen
TOWN OF DANBURY
Incorporated 1795

23 HIGH STREET
DANBURY, NH 03230
Phone/Fax (603)768-3313

Email: danbury_selectmen@comcast.net

January 25, 2013

Dear Chairman Boutin and Members of the Public and Municipal Affairs Committee:

We write today in unison to support Senate Bill 62, an act authorizing the placement of a certain sign in the town of Danbury. This bill would allow the placement of one commercial sign outside a commercially zoned area in the town of Danbury. As members of the Selectboard in Danbury, we fully support this exception and urge you to vote "Ought to Pass" on Senate Bill 62.

Thank you for your consideration.

Sincerely,

James D. Phelps, Chairman

Sandra J. Spencer

Lyn H. England

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Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: January 31, 2013

THE COMMITTEE ON Public and Municipal Affairs
to which was referred Senate Bill 62

AN ACT authorizing the placement of a certain sign in the town of
Danbury.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0126s

CONSENT CALENDAR VOTE: 5-0

Senator Jeanie Forrester for the Committee

This bill permits Ragged Mountain to erect one commercial sign outside a commercially zoned area in the town of Danbury.

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of SB62

Docket Abbreviations

Bill Title: authorizing the placement of a certain sign in the town of Danbury.*Official Docket of SB62:*

Date	Body	Description
1/3/2013	S	Introduced and Referred to Public and Municipal Affairs; SJ 4
1/25/2013	S	Hearing: 1/30/13, Room 102, LOB, 10:00 a.m.; SC6
1/31/2013	S	Committee Report: Ought to Pass with Amendment #2013-0126s, 2/14/13; Vote 5-0; CC; SC8
2/14/2013	S	Committee Amendment 0126s, AA, VV
2/14/2013	S	Ought to Pass with Amendment 0126s, MA, VV; OT3rdg; SJ 5
3/27/2013	H	Introduced and Referred to Municipal and County Government; HJ31 , PG.1074
4/3/2013	H	Public Hearing: 4/9/2013 10:00 AM LOB 301
4/9/2013	H	Executive Session: 4/16/2013 1:00 PM LOB 301
4/17/2013	H	Committee Report: Ought to Pass for April 24 (Vote 16-0; CC); HC33 , PG.1095
4/24/2013	H	Ought to Pass: MA VV; HJ38 , PG.1243
4/24/2013	H	Enrolled; HJ38 , PG.1257
4/24/2013	S	Enrolled 4/18/2013
6/7/2013	S	Signed by the Governor on 06/07/2013; Chapter 0077; Effective 06/07/2013

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 62 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 01265 _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK

07/16/13

Debra A. Martore
BY COMMITTEE AIDE