

**Pembroke Planning Board
(ADOPTED)
Minutes of Meeting
January 10, 2017**

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Kathy Cruson; Brent Edmonds; Richard Bean; Robert Samson, Selectmen's Rep.

ALTERNATES PRESENT: Robert Bourque

EXCUSED:

STAFF PRESENT: Stephanie Verdile, Town Planner; Jocelyn Carlucci, Recording Secretary; Everett Hodge, Code Enforcement Officer; and David Jodoin, Town Administrator

GUESTS: Attorney Gary Lane representing Primex

Chairman Topliff called the meeting to order at 7:00 p.m.

New Business – Public Hearing #1 for 2017 Proposed Zoning Amendment #2 for changes to the Sign Ordinance and Proposed Zoning Amendment #3 for changes in location of Adult Entertainment uses, of the Town of Pembroke Zoning Ordinance.

Chairman Topliff said that the Board put a fair amount of time into the sign ordinance. He said that although a number of members are not comfortable with all the language, in his opinion, it was important to keep in mind that the courts, over the next few years, will probably make changes to the Supreme Court ruling and the Board would alter it accordingly.

Ms. Verdile said that a whole page ad was taken in the Concord Monitor on December 29, 2016. Upon review, she noticed two typographical errors which will be discussed shortly.

She also said that Mr. Jodoin and Mr. Hodge noted that "and §143-63(A);" should be deleted from Section 143-28 G because it is being removed from the Table of Permitted Uses. As a result, Section 143-28 G should read as follows:

- G. There shall be no advertising on the premises other than as provided under §143-62, Dimensional Table of signs.

Ms. Verdile also noted that "and 143-63 (C);" should be removed from 143-29 G because it was removed from the Table of Permitted Uses. Section 143-29 G should read as follows:

- G. There shall be no advertising on the premises other than as provided under §143-62, Dimensional Table of Signs.

Chairman Topliff opened the public hearing on proposed Zoning Amendment #2 at 7:06 p.m.

Regarding the Concord Monitor typographical errors, Ms. Verdile said that the revision to §143-63 I. Window signs was published as:

~~"R.I. Window signs: Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window (which do not have the purpose or effect of identifying any premise from the sidewalk or street.) such signs shall be not be counted towards the number of signs permitted on a lot., provided they:"~~

Ms. Verdile said that §143-63 I should read:

I. Window signs: Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window such signs shall be counted towards the number of signs permitted on a lot.

Ms. Verdile asked Attorney Lane if he felt that such an error was cause for another public hearing. Attorney Lane clarified that he is a litigation attorney and is present in such a capacity but said that he would see such an error as a substantive difference.

The Board agreed that §143-63 I should read as stated above.

The second typographical error published in the Concord Monitor was in Proposed Zoning Amendment #3. It was published as:

C. Adult entertainment uses.

- (1) Live adult entertainment uses and passive adult entertainment uses shall be permitted in the portion of the C1 District that is located near Ricker Road. Passive adult entertainment uses shall not be permitted ~~in the C1 District that is located near~~ within the Route 106 portion of the C1 District. Live adult entertainment uses are not permitted within the Route 106 portion of the C1 District. Within these districts, no person shall cause or permit the establishment of any defined adult entertainment use within 500 feet of any church, public or private school or college, park, library, playground, or area zoned for residential use, or within 1,000 feet of another adult use. No adult entertainment use shall be located in any other District in the Town of Pembroke.**

Ms. Verdile said that §143-44.1.C should read:

- (1) Live adult entertainment uses and passive adult entertainment uses shall be permitted in the portion of the C1 District that is located near Ricker Road. Passive adult entertainment uses shall not be permitted within the Route 106 portion of the C1 District. Live adult entertainment uses are not permitted within the Route 106 portion of the C1 District. Within these districts, no person shall cause or permit the**

establishment of any defined adult entertainment use within 500 feet of any church, public or private school or college, park, library, playground, or area zoned for residential use, or within 1,000 feet of another adult use. No adult entertainment use shall be located in any other District in the Town of Pembroke.

Mr. Jodoin asked Ms. Verdile if the electronic file sent to the Concord Monitor contained the typographical errors or if the Concord Monitor typed the text incorrectly.

Ms. Verdile said that she thought it was the Concord Monitor's errors. She clarified that when she sends electronic files to the paper with text crossed out, the paper has to retype everything by hand.

Mr. Jodoin said that, in that case, it would be the paper's error and their cost and not the Town's.

Member Bean said that he was good friends with the Concord Monitor's publisher and would be willing to speak with him if Mr. Jodoin would like. Mr. Jodoin said he would call Member Bean tomorrow with an answer.

Vice Chairman Seaworth noted that the term "Temporary Signage" was not eliminated from §143-58 A (3).

After a short discussion, it was the consensus of the Board to delete §143-58 A (3) Temporary Signage.

Mr. Hodge said that since the term "Temporary Signs" is being removed from the Table of Uses, he suggested that §143-60 C which presently reads:

- C. The letter (T) shall indicate that the sign is permitted as a temporary sign only. The letter (V) shall indicate that the size of the permitted sign varies.

should not include the first sentence and, in fact, §143-60 C should read as follows:

- C. The letter (V) shall indicate that the size of the permitted sign varies.**

The Board agreed.

Ms. Verdile said that §143-58 (C) F (1) which presently reads:

- (1) Continuance: A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this section may continue, although such sign does not conform to the provisions of this section, unless, however, said sign poses a safety problem as defined in §143-48(D).

should read as follows, because §143-48(D) does not exist:

- (1) Continuance: A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this section may continue, although such sign does not conform to the provisions of this section, unless, however, said sign poses a safety problem as defined in §143-58(C) safety standards.

The Board agreed.

§143-63 B reads as follows:

1. Free-Standing: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. (This does not include portable ~~or trailer type signs.~~)

should read:

- B. Free-Standing: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. (This does not include portable signs.)

With regard to portable signs, Attorney Lane said that portable signs do not have to be content-based for restriction therefore it does not violate Reed vs. Gilbert. He said that the town can determine if a sign is portable without looking at the content.

Member Bourque pointed out that if the Board wished to exclude portable signs from the Table of Uses, then paragraph J should also have to be excluded. If paragraph J remains in the ordinance, then portable signs must be included in the Table of Uses.

After a brief discussion of the timeline for public notice, the Board concluded that "Portable Signs" should be included in the Table of Uses.

MOTION: MEMBER BEAN MOVED TO INCLUDE PORTABLE SIGNS IN THE TABLE OF USES. SECONDED BY MEMBER YOUNG. UNANIMOUSLY APPROVED.

The Board also agreed to remove Portable Trailer Signs from the Table of Uses.

With regard to the Table of Uses:

1. Portable Signs will remain.
2. Under Portable Signs, the letter "T" (Temporary) will be stricken.
3. Under Portable Signs, the letter "P" (Permitted) will remain.
4. Under Portable Signs, the number "12" will remain.

5. Under Portable Signs, §143-63(J) will appear under "Special Conditions".

Member Bourque said that he had a question earlier today and wanted to share the result with the Board: He said that because the Board eliminated Major and Minor Home Business, Construction, Sale, Rent, or Lease from the ordinance, if someone had an approved "Office Home Business", what would regulate signage? He was told that if the use is permitted in a district, any sign permitted in that district would be allowed -- a free-standing sign (by special exception) or a window sign (by special exception).

Chairman Topliff closed the public hearing on the Zoning Amendment #2 Sign Ordinance at 7:46 p.m. He urged the public to return on January 24, 2017 for the second public hearing.

MOTION: Vice Chairman Seaworth moved that the following proposed changes be made to the 2017 Zoning Amendments and be brought to public hearing on January 24, 2017:

1. Under §143-58 A (3), "Temporary Signage" will be removed.
2. Under §143-58 F (1), "§143-48(D)" shall be replaced by "§143-58(C) safety standards".
3. Under §143-60 C, Sign regulations, the following sentence: "The letter T shall indicate that the sign is permitted as a temporary sign only" will be stricken.
4. In the Table of Uses, "Portable Signs" will remain, the letter "P" and the number "12" will remain in the columns, the letter "T" will be removed from the columns, and "§143-63(V)" will be replaced by "§143-63(J)".
5. Under §143-63 B, Free-Standing will read as follows: "A self-supporting sign not attached to any building, wall or fence, but in a fixed location. (This does not include portable signs.)"

Seconded by Selectmen's Rep. Samson.

VOTE:	A. Topliff – Y	B. Seaworth – Y	R. Samson – Y
	L. Young – Y	B. Edmonds – Y	K. Cruson – Y
	R. Bean – Y		

MOTION THAT THE FOLLOWING PROPOSED CHANGES BE MADE TO THE 2017 ZONING AMENDMENTS AND BE BROUGHT TO PUBLIC HEARING ON JANUARY 24, 2017:

1. **UNDER §143-58 A (3), "TEMPORARY SIGNAGE" WILL BE REMOVED.**
2. **UNDER §143-58 F (1), "§143-48(D)" SHALL BE REPLACED BY "§143-58(C) SAFETY STANDARDS".**
3. **UNDER §143-60 C, SIGN REGULATIONS, THE FOLLOWING SENTENCE: "THE LETTER T SHALL INDICATE THAT THE SIGN IS PERMITTED AS A TEMPORARY SIGN ONLY" WILL BE STRICKEN.**
4. **IN THE TABLE OF USES, "PORTABLE SIGNS" WILL REMAIN, THE LETTER "P" AND THE NUMBER "12" WILL REMAIN IN THE COLUMNS, THE LETTER "T" WILL BE REMOVED FROM THE COLUMNS, AND "§143-63(V)" WILL BE REPLACED BY "§143-63(J)".**

- 5. UNDER §143-63 B, FREE-STANDING WILL READ AS FOLLOWS: “A SELF-SUPPORTING SIGN NOT ATTACHED TO ANY BUILDING, WALL OR FENCE, BUT IN A FIXED LOCATION. (THIS DOES NOT INCLUDE PORTABLE SIGNS.)”**

PASSED ON A 7-0 VOTE.

Member Bourque asked that the minutes show that the errors made to the prior notice published in the Concord Monitor will be corrected in the next edition.

Chairman Topliff opened the public hearing on Zoning Amendment #3 at 7:55 p.m.

Chairman Topliff said that Ms. Verdile noted an error in the publication in the paper but not in what was previously approved by the Board.

Vice Chairman Seaworth said that, in the case of §143-44.1.C, the way the error read, it would still be clear and may not need to be renoticed. The Board agreed. Another public hearing would not be necessary on Zoning Amendment #3.

Chairman Topliff closed the public hearing on Zoning Amendment #3 at 7:58 p.m.

MOTION: Vice Chairman Seaworth moved to accept the proposed language of Zoning Amendment #3, typographical errors notwithstanding and send Zoning Amendment #3 to Town Meeting. Seconded by Selectmen’s Rep. Samson.

VOTE:	A. Topliff – Y	B. Seaworth – Y	R. Samson – Y
	L. Young – Y	B. Edmonds – Y	K. Cruson – Y
	R. Bean - Y		

MOTION TO ACCEPT THE PROPOSED LANGUAGE OF ZONING AMENDMENT #3, TYPOGRAPHICAL ERRORS NOT WITHSTANDING AND SEND ZONING AMENDMENT #3 TO TOWN MEETING PASSED ON A 7-0 VOTE.

MOTION: VICE CHAIRMAN SEAWORTH MOVED TO APPROVE THE FOLLOWING CHANGES AND TO BRING THEM TO PUBLIC HEARING ON JANUARY 24, 2017:

§143-28 G (MINOR HOME BUSINESS) WILL READ AS FOLLOWS:

- G. THERE SHALL BE NO ADVERTISING ON THE PREMISES OTHER THAN AS PROVIDED UNDER §143-62, DIMENSIONAL TABLE OF SIGNS.**

§143-29 G (MAJOR HOME BUSINESS) WILL READ AS FOLLOWS:

**G. THERE SHALL BE NO ADVERTISING ON THE PREMISES OTHER THAN AS PROVIDED UNDER §143-62, DIMENSIONAL TABLE OF SIGNS.
SECONDED BY MEMBER EDMONDS. UNANIMOUSLY APPROVED.**

Minutes- December 13, 2016

MOTION: VICE CHAIRMAN SEAWORTH MOVED TO ACCEPT THE MEETING MINUTES OF DECEMBER 13, 2016 AS AMENDED. SECONDED BY MEMBER BEAN. UNANIMOUSLY APPROVED.

Miscellaneous

1. Correspondence-

Ms. Verdile received the Business NH Planning magazine and the Planning magazine.

2. Committee Reports-

Conservation Commission: Member Edmonds said that the Committee worked on editing the Natural Resource Inventory Report in preparation for adoption by the Board of Selectmen for possible inclusion in the Master Plan.

Technical Review Committee: Member Young said that the Committee met for a three-lot subdivision on N. Pembroke Road and a Lot Line Adjustment on Academy Road.

Roads Committee: Vice Chairman Seaworth said that the Committee will not meet until March 2017.

3. Planner Items-

Ms. Verdile said that on January 24, 2017 there will be a public hearing on the Zoning Amendments, a lot line adjustment, and a minor subdivision. The National Guard will also meet with the Board on January 24, 2017 which is strictly advisory.

Ms. Verdile said that she met with Steve Henninger and Matt Monahan of Central New Hampshire Regional Planning regarding the proposed realignment of the Pembroke Academy property.

Mr. Jodoin said that the Developer should appear before the School Board to discuss the realignment and costs, not the Town. He said that approximately 25 ft. would be removed from the property at the SAU exit and 15-20 parking spaces.

MOTION: Selectmen's Rep. Samson moved to adjourn the meeting. Seconded by Member Bean. Unanimously approved.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary