

**Pembroke Planning Board
Meeting Minutes
October 10, 2023**

Approved November 14, 2023

MEMBERS PRESENT: Brian Seaworth, Chairman; Rick Frederickson, Selectmen's Rep; Kathy Cruson, Clint Hanson

MEMBERS EXCUSED: Robert Bourque, Vice Chairman; Brent Edmonds

ALTERNATES PRESENT: Bryan Christiansen

STAFF PRESENT: Carolyn Cronin, Town Planner; Susan Gifford Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Four Planning Board members were present. One alternate member was present. Chairman Seaworth designated Bryan Christiansen to vote for Brent Edmonds. The Board of Selectmen have appointed Bryan Christiansen as a full Planning Board member, and he will be sworn in before the next meeting.

Old Business

1. Zoning Amendments 2024

- a. Residential Standards in Mixed Use Developments – No discussion.
- b. Sign Ordinance

Chairman Seaworth continued the review of proposed changes to the Sign Ordinance at the point where the board left off at the last meeting. After a search for the following phrases: "Article VIII", "sign", and "143-62" in the Zoning, the following sections require modification for consistency.

- **§143-28.G., Minor Home Business.**

Recommend the following change: "There shall be no advertising on the premises other than as provided under ~~§143-62, Dimensional Table of Signs, and §143-63 (A)~~ Article VIII, Signs".

- **§143-29.G., Major Home Business.**

Recommend the following change: "There shall be no advertising on the premises other than as provided under ~~§143-62, Dimensional Table of Signs, and §143-63 (C)~~ Article VIII, Signs".

- **§143-30.1.D.(5), Office Conversion.**

Recommend the following change: "There shall be no advertising on the premises other than as provided under ~~§143-62, Dimensional Table of Signs~~ Article VIII, Signs".

- **§143-42.F., Commercial Kennels.**

Recommend the following change: Strike "One 12 square foot freestanding sign shall be permitted in accordance with 143-62 Dimensional Table of Signs, or with dimensions compliant with 143-62, Dimensional Table of Signs, whichever is more

restrictive,” and replace with “There shall be no advertising on the premises other than as provided under Article VIII, Signs”.

Planner Cronin stated that the above changes could be presented as one zoning amendment, separate from the Sign Ordinance changes, but contingent on the passing of the Sign Ordinance changes if this amendment is also voted to pass. Town legal can help with the phrasing of that warrant language.

Planner Cronin incorporated all legal comments received so far. Those comments are highlighted in blue on the working document. Chairman Seaworth continued the review of Sign Ordinance beginning on page 11, letter I., and stated that he will stop for discussion whenever needed. Off premises signs are currently permitted but Legal asked if the Board would allow them by Special Exception. Does the board wish to strike that section and prohibit off premises signs? Planner Cronin stated that as a town we can regulate off premises signs but not what is written on the signs. Off premises signs are allowed only in the C1 Commercial zoning district and cannot exceed 12 square feet. The town can allow off premises signs in other districts by Special Exception with a change to the zoning. An example would be directional signs like “Bass Pro, coming up on the left.” Chairman Seaworth referenced a billboard for Dirt Doctors located on someone else’s property because Dirt Doctors does not have the required frontage on Route 106. Selectmen’s Rep Frederickson noted that the property owner with the sign must meet zoning regulations, apart from any agreement with the business owner. Chairman Seaworth agreed that the owner of the business and owner of the sign property must work out the square footage maximum signage between them. Chairman Seaworth stated we can enforce location of off premises signs, but not the content. Member Cruson stated that Pembroke sign ordinance is very restrictive. Planner Cronin suggested that we can leave off premises signs as is.

Member Christiansen stated that if someone wanted a larger off premise sign, they would go to ZBA for a Special Exception or Variance. Planner Cronin stated the purpose of the square footage limit is to cut down on extensive advertising. Member Cruson noted that a business owner would have to pay ZBA application fee and abutter notice fees to request a larger off premise sign. Planner Cronin stated that off premises signs advertise something that is not at the sign location. Chairman Seaworth stated an off premises sign is a permanent sign. Member Christiansen suggested leaving the section as is without content language.

Planner Cronin stated that usually the business is in the C1 zone. They lease space for a sign, or sign easement, for an off premise sign. This is usually done at the Planning Board during review of a development site plan. Member Cruson said we should consider allowing off premise signs in the downtown area B1 and B2 districts. Chairman Seaworth stated off premises signs are currently permitted in the C1 zone, but the Board could propose a change to permit them by Special Exception in B1, B2 and LO zoning districts. The off premises sign can be externally illuminated. Selectmen’s Rep Frederickson stated he could not see where an off premises sign would be downtown. Member Cruson suggested at the empty building on Glass Street. Member Christiansen is in favor of keeping the Special Exception language in off premises signs section.

Planner Cronin noted that any change to zoning ordinance that is not part of the clean up to accommodate Supreme Court decisions will need to be put on a separate warrant. Selectmen's Rep Frederickson stated that items on a separate warrant will need support and explanation to the voters. Member Christiansen said that the board needs to be conscientious of how many changes are put on a separate warrant. Planner Cronin is keeping a list. Member Cruson asked if the American Legion building on 3 Glass Street is still looking for tenants. They are still seeking tenants. Member Cruson asked about the requirement that signs cannot project closer than two feet out. This is understandable with sidewalks going up to the building. How did the authors of that requirement choose two feet as the distance? Chairman Seaworth suggest it may relate to vehicle traffic.

Planner Cronin stated that at the last meeting Member Edmonds suggested adding a line to general provisions that signs meet the MUTCD manual used by traffic engineers. Legal counsel agreed that would be an appropriate general provision. Planner Cronin noted a clarification is needed to the way we measure an allowed wall sign. The measurement should be 1 ½ square feet per linear foot of "building" not linear foot of "lot line."

Member Cruson referenced a section that states wall signs shall not obscure moldings or sills, among other listed items. Member Hanson stated that is due to aesthetics, and a historical district requirement. Member Cruson stated that restriction could be a problem downtown. Member Christiansen stated that a past board put the requirement in. They must have had a reason. What are the unintended consequences? Chairman Seaworth suggested removing moldings and sills from the list that cannot be obscured by a sign. He suggested restricting our review to non-functional changes. Planner Cronin added this item to the list for separate warrant and board will revisit.

Chairman Seaworth moved discussion on to page 15. He suggested striking the limit of one flag. Selectmen's Rep Frederickson asked, when does a flag become a sign? Chairman Seaworth went on to banners and portable trailer signs. Should banners be a distinct category? Legal comments asked what the difference was between temporary signs and banners. Should only one banner be allowed outside other sign regulations? Chairman Seaworth understood banners to be in addition to signs. Planner Cronin stated the ordinance does not regulate banners. Could banners be moved to temporary signs? Planner Cronin stated there is a size difference. One banner is allowed up to 32 square feet. A sign is held to 12 square feet. Chairman Seaworth asked if portable trailer signs should match portable signs. Member Cruson stated portable signs must not obscure the exit of the business. Selectmen's Rep Frederickson stated the requirement that a sign cannot be placed to obstruct is already in general provisions. Item 2 B, Placement Standards "to reduce distractions and obstructions" applies to all signs.

Chairman Seaworth asked how do we differentiate between portable sign and temporary sign? A temporary sign is supposed to be taken down after its purpose is served, for example, after 30 days. A portable sign requires a town permit for the time it is permitted to be up. Planner Cronin asked if we should make banners subject to temporary sign provisions. We leave #3 "be temporary in nature." Portable signs are movable but not temporary in nature. Portable signs maximum is 12 square feet in line with other temporary signs. Chairman Seaworth state that size of free standing signs is determined by zoning district:

Up to 85 square feet in C1
Up to 20 square feet in B1, B2
Up to 12 square feet in LO
On a trailer, a sign can be 6 feet by 3 feet.

Planner Cronin explained that a free standing sign is more structurally robust. A temporary sign is floppy, wavy, made of light material, and can be taken inside at night. Chairman Seaworth noted that a temporary sign does not require a permit. A portable sign requires a permit and is limited to 45 days per year. The process is the sign owner pays a fee for every 15 days. Chairman Seaworth stated he understands the yearly limit and fee, but not the need to return to town hall three times (once each 15 days). Planner Cronin stated that the definition of permanent sign does not include portable trailer sign. Member Christiansen stated if the wheels are taken off the trailer, the trailer sign becomes a portable sign. Chairman Seaworth noted that most sign enforcement is taken after the fact. The owner must file for a portable sign permit, make the sign compliant, and the permit is not retroactive. Chairman Seaworth suggested removing the fee charged for each 15 days, instead issuing one permit good for 45 days for a set fee.

Discussion moved on to illuminated signs, Planner Cronin suggested a formatting change to subsection Types of illumination – move C and D to the top (they become A and B) and A, B become C, D. The Table by Zoning District showing the number of signs allowed is currently in the back of the document. Planner Cronin and legal counsel both suggest moving this subsection toward the beginning into General Requirements, measurements, under item E. Member Cruson asked, what type of sign could be located at the end of Whittemore Road at Route 3? Planner Cronin said an off premises, 12 square foot sign could be placed with a variance, or with a Special Exception for changes to a larger size under today's ordinance. The lot can have two signs, one being off premises. The sign that is currently there received a variance for off premises sign with advertising. That side of the street is in the LO zoning district. Planner Cronin noted that the property owner will be seeking a variance in the future for a larger sign with scrolling messages.

Chairman Seaworth noted that at the last meeting, the board asked about other parts of the ordinance that have sign regulations. In four instances, we need to remove the reference to the table (which would no longer exist) contingent on both parts of proposed sign ordinance changes passing at town meeting. There are no additional regulations in the B2 district, and the sign regulations in the Soucook River Development District apply to only one property that is still undeveloped. The Pembroke Crossing development on Pembroke Street is in the Architectural Design District which covers all signs on Pembroke Street. There are no standards in the Architectural Design District ordinance. All proposed signs in the Architectural Design District are looked at as part of the Planning Board review process. There is nothing in conflict with the Sign Ordinance in other town ordinances. With the time after 8 p.m. Chairman Seaworth stated that now is not a suitable time to open another topic.

c. Floodplain Ordinance – No discussion.

d. Manufactured Housing – No discussion.

- e. Wetlands – No discussion.

Minutes

September 26, 2023

MOTION: Member Christiansen moved to approve the September 26, 2023 minutes as presented. Member Hanson seconded.

VOTE: B. Seaworth – Y B. Christiansen – Y C. Hanson - Y
 K. Cruson - Y R. Frederickson - Y

**MOTION TO APPROVE SEPTEMBER 26, 2023 MINUTES AS PRESENTED
PASSED ON A 5-0 VOTE.**

Miscellaneous

1. Correspondence - none

2. Committee Reports – Roads Committee – Chairman Seaworth stated that Roads Committee met a week ago. Main Street will have a winter preliminary paving coat done in the next couple of weeks. Curbs are in but sidewalks are not yet complete.

Board of Selectmen – Selectmen's Rep Frederickson stated that the Board has heard all 2024 department budget presentations except Police. DPW presented sand bids and the 10 year paving plan. The Board appointed Bryan Christiansen as a full Planning Board member. The 2024 utility contract was awarded. Next meeting is October 11, 2023.

3. Other Business - none

4. Planner Items – Planner Cronin reported that October 2023 is the third month in a row with no new applications received in the Planning department. Member Christiansen said it may be due to the economy and interest rates. Selectmen's Rep Frederikson suggested that the word has gotten out among developers that additional sewer capacity in Pembroke is an issue right now. Planner Cronin stated that the board still has a November 14 workshop and the combined workshop/business meeting in December to finalize proposed zoning changes in time to post for town meeting. Selectmen's Rep Frederickson asked what the board has left to work on. Chairman Seaworth said Mixed Use Development regulations.

Planner Cronin reported that a citizen has proposed a zoning amendment that is on the agenda for the November 14, 2023 workshop. Planner Cronin has invited the author of the letter and Legal Counsel Stephen Whitley for this discussion. Chairman Seaworth clarified the discussion will not be a public hearing to debate the proposed amendment.

Member Christiansen asked if we have many substantial changes to submit for the town meeting warrant. We do not want to overwhelm the voters with too many zoning changes beyond the changes needed to follow the Supreme Court decision. Planner Cronin clarified that a summary of the proposed zoning amendments appears on the ballot. The last voter guide Planner Cronin prepared was for the MS4 changes to the zoning ordinance. Planner Cronin will provide a detailed mockup of each article and supporting literature on the town website. Chairman Seaworth suggested printing out a limited number of copies for town meeting.

With the extra workshops recently held to discuss the Sign Ordinance, Chairman Seaworth expects that the Planning Board will have time to discuss Mixed Use Development regulations at the November 14, 2023 workshop. Board consensus was in favor of not

holding a Planning Board meeting on October 24, 2023. Next meeting is November 14, 2023

5. Board Member Items – A board member asked about the location of this Saturday's workshop for planning and zoning. Planner Cronin will send out a reminder to board members with the time and location.

6. Audience Items - none

MOTION: Selectmen's Rep Frederickson moved to adjourn the meeting. Seconded by Member Hanson. Without objection the meeting was adjourned at 8:19 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary