

Pembroke Planning Board
Meeting Minutes
August 8, 2023
(Approved September 12, 2023)

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Rick Frederickson, Selectmen's Rep; Kathy Cruson, Brent Edmonds, Clint Hanson, Kevin Foss

MEMBERS EXCUSED:

ALTERNATES EXCUSED: Bryan Christiansen

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

Chairman Seaworth called the meeting to order at 6:30 pm. Seven Planning Board members were present. One alternate member was excused.

Old Business

1. Discussion Items for Future Zoning

a. Housing

i. Accessory Dwelling Units (ADUs)

ii Residential Standards in Mixed Use Developments

Planner Cronin stated that at one of their last sessions, they wanted to explore the possibility of a Special Use Permit in the Soucook River Development District. Since that discussion, the property has been sold to Loudon Sand and Gravel. We have not been in touch with the buyer and do not know their plans for the property. Planner Cronin did research on similar mixed use permits in New Hampshire for projects like renovating old mill buildings for both commercial and residential use. She discovered a special use permit written by Newmarket NH which has several different scenarios. Planner Cronin provided the document to the board members.

On pages 18 and 19 of the information she highlighted a sample defensible special use permit for mixed use development that is closest to what our Planning Board discussed. To adopt a mixed use development special use permit, the Planning Board would need to update the Purpose Statement of the Soucook River District and set criteria, such as providing market analysis, housing analysis, and traffic studies for adding some residential use. The ordinance needs to list the information we want the applicant to provide and will provide details on how the Town of Pembroke wants them to build the units. These details can include size of unit, parking requirements, and disallowing residential use at ground level. Flexibility to the terms of the ordinance could be requested by waiver.

Member Cruson asked if the purchasers of the land are going to mine the property. Planner Cronin stated that two years ago someone went to the Zoning Board of Adjustment for gravel pit use and was denied permission to mine the land. Member Cruson asked if this land is adjacent to another gravel mining site. No, the land is near Pitco, the river, and Associated Grocers. Vice Chairman Bourque stated that the site is too close to town wells to allow mining use. Vice Chairman Bourque stated now that the property under consideration for possible mixed use has been sold, the Planning Board should still work on a draft mixed use regulation in case this issue comes up in the future. He would like to see the Board put together a brief mixed use ordinance of

a page or so, like the Special Use Permit sample we received. Vice Chairman Bourque sees articles in the Union Leader about tiny homes/ ADUs/ Mixed Use in other NH towns all the time.

Selectmen's Rep Frederickson asked if the commercial space and residential space in a mixed use development would be separate on the site. Chairman Seaworth noted that in discussion at our last meeting, the board wanted the mixed use to be a certain percentage residential and a certain percentage commercial. This would be a mix of uses that benefit each other. Member Hanson stated if the first floor is commercial, and the second floor is residential that meets the purpose of mixed use. Vice Chairman Bourque noted that a project in Nashua has manufacturing in some buildings and residential use in others. He stated that the mixed use businesses must be chosen carefully. Selectmen's Rep Frederickson stated that something in the manufacturing process may put residential air quality at risk in the same building. Sometimes separate buildings in the same complex may be needed due to health concerns raised in the manufacturing process.

Chairman Seaworth noted another thing we talked about was locating apartments and multifamily buildings on a mixed use site. Selectmen's Rep Frederickson would like to see the Planning Board compile ideas for a first draft and put them onto paper to discuss and tweak. The first page is the hardest to write. Chairman Seaworth stated that our plan is to move forward with compiling a first draft of a mixed use development ordinance to discuss. Each member should feel free to brainstorm and send ideas to Planner Cronin. She will take the collective brainstorming ideas and consolidate them into a format which we can offer commentary on at a future workshop session. Planner Cronin will include the information on a draft mixed use development ordinance in our next agenda packet.

b. Sign Ordinance

Planner Cronin explained that the Sign Ordinance was redone several years ago. Chairman Seaworth noted that some revisions were made due to a Supreme Court decision that made certain sections of our sign ordinance unconstitutional. Planner Cronin explained that the current sign ordinance is still noncompliant with the Supreme Court decision and is difficult to work with in general. Planner Cronin produced ideas to make the ordinance better organized and eliminate our legal issues. Planner Cronin has worked on this project a long time. Other work with higher priority takes over and she must put the ordinance aside.

Planner Cronin provided a tracked changes version of the sign ordinance. There has been no substantial changes in the size or location of signs. She has removed content regulations. The changes mostly affect temporary signs, not permanent wall, or free standing signs. Temporary signs can be political, A-frame or lawn signs for a company performing roof work at your property. The Supreme Court decision involved a church with no physical location that posted their meeting location, as it changed every week. It was the same size and material as "We Buy Houses" signs so the Supreme Court found that there was a violation of free speech rights. The building inspector does not need to know the message on your sign to approve or deny it.

Planner Cronin went through the Sign Ordinance to remove everything that regulated content. She grouped signs by size, material and whether they were temporary signs. She flagged comments in bubbles that the Planning Board needs to make decisions on. The Table at the beginning of the ordinance lists signs by zone and type. It is problematic in that it leaves a lot out. The table omits a lot of detail and cannot be used as a quick reference. The table must include everything or nothing. Planner Cronin put the like things together and highlighted discussion points for Board members. It was a thorough and comprehensive attempt to revise the sign ordinance.

Vice Chairman Bourque stated political signs were called out in a separate section of the sign ordinance. Political signs also need to comply with State RSA. Is a "Vote for X" a permanent or temporary sign? Is it mounted on a wood structure or held up by a wire stuck in the ground? Is there a question of how many signs are allowable? Chairman Seaworth stated we can compose limits on the number of temporary signs, or total signage on the lot. The town and state treat political signs leniently. We cannot treat political signs any different than another temporary sign. Selectmen's Rep Frederickson suggested a maximum square footage of signage. Member Hanson suggested a temporary period be set for maximum duration of the temporary sign. Vice Chairman Bourque mentioned a temporary weigh station. How long is temporary? Ninety days, six months or apply for another permit? Selectmen's Rep Frederickson asked if permits are required for other temporary signs? Chairman Seaworth stated that there are setbacks for signs in the town or state right of way. What about temporary signs in the back yard? Is there a distinction for roadside signs?

Planner Cronin confirmed we added setback for signs on state or town right of way. Permits are not required, but permission of the property owner is required. Member Cruson asked who takes down the temporary political signs? Vice Chairman Bourque stated it would be the homeowner if on private property. There are regulations about how close to an election a sign can be put up or needs to be taken down. Planner Cronin stated that enforcement of the sign ordinance is the responsibility of the Code Enforcement Officer. It has been a lax approach unless there is a specific complaint. If the Board of Selectmen wants the Code Enforcement Officer to be more active at enforcement of sign ordinance, they will provide direction. Vice Chairman Bourque recalls seeing a sign trailer parked on the main road, and it is moved after elections are over. Planner Cronin stated that considerations are total number of temporary signs, political or contractor advertising, and whether signs must be removed when their purpose is served. Chairman Seaworth noted that a vague and inconsistent sign ordinance works until an issue arises, and then you discuss with the complainant.

Vice Chairman Bourque asked how often the message can be changed on an electronic sign. Planner Cronin stated the message on an electronic sign can be changed once every 24 hours. This remains the same in the sign ordinance. Member Cruson asked if churches and schools are excluded from the sign ordinance. Planner Cronin stated that governmental entities still must meet town ordinance. Chairman Seaworth noted that the school district is exempt for the Pembroke Academy electronic sign. The Code Enforcement Officer at the time of sign installation required an electrical permit for the sign. The intent of the sign is basic information. Chairman Seaworth noted we have been requiring permits from governmental entities. The town does not issue permits for

temporary signs. Vice Chairman Bourque asked about a governmental entity making a public service announcement on a temporary sign? Chairman Seaworth stated that the town would just want to be informed. Member Cruson asked about Old Home Day banners. Banners less than 32 square feet are not counted toward sign square footage maximum allotment. Also, DPW puts the banners up using a firetruck. Planner Cronin asked about flags. There is language in the sign ordinance that a property owner cannot display more than one flag at a time.

Chairman Seaworth stated to figure out what to do, we need to read the entire sign ordinance. Will the Planning Board be able to organize the sign ordinance in a reasonable manner in time to have it on the ballot for Town Meeting 2024? Planner Cronin stated we can make the sign ordinance easier to read with logical flow. Selectmen's Rep Frederickson stated that the ordinance must be consistent. Member Hanson stated that the ordinance needs to repeat a section each time it is applicable, so that a person only must look at one section to find out the criteria. Vice Chairman Bourque suggested that references that repeat can be listed as Comment A, Comment B, Comment D, etc. and only list the comment once and state which ones apply to a certain sign.

Member Cruson stated that the sign ordinance does not allow signs with large enough letters. Free standing signs at retail establishments need to be seen. Planner Cronin added that a home business sign is considered a residential free standing sign. This is a mismatch and a disadvantage to a home business. Chairman Seaworth stated that people put up signs for businesses not physically on their lot. Planner Cronin stated a Minor Home Occupation is allowed a two square foot sign. A residential sign can be up to six square feet with a Special Exception. Any signs currently in existence are grandfathered when a new sign ordinance is adopted.

Chairman Seaworth urged Planning Board members to get oriented to the information packet, take it home and be ready to have further discussion at a future meeting. Our discussion at the next meeting will allow us to determine whether we can get a sign ordinance revision done in time for Town Meeting 2024.

c. Zoning Audit Recommendations

Vice Chairman Bourque stated that several years ago he presented a proposal to Planning Board regarding details of displaying the 911 address of each property to assist emergency response services who are called out to the address. At the time, we were going to obtain comments from emergency services staff. To date, the Board has not received comments from these departments. I would like to put this forward again, as soon as possible.

Selectmen's Rep Frederickson stated that we should follow up immediately with the Police and Fire Departments. Planner Cronin will follow up on any comments from Police and Fire. The policy would not go before Town Meeting as a zoning change. The Board of Selectmen need to adopt the final version of address requirements. Planner Cronin noted that in the interim, the Planning Board has been adding a boilerplate condition of approval to every approved case describing the proper address display. Vice Chairman Bourque noted that the document provided for uniformity of size, color, and character location.

Vice Chairman Bourque would appreciate getting this procedure finalized and posted to the public.

Minutes & Findings of Fact

1. July 25, 2023

MOTION: Vice Chairman Bourque moved to approve the July 25, 2023 minutes as presented. Member Hanson seconded.

VOTE: B. Seaworth – Y K. Foss - Abstain B. Edmonds - Y
R. Bourque – Y C. Hanson - Y K. Cruson - Y
R. Frederickson - Abstain

MOTION TO APPROVE JULY 25, 2023 MINUTES AS PRESENTED PASSED ON A 5-0-2 ABSTAIN VOTE.

The Planning Board reviewed and commended the July 25, 2023 Findings of Fact summary prepared by Planner Cronin.

Miscellaneous

1. Correspondence – none
2. Committee Reports – CIP - Member Foss reported that CIP is three weeks into meeting with departments to discuss their annual requests. Barriers to the process are that the lead time for obtaining normal items is longer, and the amount of funding approved in the warrant has risen substantially during the waiting period. It has been challenging to match the cost and years of acquisition to the higher costs and delayed delivery times.

Roads Committee- Chairman Seaworth reported that Roads Committee met and discussed that 2023-2024 projects are moving along and making progress. Member Edmonds asked if improvements to Bow Lane water main have occurred to address deficiencies. Member Edmonds stated that the work done looks excellent. Chairman Seaworth noted that the water main will be addressed when longer term work like road widening occurs on Bow Lane. Vice Chairman Bourque suggested using some funds from the \$30,000 Pembroke Pines Off Site Improvement fees. The off site improvement fees are impact fees that must be used within 5-7 years to improve Whittemore Road and Pembroke Street in lieu of traffic improvements. Chairman Seaworth noted that a Route 3 Corridor Study would be an applicable project.

Board of Selectmen- Selectmen's Rep Frederickson reported that the Board of Selectmen met August 2, 2023. Fire Chief Gagnon reported that their air packs came in. These air packs had been scheduled for replacement in 2027. However certain parts on current air packs are failing. The company has provided store credit on the failed units. Pembroke Fire Department is making the failed air packs available to other fire departments who may be able to use the good parts remaining in their air packs. The dissolution of Tri Town Ambulance services was discussed. Vice Chairman Bourque noted that the Board of Selectmen was asked if they wanted to oversee the dissolution or ratify the decisions of the dissolution. The Board of Selectmen determined they will ratify the decisions made for dissolution. The canine vehicle and the canine "Franklin" will be ready for service at the end of August. The updated version of the Class VI Road policy was posted and distributed. Pembroke Police have received a grant to monitor distracted driving. A NH DES grant was received to perform drain repair in Memorial Park.

TRC – Vice Chairman Bourque reported that no TRC meeting was held this month.

3. Other Business –

A. San Ken Homes update

i. Sidewalk

Planner Cronin reported that a five foot wide sidewalk was installed in accordance with the plan.

ii. Intersection

Planner Cronin reported that the brush at the corner where the Town Pound was located has been cleared to provide better visibility at that intersection. The original plan included improvements to the intersection that were taken off the table when the open space development project was approved. The Town Administrator reached out to the Police, Fire and Ambulance. It was determined that creating a four way stop without fixing the geometry of the intersection was not a workable solution. Ambulance reported that accidents occurred at the location due to speed and low visibility.

4. Planner Items – Planner Cronin reported that a staff meeting was held regarding the Whittemore Road sidewalk from the project entrance to the Whittemore Road/Pembroke Street intersection. An engineered plan was provided for a sidewalk including drainage, curbing, and addressing safety issues. The sidewalk is required to be built prior to the 55th Certificate of Occupancy. That certificate of occupancy has not been reached due to the project waiting for sewer capacity. The property owner is hoping to get the sidewalk project done this year. The Town of Pembroke needs to apply for the State of NH wetland permit necessary for the sidewalk project. Selectmen's Rep Frederickson noted that drainage goes into the gulley at that location and the sidewalk would keep drainage on the road. Planner Cronin stated that a very wide grass swale may be an option. Maintaining and mowing a grass slope is very difficult. The sidewalk will be installed after the street drainage is worked out to the satisfaction of the Town Engineer.

Planner Cronin reported that the Planning Board did not receive any new applications in August. There will not be a regular business meeting on August 22, 2023. Meetings will resume with a work shop meeting on September 12, 2023.

5. Board Member Items – none

6. Audience Items - none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Hanson. Without objection the meeting was adjourned at 8:21 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary