

Pembroke Planning Board
Meeting Minutes
September 26, 2023
(Approved October 10, 2023)

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

MEMBERS EXCUSED: Robert Bourque, Vice Chairman

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. Five Planning Board members were present. One alternate member was present. Chairman Seaworth designated Bryan Christiansen to vote for Robert Bourque. Chairman Seaworth stated he sent an email to the board that he would like to change the order of tonight's agenda, and have New Business addressed first.

New Business

1. Additional Town Meeting 2024 Items

a. Floodplain Ordinance

Planner Cronin explained that earlier this year, FEMA held statewide and countywide meetings regarding changes to the flood map. In the years that FEMA updates the maps, they also audit to make sure local ordinance keeps up with the changes. FEMA emailed all the local changes needed for NH towns to meet FEMA criteria. Planner Cronin stated that these changes are in the Definitions section and in the Floodplain Development section. Most of the changes are minor clarifications relative to floodplain. Planner Cronin provided a redline copy of changes the Town of Pembroke will need to make to remain in compliance with the flood insurance program. In the Floodplain Development section, it is clarified that development cannot negatively affect the floodplain and an applicant must demonstrate that with data. The town is required to adopt the verbiage and straightforward changes FEMA has made. Board members may review the changes and bring forward any comments to a future meeting. Chairman Seaworth noted we are not yet in the time frame where proposed changes must be adopted and sent to public hearing and then to town meeting.

b. Other Items

Planner Cronin noted that in addition to Signs and the Soucook River Mixed Use SUP, two simple items that could be added to the next Town Meeting are described below. The first item regarding Manufactured Housing is a housekeeping item from when we updated dimensional tables to refer to Table of Dimensional Standards, not "columns."

i. Manufactured Housing - Clean-up item

Zoning Section 143-32, Manufactured Housing. This section still refers to the format of the old Table of Dimensional Standards, which was replaced last year. The section references "Columns A, F, G", etc., which are no longer in effect. I would propose the Board strike the reference to the Columns and simply replace with "Table of Dimensional and Density Standards" as a clean-up item.

ii. Wetlands - Master Plan recommendation

Zoning Section 143-72, Wetlands Protection. Planner Cronin stated that the second change is due to a Master Plan update. The Town of Pembroke approved a 50 foot No-Disturb Buffer for wetlands. This item was flagged by Regional Planning with the recommendation to eliminate the line that refers to “appropriate uses in wetlands” as there are no appropriate uses with this buffer. Section A.(4) states the purpose of the ordinance is to “encourage uses that can be appropriately and safely located in wetland area.” The 2020 Master Plan recommends this line be eliminated since it is in direct conflict with the overall purpose of protecting the wetlands. (Master Plan Objective 8.7) Planner Cronin emailed the Chair and Vice Chair of the Conservation Commission to make them aware of the Planning Board discussion and proposed zoning changes.

Old Business

2. Town Meeting 2024

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

Chairman Seaworth led a page by page, section by section, discussion of the sign ordinance with changes made to date. Planner Cronin sent the draft to legal counsel and received comments back today. One recommendation was to eliminate the table. Taking out the main table eliminates pages six and seven. All the relevant information is addressed in the rules, and the table is awkward for users. There are two sections that are only relevant if the table is present so those sections will be eliminated. Planner Cronin kept the special signs conditions, made changes discussed, and provided an updated copy of the Sign Ordinance. Planner Cronin’s straight forward recommendations are in highlighted the document.

In the Temporary Signs section, Planner Cronin combined construction requirements and ‘For Sale’ requirements. The square footage size is the construction size of 12 square feet, not 6 square feet as in For Sale section. Member Cruson asked about minor home business signs, which is usually a free standing sign in residential zoning districts. Planner Cronin stated these signs are addressed in a later section. Planner Cronin plans to remove the political signs section in the next version. Chairman Seaworth stated that political signs are on page 12. The Supreme Court decision wants protected political speech. NH State RSA governs political signs in the section that governs elections. Political signs are limited to people who are campaigning when properly displayed. RSA states that people authorized to remove the sign are the owner of the sign, or town/state law enforcement or maintenance personnel, if the sign is a safety hazard or blocks maintenance activity. Signs that are removed must be kept for a certain time for pick up by the owner. In Pembroke, they are kept at the police station. Chairman Seaworth clarified that if a sign is placed in the right of way, adjacent to your property, a homeowner can remove the sign(s) with no call made to the police per NH RSA 664-17.

Planner Cronin noted that the zoning ordinance calls out free standing signs for minor and major home occupations. Chairman Seaworth asked about signs with the name of the farm or the property. Planner Cronin stated the town cannot regulate content. Free standing signs are regulated by zoning district, residential and commercial. She used the numbers from the Dimensional Table. If a commercial lot has 300 feet or more of frontage, it can have two free standing signs. Free standing signs are limited to one sign per lot in the R1 District. We need to clarify one free standing sign for a business. Chairman Seaworth asked will people read to the end of the ordinance? What are we trying to accomplish?

Selectmen's Rep Frederickson asked about safety related signs for entrance and exit. Member Cruson asked about safety related signs, and those for agricultural uses. Planner Cronin stated safety and directional signs cannot exceed 2 square feet. No permit is required for directional and public service signs. These signs are usually reviewed through the site plan process. Signs like "DO NOT ENTER" are not included in the calculation of signs allowed. Directional signs are important for the safe use of the property and do not need a permit. Chairman Seaworth asked about the distinction between regulating speed and regulating function. Member Hanson stated safety signs are not part of the sign permit process. Alternate Member Christiansen asked about a sign that says, "Enter Here to buy Coffee." There cannot be any advertising on a functional sign. Planner Cronin suggested that functional signs should be addressed under General Requirements. Member Edmonds stated that most functional signs are listed in the Manual of Uniform Traffic Control Devices (MUTCD). This manual has been used by engineers for a long time. Member Edmonds suggested adding a line that signs shall not conflict with the Manual of Uniform Traffic Control Devices. Planner Cronin will check with legal counsel on referencing the manual and report back at the next work shop.

Member Edmonds stated that another monkey wrench in addressing signs is ADA compliant assistive devices. Chairman Seaworth stated that site plan will often locate these signs. Selectmen's Rep Frederickson asked about the maximum square footage of signs allowed per lot. Planner Cronin stated that it depends on the zoning district and the type of sign. Chairman Seaworth asked if the maximum signs per property is necessary in the ordinance. Planner Cronin will make the changes discussed tonight and review with legal counsel. She suggested a maximum number of signs be put in General Requirements.

Member Cruson stated she would like to know agricultural sign requirements. She noted that the square footage of the sign area is not adequate (too small) for some businesses. Chairman Seaworth noted sign size is too small in general. Larger businesses can go to the Zoning Board of Adjustment to request a larger sign size. Chairman Seaworth noted that the Soucook River Development District has its own sign requirements that come to Planning Board for review. Member Cruson noted that Village District sign requirements can be more limiting. Planner Cronin stated that sign requirements are grouped by zoning district. Chairman Seaworth asked if Soucook River Development District sign requirements should be moved to the Sign Ordinance. Also, that district is now fully developed except for one property. Member Cruson asked how sign changes to an existing property in Soucook River Development District would work.

Chairman Seaworth stated that if sign locations are depicted in an approved site plan, they are bound by the site plan. Planner Cronin said that applicants generally show the location of the sign but not the full sign package. An architectural rendering is submitted with sign locations. The applicant goes back to the Code Enforcement Officer after Planning Board site review for sign permits. All signs must follow the zoning ordinance. On the flip side, Chairman Seaworth noted that signs may specifically be located on a shared sign in a development. How do we make sure the next owner is aware of sign ordinance requirements. Member Cruson said clarity is so important. Planner Cronin stated that maximum size of sign is restricted by zoning district. Chairman Seaworth noted that the B2 zone is more restrictive regarding signs on Main Street.

Chairman Seaworth suggested taking some time to research if signs are regulated elsewhere and placing all requirements in the sign ordinance and not in separate locations. Chairman Seaworth suggested leaving the Commercial District limit of three free standing signs as is. Multi-tenant lots can have free standing signs and a list of tenants on a shared sign with 16 square foot maximum, 2 square feet for each business listed. Chairman Seaworth suggested adding Free Standing signs “are defined as....” and providing an example of a free standing sign in the sign ordinance. Planner Cronin is in favor of anything that makes the ordinance clearer. Member Cruson stated that most agricultural signs are temporary seasonal use signs. Planner Cronin will check if requirements for farm stand signs are in other sections of the ordinance. The board will have more discussion on the sign ordinance in two weeks.

Minutes

September 12, 2023

MOTION: Member Hanson moved to approve the September 12, 2023 minutes as presented. Selectmen's Rep Frederickson seconded.

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

**MOTION TO APPROVE SEPTEMBER 12, 2023 MINUTES AS PRESENTED
PASSED ON A 6-0 VOTE.**

Miscellaneous

1. Correspondence - none
2. Committee Reports – Board of Selectmen – Selectmen's Rep Frederickson reported that the board met on September 20, 2023. The board talked to the Energy Committee about the wording of emails that will be sent out to residents. Selectmen's Rep Frederickson is the liaison between the Energy Committee and the Select Board. Research into 160 Main Street indicates that the sober house is allowed by zoning and is not a change of use. The board met with CIP to learn the priorities of the items on the list. Main Street work is on schedule to complete before November. Final paving will be done next year. October 4 is the next Board of Selectmen meeting.
3. Other Business
 - A. Recommendation to BOS to appoint Alternate Christiansen as Regular Member
Planner Cronin has received Kevin Foss's resignation from the Planning Board due to other commitments. The protocol is to ask an Alternate Planning Board member to move up to full membership.

MOTION: Selectmen's Rep Frederickson moved to recommend that the Board of Selectmen appoint Alternate Christiansen as a regular Planning Board member. Member Hanson seconded.

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

MOTION TO RECOMMEND THAT THE BOARD OF SELECTMEN APPOINT ALTERNATE CHRISTIANSEN AS A FULL PLANNING BOARD MEMBER APPROVED ON A 6-0 VOTE.

4. Planner Items – Minor clarifications to Board of Selectmen procedure to build on a Class VI Road were made. Applicant must meet all criteria. The Board of Selectmen does not issue permits.
5. Board Member Items - none
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 8:00 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary