

SECTION V

Special Provisions, Standards and Procedures

1. SIGNS

A. Purposes

This bylaw is adopted for the regulation and restriction of signs within the town in order to protect and enhance the visual environment of the town and to promote the safety, convenience, and welfare of its residents.

B. Definitions

1. Sign

Any permanent or temporary object, device, structure, billboard, placard, painting, drawing, poster, design, letter, work, banner, pennant, insignia, trade flag, or representation, or the painting of any of the foregoing on the surface of a building or structure used as, or which is in the nature of, an advertisement, announcement, or direction or for the calling of attention to the premises which is on a public way, or on private property within public view from a public or private way, public park, or reservation.

2. Accessory Sign

Any sign which advertises or indicates the person occupying the premises on which the sign is located or the business or activity conducted thereon, or advertises the property itself or any part thereof as for sale or for rent; and which contains no other matter.

3. Non-accessory Sign:

Any sign which is not an accessory sign; including but not limited to a billboard.

4. Standing Sign:

Any accessory sign which is not attached to a building.

C. Permit Requirements

1. No sign except as noted below, shall be erected, altered, or relocated without a written permit from the board of selectmen and no such permit shall be issued unless such sign conforms with all of the provisions of this bylaw.

2. Accessory signs not exceeding two square feet in area which contain the name and/or address of the occupant of a residence including the identification of an accessory business being conducted on the premises and accessory signs not exceeding six square feet in area which advertise the sale or lease of the property shall not require a permit. No sign shall be located within ten feet from the edge of the pavement of any public or private way except that a sign may be located on or attached to a building if the building is located within such distances and such signs shall be subject to the general prohibitions contained in Paragraph G of this by-law.

3. The board of selectmen may issue a permit for a sign to be located closer than the distance required in paragraph E if the board determines that such sign will not be inconsistent with the purposes of this bylaw and that such sign will not be injurious or offensive to the neighborhood.

4. The Board of Selectmen may issue a temporary permit for a period not to exceed thirty days no more than six (6) times in a twelve (12) month period, for the erection and maintenance of a sign which does not conform to the provisions of this bylaw.

5. Such signs as legal and public signs as are required by law including posting signs so-called including no hunting and no trespassing signs, traffic signs, historic markers, memorial signs and similar signs shall be allowed in any district without a permit.

D. Number of Signs Per Lot

1. In Residence District A one accessory sign shall be permitted on each lot.

2. In all other districts one accessory sign may be attached to or printed on each wall which faces a public way or which contains a public entrance or in lieu thereof, one sign may be attached to the roof of said building. The board of selectmen may in its discretion permit the erection of additional accessory signs if the board determines that such additional signs are consistent with the purposes of this bylaw and is in the interest of the public and is not injurious or offensive to the neighborhood. Such additional signs shall comply with all requirements of this bylaw and in addition thereto, the board of selectmen may impose such other terms and conditions in excess of those contained in this bylaw as the board shall deem necessary to promote the purposes of this bylaw including the size, type, and location of such signs.

E. Location Requirements

1. No sign shall be located within twenty-five feet of any public or private way or within a radius of one hundred and fifty feet from the point where the centerlines of two or more such ways intersect except that a sign may be located on or be attached to a building if the building is located within such distances.
2. No sign shall be located within fifty feet of any other sign unless such signs are placed back-to-back.
3. The board of selectmen may issue a permit for a sign to be located closer than the above distance if the board determines that such sign will not be inconsistent with the purposes of this bylaw and that such sign will not be injurious or offensive to the neighborhood.

F. Size of Signs

1. In Residence District A, an accessory sign shall not exceed two square feet in area except as noted in C. (2) above. The board of selectmen may issue a permit for a sign in excess of such dimensions if the board determines that such a sign will not be inconsistent with the purposes of this bylaw and that such a sign will not be injurious or offensive to the neighborhood.
2. In all other districts: An accessory standing sign shall not exceed one hundred square feet in area or exceed twenty feet in height from the ground. A sign which constitutes a directory of the establishments occupying a building may exceed one hundred square feet in area so long as it does not exceed one square foot in area for each such establishment.
3. In all other districts an accessory sign:
 - a. which is attached flat to a wall shall not exceed twenty percent of said wall area;
 - b. which is not attached flat to a wall of a building shall not exceed five square feet in area and shall not project more than 4' from the wall of the building;
 - c. which is mounted on or above the roof of a building or on other appurtenance above the ceiling of the highest occupiable floor of the building shall not exceed twenty percent of the area of any wall of such building which faces a public way and shall not exceed the height of such roof by more than ten feet.
4. Determination of Area of Signs:
 - a. The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any cutouts or extensions but shall not include any supporting structure or bracing.
 - b. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that the smallest quadrangle or triangle which encompasses all the letters and symbols.
 - c. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
 - d. In computing the area of signs, both sides of a V-shaped sign, but only one side of back-to-back signs, shall be counted.

G. General Requirements

1. Movement: No sign shall move or shall contain any moving, flashing or animated lights, or visible moving or movable parts, except such portions of a sign which consist solely of indicators of time and/or temperature.
2. Illumination: Signs may be illuminated only by the following means:
 - a. By a white, steady stationary light of reasonable intensity shielded and directed solely at the sign.
 - b. By interior non-exposed lights of reasonable intensity.
 - c. No sign shall contain red or green lights if such colors would constitute a traffic hazard. Neon tubes or similar devices shall not be permitted.

H. Non-Accessory Signs

1. The erection or continued maintenance of non-accessory signs is not permitted, provided that such signs lawfully erected prior to the date of adoption of this bylaw may be maintained until June 30, 1977.

I. Nonconforming Accessory Signs

1. Accessory signs which were legally erected before the adoption of this bylaw which do not conform to the provisions of this bylaw may continue to be maintained without a permit, provided, however, that no such sign shall be permitted if, after the adoption of this bylaw, it is enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any substantial way, except to conform to the requirements of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent of the replacement cost or the sign at the time of the restoration shall not be repaired or rebuilt or altered, except to conform, to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign which:

- a. shall have been abandoned;
- b. advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; or
- c. shall not have been repaired or properly maintained within thirty days after notice to that effect has been given by the board of selectmen; or
- d. does not conform to paragraph G, Section 2 (illumination requirements).

J. Political Signs:

Political signs shall be exempt from all provisions of this bylaw except the following:

1. No person, firm, association, or corporation shall erect or display any fixed political sign on any property of the Town, County, State, or Federal Governments or on any buildings, poles or apparatus owned by any of the utility companies or on any other person's private property, except with written permission from the owner.
2. All political signs shall be set back a minimum of ten feet from the edge of the pavement of any public or private way except that a sign may be located on or attached to a building if the building is located within such distances and such signs shall be subject to the general prohibitions contained in Paragraph G of this by-law.

K. Appeals

1. Any person aggrieved by an order or decision of the board of selectmen under this bylaw may file a written appeal with the board of appeals of the Town of Pembroke within twenty-one days after the order or decision of the board of selectmen. Upon filing of such an appeal, the board of appeals shall hold a public hearing thereon, notice of which shall be given by publication and mailing as required by the provisions of this zoning bylaw. The granting of an appeal or any variance from these bylaws shall be based upon the applicant's proof that such a grant or variance would meet all three of the following criteria:
 - a. The situation is unique and distinctive to the particular property in question.
 - b. Strict implementation of the bylaw would cause an undue hardship in the specific instance; and
 - c. Granting of the appeal of a variance from this bylaw would not derogate from the intent of this bylaw and would be in the public interest.

2. FLOOD PLAIN AND WATERSHED PROTECTION DISTRICT

A. Flood Plain District

1. Purpose

The purpose of this Flood Plain District is to protect the health and safety of persons against the hazards of flooding, to conserve the value of land and buildings, to facilitate the adequate provision of a water supply through preservation and of the ground water table, to protect and preserve the marshes, bogs, ponds and watercourses and their adjoining wetlands, to protect the town's significant environmental features by reducing the sources and possibilities of pollution, sedimentation and destruction of water bodies, to encourage the most appropriate use of land, and to preserve and increase the amenities of the town. This section does not grant any property rights, it does not authorize and person to trespass, infringe upon or injure the property of another; and it does not excuse any persons of the necessity of complying with other sections of this bylaw or other applicable laws, regulations or bylaws.

2. Jurisdiction

The Flood Plain District shall be considered to be superimposed over any other district established by this bylaw.

3. Use Regulations

a. Uses Permitted:

- i. Land in the Flood Plain District may be used for any purpose otherwise permitted in the underlying district except that no building or other structure shall be constructed except duck blinds or structures necessary for the cultivation of cranberry bogs or for the propagation of fish.
- ii. Land in the Flood Plain District may be used to meet the lot area requirements in Residence District A, provided:

(a). The portion of the lot outside the Flood Plain District contains at least 25,000 square feet of the minimum applicable lot area requirement and the lot is developed for residential use only.

(b). Land in the Flood Plain District may not be used to meet the lot area requirements in Business, Residential-Commercial and Industrial District.