

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**January 19, 2016
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Brian Thomas; Dee Miller; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Fred Packard, Vice Chair; Michael Figoli.

The Pledge of Allegiance

Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary.

Steve appointed Catherine Pinkham, Alternate, and Phyllis Roth, Alternate, to act in the capacity of absent regular members.

Approval of Minutes - January 5, 2016

Brian moved to approve the minutes as presented. Dee 2nd.

5 Approve / 0 Oppose

Old Business

**Pleasant View Estates Phase II/Ronald and Rosemary Leonard
50 Aspen Drive; Map 12 Lot 58-10
Revision to approved Subdivision
Represented by Ronald Leonard
Review and Accept Findings of Fact and Conclusions of Law
Sign Mylar**

Steve said at the Board's request Ms. Fleck has prepared written Findings of Fact and Conclusions of Law with respect to the Pleasant View Estates Phase II - Ronald and Rosemary Leonard. The draft decision has been distributed to the Board. The Planning Board is tasked with approving or approving with conditions an application if we affirmatively find, based on information presented, that the application meets the standards set forth in Article 1 Section 1 and Article X Items 1-9 of the Town of Bridgton Subdivision Regulations. The applicant has the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of the Ordinance.

Steve said are there any questions or proposed revisions that the Board wishes to make to the Findings of Fact or Conclusions of Law in the Draft Decision? Hearing none, I will accept a motion to accept or reject the decision as written.

Brian moved that the Board adopt the Findings of Fact and Conclusions of Law as presented in the written document dated January 19, 2016 and

to approve the proposal of Pleasant View Estates Phase II Ronald and Rosemary Leonard. Catherine 2nd. 4 Approve / 0 Oppose

The Board signed the mylar.

(Dee arrived following the vote on the above application).

New Business - None

Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1

None

Topics for Discussion

A. Ordinance/Regulation Revisions

1. Shoreland Zoning Ordinance

Ms. Fleck said I gave you only the excerpt of the portion of the Ordinance that is changing rather than giving you the full Ordinance at this time. You previously approved the shoreland zone map which shows the lot splits over the past several years, added in the date of the Town Meeting for acceptance and you approved the addition of a surveyor to Section 12.C.1.b.

Phyllis said surveyor also needs to be added to paragraph "b" to state "the architect, engineer or surveyor's certification shall..."

Brian said at the December workshop we also discussed Section 12.R.2. Mr. Baker said we still need to pursue it. Ms. Fleck said Mr. Baker and I will submit language to the Board for consideration on this issue.

A. Ordinance/Regulation Revisions

2. Site Plan Review Ordinance

Ms. Fleck reviewed the changes with the Board.

Discussion ensued between Board Members, Department Heads and Staff.

Phyllis said we should combine the language for medical marijuana to include caregiver. Catherine said in your MMA handbook it is also defined as a dispensary. Ms. Fleck said the Board should refer to Article XI Section 4 the "Applicability" paragraph. Brian said if an entity comes before the Board and says that they are a for profit and they are not a not for profit organization, this would not cover them. Anne Krieg, Planning and Development, said they would not be a dispensary by definition under the State statute and this would not address that. Catherine said maybe we should review the Lewiston Ordinance. Brian said there are sections in the Lewiston Ordinance that is specific for caregivers and we could consider including that language in our Ordinance.

Phyllis said I would like to revise Article XI Section 3 Subsection 2.b to include language that the telephone has to be a current phone. The Board concurred that the language was sufficient. Dee said we should consider a mandatory reporting to the Town of the contact information.

Catherine moved to leave the language the way it is because is it sufficient.

Discussion ensued between Board Members, Department Heads and Staff.

Brian said I think the Board should review the revised language and discuss it further at a subsequent meeting.

Ms. Fleck said to Steve you have a motion on the floor which was not acted on.

Steve called for a second to the motion. No second was made. Steve said with no second to the motion the motion fails.

A. Ordinance/Regulation Revisions
3. Subdivision Regulations

Ms. Fleck reviewed the changes with the Board.

Discussion ensued between Board Members, Department Heads and Staff.

Brian moved to approve the revisions and forward the Subdivision Regulations to Public Hearing. Dee 2nd. 5 Approve / 0 Oppose

A. Ordinance/Regulation Revisions
4. Sign Ordinance

Dee said Brian and I did not get together to discuss proposed revisions. Steve said I did not find many areas in the Sign Ordinance that needed to be changed. Ms. Krieg said my understanding from Attorney Pinette is there may be some changes that the Board would need to do.

Discussion ensued between Board Members, Department Heads and Staff.

Brian said I would like the Board to refer to my email dated December 3, 2015 regarding the Sign Ordinance and various sections that need to be discussed because of discrepancy (See attached).

• Section III – “Ordinance applies to” “Signs larger than six (6) square feet if applied to”. This implies that a banner that is 1 foot by 5 foot in size is not governed by the ordinance since it is less than 6 sq. feet in size. A business owner can put multiple 1 foot by 5 foot banners covering the entire front and/or sides of their building. Is this the intent?

Brian said we need to remove some of the language and make it applicable to the signs that we have defined such as portable, temporary and free standing.

□ Section V, item C-2 – Is this in conflict with Changeable Signs?

Brian said under general regulation its states that no sign shall have a changing light with intensity, brightness or color illuminated by a steady light and I said is this in conflict with changeable signs because changeable signs you can change the intensity, brightness and color. Dee said they are two different things because changeable meant letter boards or signs such as the Magic Lantern where they have a message board that digitally changes. I don't think it is a conflict but we need to define the different between a marquis sign, letter board or digital sign that is programmed to change. Brian said can we ask our attorney to determine if it is in conflict.

□ Section V, item G – What does “variable portions on non-temporary signs for restaurants, churches, fuel prices, theaters and similar business situations” mean? Is this in violation of Federal ruling since it infers content?

Steve said I think it does. Dee said that is why we need to define changeable signs better.

□ Section V, item G and Section VI, item I seem to be in conflict. Need to discuss further.

Brian said it states signs covered by this Ordinance that were installed and functioning before the adoption of this Ordinance are exempt, however, here we are saying any change in size...even as a replacement of a sign existing before the adoption of this Ordinance shall constitute a new sign. Dee said I don't think it is a conflict. Brian said I think it is because in one portion we are saying there is an exemption but in the other portion we are saying they are not. Dee said if you make a change in anything you have to bring it up to code, however, if you don't change it then it is exempt. Dee said maybe the sections should be combined.

The Board concurred that these section do not need to be change.

□ Section V, item H “Changeable Signs” – Propose to add wording to reduce light intensity of sign during night time hours.

Brian said I think we should consider language, and maybe get guidance from the attorney, to reduce the intensity of the lights at night and we know that can be done because a recent applicant said it could and they did in fact reduce the light intensity of their sign. Ms. Fleck said the applicant, Hancock Lumber representative, had the standards so maybe we could take a look at those standards and incorporate that into our Ordinance. Phyllis said we could use a light meter. Mr. Baker said I am not sure because how do you measure light and distance. Brian said in an article that I was reading it gave standards for so many feet away in connection with the light intensity. Ms. Krieg said for dark sky management some communities have the businesses turn their signs off one hour after closing for internally light or LED signs. Mr. Baker said Windham and Harrison both have that standard. Ms. Krieg and Mr. Baker said they will

submit language from the communities that have that standard for the Board's review and consideration.

Section VI, Item J – Can we add wording to limit said motor vehicle to be parked in the same spot for no more than 15 (or some other number) days? Can we add wording that vehicle must be “legally” registered and licensed and mobile? Mobile meaning that a trailer not attached to a tractor of an 18 wheeler semi or some other legally registered vehicle would not be allowed.

Brian said can we add a standard that limits the amount of days that a motor vehicle can park in the same spot? Mr. Baker said I believe Windham has that standard in place. Brian said can you submit that language? Mr. Baker said yes. Brian said can we also include that it has to be mobile? Mr. Baker said you need to consider businesses that may have multiple vehicles used throughout the year that are lettered for their business, however, during certain times of the year only a few of the vehicles are used so the others stay parked for a number of days. Brian said I am thinking about the vehicles that are parked for a very long time and not used.

Dee said also on page of the Sign Ordinance we should consider removing “D. Political signs, E. Real Estates Signs, F. Short Term Signs and G. Safety Signs” and consider if they are DOT signs or safety signs. Brian said we define what safety signs are and we should also consider removing “H. contract signs”. Steve said also we should remove the reference to churches in Section V Subsection G.

Section VI, Item M – What is definition of “Fuel pump price sign”?

Brian said this is a content sign and should be removed.

Section VIII, item B-1 “There shall be no more than one (free-standing) sign per lot.” Family Dollar lot has multiple free-standing signs. Why?

Brian said this is regarding the discussion we have had regarding signs facing a public way and maybe we should include “fronting or parallel to.” Dee said what about easily visible? Brian said I think it is clearer if we state fronting or parallel.

Section VIII, item D – Propose following addition (in italics) to clarify (not change) the wording – “10% of the wall area facing (*fronting or parallel to*) a public way ...”. BTW, the definition of facing as an adjective is “fronting, opposite, partnering”. J Décor has signs on the two sides of their building that are not facing a public way and Bridgton Auto has one sign on side not facing a public way. Does the area on the side of Beth's building fit the definition (see page 11 of Sign Ordinance) of “Public Way”?

Dee said there are so many variables. Brian said then maybe this should be removed. Dee said or develop more specific or broader language because we already say that there can be signs over the door, awnings, and signs on the side of the building. Steve said maybe we would be better off the deal with the total amount, size, of signage and forget the location. Therefore, if you want to put it on the back of the building that would be your prerogative.

Mr. Baker said I will work on language for total square footage for the Board to consider. Ms. Krieg said another alternative is to

relate the square footage of signage to frontage so a large lot they get more signage whereas a small lot gets less and if it is a corner lot they get more signage. This would be for both on the building and free-standing signs.

Section VIII, item G – On a free-standing sign, is the structure that holds the sign included in the total area of said sign? Example is the new Hancock sign. Is the definition for “Sign Area” (see page 12 of Sign Ordinance) sufficient to answer my question?

Brian said there was an article in the newspaper where there was a timber frame for the sign and would that be included in the size of the sign. We have the Hancock Lumber sign which is timber frame and is that included in the size of the sign? Mr. Baker said I have never included frame-work in the size of the sign only the sign area itself. Brian said the definition does state that a sign area includes structural support needs to be considered.

Section VIII, item I – Does this requirement imply that a reader board sign can only be installed where there is a free-standing sign with a primary sign? An example is the Gazebo business where there is a free-standing sign that is only a reader board. Is the last sentence in Section VIII, item G in conflict with item I?

Brian said the Gazebo only has a reader board but do they do not have a free standing sign. Mr. Baker said I considered that to be a sign. Brian said the reader board? Mr. Baker said yes. Dee said maybe we should revise this section to include “attached or integrated” reader board because I think that is what we meant. Mr. Baker said I think the definition of “sign” addresses the concern. Brian said but it also fits the definition of a reader board. Therefore, I would like staff to submit language for the Board to consider.

Section VIII, item J. This requirement appears to imply that there is no requirement to actually plant any items at the base of a free-standing sign. Is that the intent? Propose to add “placement” in front of “other landscape materials”.

Catherine said we want to mandate that all free standing signs have landscaping or shrubbery? Dee said yes. Brian said no, I am not but there should be space if they want to because most of the signs don't. Dee said the intent was to not have concrete or footings visible. Mr. Baker said I don't want to have to determine if the amount or type of plantings that a business puts around their sign is in compliance with the Ordinance. Brian said I am o.k. with the language the way it is as long as they have an area for planting. Dee said I would like to ask that they plant something. Steve said to Dee submit language for the Board to consider.

Section VIII, item M – Marquee signs could be abused. Need to discuss size, number of, etc.

Steve said if we come up with an amount for sign area doesn't that remove this concern? Brian said when staff creates language for the sign area size they also consider this section and if it needs to be included.

Section VIII, item P – propose change as follows – “Any permanent outdoor sign advertising a home occupation, business, subdivision or other commercial activity shall be harmonious with existing buildings and”.

Ms. Krieg said in the work with the Land Use Zoning Committee there will be designated districts so in your residential rural districts you could have a blanket size sign because those will be areas that will not have commercial activity so you are not controlling content so you may want to revise this language once the districts are created.

Brian said I think if we remove “home occupation, etc., and pick up with harmonious for the remainder of the paragraph it would be sufficient. Steve said lets include that proposal in the next draft for Board consideration.

Section X, item G – Is this in conflict with Section V, item G and/or Section VI, item I? Will the replacement sign of the Sporting Goods business sign that was hit by a car need to follow the current Ordinance regulations?

Mr. Baker said yes. Steve said unless, they put the same sign back up that got knocked down.

Are a “Changeable Sign” and a “Reader Board”, by definition the same? See their definitions on pages 10 and 12. May need to keep separate due to Ordinance items. Or should we change ordinance items?

Dee said we have a definition for both changeable sign and reader board sign.

Do we need to remove Section VI, item D and definition for “Political Signs” due to the recent Supreme Court ruling on sign content?

Brian said can we suggest that staff make the revisions to the Sign Ordinance and bring them back for the Board to review and consider? The Board concurred.

A. Ordinance/Regulation Revisions

5. Tower Ordinance

Ms. Fleck reviewed the changes with the Board.

Discussed ensued between Board Members, Department Heads and Staff.

B. Other

Mr. Baker said Ms. Fleck and Ms. Krieg as well as myself reviewed **Section 15.I in the Shoreland Zoning Ordinance** that states “shall not exceed six square feet in area and shall not exceed two signs per premises and have determined that it relates to goods and services not the business sign which would be regulated by the Sign Ordinance for 50 or 100sf whichever is applicable. Steve said therefore we would revise the Shoreland Zoning Ordinance not the Sign Ordinance? Mr. Baker said correct.

Brian said when the items are posted on "One Drive" can you **send an email letting the Board members know that the information has been posted?** Ms. Fleck said I will go back to calling Board Members to let you know when the packets are ready. The Board concurred that would be sufficient.

Dee said are we going to consolidate the information for the previous year? Ms. Fleck said yes.

Brian moved to adjourn the meeting at 9:15p.m. Catherine 2nd.
5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton