

NORTH BERWICK, MAINE 03906**MINUTES OF PLANNING BOARD JANUARY 28, 2010**

Present: Chairman R. Todd Hoffman, Shaun DeWolf, Barry Chase, Patrick Raftery and Lawrence Huntley, CEO.

Absent: Julie Fernee and Christopher Karcher

Also Present: Bill Wyman, Steve Quint, Lindell Quint, Darrell Detour, David Parker, Harland Roberts and Joel Littlefield.

1. Call to Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:32 p.m.

Chairman R. Todd Hoffman moved Patrick Raftery to full voting status.

2. Current Business:

A. Harland Roberts---Application to Timber Harvest within the Resource Protection District. (Map 8, Lot, 38, 39, 40, and 88-1)

David Parker explained that the application is being made to Timber Harvest in the Shoreland Stream Protection 100 feet back from the edge of Great Brook. This covers sections of map 8, lot 38, 39, 40, and 88-1.

The planned harvest would be in the area north of Great Brook, east of Ford Quint Road and west of the range line within the next year. And then within the next year or two afterward we would go south of Great Brook and then the lots east side of the range line.

This Timber Harvest project is estimated to take three to four years.

Shaun DeWolf asked if the logging trucks will exit and enter from Ford Quint Road or at any point will you be going through the gravel pit out back.

Mr. Parker answered that at this point all the wood would be taken out from the Ford Quint Road. We will be working on the first section where there is an existing road that goes though the wood lots. Then on the south side of the Great Brook there is an old woods road that we will probably have to open up and we will use this same road way on the north end. The Timber Harvesting will be all accessed to existing road frontage.

Shaun DeWolf asked if the access road is near the sharp curves are on Ford Quint Road.

Mr. Parker answered it is before the curve in the road.

Shaun DeWolf suggested to Mr. Parker that when you're hauling logs out that you place temporary signs (truck entering).

Mr. Parker answered that who ever is doing the cutting would supply those by putting them up and maintaining them.

Condition:

1. Application of procedure will be followed and
2. The condition of road will be restored to original order.
3. Trucks entering signs shall be posted.

Shaun DeWolf moved to accept Mr. Roberts's application, Barry Chase seconded a motion. Vote, 4-0

Lawrence Huntley, CEO spoke that he is concerned about where the trucks enter the road that there should be a landing area with crushed gravel during mud season. This would help remove mud from the trucks tires. Also make sure that the construction entrance is swept and cleaned if it is muddy throughout the harvesting.

Shaun DeWolf rescind his motion.

Condition:

- 1. Procedure as stated in application will be followed and Ford Quint Road surface will be maintained during harvest and restored to original state at completion.**
- 2. A standard construction entrance with 1 ½ crushed stone by 50 feet long landing area adjacent to Ford Quint Road will be maintained during mud conditions.**
- 3. Trucks entering signs will be provided throughout the harvest.**

Shaun DeWolf move to accept Mr. Roberts's application with the three conditions stated, Barry Chase seconded a motion. Vote, 4-0

B. Clark McDermith---Application proposes to add 40 feet to the height of an existing Wind Generator. Total height to be 70 feet (Map 2, Lot 59) Wells Street

Tabled

C. Planning Board Workshop---Zoning Ordinance

Shaun DeWolf explained how he and two Sign Ordinance Committee members developed the draft for the Sign Ordinance.

Planning Board and CEO revised the Sign Ordinance draft on January 28, 2010.

GREEN IS NEW LANGUAGE & RELOCATED LANGUAGE

North Berwick Sign Ordinance Revised on January 28, 2010 Meeting

ARTICLE 3 - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.2 Definitions

Permanent Sign: any work, name, identification, description, emblem, insignia, symbol, banner, pennant, trade flag, or representation which is affixed to, painted or displayed upon a building, structure, post or tree, and which is exposed, in whole or in part, to public view, and which is designed to convey a message relating to any object, product, place, activity, person, business, service, institution, facility, organization, entertainment or amusement available either on the lot where the sign appears or in some other location.

Sign (Flashing): a sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, light direction, and/or animation. Illuminated signs which indicate the time and temperature shall not be considered as flashing signs.

Temporary Sign: *A sign that is not permanently attached to a building, structure, or mounted in the ground and designed to be transported, or rolled by means of wheels. Signs that are manufactured to stand as an "A" or "T" frame when displayed, self supporting double paneled signs that are connected with panels not parallel. Temporary sign is also know as a Portable Sign.*

Edge of Travel-Way: *The edge of the travel-way is defined as; the painted fog line, if the fog line is nor present the face of curbing, or edge of pavement.*

ARTICLE 5 - PERFORMANCE STANDARDS

5.2.6 Signs and Billboards

a. **General:** Billboards, and neon or gas-filled tubular signs (where such tubes are visible), shall be prohibited in all Districts. The following provisions shall apply only new signs in all Districts where permitted, unless stated otherwise.

b. **Size, Location and Illumination**

1. No sign *temporary or permanent* shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision, or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

2. Illumination shall be conducted in such a manner as to deflect light away from residential properties and public roads.

3. No sign shall exceed fifty (50) square feet in area *including all informational sides.*

4. No commercial, industrial, institutional, public or semipublic land use may display more than 60 square feet of signs in total.
5. No *permanent* sign shall be located within fifteen (15) feet of any travel way or 15 feet of any lot line.
6. *Free standing permanent signs (not attached to buildings) shall be required to be attached to permanent posts.*
7. The maximum height for any free-standing sign (not attached to a building) shall be fifteen feet to the topmost point.
8. Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall which extends above roof line).
9. Steady white light shall be required on signs to be illuminated. Plastic signs which are internally lit shall be allowed. *When signs are to be externally illuminated, they may be any color. No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.*
10. Flashing, moving, or animated signs shall be prohibited.
11. Strings of light bulbs, pennants, propellers, etc. shall not be permitted, except as part of a holiday celebration.
12. Signs shall be placed only on the same lot as the use or activity which they are advertising, except that strictly "directional" signs may be permitted to be located "off- premises" provided they conform to Maine D.O.T. regulations.
13. Home occupation signs may be up to three (6) square feet in area *including all informational sides*, relating to goods or services rendered on the premises.
14. *A temporary sign, not exceeding sixteen (16) square feet in surface area, including the surface area of all informational sides of such sign, is permitted in any zoning district.*
15. *A construction sign, not exceeding thirty-two (32) square feet in surface area, including all informational sides of both sides of such sign, is permitted in any zoning district on the property being developed. Such sign shall be removed within fourteen days (14) days after it has fulfilled its function.*
16. *One temporary real estate sign not exceeding ten (10) square feet in size including all informational sides, counting the surface area of both sides of such*

sign is permitted in any zoning district on each piece of property being sold, leased or developed. Such sign shall be removed within fourteen days after it has fulfilled its function or the property has been sold. Note: Setbacks for temporary real estate signs shall be 15' from travel way.

17. A temporary political campaign sign, not exceeding thirty-two (32) square feet in surface area, including all informational sides shall be permitted in any district. Such sign shall be removed within five (5) days after the election. Temporary political campaign signs shall not be placed in a manner as to obstruct clear and free vision.

18. Temporary signs for garage sales, yard sales, or barn sales, provided such signs do not exceed four (4) square feet in area all informational sides and are not higher than three (3) feet above ground grade within twenty-five (25) feet of any road intersection, 8' from travel way and remain posted a maximum of five (5) days per event with a maximum of three (3) events per year. Temporary signs shall not be placed in a manner as to obstruct clear and free vision.

19. Temporary portable signs shall be setback at minimum behind sidewalks. If sidewalk is not present the portable sign shall be setback at least eight feet (8'-0") from the travel way. Sign shall not be placed in a manner as to obstruct clear and free vision.

20. Temporary or portable sign shall be maintained and in good repair.

21. Temporary signs up to 12 square feet in area, announcing non-commercial community events, shall be allowed for up to 30 days.

22. Temporary seasonal sponsor signs up to 12 square feet in area shall be allowed at Town recreational facilities.

23. No signs shall be placed on Utility Poles.

c. Shoreland Districts Standards

These standards are in addition to all performance standards of the underlying districts. Where these standards are in conflict with any underlying standards, the more strict shall prevail. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, and Limited Residential:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed three (6) square feet in area including all informational sides and shall not exceed one (1) sign per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. *Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed six (6) square feet including all informational sides in the aggregate.*
3. *Residential users may display a single sign not over three (3) square feet including all informational sides in area relating to the sale, rental, or lease of the premises.*
4. *Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.*
5. *Signs relating to public safety shall be allowed.*
6. *No sign shall extend higher than fifteen (15) feet above the ground.*
7. *Signs may be illuminated only by shielded, non-flashing lights.*

5.2.17 Shoreland Districts Standards

See Article 5.2.6 for sign Performance standards in Shoreland districts.

ARTICLE 6 - ADMINISTRATION

6.5 Sign Permit Requirements

6.5.1 All *permanent* signs erected shall comply with the following:

- a. Written application to the Code Enforcement Officer shall be made for the installation of all signs, unless otherwise specified in this Ordinance.
- b. Unless otherwise specified in this Ordinance, it shall be unlawful to erect, construct, reconstruct, alter, paint, repair or change the use of any sign as defined herein without first obtaining a sign permit from the Code Enforcement Officer approving such action.
- c. Such sign permit shall not be required in order to repaint any of the aforesaid exactly as it was previously and which, at the time of the proposed repainting, conforms in all respects with the provisions of this Ordinance.
- d. Signs advertising defunct businesses or premises shall be removed by the property owner within three months after the advertised activity ceases.
- e. Mobile signs, such as those mounted on a movable chassis, with or without wheels, shall not be permitted.
- f. *All signs* shall meet the setback requirements from 5.2.6. Signs placed closer to roadways than permitted shall be removed and shall not be permitted to be replaced until after 30 days have expired and a new sign permit is obtained from the Code Enforcement Officer.
- g. A temporary political campaign sign, not exceeding the size requirements in Article*

5.2.6 shall be permitted in any district. Such sign shall be removed within five (5) days after the election.

h. Temporary construction signs see Article 5.2.6 for sign standards.

i. One temporary real estate signs see Article 5.2.6 for sign standards.

j. A temporary political campaign sign, not exceeding the size requirements in Article 5.2.6 Performance Standards shall be permitted in any district. Such sign shall be removed within five (5) days after the election.

k. Sign permits shall not be required for temporary signs for garage sales, yard sales, or barn sales, provided such signs do not exceed the size requirements in Article 5.2.6-Performance Standards.

3. Preview next agenda:

Clark McMerith

Public Hearing: Zoning Ordinance Changes

4. Other Business:

Joel Littlefield asked the Planning Board to do a site walk at 722 Lebanon Road.

The Planning Board will conduct a site walk on Littlefield property on February 4, 2010 at 4:00 p.m.

Lawrence Huntley, CEO asked the Board to refer to the Town of North Berwick Ordinance book page 6-17- Article 6.9.8 Violations (b.)

Our Ordinance does not comply with State Law and needs to be corrected.
The Ordinance should read:

(As per State Law and Noted)

However, I must inform you that failure to comply with this agreement, will subject that landowner to penalties outlined in 30-A MRSA, Section 4452; Namely, fines from \$100 to \$2500 for each day the violation continues, payment to Town Attorney fees, court cost, and correction of the violation, if the issue is resolved in court and the Town prevails.

Again, I would like to resolve this issue amicably. Otherwise, the Town Attorney will seek legal resolution immediately after the March 20th deadline has passed

Patrick Raftery moved to recommend Lawrence Huntley, CEO to rewrite Ordinance 6.9.8 (b.) for Public Hearing, Shaun DeWolf seconded a motion. Vote, 4-0

5. Preview Previous Minutes:

Tabled: December 10, 2009 Minutes

Tabled: January 14, 2010 Minutes

6. Adjournment:

Barry Chase moved to adjourn at 9:00 p.m., Shaun DeWolf seconded a motion. Vote, 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman

Julie Fernee

Shaun DeWolf

Barry Chase

Christopher Karcher

Patrick Raftery

Copies:

Chairman R. Todd Hoffman

Julie Fernee

Shaun DeWolf

Barry Chase

Christopher Karcher

Patrick Raftery

CEO

Town Manager

Selectmen

Christine Dudley

ZBA

File