

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD FEBRUARY 11, 2010

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

Also Present: Rebekah Yonan, Steve Quint and Lindell Quint.

1. Call to Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:30 p.m.

2. Current Business:

A. 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

B. Public Hearing---Zoning Ordinance Changes:

1. Sign Ordinance
2. Violation and Fines

Chairman R. Todd Hoffman opened the Public Hearing at 6:35 p.m.

Chairman R. Todd Hoffman explained that there are two Ordinances that the Board will be discussing:

The Sign Ordinance that Shaun DeWolf and the committee revised.

The Ordinance changes regarding; violation and fines enforcement.

Lawrence Huntley, CEO discussed the addition to Article 5: **5.2.6 Signs and Billboards** - b. Size, Location and Illumination - **Line: (23)**

The Planning Board eliminated a word from Article 5: **5.2.6 Signs and Billboards** - b. Size, Location and Illumination - **Line: 16. (One)**

The Planning Board eliminated a word from Article 6: **6.5 Sign Permit Requirements** - **6.5.1** All *permanent* signs erected shall comply with the following: **Line: i. (One)**

Chairman R. Todd Hoffman opened the Public Hearing to the public at 6:40 p.m.

Rebekah Yonan asked about 5.2.6 Signs and Billboards - b. Size, Location and Illumination
 Line: 19. Where a sign would be place on the sidewalk at the Hurd Manor.

Lawrence Huntley, CEO replied 8 feet from the traveled way...

Chairman R. Todd Hoffman explained that we define that to the edge of the pavement or if there is a fog line.

Lawrence Huntley, CEO spoke it is the fog line that is on the edge of the road and then measure 8 feet from there to place a sign.

Rebekah Yonan asked that a permit is required to place a sign on private property.

Lawrence Huntley, CEO replied that if you want to place a sign on private property you should bring in to my office a written statement from that person owning the property with your application.

1. Sign Ordinance

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 not 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 six (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. *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 including 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. Temporary season long event signs must be specifically permitted by the Code Enforcement Officer, and be removed within 5 days after completion of the event for which the permit is issued.

24. 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 six (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. Residential users may display a single sign not over three (3) square feet including all informational sides relating to the sale, rental, or lease of the premises.*
- 3. 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.*
- 4. Signs relating to public safety shall be allowed.*
- 5. No sign shall extend higher than fifteen (15) feet above the ground.*
- 6. 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. 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 garage sales, yard sales, or barn sales, provided such signs do not exceed *the size requirements in Article 5.2.6 - Performance Standards*.

Chairman R. Todd Hoffman closed the Public Hearing to the public at 7:00 p.m.

Shaun DeWolf moved to accept the changes in the Sign Ordinance - Article 3, Article 5, and Article 6, 5.2.6-b. adding line (23), 6.5.1 - i. and 5.2.6 - 16. removing the word (One), Chris Karcher seconded a motion. Vote, 5-0

2. Violation and Fines

REP: Ordinance Change
Article 6.7.2

Reads:

Any person, firm, or corporation being the owner or having control of any building, land use, or premises who violated any of the provisions of this Ordinance, shall be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500. Each day a violation is permitted to exist after notification shall constitute a separate offense. Amount of fine shall be set by the Municipal Officers. All fines collected hereunder shall inure to the Town of North Berwick.

Suggested:

Any person, firm, or corporation be the owner having control of any building, land use, or premises who violated any of the provisions of this Ordinance, shall be guilty of a misdemeanor and shall be subject to penalties outlined in 30-A, MRSA, Section 4452 for each day the violation continues after notification. Amount of fines shall be set by the Municipal Officers, and inure to the Town of North Berwick.

Lawrence Huntley
Code Enforcement Officer

Chairman R. Todd Hoffman closed the Public Hearing to the public at 7:15 p.m.

Barry Chase moved to accept the Ordinance Change for Article 6.7.2 as suggested by Lawrence Huntley CEO, Shaun DeWolf seconded a motion. Vote, 5-0

3. Preview next agenda:

Travis & Rebecca Manning

Steve Quint

4. Other Business:

The Planning Board conducted a site walk on Littlefield property on February 4, 2010. Joel Littlefield would like to sell a lot on Turkey Street. The Planning Board asked that the curb cut goes onto the right-of-way that already exists.

Chairman R. Todd Hoffman asked that Joel Littlefield bring to the Planning Board meeting a Preliminary Plan for the Board's review.

5. Preview Previous Minutes:

Shaun DeWolf move to accept the Planning Board minutes of December 10, 2009 with correction of name Shawn, Julie Fernee seconded a motion. Vote, 4-0

Julie Fernie moved to accept the minutes of January 14, 2010, Barry Chase seconded a motion. Vote, 4-0

Patrick Raftery moved to accept the minutes of January 28, 2010 with correction, Barry Chase seconded a motion. Vote, 4-0

6. Adjournment:

Barry Chase moved to adjourn at 7:30 p.m., Patrick Raftery seconded a motion. Vote, 6-0

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