

BRUNSWICK ZONING ORDINANCE REWRITE COMMITTEE WORK SESSION

JANUARY 29, 2015

MEMBERS PRESENT ZONING ORDINANCE REWRITE COMMITTEE: Charlie Frizzle, Chair; Margaret Wilson, Vice Chair; Richard Visser, Anna Breinich, Director of Planning and Development; Jeff Hutchinson, Codes Enforcement Officer; and Jeremy Doxsee, Town Planner

CONSULTANT PRESENT: Don Elliott via ZOOM

Mr. Frizzle stated the Committee would not be discussing the open space-related provisions until after the Conservation Commission has a scheduled workshop with the Town Council to review their charter, overall policy and direction.

Ms. Breinich added a review and acceptance of a meeting summary from 1/15/15 to the agenda. The minutes will be tabled until next meeting in order for the Committee to get comments and corrections to Ms. Breinich.

Chair Frizzle opened the meeting to anyone with general comments on subject matters not covered on today's agenda.

Mr. Frizzle closed the general public comment session.

Review and confirmation of ZORC responses from their 1/22/15 meeting:

- ZORC confirmed its agreement to approve revised text regarding watercraft and outdoor storage from the 1/22/15 meeting.
- **2.4.9.A.** – ZORC confirmed their agreement from 1/22/15 to approve a revision to Section 5.2.6.C.1. to an outline form.
- **3.2 Use Table** - Staff is recommending that manufacturing as a permitted use is limited to the south side of Route 1 within the proposed GM-3 District. The Committee agrees with that approach.
- **Table 4.1.2. Dimensional Standards** – ZORC confirmed its agreement of 1/22/15 to allow staff to draft language for the purposes of reducing front setbacks within the block for in-fill development in established neighborhoods.
- **Table 4.1.4.C.6.** – ZORC confirms its agreement with the suggestion from VRB.
- **4.1.4.D., 4.1.4.D.2. and 4.1.4.E.** – ZORC confirms its approval of 1/22/15 to keep the restriction as stated and guided by the Comprehensive Plan; bonus densities for affordable housing will be limited to the growth area.
- **4.7.3.A.2. and 4.7.3.A.3.** – ZORC confirmed its approval of 1/22/15 on the treatment of corner lots and parking in front setbacks. Clarion will be providing graphics, and Clarion and the staff will revise the subsections.

- **4.10.1. and 4.10.2.C. – Neighborhood Protection Standards** – Will be discussed tonight as an agenda item.
- **4.11.3.E.1.** - Will be discussed tonight as an agenda item.
- **4.11.4.H.** - Will be discussed tonight as an agenda item.
- **5.2.2. Conditional Use Permit and 5.2.3. Special Use Permit** – ZORC confirmed its approval of 1/22/15 to remove the term “*documented*” from the Conditional Use requirements.
- **5.2.6.C.2.b.** – This item is receiving further review by planning and business development, and will come forward at a later time.
- **5.2.6.B.5.** – ZORC confirmed its approval of 1/22/15 with a VRB recommendation on changes to the procedures for demolition and new construction requests. In response to a discussion on demolition, Ms. Breinich and Mr. Hutchinson will develop language to allow demolition for other than just fire and hazard.
- **Table 5.2.7.B. – Review Authority** - Will be discussed tonight as an agenda item.

Sign Chapter Review:

Mr. Frizzle explained that tonight the Committee was looking for comments on the policies that are now being proposed for the various signs. Ms. Wilson asked Mr. Hutchinson if they could talk about the definition for sign before getting into specific comments. The Committee specifically discussed balloons, and Mr. Frizzle asked staff to develop language to address this issue. The sign ordinance was then discussed page by page, with questions and comments taken on the relevant sections.

Catherine Ferdinand, Bowdoin College, stated that she could not find the process for obtaining a sign permit, nor the reviewing authority, in the administrative section of the ordinance. She also said there were a lot of materials besides wood that provide better visibility and are easier to maintain, so she would ask that the Committee consider that language, as well as the standards requiring wall signs to be professionally engraved. She also stated that the intent of the standard limiting pole signs to one per 250 feet of lot frontage is unclear whether the standard limits the number of pole signs on lots with less than 250 feet of lot frontage, or whether it prohibits pole signs on lots that do not have 250 feet of frontage. She mentions specifically fraternity house parking signs, entrances and exits. Mr. Hutchinson clarified the pole sign question for her and stated that this language has been carried over from the current ordinance.

The Committee discussed sign materials, as Ms. Wilson felt that might be a bit antiquated, and Ms. Breinich and Mr. Hutchinson will be conferring with Planning, the Village Review Zone and possibly the Brunswick Downtown Association.

Carol Liscovitz, 11 Berry Street, thought the Committee should make a decision about how restrictive they want to be and then craft supportive language.

Ms. Breinich suggested that the permitted list of internally illuminated signs in the GM-8 district include only Bath Road, not Baribeau Drive or Maine Street, and the Committee agreed. Clarification was provided to Mr. Doxsee regarding signs; all signs except for internally illuminated signs are allowed in all districts, with some restrictions. Mr. Doxsee asked about including a maintenance clause, and Ms. Breinich responded that she and Mr. Hutchinson would review that.

Mr. Hutchinson removed the section on Marquee signs, which are essentially wall signs, and will consider signage approval by type (marquee, wall, pole, etc.). After discussion, Mr. Hutchinson thought the definition of projection sign should be updated.

Mr. Hutchinson explained what he was trying to create with the Campus-type signs section, with Brunswick Landing being a priority. It would allow the advertisement of individual business at intersections, as long as the sign is on Midcoast Regional Redevelopment Authority property, and to gain the opportunity to better direct traffic. It is also applicable for hospitals, business parks, educational facilities, etc. Ms. Breinich agrees with Mr. Hutchinson that this is a good start on this section; she also has revisions and suggestions, and questions in terms of campus-type environments, which could affect Bowdoin College and other lots on Harpswell. Mr. Frizzle thought that CU-1 and CU-2 comprised Bowdoin's campus. Properties owned by Bowdoin but not on the campus should comply with the same rules as their neighbors.

Ms. Wilson wondered why Religious Institution signs are regulated differently than other signs, and perhaps that section is not needed. Mr. Hutchinson and the Committee agreed, and that section will be deleted.

Ms. Breinich introduced the idea of a campus directory-type sign for Maine Street Businesses, which would be an off-premise sign. There has been a request in the past to assist businesses on the side streets, but is not allowed under the current ordinance. If the Committee is interested in this, it is something Mr. Hutchinson and Ms. Breinich can pursue, with possible guidance from the Town Attorney regarding the legalities of this issue, or possibly not a part of the sign ordinance.

Ms. Wilson would like the Advertising Messages Incorporated into Approved Signage section reviewed, and that was acceptable to Mr. Hutchinson. Mr. Hutchinson also asked for copies of the Committee members' written statements, and the Committee agreed.

Ms. Breinich felt that allowing one sandwich sign per business rather than per feet was enough in the downtown area, and Ms. Wilson felt that Mr. Doxsee's suggestion of one real estate sign per parcel was also enough. A corner lot or business would be allowed one per side.

Mr. Doxsee discussed limiting the amount of window signs in a business, and Mr. Frizzle stated that he was reluctant to restrict the amount of signage a business would like to put in their window. Ms. Breinich replied that there are a few issues in town with this currently.

Mr. Frizzle felt that a sign was a sign no matter where you put it, and possibly some categories of signs could be deleted, like religious signs and gas station signs. The Committee discussed gas station canopy signs as essentially being wall signs, but Mr. Frizzle believe the problem was that most people did not think of canopies as having walls. Mr. Hutchinson will add some language for the Committee to review.

Kathy Wilson, Pleasant Street, asked a question regarding blacking out a window, which the Committee stated was not considered a sign, but translucent glass is required on Maine Street.

An audience member asked a question about signs being maintained by public funds, which would not be the case at Brunswick Landing. Their campus is made up entirely of private streets, which means no sign regulation. There are also private subdivisions that would be exempt. Mr. Hutchinson will review this and give the definition of sign more thought, and probably strike the last sentence about being maintained by public funds. The Committee agreed.

The Committee discussed motor vehicle advertising signs conditions, which had been taken out as a prohibition inadvertently, and will be reinstated.

Richard Fisco, 2 Lincoln Street, was in agreement with the statement that signs shall not interfere with pedestrian or vehicular traffic, as this is a particular problem on Maine Street. He believes it looks cluttered already, and the threshold of 8 square feet is too large. Ms. Breinich agreed there are areas with an overutilization of both sandwich signs and easel signs per business and it does clutter up the sidewalk. She believes they should restrict the signs to one per business. Mr. Hutchinson suggested one per 50 feet of frontage, but Ms. Breinich said that would only allow Tontine Mall one sign, and there are many businesses, so there is a fairness issue. Mr. Hutchinson supplied new language, which the Committee agreed to try, and Mr. Frizzle said the Committee would review the size standard.

The Committee discussed temporary business signs, and Mr. Hutchinson answered a question from **Kathy Wilson** about a walking sign, which needs licensing through the clerks' department, as it is not regulated by the sign ordinance. Ms. Breinich also informed the Committee that she was looking into the sidewalk ordinance to see if they could put ideas forward to Council through the Master Plan Implementation Committee.

Richard Fisco, 2 Lincoln Street, believed the Tontine Mall should have a group sign, rather than so many sandwich boards or easels. Mr. Hutchinson replied that he would like to see the size requirement enlarged for this purpose. Mr. Hutchinson and Ms. Breinich discussed sign options for this and similar sites. Ms. Wilson would like to hear feedback from the downtown area businesses. Mr. Hutchinson said temporary business signs are a sensitive issue, and he would like to review this section with the Committee.

Easel sign will be defined for consistency, as requested by Mr. Visser.

Ms. Wilson believed that flags with the word open or welcome should be allowed. Currently they are not. The Committee agreed to exclude them from the prohibited signs list.

Ms. Wilson had questions about signs projecting over the Public Right-of-Way, and Mr. Hutchinson said he believed they needed to expand on that. Mr. Frizzle asked Mr. Hutchinson if, instead of Right-of-Way, could he use in, on, or projecting over any public roadway. Mr. Hutchinson and the Committee agreed, and they will change that to any roadway, to cover private roadways as well.

Carol Liscovitz, 11 Berry Street, asked about the banner on Maine Street, and Mr. Frizzle and Ms. Breinich responded that the banners are approved by the Town Manager.

Mr. Visser asked that moving signs be added to the definitions, and the Committee agreed.

Ms. Wilson said the definition between a special events sign and a temporary sign is hard to determine, and they will continue to discuss that.

Ms. Doxsee discussed amortization of nonconforming signs, which is done in other communities. If there are signs they don't want or don't like, there should be an amortization date on them. Ms. Breinich was unsure if this was permitted under Maine law, but told Mr. Doxsee he could find out more information if he was interested. The Committee discussed nonconforming, replacement, and grandfathering of signs.

Mr. Doxsee asked Mr. Hutchinson if there were any thoughts about design guidelines for signs. Mr. Frizzle said they should leave that to the Village Review Board. Ms. Breinich stated that staff reviews signs in the Village Review Zone and there are design guidelines for that, but at Cook's Corner there are also design standards.

Carol Liscovitz, 11 Berry Street, asked if an abandoned, nonconforming building's use is no longer allowed after a certain time period. Mr. Hutchinson replied that the time period for a non-shoreland zone is three years. If a business ceases to exist for 30 or more days, the sign needs to be taken down. A new sign would need to be conforming. Mr. Hutchinson would advocate for a

sixty-day or a ninety-day period because he doesn't think the thirty days gives a property owner enough time to find another tenant. Mr. Frizzle agrees with that, as long as there is a fixed limit. Mr. Hutchinson will review the nonconforming section that Clarion put together, as Ms. Breinich found some discrepancies between what was written and what the Committee wanted. Mr. Hutchinson agreed with Mr. Visser that sign nonconformity would be better in the sign section of the ordinance, where it is currently. The Committee agreed, provided that there is some type of cross referencing.

Development Review thresholds: This item will be discussed at next meeting.

Open space-related provisions preliminary discussion: This item will be discussed at next meeting.

Neighborhood Protection Standards: This item will be discussed at next meeting.

ZORC work session meeting schedule:

February 19, 2015, Work Session, Town Hall, Room 206, 9:00 am – 12:00 pm

February 26, 2015, Work Session, Council Chambers, 5:30 pm – 8:30 pm

Other business:

None.

Mr. Frizzle adjourned the meeting.

Attest

Debra Blum
Recording Secretary