

**Town of Cape Elizabeth  
Ordinance Committee Minutes**

September 19, 2013

8:00 a.m., Town Hall

Present: Kathy Ray, Chair  
Jessica Sullivan  
David Sherman

Staff: Ben McDougal, Code Enforcement Officer  
Maureen O'Meara, Town Planner

Mrs. Ray opened the meeting and asked for action on the minutes of September 19, 2013, which were unanimously approved.

Public Comment

Janice Stockson, 14 Kettle Cove Rd, owner of Shore Things - She lost her sign when the Shore Rd path was under construction. It was replaced and moved with the flag reoriented. The new sign does not have exposure to Route 77. She tried a sandwich board and did not know she was in violation. Others use sandwich boards. The sandwich board did improve exposure. On rainy days, she does not put out the sandwich board and there is less traffic in her store. She would like the fee eliminated and to have the board out every day, not just for 3 months.

Lee Wilson, 82 Two Lights Rd, owner of Shore Rd Tara - Lee agrees with Janice. She is a representative of the Cape Business Alliance (CBA), which promotes business in Cape. We are not Route 1 and it is a struggle. She did not know she needed a sandwich board permit or that it was limited to 3 months. She needs the sandwich board all the time. The \$25 fee is a slap in the face, which would total \$500 for all sandwich boards for a year.

Colleen Munroe, Mainely Chiropractic in Fort Williams - She is also a CBA member. Other chiropractics use sandwich boards to advertise specials. The only other advertising is the Cape Courier, which does not draw attention to drive bys. She had a 10 patient increase during the Beach to Beacon. Mojo Massage had the same experience. She would support a tasteful sandwich board sign with size limits. Three months is too short. These signs promote small town business, main street quaintness. The \$25 fee is an added expense. She wants an open time frame and no fee because they bring commerce to town. The sign also posts business hours.

## Business Signs review

Ms. O'Meara presented pictures of several existing sandwich board signs in Cape Elizabeth.

Ben McDougal, Code Enforcement Officer, reviewed current enforcement of sandwich board signs. The current ordinance is cumbersome as it requires a permit for each 30 day period and a limit of 3 permits a year. He will struggle to keep track of the 30 day periods. He is currently allowing 1 permit for a 90 day period and he would support streamlining.

Mrs. Sullivan noted that the signs can be colorful and the administrative problem can be confusing.

Mr. Sherman asked if Mr. McDougal is actively monitoring the issue and does he have time for enforcement?

Mr. McDougal said he has not had much time for this. He noted that the signs went up this summer and he received some comments. He did not get to specific enforcement of individual signs until this fall and he does not know how many days some of the signs have been up.

Mr. Sherman questioned how Mr. McDougal would have the resources to keep track of these signs?

Mrs. Ray added that you would need a running log and that was not a great use of the Code Enforcement Officer's time.

Mr. Sherman wanted to clarify that we would stay focused on business zone signs and not address residential signs. Most people would favor helping these businesses do well. We could try no limit on time for a year and monitor, but this may not help businesses located outside business zones.

The committee agreed that a business in Fort Williams Park would need to be addressed separately and may include input from the Fort Williams Advisory Commission.

Mrs. Sullivan would not like to see too many of these signs and felt the charm of the sign was important.

The committee discussed allowing signs for more than 30 days and make the regulation user-friendly so compliance would increase. They also want to set some limit on placement close to a road or sidewalk for safety.

Mr. Sherman asked Mr. McDougal how York regulated these signs. Mr. McDougal explained that they were allowed only within 10' of a store entrance, because it was geared to a beach area, which would not work here. Mr. McDougal also noted that "open" and pennant flags were regulated. The flag size was limited to 3' x 5' and could only be displayed during the hours the business was open. No permit was required for flags.

The committee discussed allowing the sandwich board signs to be allowed year round. Mr. Sherman asked how many businesses currently had sandwich board signs and Mr. McDougal estimated 10-15. CBA has 21 business members.

The committee discussed the fee. Mr. Sherman said the fee is not a lot of revenue, but all permits include a fee and all together, the fees add up as a revenue line in the budget. Mrs. Sullivan noted that making the fee one-time for the sign is not cumbersome.

Mrs. Ray reviewed what the draft ordinance language should include: year round permit, placement location on property, not block sidewalk, sight distance.

In response to a question regarding placing a sign in the right-of-way, Mr. McDougal suggested that the town reserve the right to restrict signs to the business property but still allow placement in the right-of-way because some road rights-of-way are very wide and the sign would not be visible.

Mrs. Sullivan added a limitation of 1 sign per business. She also suggested reviewing what other towns are doing, such as Freeport. She suggested Cumberland and Cornish.

Mr. McDougal inquired if the committee wants to consider design aesthetics language, for example, black with hand written, colorful, quaint lettering. The white boards with black lettering can be unattractive.

Mr. Sherman noted that on Shore Rd there is a series of business signs. They are not uniform, but they are colorful and it looks nice. He wants the sandwich board to complement permanent signs.

The committee noted other elements like balloons and flags. They did not want to address balloons, but should also prepare flag language. The committee also asked for suggestions on any other cleanup language.

Public Comment

In response to a question from the public, Mrs. Ray summarized the ordinance amendment process including referral to the Town Council and a public hearing. Another question regarding timing was asked and the committee suggested this might be done by the end of the year, but you never know as it moves through the process.

#### Next Meeting

The committee scheduled the next meeting for Thursday, October 10th beginning at 8:00 a.m. The meeting ended at 8:45 a.m.

Respectfully submitted,

Maureen O'Meara