

**Town of Cape Elizabeth  
Ordinance Committee Minutes**

October 20, 2016

1:15 p.m.

Town Hall

Present: Caitlin Jordan, Chair  
Sara Lennon  
Jessica Sullivan

Staff: Maureen O'Meara, Town Planner

Councilor Jordan called the meeting to order. The minutes of the October 6, 2016 meeting were approved.

Public Comment

No member of the public wished to speak.

Councilor Sullivan requested that the public comment policy be followed where public comment is allowed at the beginning and end of the meeting, but that the committee members be allowed to deliberate as issues arise. Councilor Jordan liked the public participation at the last meeting and found it beneficial. If the public comment gets out of control, she would revert to the policy. Councilor Lennon suggested we ask members of the public to raise their hands.

Sign Ordinance

Councilor Jordan asked if the committee wanted to complete review of the outline, or to begin review of the draft ordinance. The consensus was to start review of the ordinance.

Councilor Jordan suggested skipping the purpose and definition sections for now, and begin with Sec. 21-2-1, which organizes sign regulation by location of the sign within the town.

Councilor Sullivan asked about number of signs permitted. This section refers to "signage" and limits are based on total square footage rather than number of signs. Councilor Lennon asked how signage is calculated and the committee briefly reviewed the sign definition. The committee agreed not to put a cap on the amount of traffic control signage and to add owners of private roads for traffic control signage.

The committee reviewed the new "private traffic control sign" proposal and treating property address signage like traffic control signage. They decided that a

"neighborhood property address sign" cap should be per neighborhood entrance. Staff suggested this approach in the hope that it would be considered "Reed" compliant.

Beginning with Sec. 21-2-1 B, there was general agreement to regulate signs by commercial district and residential/all other districts and then by the street classification the property has frontage on. The committee decided that lots with frontage on more than one street would need to select the street on which they will base their budget of signage square footage rather than cumulatively adding the signage allowed on each street.

Councilor Lennon suggested the total signage allowed be scaled by the size of the lot and the committee agreed to revisit that suggestion.

The draft ordinance proposes signage amounts based on the current ordinance and the committee can change the signage limits.

Properties in residential and non-commercial districts, such as the Resource Protection Districts, Town Farm District, etc, with frontage on an arterial, collector or rural connector road would be allowed 32 sq. ft. of signage. Properties on a feeder, local or private road would be allowed 12 sq. ft. of signage. The committee will need to look at how nonconforming signs are treated.

In the commercial zones (TC, BA, BB and BC), the chart in the current ordinance has been exported into the draft ordinance. The committee agreed to merge "Freestanding Permanent Pole" sign and "Freestanding Permanent Ground" sign into one sign. The pole sign has a maximum height of 20' and the committee will revisit the height limit.

The committee discussed the current treatment of message board signs and a 750' separation requirement. There was concern that multiple message boards could be a traffic hazard, but also concern that only some would be able to have a message board sign. The committee will revisit message board signs.

The committee began review of Temporary signs, subsection D, which are regulated by street classification frontage. Temporary signs adjacent to an arterial, collector or rural connector are limited to 8 weeks and 16 sq. ft. in the road right-of-way. Adjacent private property is limited to 8 weeks and 12 sq. ft. Temporary signs adjacent to a feeder, local or private road are limited to 8 sq. ft. and 8 weeks, both in the right-of-way and on private property.

Councilor Lennon asked about the banners placed on the Key Bank fence in the town center to advertise community events. These would be considered temporary signs.

Councilor Sullivan noted the controversy with placing signs in the right-of-way in front of private homes and businesses that may not represent the views of the adjacent property owner. The committee discussed that there is no limit on the number of temporary signs. The draft ordinance includes the state restriction that temporary signs must include the name and contact information of the person placing the sign and the date the sign was placed.

The committee noted that temporary signs would include sandwich board signs. Councilor Jordan would like to preserve the current sandwich board sign allowances. If a property owner treats a sandwich board sign as a temporary sign, they would need to not use it more than 8 weeks total a year. Councilor Sullivan expressed concern with including exceptions in the ordinance because it makes us more vulnerable to legal challenge. The committee will try to replace "message board" signs with a sandwich board sign and treat it as permanent signage.

Review of the draft ordinance ended with Page 6, line 20.

#### Public Comment

Jay Cox, 1148 Sawyer Rd - He asked about private traffic control signs on farms. Is there enough allowed?

Councilor Jordan suggested he provide information on the total amount of traffic control signage he uses.

Jay Cox, 1148 Sawyer Rd - He asked if the Jordan farm hanging "vegetables in season" sign is a message board? He suggested being generous with sandwich board signs because they are economically effective for small businesses. He would not reduce the size of a development sign because development is a big investment. He does not think a limit on the number of temporary farm signs is needed because the signs are labor intensive for farmers, which will keep their numbers down.

#### Next meeting

The next meeting of the Ordinance Committee is Thursday, November 3rd, beginning at 1:15 p.m. to 2:45 p.m. The committee will continue to review the draft ordinance.

Meeting adjourned at 2:45.