

**Town of Cape Elizabeth  
Ordinance Committee Minutes**

November 17, 2016

1:15 p.m.

Town Hall

Present: Caitlin Jordan, Chair  
Sara Lennon  
Jessica Sullivan  
Patty Grennon, in-coming chair

Staff: Maureen O'Meara, Town Planner

Councilor Jordan called the meeting to order. The minutes of the November 3, 2016 meeting were approved.

Public Comment

No member of the public was in attendance.

Sign Ordinance

The committee will try to finish its work on the Sign Ordinance as a courtesy to the incoming ordinance committee and will meet again on December 1st.

Councilor Jordan opened the discussion with review of the comments provided, upon request, from Town Attorney John Wall. The committee discussed the new approach of grandfathering existing signs where existing signs that are larger than allowed under the new ordinance could continue.

Councilor Lennon said that grandfathering is ethically unfair, when a new business cannot have the same amount of signage as an existing business. Councilor Jordan commented that grandfathering occurs all the time and allows people to keep what they already have. Councilor Sullivan agreed with Mr. Wall's suggestion that some limit to the amount of time a nonconforming sign can be removed and then reinstalled be included. The committee agreed that 6 months was sufficient time for a nonconforming sign to be removed and then allowed to be replaced in kind.

The members agreed that the nonconforming sign approach was a reasonable balance to curtail a potential major expansion of signage allowed in the town and still accommodate existing signage. For example, using this approach, signage allowed for gas stations and shopping centers would become nonconforming, but signage allowed for all businesses would not need to be increased to 100 sq. ft. or 250 sq. ft. per business, or for non-commercial signs.

The committee reviewed the increased risk of the private traffic control signage compliance with the Reed decision. Councilor Lennon is concerned with private traffic control signage in Cranbrook. Councilor Jordan suggested that there is more control over private road signage because the private road owners can be stricter with the amount of signage allowed. The committee discussed the option of increasing the amount of signage allowed overall instead of the private traffic control signage approach. The committee decided the increased risk associated with the private traffic control signage approach was reasonable for now.

Banners installed across public roads were reviewed. Banners are annually installed across Route 77 and Shore Rd for the Beach to Beacon Race. The current ordinance does not allow banners across public roads. The committee discussed leaving the banner prohibition in place, or allowing banners since banners have been installed. It was noted that banners have been used to promote civic and business events in other towns.

Councilor Lennon asked if banners could be limited to the town only? If banners are allowed, anyone will have the opportunity to have a banner. Councilor Jordan asserted that offensive messages that could hurt children can be removed. It was noted that it is expensive to make a banner and that the cost could curtail banners. Councilor Sullivan does not support a message based requirement and suggested it would be easier to prohibit banners than try to curtail who could have a banner.

The committee agreed to have staff draft for its consideration allowing banners with standards that regulated location and safety. A banner would be allowed for 1 day, but allowing for installation and removal, 3 days would be allowed. Banners could only be installed over an arterial or collector road. In order to protect public safety, the Department of Public Works would coordinate installation of the banner. A permit would be required that would include a fee that covered all the costs of installation and removal.

There was concern that the current banner size may not be large enough for the banners that have previously been installed. Staff will look into the size of banners and adjust the draft requirements as needed.

The committee discussed Mr. Wall's suggestion regarding a flag definition. In order to be content neutral, no reference to what is on the "flag" should be made. The committee agreed to a flag definition based on a textile affixed at one end. Flags can be considered either permanent or temporary signage.

The committee agreed to make edits per John Wall comments #5, 6, 7, and 8.

The committee reviewed the definitions section. They discussed how to handle electronic message board (emb) signs. Councilor Jordan said she noticed the Maine Mall sign because it changes a lot. Councilor Sullivan finds emb signs ugly. Councilor Lennon agreed and would ban them. It was noted that the town has an emb and additional emb signs would be useful at the library and Recycling Center. If the town allows them, standards related to size, lighting level, message hold time and transition duration may be appropriate.

Councilors Lennon and Sullivan have strong reservations about the appearance and suitability of emb signs in Cape Elizabeth. Embs may be convenient, but is there really a compelling need? Councilor Jordan said emb signs can look good and can benefit the town, schools. There may be cost savings and may be safer if they replace A-frame signs. Councilor Lennon asked the committee to imagine all the signs on Route 77 converted to embs in 10 years and did not think that would look good.

The committee decided to have staff draft a provision to regulate embs for further review. Embs should be limited to commercial zones on arterials and collectors and installed at no higher than 4.5'. There should be maximum light levels, and potentially not operational between 11 pm -6 am. The message may only change once every 12 hours and the change should be instantaneous. The sign size should not exceed approximately 4' x' 6' and pictures can be included. Embs would also be allowed in non-commercial zones on large lots. The draft will be discussed at the next meeting.

#### Next Meeting

The next meeting is scheduled for December 1st.

#### Public Comment

No member of the public was present.

The committee adjourned at 2:45 p.m.