



City of Westbrook

DEPARTMENT OF PLANNING

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WESTBROOK PLANNING BOARD TUESDAY, JANUARY 8, 2008, 7:00 P.M. WESTBROOK HIGH SCHOOL, ROOM 114 MINUTES

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Cory Fleming (At Large), Greg Blake (At Large), Paul Emery (Ward 3), Michael Taylor (Alternate)

Absent: Anna Wrobel (Ward 4), Scott Herrick (Alternate)

Staff: Molly Just, Richard Gouzie, Diana Brown, Erik Carson

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School.

1. Call to Order

2. Approval of Minutes – December 4, 2007

Michael Taylor moved to accept the minutes as written

2nd by Cory Fleming

The vote was unanimous in favor 6-0

Greg Blake – late arrival

3. Chairman's Report – Calendar Year 2007

Chairman Reidman read the Chairman's Report into the record as follows:

WESTBROOK PLANNING BOARD CHAIRMAN'S REPORT 2007

During 2007, the Planning Board conducted (9) workshops and approved (12) site plans, (2) site plan applications (pending), (9) subdivisions, (2) subdivision applications (pending), (12) Special Exceptions, (6) Village Reviews, (1) Amended Site Plan, (2) Final Site Plan Extensions, (1) Subdivision Extension, (1) Review of

Paper Street Development (Denied), (4) Land Use Ordinance amendment recommendations to City Council

Below is a list of activities of the Planning Board during 2007:

1. Number of Meetings:	16	Meetings
2. Applications	9	Workshops
	14	Site Plans
	11	Subdivisions
	12	Special Exceptions
	6	Village Review
	1	Amended Site Plan
	2	Final Site Plan Extension
	1	Subdivision Extension
	5	Land Use Ordinance Amendments
	3	Site Walks
2. Public Hearings	5	Site Plans
	3	Village Review
	1	Comprehensive Plan Amendment
	1	Contract Zone Request
	4	Subdivision
	2	Special Exceptions
	4	Land Use Ordinance

3. Major Items Considered during 2007:

A. Workshops

Sketch Site Plan Lot 4 Westbrook Heights Business Park
Land Use Ordinance – Farm Animals in Residential Growth Areas
Sketch Subdivision, Site Plan, Special Exception – 63 East Bridge Street
Sketch Site Plan – Idexx Laboratories – 80 Eisenhower Drive
Sketch Subdivision, Site Plan, Special Exception – Austin Street Condominiums –
341 Austin Street
471 Stroudwater Street – Construction of School and Recreational Facility
Land Use Ordinance – Continuance of Farm Animals in Residential Growth Areas
Sketch Site Plan –Additional - Idexx – 80 Eisenhower Drive
Sketch Site Plan – Saco & Biddeford Savings – 2 Hannaford Drive

B. Site Plan Review

Stroudwater Landing, LLC - 449 Stroudwater Street
Kiel LLC - Lollipop Lane Educare - 18 & 36 Patrick Drive
DeBill LLC - 63 East Bridge Street
St. Anthony's of Padua Catholic Church - 295 Brown Street
Reed Street Neighborhood Housing LP - 27 Reed Street

Lebeau Properties - 12 Giles Street
Burn's Fencing - 14 Rochester Street
Idexx Laboratories - 80 Eisenhower Drive
Austin Street Condominiums - 341 Austin Street
Profenno's - 918 Main Street
Seacoast Law Office - 240 Main Street
Westbrook, LLC - Westbrook Heights Business Park Tax Map: 004 Lot 304
J.B. Brown & Sons - Day Care & Child Care Center Tax Map 042B Lots: 013 & 006A
City of Westbrook & Westbrook School - 471 Stroudwater St Tax Map: 009 Lot: 019

C. Subdivisions

Stroudwater Landing, LLC - 449 Stroudwater Street
Mountain View, LLC - Grayce Estates - 133 Longfellow Street
Kiel LLC - Lollipop Lane Educare - 18 & 36 Patrick Drive
DeBill LLC - 63 East Bridge Street
Reed Street Neighborhood Housing LP - 27 Reed Street
Austin Street Condominiums - 341 Austin Street
Profenno's - 918 Main Street
BB & J, LLC - Begin Lane
Chris Wilson - 26 Knight Street
Crockett & Sons Homebuilders LLC - Hawthorne Lane - Tax Map 007 Lot: 021
George T. Kirck - 360 Duck Pond Road - Tax Map: 021 Lot: 036

D. Special Exception

Stroudwater Landing, LLC - 449 Stroudwater Street
DeBill LLC - 63 East Bridge Street
Reed Street Neighborhood Housing LP - 27 Reed Street
Blake Hurley McCallum & Conley LLC, 344 Main Street
Austin Street Condominiums - 341 Austin Street
Seacoast Law Office - 240 Main Street
Michele Peters - 4 Jemada Way - Daycare
Regina Lamire - 241 Park Road - Daycare
Tasha Rinaldi - 254 Stroudwater Street - Daycare
Jennifer Logan - 87 Puritan Drive - Daycare
Jennifer Wescott - 282 Cumberland Street - Daycare
JTJ Holdings, LLC - 700 Saco Street

E. Village Review

Lebeau Properties - 12 Giles Street
Michael Chestnutt - 511 Main Street
Profenno's - 918 Main Street
Chris Grimm - 863 Main Street
Rob Twombly - 10 Cloudman Court Tax Map: 033 Lot: 153B
Michael & Alicia Boissonneau - 78 Pleasant St - Tax Map: 033 Lot: 100

F. Amended Site Plan

JTJ Holdings, LLC 700 Saco Street

G. Final Site Plan Extension

Casella Environmental Park - 594 County Road

Stroudwater Landing - 449 Stroudwater St Tax Map: 009 Lot: 020 & Tax Map 008 Lot : 003A

H. Subdivision Extension

Stroudwater Landing - 449 Stroudwater St Tax Map: 009 Lot: 020 & Tax Map 008 Lot : 003A

I. Review of Paper Street Development

Mitchell Farm Developers - waiver request for granite curbing and sidewalk on Kennard Street

J. Land Use Ordinance

Land Use Ordinance - Farm Animals in RGA1

Village Review Overlay Zone Amendments

Private Way Amendments

Sign Regulations

Sincerely,
Edward Reidman,
Westbrook Planning Board

Rene Daniel moved to send the 2007 Planning Board Report to the Mayor and the City Council

2nd by Dennis Isherwood

The vote was unanimous in favor 7- 0

Continuing Business

- 3. Final Site Plan – NAPA Addition – Gorrill-Palmer, on behalf of Genuine Parts Company, for an extension of the Final Site Plan approval granted on April 4, 2006 for the construction of a 46,000 S.F. addition to the building located at 180 Larrabee Rd. Tax Map: 42A, Lots: 11 and 11B, Zone: Gateway Commercial.**

Chairman Reidman said the Planner's memo has explained the extension request is for April 4, 2009. That would include all the conditions that the Planning Board issued would still be in place.

Excerpt from the Staff Memo is as follows:

“This project received Final Site Plan approval on April 4, 2006. In accordance with Westbrook’s Ordinance, this gave the applicant one year in which to commence the project and two years to complete it. The original approval would expire on April 4, 2008. Due to existing tenant leases on land that must be used for the addition, the applicant requests Planning Board approval of a one year extension. Please see the attached letter dated January 2, 2008 for further information regarding the request. Staff has no issues with this request.

If approved, the correct motion would be to extend the approval date to April 4, 2009.”

Maureen McGlone with Gorrill Palmer explained that the site has three buildings currently occupied by tenants with active leases. NAPA has been negotiating with the tenants but will not be able to build the addition until the leases are up.

Rene Daniel explained that he has no problem approving an extension once.

Rene Daniel moved to extend the NAPA Addition to expire on April 4, 2009 with all stipulations added from the original motion.

2nd by **Cory Fleming**

The vote was unanimous in favor 7-0

4. Final Site Plan and Village Review – 12 Giles Street – Land Use Consultants, on behalf of Lebeau Properties, LLC for a one (1) year extension of the Final Site Plan and Village Review approvals granted on January 2, 2007 for the construction of a 3,588 S.F. building to house, a ground floor commercial unit and a second floor apartment unit. The project is located at 12 Giles Street. Tax Map: 33, Lot: 17B, Zones: City Center and Village Review Overlay.

Ed Reidman read the portion of the staff’s recommendation from the memo as follows:

This project received Final Site Plan and Village Review approval on January 6, 2007. In accordance with Westbrook’s Ordinance, this gave the applicant one year in which to commence the project and two years to complete it. The original approval would expire on January 6, 2009. However since the applicant has not yet begun construction they request Planning Board approval of a one year extension. Please see the attached letter dated December 18, 2007 for further information regarding the request. Staff has no issues with this request.

If approved, the correct motion would be to extend the approval date to January 6, 2010

Ed Reidman asked if there are any questions on this item.

No questions.

Ed Reidman asked if anyone will explain the need for the extension.

Editors Note an unidentified person said the extension requested was until 2009.

Rene Daniel explained his position dealing with extension requests. He supports the first extension request, but does not support any additional extension requests.

Natalie Burns explained that she understands what the applicant wants for the extension request to be from the date of commencement of construction. If you look at Section 510 of the Ordinance what the extension is for is the completion of construction. As you know, you have a one year window to start construction and a two year window to complete. In the Ordinance, what you are actually extending is from the year 2009 date to the year 2010 date and they must start construction somewhere within these dates. So the motion will be as the City Planner drafted in you packets to January 6, 2010 for full completion of the project.

Rene Daniel moved to approve an extension to the approval date to January 6, 2010, with all the stipulations and requirements based on the first motion of acceptance.

2nd by **Greg Blake**

The vote was unanimous in favor 7-0

Mr. Reidman explained to the audience the purpose of a workshop, so the Board can take comments from the Public.

Workshop – Note: Public comment will be accepted during the workshop.

Rene Daniel moved to recess to workshop

2nd by **Paul Emery**

The vote was unanimous in favor 7-0

6. **Recess to Workshop**

7. **Land Use Ordinance – Section 404 - Sign Regulations – Discussion will be limited to sign provisions in the City Center District and General Provisions for signage. Signage for other commercial districts will be addressed at a later time. The intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing businesses while recognizing the City’s goal for a**

more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Chairman Reidman explained the workshop is for the City Center Zoning District (generally downtown Westbrook) and the General Provisions section of Section 404 – Sign Regulations.

Molly Just read her memo into the record:

Summary

City staff is in the process of updating regulations for signage in the City Center Zoning District (generally downtown Westbrook) and the General Provisions section of Section 404 – Sign Regulations. The existing and draft sign regulations are attached for reference. At this point our focus is on sign regulations in the City Center District and General Provisions for signage. Signage for other commercial districts will be addressed at a later time. The General Provisions section of the sign regulations is intended to cover provisions that would apply to signs in all zoning districts generally, such as definitions necessary to clarify major terms and major issues regarding signage such as illumination, traffic safety, and non-conforming signs.

With this update our intent is to be content neutral and to streamline the sign regulations and fill in gaps that are missing from the current regulations. The existing regulations are not comprehensive enough to meet today's needs given the advanced lighting, materials, and design technologies and the new businesses that are attracted to downtown Westbrook. Signage has a significant impact on the overall image and environment downtown where there is a greater amount of development and that development is more compact than in other areas of the City.

Background

The City Center District was established to return downtown Westbrook to a prominent regional service center and includes an overlay of design standards to encourage new development consistent with the goal to revitalize downtown. Consistent with the vision for the City Center District, our intent is to create a more streamlined, yet comprehensive, and user friendly set of regulations for signage that acknowledges existing signage while recognizing the City's goal for a more pedestrian oriented setting with a greater mix of uses to boost the overall success of downtown Westbrook.

Our ultimate objective downtown is for visitors to park once while visiting a number of businesses and for downtown residents to walk to work, shopping, and entertainment destinations. Therefore we need to introduce sign types and sizes that are more scaled to the pedestrian such as awning, blade, and sandwich board

(currently allowed) signs. Another part of increasing the use mix and attracting residential uses downtown will be reducing light pollution going forward. Residents will likely not want to experience light trespass from neighboring business signs. We are proposing a cut-off time for signs as well as introducing additional language regulating the brightness levels on-site and light trespass off-site.

Major Concepts

City Center District Sign Types Allowed	Existing Regulations	Draft Regulations
Blade (overhanging)	No	Yes
Awning (overhanging)	No	Yes
Freestanding "Pylon"	Yes	No
Freestanding Ground Mounted	Yes	Yes
Sandwich Board	Yes	Yes
Message Board	Yes	No
Information "Direction" Signs	Yes	Yes
Time and Temperature	Yes	No
Banners/Community Events	Yes	Yes
Building Mounted	Yes	Yes
 Comparison of Major Concepts		
Illumination (turn off required)	No	Yes
Materials (metal allowed)	No	Yes
Number of building mounted signs allowed	2 per tenant per exterior face of building along a street or parking lot.	1 sign (total) per exterior face of building along a street or parking lot. May be coupled with an awning sign, sandwich board sign, and freestanding ground mounted.

Outreach

In early December staff met with representatives from sign consulting firms that do business in Westbrook in order to get input from professionals with significant experience in creating signs and addressing the signage needs of the local

business community. Our overall objectives and major concepts were generally well received and these professionals provided helpful input and guidance. At the beginning of January staff circulated a letter (see attached) to downtown businesses notifying them of this project and of the Planning Board Workshop which would provide an opportunity for public input. Staff views the Planning Board Workshop as an opportunity to get initial feedback from the Planning Board and the community in an informal setting.

The next step would be to revise the draft regulations based on the input gathered to date and bring it back to the Planning Board. The Planning Board may choose to schedule a public hearing and ultimately make a recommendation to the City Council. Once the City Center District and General Provisions sections are adopted by the City Council staff will begin work on sign regulations for the other Zoning Districts where business uses are allowed.

Ed Reidman asked to define the City Center Zone District; this includes everything on the Main Street corridor, from the triangle area all the way to the Gorham line, to William Clarke Drive (both sides), to the Hannaford Property.

Molly Just clarified that she does not believe that the business zone does not go to the south side of William Clarke Drive.

Ed Reidman said it crosses in some areas.

Molly Just explained that it does not include Hannaford Brothers, as this is a Contract Zone.

Paul Emery asked at the hardware store near the by-pass, on occasion there is a sign with wheels that has advertisements on it. Is it possible to explain how this fits in the present regulations and how it will fit in the new regulations? I can not see how it fits in any of the categories.

Ed Reidman said as we move forward, we will ask Rick Gouzie.

Molly Just said I plan to explain what is proposed to be different.
In the existing ordinance:

A. Stationary. All signs or advertising devices must be permanently affixed to the real estate. They may only identify the occupant of the premises or advertise the article or services available on the premises on which they are situated.

This section stays the same

B. Number of Signs. Maximum Height. On each lot, not more than two (2) signs are permitted affixed to each exterior face of a building fronting on a public street or parking lot for each occupant. The topmost element of any sign may not be higher than

ten (10) feet above the cornice line of the building; except that in the City Center, it may not extend higher than six (6) feet above the cornice line of the building.

Proposal:

B. Number of Signs. On each lot, not more than one (1) building mounted, blade, or ground mounted monument sign is permitted fronting on a public street and/or parking lot. Such sign may accommodate the listing of multiple tenants.

We are also proposing to not allow any part of a sign to go above the cornice line or parapet of any building.

C. Area of Sign. The total area of all signs permitted on the face of a building fronting on a public street or parking lot may not exceed one hundred (100) square feet for each twenty-five (25) feet of building frontage; except that in the Industrial Park District, the total area may not exceed two hundred (200) square feet. In the City Center District and Business/Professional Office District the total area may not exceed the lesser of one hundred and fifty (150) square feet, or 5% of wall area on which the sign(s) is (are) to be placed. The total area of all signs for a property in the Highway Services District and Gateway Commercial District shall not exceed five hundred (500) square feet. The total area of all signs for a property in the Industrial Park District shall not exceed three hundred (300) square feet. The total area of all signs for a property in the remaining districts shall not exceed two hundred and fifty (250) square feet. (Ord. 01/26/06); (Ord. of 05-15-06)

Molly Just asked the Board to skip down to the City Center District. The proposal would continue to allow a building mounted sign the size of 5% of the wall area where the sign is placed.

D. Free-Standing Signs. Where buildings are set back at least forty (40) feet, one (1) free-standing sign may be erected within the open space fronting upon a public street. The topmost element of a free-standing sign may be no more than twenty-five (25) feet above the average level of the ground between the supports of the sign. The sign must not obstruct the view of oncoming pedestrian or motor vehicle traffic.

Molly Just explained that in the downtown area, our vision is to have that area be more pedestrian oriented. Most of the buildings in the downtown area are built close to the sidewalk.

We are proposing that buildings wanting a free standing sign would need to be set back twenty (20) feet from the street. We propose not to allow the free standing pylon signs (meaning attached to a pole).

The free standing sign maximum height currently is twenty-five (25) feet high. We feel that on Main Street where cars are going much slower, where there are smaller, closer buildings, with more pedestrians, you do not necessarily need twenty-five foot high signs. We are proposing an eight foot maximum height for free standing signs.

E. Divided Building. Where a building is divided by partitions and is occupied by separate entities, and where the building is constructed so that part of it is located within forty (40) feet of a public way and one or more of the entities within is entirely located at least forty (40) feet back from that way, there may be one (1) free-standing sign within the open space

fronting upon the way. Only those entities located at least forty (40) feet back may utilize space on this sign.

Molly Just explained that this is simply confusing; this is basically discussing multiple tenants. We have covered that; you can have more than one tenant. Paragraph E is actually coming out of the Ordinance,

F. Area of Free-Standing Sign. A free-standing sign may have an area of not more than one hundred (100) square feet, except in the City Center and Business/Professional Office Districts where the area may not exceed fifty (50) feet for a single business and one hundred (100) square feet for multiple businesses on the same premises. Any exterior linear dimension of a free-standing sign may not exceed sixteen (16) feet. (Ord. 05/15/06) (Ord. 08/21/06)

Molly Just said that we are not allowing pylon signs or pole mounted signs, but we are proposing ground mounted signs. Currently a single business could only have fifty (50) square feet we are proposing sixty (60) square feet that can list multiple tenants on the sign, so this would be an increase.

G. Illuminated Signs. Illuminated signs are permitted but they may not be intermittently illuminated or animated, with the exception of changeable electronic board signs in which the message changes at intervals of more than once every five (5) minutes and where the sign is a permanent component of the sign design and module. The total size of the changeable board area shall not exceed sixty (60) square feet.

Molly Just explained that we are keeping “they may be illuminated, but not animated. We are proposing to take away message board signs. What we have found is that message board signs can be abused and are not appropriate for the City Center District. The message board sign is like what is in front of the Public Safety Building. The current ordinance allows message board signs as long as the message does not change more frequently than once every five minutes. We have had instances with flashing signs that are not allowed.

Ed Reidman said that the exception would be time and temperature signs.

Molly Just said we are proposing to not allow time and temperature signs also.

Ed Reidman explained that type of sign is mandated by a State of Maine regulation.

Molly Just acknowledged and explained that staff is worried about the abuse for these types of signs.

Cory Fleming asked if projected type illuminated signs be allowed?

Molly Just said this type of sign has not been contemplated.

Natalie Burns said that the City of Portland allows special event signs, so this type of sign may fall under that category.

Cory Fleming said she would like to see that type of sign be allowed with conditions added to time of illumination constraints.

Ed Reidman asked staff to add this type of signage on the list for review.

Molly Just said she would research the digital projected signs and how they can be added to the ordinance.

H. Informational Signs. Informational signs no larger than four (4) square feet, and containing no advertising are permitted on private property to direct traffic flow, indicate parking space, or provide other essential information to guide vehicular or pedestrian traffic flow with respect to that property.

Molly Just moving on to informational signs, these are directional signs and staff proposes to continue to allow them as they are informative with no form of advertisements.

I. Materials. Signs can be made of multiple materials, except that:

- (1) Plastic signs are not permitted in the City Center District and the Business/Professional Office District. In those this districts, signs shall be constructed of natural materials, including, but not limited to, wood, stone, or composite material providing similar texture, except that, (Ord. 05/15/06_*
 - (a) Internally illuminated signs constructed of metal and plastic may be allowed in the City Center District and Business/Professional Office District to identify the major tenant of buildings with over three (3) floors, as measured from street level. The following standards apply:*
 - (i) Only one (1) sign is permitted per façade,*
 - (ii) Only the building's largest tenant, or top-floor tenant may be identified by a sign,*
 - (iii) Signs may not be placed below the third (3rd) floor of the building,*
 - (iv) Signs may not be placed on facades facing a property line that directly abuts a residentially zoned property. (Ord. 01/23/06) (Ord. 05/15/06)*

Molly Just explained that staff has had quite a problem determining the type of materials due to our current City Center provisions not allowing metal. A lot of the more attractive signage that has been applied for have metal in the signs and we have not been able to allow them. Staff wishes to add metal to the allowable materials.

We are not proposing to take anything away and staff's recommendation continues not to allow plastic signs. Some plastic signs were placed in the area, before this ordinance was adopted.

I. Overhanging Signs. Signs may not overhang the public right-of-way.

Molly Just explained the proposed change will allow Blade or Canopy signs with proof of Insurance for the coverage for the sign in the public way. The proposed language will cover the distances allowed in the Public Way. This type of sign can not obstruct the site of pedestrians and vehicular traffic.

J. Time and Temperature Signs. Time and temperature signs are permitted in these districts, but must be included in the total square footage allotment for the structure.

Molly Just deferred the Time and Temperature signs to Natalie Burns.

Natalie Burns said she will review new State Regulations for Time and Temperature signs and report to the Planning Board her findings.

K Sandwich Board Signs. Sandwich Board signs are permitted in the City Center district. They are restricted to 2' x 4' in size per side, may have writing on both sides, must be placed adjacent to the structure, and shall not block pedestrian movement along a sidewalk or vehicular visibility.

Molly Just said this is not changing.

404.4 Light Source Regulated. In all districts, a lighting fixture that directly or indirectly illuminates a sign must be designed so that the light source itself is shielded from view. This does not apply to signs illuminated by neon or illuminated tube type signs.

Molly Just said we do not have a lot of detail guiding business owners on how much and how to control light from their signs. I can go into this in more detail with further research. What we are proposing is a cut off time for lighted signs, which will be at a reasonable time in the evening to a reasonable time in the morning hour. This will cover a business that is open at 11:00 pm, the sign will be lit, but if your business is closed, then the business sign will be turned off.

Everything else is generally the same.

404.8 Variance and Nonconforming Uses. The granting of a variance from these sign ordinance provisions is prohibited. Where a sign exists as a nonconforming use, it shall not be extended, altered or enlarged, except that routine maintenance is permitted. Any entity proposing a development requiring Site Plan Review shall, as a condition of any approval of such development proposal, be required to bring any signs into conformance with the provisions of this ordinance.

Molly Just explained that we may be more descriptive as to what is a nonconforming sign.

I do want to stress that any sign that is existing now; we are not proposing that you take it down. This is not a retroactive ordinance; this change will not require taking the sign down.

Cory Fleming asked about the nonconforming signs that could be damaged, can the sign be replaced as is; or does it need to be replaced in a conforming manner.

Natalie Burns said that is addressed in the proposed language in section 404.1:

H. Nonconforming signs. Nonconforming signs shall be subject to the following provisions.

- 1. Nonconforming signs may continue to exist, so long as the use remains the same, the business remains open to the public, and if the signs are maintained in a safe, neat and clean condition.*
- 2. Any nonconforming sign that is altered, relocated or replaced must be made to conform to the provisions of this subsection at the time of the alteration, replacement or replacement. Alteration could include a change in color, material, illumination, wording, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition.*
- 3. Any nonconforming sign that is in need of repair must be made to conform to the provisions of this subsection if the repair takes place on more than fifty (50) percent of the sign area, including sign supports.*

Natalie Burns said if the sign is completely damaged, you would need to bring the sign up to conforming standards, but if the sign is partially damaged, you have the right to repair what is there.

Greg Blake asked who determines if the sign is the need for repair.

Natalie Burns said normally the business owner determines the need for sign repair. I do not believe that there is any section in the Ordinance that gives Code Enforcement authority to request a sign repair; unless it is a public hazard.

Rene Daniel asked about grandfathered signs and a replacement schedule for any point in time, is there any strategy?

Molly Just said she can recall at least one damaged sign in the City of Westbrook and as Natalie said if the sign is not damaged more than 50 % and the business owner does not repair the sign, there is nothing in the City of Westbrook Ordinance that allows enforcement action.

Rene Daniel expressed the need for a strategy for a replacement of grandfathered signs.

Molly Just said this is a big part of staff's effort. The regulations do not address a lot of the more current types of signs and materials directly, so there is confusion of what is and what is not allowed. What we are trying to do is to get more comprehensive, to acknowledge more types of materials, but getting back to your statement that nonconforming signs could go away, what would be your idea to get there. Are you talking about expiration?

Rene Daniel said that would be one way of going about achieving my suggestion. I understand that the word “grandfathering is a vague word, even if you said a sign could be grandfathered for seven years. Businesses should change there signs once every ten years.

Cory Fleming asked if training could be developed and would it be possible to introduce the new ordinance at a Chamber meeting.

Erik Carson said that training could be done in coordination with the Chamber or the Rotary.

Ed Reidman asked when a business moves and a change of use happens, are they required to get a different occupancy permit?

Richard Gouzie said without pulling a building permit required, no new occupancy is required

Molly Just suggested that one way we could remove some of the signs; I suggest when a business moves they should remove sign within six months of the cease of business.

Ed Reidman said that would take care of when a business moves, but does not cover a change of use.

Rene Daniel asked Natalie Burns if six months for the removal of signs is an average time.

Natalie Burns explained for an amortization you need to calculate the value of the sign and what amount of time it takes for someone to get their money back. Please note another provision referring to the moving of a business into a location where there is a nonconforming sign, if they make changes to that sign that is covered under H. #2. This is a broad provision:

- 2. Any nonconforming sign that is altered, relocated or replaced must be made to conform to the provisions of this subsection at the time of the alteration, replacement or replacement. Alteration could include a change in color, material, illumination, wording, or of any component of the sign other than for basic maintenance to ensure a safe, neat and clean condition.*

Natalie Burns said this part of the Ordinance enhances the requirement for sign conformance.

Ed Reidman asked if we have completed the regulations as stated, next we discuss the proposed changes.

Molly Just yes

Ed Reidman Before moving on is there anyone in the audience that has any comments.

Bruce Bailey from Bailey Signs, said he does not agree with the suggested ordinance

Steve Corey asked if the staff is saying a sign can only be eight feet high.

Diana Brown asked Steve Corey where he would place a free standing sign.

Steve Corey said in the grassy area.

Diana Brown confirmed that Steve Corey's building was not twenty feet back from the lot line.

Steve Corey asked for guidance on a sign for his business.

Molly Just said the proposed language will allow you more types of signs than what are currently allowed.

I should go over the free standing sign type that we are allowing, because that is a big change. Currently business owners can have Pylon Signs. Molly read the proposed language into the record:

D. Ground Mounted Monument Signs. Ground mounted monument signs are signs mounted to the ground by a solid (opaque) base structure made of wood (painted or varnished and weather treated), brick, or stone. Such signs are not mounted to the ground by poles and are not "pylon" style signs.

Ground Mounted Monument Signs are allowed where a building is set back twenty (20) feet from the back of curb of the public way closest to the proposed sign location. In no event shall such sign be located closer than six (6) feet from the back of curb of a public street. If the proposed sign would be located along a public street that includes or is planned for a public sidewalk then in no event shall such sign be located closer than three (3) from a public sidewalk.

Molly has reviewed how other towns handle signs in their Main Street areas and the proposed language should cover site distance for traffic.

B. Ground mounted monument signs shall be no taller than eight (8) feet total, including the base, sign, and any supports and/or framing. Such sign shall be no greater than sixty (60) square feet in size.

Molly said this is a little bigger than the free standing signs currently allowed, in terms of square feet. In terms of height currently a free standing that is twenty-five feet high is currently allowed. The height would be like Westbrook Service Centers current sign. This is a very tall sign and in staffs opinion it is not appropriate for Main Street, in reference to make signs have a more pedestrian oriented scale.

Molly explained lighting methods in the proposed language:

C. *Where a ground mounted sign is allowed, a building mounted sign may also be allowed. Where both ground mounted and building mounted signs are proposed, the lighting method of the building mounted sign may be individually backlit characters or "halo" effect only.*

Editors note an unidentified Business Owner felt that the "Downtown business were being penalized" due to their location. If you are allowing two signs throughout the City, allow all zones the ability to have two signs.

Molly Just explained that what we do add, but is not allowed now is awning signs and the blade signs. This would allow a building mounted sign and an awning sign with advertisement on it, or even a blade sign with an awning sign.

Ed Reidman said that on Main Street one building could have several businesses with separate occupants. Each one of the uses would want a sign on the front of the building.

Are we limiting ourselves by a single building concept? Do we need to define the difference between a single building and a building with many tenants for the signage?

Erik Cason said that one of the ways you can define this is with the use of awning signs. This could define multi tenants in a single building. An example is the Warren Block that has Portland Pie and the frame shop that has the business names on the awning. Freaky Bean and Full Court Press have a building mounted sign as well as an awning.

Ed Reidman said he is not concerned with the advertisements, what I am concerned with are we limiting signage due to multi tenants in the same building?

Erik Carson said we can accomplish this by allowing individual signage.

Molly Just said that a single building with multi tenants has not been discussed. We will research this further.

Ed Reidman expressed concerns on behalf of the Code Officers; how can they enforce the sign ordinance if it has such an issue. I would like to address it now.

Molly Just said that staff will work on this article to clarify single buildings with multi tenants.

The representative from Bailey Sign expressed concerns for the second floor tenants and their ability to obtain signage. Another issue would be (in a multi-tenant building) are you going to allow a single sign with multi tenants listed on the sign?

Erik Carson recommended using one sign for the tenants or will attach a sign at pedestrian level to identify the tenants, which allows for easy changes.

Cory Fleming asked where street numbers fit into this.

Molly Just said the street numbers are required in the Ordinance.

Cory Fleming asked if staff could develop a brochure with preferred sign styles, or a website to use as a tool for businesses to utilize so they may understand what the City of Westbrook is looking for with signage.

Molly Just said that something could be provided.

Cory Fleming suggested that Erik Carson as Economic Development Director could use this tool also.

Ed Reidman asked for clarification on:

- E. *Directional Signs. Such signs may be freestanding or building mounted and shall not count toward the number of signs allowed per exterior face of building. Directional signs shall contain no business advertising and are permitted on private property in order to direct traffic flow, indicate the location of parking, or provide other essential information necessary to guide vehicular or pedestrian traffic flow within the private property. Such signs shall be no larger than two (2) square feet. Tenant listing signs shall not be considered directional signs.*

This indicates that you can not have any business advertising. If you go to South Portland in the Maine Mall area you will see a series of directional signs that directs you to certain businesses, these are ground mounted signs that tell you what driveway to go into. I do not know if this type of sign is what you are describing or uniform traffic control type signs.

Paul Emery asked if a business has a face mounted sign, which identify the business and if they have this additional parking lot sign, how many signs are they going to be allowed.

Mr. Emery further explained the type of sign you can advertise specials on, etc., which advocates for the business.

Diana Brown explained that the advertisement type sign that is near the hardware store notifies that the store leases that type of sign. I have explained to him that he can not use them for advertisement for his store. I have also asked him not to lease them to anyone in Westbrook. The signs are not allowed. I have been watching for this type of advertisement. If this has been going on, I have not seen it. I will watch this business closer.

Bailey Sign representative asked about the directional signs as stated this evening there will be no changes; in the old ordinance it says 4 square feet; in the new ordinance it says 2 square feet.

Molly Just said in the City Center District you need to see the signs and 2 square feet is sufficient. I do not think you need 4 square feet.

Ed Reidman said these are more like regulatory signs.

Bailey Sign representative said like entrance or exit signs talked about in a previous meeting. The sign that is required when an entrance is on a different street than what your business is on, so it lets customers know where your business is. This is a 1 x 2 sign with a ten inch letter on it.

Erik Carson said there are also the OBD signs, that the State has and I am sure that they are not more than two square feet. These are the blue sign for businesses that directs customers to the location.

Bailey Sign representative said you are discussing off premise signage for directional uses, I thought we were discussing on premise signs.

Erik Carson said yes that is correct, so these types of signs would not be used in this case.

Michael Taylor asked what the ultimate goal is for the proposed language change. What are we trying to get to? I wish the City of Westbrook would design a grant for businesses who wants to change their signs. This would allow some of the older signs to get updated for the design that has been created for the downtown area. We need to discuss the vision for the downtown area and how do we help our existing businesses meet that vision.

Michael also asked if the sign that has been installed for the pediatrics facility temporary or permanent. If this is a temporary sign, is there something in the ordinance that states how long the sign can stay?

Erik Carson asked if you were discussing Maine Medical. Staff discussed this sign with the designer on several occasions. The original proposal was a large (40 square foot), metal curb sign that was internally lit, on that corner. The Code Enforcement Office said that was not allowed, therefore the temporary sign was installed.

This resulted in a discussion of a proposed permanent face mounted sign between the first and second floor on the wall facing Harnois Avenue. They are in the process of developing the sign. We can check with the applicant to verify the progress of the new sign.

As to your other question about grants, the City of Westbrook has a Municipal revolving loan fund which we have loaned about \$350,000.00 dollars in the past four years. A good portion of these loans are in the downtown area. The Council has given my department permission to loan businesses any façade improvements. I would think that signage falls under this category.

I will check with the City Council to confirm the signage category to fall under the façade improvement category.

Michael Taylor asked if you have approached the businesses in the downtown area.

Erik Carson said not yet.

Molly Just said we can not work with the businesses to improve their signs until we clarify the sign ordinance changes. What we need to do is get additional signage

materials and lighting clarified, so we can work with the businesses for any sign changes.

Sam Novak with Hub Furniture commended the Planning Department for meeting with the sign companies, but should have also invited some of the business companies to the meeting, so they could anticipate some of the changes.

I was mailed copies of the current sign ordinance, with no agenda for tonight's discussion. I think it would have been advantageous to have prior knowledge of this discussion, so the businesses could have had researched the proposed sign ordinance and how it would impact our businesses.

I do not believe this will not impact my business. But we are at a turning point for the downtown area and suggested another meeting with a few business owners to get input for any proposed sign changes. The City of Westbrook needs to include and ask for business participation of who the proposed changes may affect.

Ed Reidman said he hears what you say and I will say this is the first time the Board has looked at this.

Molly Just said this is the beginning of the outreach of businesses so we can all be on the same page. This is the first time this has been presented to the Planning Board and this is why this is an informal meeting.

Deanna with Bailey Sign expressed the need to encourage business owners to represent themselves. As Molly has said, current businesses do not have to remove their current signs, but there is no mention of businesses wanting to change their sign as an existing business owner this will also affect you as your sign is nonconforming. If a business chooses to change their signs, they will have to follow the standards as written.

Public Audience (*editors note not identified) what would make a business owner change a non conforming sign.

Ed Reidman said that the change would be if the sign needed repair. Mr. Reidman also explained that if the people of Westbrook and the Chamber of Commerce want to play a role in the changing of signs in the City of Westbrook there will have to be movement forward to keep it going.

Erik Carson said this is a beginning of the process. There are some things to look at or add that staff needs to review. Having a design or preferred signage packet is a very positive idea.

Ed Reidman asked 404.3 downtown district on 3.2 illumination window signs Disability RMS as an example, what you are saying in that section is; they could put a sign in every window in that building? They could take only 25% of all the windows without taking out a permit?

Molly Just said we would need to limit window signs to first floor.

Ed Reidman asked the Board to review that section.

Cory Fleming asked if there will be any additional workshops. Would it be possible to ask the Chamber of Commerce to attend the next workshop?

Ed Reidman said yes.

Greg Blake asked to go through the Power Point presentation that shows the different sign types.

Molly Just went through the examples of signs from the Power Point presentation and explained the different types of signs and the materials that they are made of.

Deanna from Bailey signs asked about the limitation in the Ordinance of using plastic only on a third story the signs? Does that also mean on a pylon sign or a monument sign that plastic can not be used?

Molly Just said that is the way the ordinance currently reads and we propose keeping the language the same.

Deanna from Bailey signs said there is no way to internally light a metal sign unless you use plastic backed up on the sign. Even the sign we proposed for the bank in the down town area has plastic backed up to allow the light to come out of the letters, the rest of the sign is metal. The light needs to come out somewhere.

Molly Just asked if the letters were metal.

Deanna from Bailey signs confirmed that the letters are plastic.

Molly Just asked what the face of the letters was made of.

Deanna from Bailey signs said plastic. On the example you could suggest a routed face which does include plastic but is not acrylic.

Ed Reidman said that the type of sign being discussed would not be allowed in the down town area.

Molly Just said that is more lenient than the current provision.

Ed Reidman explained that the type of sign will not appear on a business such as Hub Furniture or on the T & T building.

Molly Just said this type of sign is a compromise. Staff had originally proposed no free standing signage at all.

Deanna from Bailey signs understands not allowing that in the downtown district, but you are including William Clarke Drive in that district.

Ed Reidman said even on William Clarke Drive you have it limited to the placement of signs.

Erik Carson said that there may be instances where a business will be on a side street and how you identify where they are or what they are, from Main Street. I think Staff should discuss this further.

Ed Reidman said the process will be longer than what anyone anticipates, We need to take the time to discuss the situations in this area or whole community are right and proper, so once the pieces are together, we will not be back in a few years discussing what we should do with the signs.

Ed Reidman asked if staff wants to discuss the draft provision in section 404.1.

Molly Just said it covers illuminations

Ed Reidman asked if these are General Provisions that covers any and all zones.

Molly Just said that this is general summary;

4. *On property abutting residential development, illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial, and industrial establishments during such hours as the establishments are open to the general public.*

Ed Reidman asked if the mill sign can be illuminated at all times.

Erik Carson said yes, and at the same time, if there is a midnight madness sale down town all business signs can be lit.

Ed Reidman expressed his concern that we are trying to add residential areas in the down town area and the 11:00 p.m. cut off for illumination of signs can inhibit residential areas.

Deanna from Bailey sign asked to look at #3 on the first page:

3. *Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. Signs shall not be illuminated from within unless they utilize light-colored letters and symbols on a dark-colored background in order to avoid glare radiating from the sign. Sign*

illumination shall be of a reasonable intensity and shall avoid excessive brightness or glare on nearby properties and to avoid creating distractions on the street. Illuminated signs shall be constructed and erected in such a manner as to deflect light away from residential properties and public roads.

One question is on “Signs shall not be illuminated from within unless they utilize light-colored letters and symbols on a dark-colored background in order to avoid glare”

There is also an option of using an opaque white background with a dark letter which means the white background would not light, it would just light the letters. This example obviously does not have a dark background.

Molly Just said this example is essentially just the opposite.

Deanna from Bailey sign said if the background is white and the letters are orange like the Shaw’s sign for an example, the white background does not light up.

Ed Reidman asked Richard Gouzie about any enforcement issues, who decides what is a dark back ground?

My concern is I do not want to have the Code Officers define everything. I understand the purpose, but the verbiage is a judgment call, on the Code Officers part. If the sign company disagrees with you, can they appeal your decision to the Board of Appeals?

Richard Gouzie if the sign company wanted to appeal my decision, first off, I would have to give them a written decision saying their plan does not conform to the sign ordinance and then they can apply for an administrative appeal to the Zoning Board.

Ed Reidman explained that when the Ordinance was re-written, we tried to keep conflict away from the Code Enforcement Department. With this re-write, we need to make the ordinance at least defensible.

Deanna from Bailey sign asked if in #3; is it the intent to eliminate electronic message boards anywhere in the City of Westbrook

Molly Just said that is not staff’s intent.

Eric Carson said it is the difference from steady stationary versus scrolling.

Deanna from Bailey sign asked Molly about. #1:

- 1. For traffic safety, the entire sign (including base, sign, framing, and supports) located on a double frontage corner or near a business exit lane shall be either below three (3) feet or above ten (10) feet (if such height is allowed by the provisions herein) in height from the average ground level when the sign is within fifteen (15) feet from a public right-of-way.*

Is that referencing a free standing sign?

Molly Just said that is a pylon sign and that is so people in a car can see.

Deanna from Bailey sign asked if that was for any free standing sign.

Molly Just said wherever that height is allowed within the provisions.

Deanna from Bailey sign said where you have added the entire sign (including base, sign, framing, and supports). I do not see how you can have a free standing sign with everything above 10 feet without having a support below 10 feet.

Molly Just explained Section #1.

Ed Reidman asked about temporary signs must be removed three weeks after the certificate of occupancy has been given, is that is a reasonable time? If the building has been completed, but has no tenant, would a different sign be required?

Erik Carson said what he has seen real estate do, is identify how much of the property has been leased. We can look at the amount of time again so we may clarify this section.

Bailey Sign representative asked if all signs require permits

Molly Just said the only signs that do not require permits are the window signs.

Deanna from Bailey Sign said that if you have a construction sign or a real estate sign those all require permits.

Erik Carson said staff will review this section.

Deanna from Bailey Sign asked about E on page #2:

Sign Area Computation. Signs shall be measured from the outermost part of the sign, but not to include wall supports. Sign area includes borders or framing not required to affix a sign to a building. Sign area includes the base for a ground mounted monument sign. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.

Deanna from Bailey Sign asked if computation, would include the base.

Molly Just said yes

Deanna from Bailey Sign asked if the pole wrap on a pylon sign counted.

Molly Just said no.

Deanna from Bailey Sign said that is where the definition of ground mounted and free standing sign really is important.

Deanna said why waste square footage on support not the advertisement of the business.

Sam Novak asked what model this Ordinance is designed from.

Molly Just said this is modeled after Westbrook. We have reviewed other communities to see where this fits in.

Sam Novak asked what towns you have looked at.

Molly Just said Freeport, Saco, Old Town, Augusta, Portland and Brunswick.

Ed Reidman said at some point Saunders Brothers Property will be redeveloped and signage will be added within the property. This will not be on a public way; it will be on an internal road system at some point. What effect does the sign ordinance have on that type of situation?

Molly Just said the site plan application requires the signage to be spelled out and reviewed by the Planning Board.

Ed Reidman asked how the regulations fit where it is private property where the signs are being installed.

Molly Just said the Planning Board and the public through the planning board process would have say in that.

Ed Reidman said the Planning Board will have to require the developers include a presentation of signage during the site plan review process.

Deanna from Bailey Sign extended an invitation to the Planning Board members, staff and Committee Members to visit our shop, so you can see any materials and sign examples.

Ed Reidman thanked Bailey Sign and said the Board members will keep the invitation in mind.

Rene Daniel moved to return to regular session

2nd by **Dennis Isherwood**

The vote was unanimous in favor 7-0

Ed Reidman reminded the Board of the upcoming meeting for the Recreation, Parks and Open Space. The Board members have been given a questionnaire, and I ask that you complete this and return it to staff.

Cory Fleming commended the Staff on all the work that has been done on the Sign Ordinance re-write. It is a good start.

Ed Reidman said he will not be in attendance for the February meeting.

8. Resume Regular Session

9. Adjourn

*Respectfully submitted by Linda Gain PECE Secretary
MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE
RECORDING MAY BE OBTAINED BY CONTACTING ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105
ext. 220 and lgain@westbrook.me.us. THANK YOU*