

**MINUTES  
PLANNING BOARD  
TOWN OF DAMARISCOTTA  
MARCH 07, 2016  
7:00 PM**

**MEMBERS PRESENT:** Shari Sage, Stephen Cole, Jonathan Eaton, Bruce Garren, Wilder Hunt.

**STAFF PRESENT:** Anthony Dater, Planner; Matt Lutkus, Town Manager.

**AUDIENCE:** Debra Lucchesi, Phil Hatch, Norman Hunt, Rob Gardiner, Paul Blomquist, Bruce Rockwood, Gina Hamilton from the Wiscasset Newspaper, and Maia Zewert from the Lincoln County News.

**MINUTES:** Minutes for the February 1, 2016 meeting were not available for review at this meeting due to staffing changes.

**PUBLIC HEARING(S) – DRAFT 2016 ANNUAL TOWN MEETING WARRANT ARTICLES:**

Chairman Jonathan Eaton called the public hearing portion of the meeting to order. The Board reviewed the following revisions for a vote once the regular portion of the meeting was called to order:

1. **FLOODPLAIN ORDINANCE: TECHNICAL CHANGES TO TYPOS IN JUNE 2015 ORDINANCE**- Eaton reviewed the changes listed and that they were just typos and mislabeled portions of the existing floodplain ordinance.
2. **SHORELAND ZONING ORDINANCE: TECHNICAL CHANGE TO CORRECT LANGUAGE** – Eaton reviewed the changes listed – Section 13.F - corrections to the language on SLZ Commercial Zone to include Lot 6/4 on Water St. (Dolengowski) into the SLZ Commercial (downtown) Zone. Dater stated that it was inadvertently taken out on the most recent zoning map. Eaton asked the public if there were any comments thus far. There were none.
3. **LAND USE ORDINANCE: LANGUAGE CORRECTION** – Eaton reviewed the changes listed – Article 3.C.2.b - Correct language on C2 Commercial Zone to include Lot 1/67 (Cole) on Biscay Road and Lot 3/32 (Giggey) Main Street (Rt. 1B) into the C2 Zone. Dater stated that this was correcting the language in describing the boundaries & offered a draft of the 2016 zoning map for the public review. There was no public comment.
4. **ZONING MAP: INCLUDE LOTS ADDITIONAL LOTS IN COMMERCIAL SHORELAND ZONE** – Eaton reviewed the changes listed – (1) Dolengowski – 19 Water St. – include Lots 6/4 & 6/5 into Commercial Shoreland Zone. Dater told the Board this change was to update the maps. There was no public comment.  
**ZONING MAP: EXPANSION OF C2 BOUNDARY** – Eaton reviewed the changes listed – (2) Hagar – 162 Biscay Road – expansion of C2 boundary from Lot 3/8 into Lot 3/12-4. Dater told the Board this change was previously voted on in June – this was to update the map. There was no public comment.  
**ZONING MAP: EXPANSION OF C2 BOUNDARY** – Eaton reviewed the changes listed – (3) Cole – Biscay / Heater Roads – expansion of the C2 boundary to include all of Lot 1/67. There was no public comment.  
**ZONING MAP: EXPANSION OF C2 BOUNDARY** – Eaton reviewed the changes listed – (4) Giggey – 638 Main Street (Rt 1B) – expansion of C2 boundary to include all of Lot 3/32 also accessed at 22 Belvedere Road. There was no public comment.
5. **2015 COMPREHENSIVE PLAN: CHANGE FLUP (FUTURE LAND USE PLAN)MAP** - Eaton reviewed the changes listed – Change FLUP (future land use plan) Map to include Lot 6/4 on Water St (Dolengowski) into the Historic Downtown Area. There was no public comment.

6. DRAFT SIGN ORDINANCE: STILL IN REVIEW PROCESS – Draft #12. Dater stated as a matter of Public Hearing the Chairman could open the floor to comments, if any, and continue the review of the draft in the regular portion of the meeting. The Board agreed to hold their discussion until after the public hearing. Dater noted that the underlined parts were the new or changed items from previous drafts and the order has changed, placing the definitions at the end.

**PUBLIC COMMENT:**

- 1) Why doesn't the ordinance require multiple businesses be combined on one sign to reduce the number of signs altogether - instead of just "encourage" it.  
Eaton: the Board didn't go with making it mandatory because it really depends on the number of businesses at one location and if the property was large enough for that type of sign.
- 2) Why not require lit signs be turned off completely – maybe after a specific time of night, instead of turned down to 50% of max, to minimize light pollution at night and take into consideration the residents living within the commercial areas. It is VERY difficult to enjoy the stars.  
Eaton: requiring businesses to turn their signs down is a compromise and the downtown area is lit primarily by streetlights, not signs.  
Hunt: it would be difficult to quantify "light pollution" and requiring business signs to "go dark" is an extreme.  
Dater: light is measured by foot candles – but it is very difficult to enforce and it really is subjective.  
Garren: this particular item was moved at a previous draft.  
Sage: perimeter security lighting would not be included in the requirement to be turned down.
- 3) A lot of fluorescent signage is designed to either be ON or OFF – and do not support any dimming ability so it would prove problematic for businesses with this type of sign to comply with a requirement for all lit signs to be turned down.
- 4) How does the Town go about changing the streetlights?  
Dater: this ordinance does not cover streetlights– but any changes would go through CMP – the Town would need to open up that discussion with CMP.

As there were no more discussions, Eaton closed the public hearing portion of the meeting at approximately 7:35pm.

REGULAR MONTHLY MEETING, MARCH 7, 2016:

CALL TO ORDER: 7:35PM

- A. Review any changes and possible approval of six draft 2016 Annual Town Meeting Warrants for submission to the Selectmen or for further review by the Planning Board. On a motion Hunt/Garren: the Board moved to approve the changes as submitted for inclusion on the 2016 Annual Town Meeting Warrant Articles for:

1. FLOODPLAIN ORDINANCE: TECHNICAL CHANGES TO TYPOS IN JUNE 2015 ORDINANCE
2. SHORELAND ZONING ORDINANCE: TECHNICAL CHANGE TO CORRECT LANGUAGE
3. LAND USE ORDINANCE: LANGUAGE CORRECTION
4. ZONING MAP: INCLUDE LOTS ADDITIONAL LOTS IN COMMERCIAL SHORELAND ZONE  
ZONING MAP: EXPANSION OF C2 BOUNDARY  
ZONING MAP: EXPANSION OF C2 BOUNDARY  
ZONING MAP: EXPANSION OF C2 BOUNDARY
5. 2015 COMPREHENSIVE PLAN: CHANGE FLUP (FUTURE LAND USE PLAN)MAP

VOTE: 5-0 IN FAVOR

- B. Minutes – February 1, 2016 meeting

See above (page 1)

- C. Old Business

1. Mark Hoffman – Maine-ly Pawn at 535 Main Street in the C2 District: Application for Conditional Use Permit pursuant to the Site Plan Review Ordinance for outdoor display and storage of sales goods.

Mr. Hoffman was present for the meeting.

The Board reviewed the latest submittal from Hoffman, dated March 2016 regarding a fence, flowering bushes, and trees.

Hoffman: the fence is proposed as a split rail fence, 70 feet in length total, including 10 feet on each end coming in at a 45 degree angle for aesthetics. The planting proposed will either be rhododendrons or viburnums, noting that viburnums grow quicker; and Japanese willows. There will be annual plantings as well. The alternate option would be 4 x 8 sheets of plywood along the entire 50 foot length.

Eaton: quoted article 9 from the Site Plan Review Ordinance “...when the use abuts residential properties, materials shall be screened from ordinary view of the occupants of these properties by a suitable wall, fence, or plantings...”

CEO: this is going on 3 years – if the submittal in front of the Board is not sufficient the Board needs to be specific with Hoffman about what they want so this can be resolved.

Eaton: The Board must abide by the ordinances of the Town of Damariscotta.

CEO: Be specific about what you want for a fence.

Eaton: Plywood or Stockade – owner's choice.

Hoffman agreed.

Board discussed how a plywood fence will look, length & height etc.

Eaton: must be adequate screening. Get with the Planner & submit a diagram with size specifications & details including location of fence & materials to be used. The ordinance requires 6 feet in height.

Hunt: include color specifications for the fence.

CEO: The Town of Damariscotta does not issue permits for fences – fences are considered accessories.

There was discussion about graffiti on the fence. Damariscotta has no rules about graffiti.

Dater: graffiti that is advertising the store could be construed as a sign and would then have to meet the regulations of the sign ordinance, once approved.

Hoffman: fence will go up this week.

Hoffman argued the need of a condition use permit at all if he was constructing a fence because that means nothing is stored outside if it can't be seen.

Discussion about compliance with the ordinance and next steps, if any.

Dater: REVIEW - The Board asked for conditional use permit when Hoffman was storing goods outside overnight, which the Board does have that authority under the Site Review Ordinance. The applicant has made several submittals over the course of 3 years. At some point the Board needs to decide if this most recent submittal meets the Board's interpretation of providing a site plan that does proper screening to meet the ordinance requirements.

CEO: Agreed – if this most recent submission still does not meet the Board's requirements there should be a motion made. Conditional approval could also be an option for tonight's meeting since he's agreed to the plywood fence.

Dater: Conditional approval should include a site plan with dimensions and specifications.

Eaton & Garren: Why rush to push the matter through now? 3 years in – the Board should table the decision until they have a proper drawing depicting what will actually be built.

On a motion Hunt/Cole that the Board find the application for conditional use permit from Mark Hoffman of Maine-ly Pawn incomplete based on inaccurate site plan drawings – lack of dimensions: length, height; distance from driveway, distance from road; and color.

Vote 5-0 in favor

D. New Business

1. None

E. Other

1. Review any changes to the new draft stand-alone Damariscotta Sign Ordinance resulting from February 29<sup>th</sup> Planning Board Workshop.  
DRAFT #12:

*This item was taken out of order and placed first on agenda.*

Eaton reviewed changes:

Section 3; 1: strike Medical & Municipal Districts from that section & give Medical & Municipal Districts their own section (F) using wording from the existing Site Review Ordinance regarding sign size & appearance (page 26 subsection u).

Section 3; E: strike existing wording "...all internally & externally lighted signs or..." And replace it with "electronic digitally changeable signs shall be programmed to be turned down".

Garren: Each section should be started the same exact way for clarity; currently each section is introduced just a little differently.

Gardiner: clarification on page 3; article 4; other permitted signs, section A: – "any change in size, construction, location, or lighting shall constitute a new sign and be governed..." seems to indicate that if he were to change only the internal lighting mechanism of his existing sign from fluorescent to LED it would require him to obtain a new sign permit and he thought that in previous discussion it was determined that this type of change would not require permitting.

Garren: adding wording "...lighting that changes visual impact.." may take care of this concern.

Gardiner: adding wording that limited change without permit to maintenance type work.

Cole: it will still be subjective and may be difficult to enforce or monitor.

The wording "... lighting that changes the visual impact of an existing sign..." will be added to this section in **Draft 13**.

Garren: clarification on sandwich board type signs. Section 2D states that the CEO will consider several items in approving a sandwich board placed in front of another business, including securing permission from the other business owner. He felt this should be the responsibility of the applicant seeking to place the sandwich board, not the CEO.

This wording will be changed in **Draft 13**.

Garren: wording is missing from two of the three sections on home occupations – For consistency, he feels that all three sections should mirror the wording at the end of 3F.

This wording will be changed in **Draft 13**.

Garren: In Section 5; subsection 3: Billboards / animated signs – there's reference to a definition moving parts signs – that definition was removed previously. He feels it should not be referred to as a definition if it doesn't exist

as a definition. He suggested wording "other signs with moving parts.." and leave it undefined.

Garren: Inflatable signs are prohibited – should not reference the definitions in that section because it's not done that way anywhere else in the ordinance.

Gardiner: why they were not allowed. Was there a problem with them previously?

Hunt: it was in consideration of the character of the Town.

Gardiner: this type of sign could be on a case by case basis and permitted separately with certain restrictions. / limitations.

Cole: driver safety was also a factor that was considered.

Garren: it could be considered on a case by case basis under a special permit to be reviewed individually and there is a temporary sign permit provision in the ordinance that would allow a temporary sign for 90 days.

Gardiner: some type of wording specific to inflatables should be added if a special permit was going to be allowed.

CEO Stanley Waltz: there are different types of inflatable signs and maybe the Board should consider a distinction between inflatable signs and inflatable moving signs.

Inflatable signs will be required to obtain a special permit for temporary placement for not longer than 90 days.

Sage: not 90 days.

Hoffman: Are inflatable characters actually signs? Mascots? Definitions?

Cole: there are definitions in the ordinance.

Rockwood: Maine is not New Jersey – if you allow inflatable balloon signs – with or without verbiage; Maine starts to become New Jersey.

Gardiner: Ordinance could restrict distance to road, limit time period, require a special permit to make the owner / user responsible.

Eaton: Page 7 definitions – inflatable balloon type signs – ..."waving or swaying, verbiage..." should add wording "or not"

This wording will be added in **Draft 13**.

Sage: Special Temporary Permit for inflatables should include a distance from the road. This ordinance needs to look at the bigger picture to fit everyone.

Dater: Draft for Board to consider for inclusion in the ordinance:

"Inflatable signs are permitted only within the C2 district, with a permit, for a period of not more than 5 days, once per year and must be at least 250 feet off the road"

This wording will be added in Draft 13.

Dater will make the wording more legible.

Hunt: Page 3 section 3D – in a trip along the C2 district he found at least 15 manually changeable signs – the majority of which are 4 x 8. At least 1 is an electronic / manual sign. The largest manually changeable sign he found was approximately 60 square feet. His point being that the ordinance should not make the majority of existing signs non-conforming.

Garren: the size of manually changeable signs will not be affected by the ordinance. Only electronically changeable signs will be size restricted at 24 square feet - this has a high impact.

Gardiner: concerned about this type of limitation.

Hoffman: It is ridiculous to require a business to reduce the size of their sign due to changing technology.

Sage: It's more about the intensity of the illumination than the size for her. What about a ratio of sign size to lot size or road frontage?

Eaton: Don't believe it can't work that way legally.

Lutkus: Ordinance needs to be content neutral – should probably be a question for the Town Attorney.

Garren: Complicated slope to include ratios.

Cole: Maybe take a vote as a Board to see if 24 square feet should stand or should it continue to be negotiated.

Eaton: vote to address changes from tonight's public hearing?

On a motion Garren/Cole: to adopt the changes discussed tonight for draft 13.

Vote 5-0 in favor

The Board discussed the timing for a public hearing to continue process and still meet the town meeting deadlines. Lutkus told the Board that the deadline was April 13, 2016. The next public hearing will be held at the April Planning Board meeting.

On a motion Garren/Hunt: to adopt the proposed changes, including wording to permit 32 square foot digitally changeable signs, but only 75% useable as discussed tonight for draft 13.

Vote 4-0-1\* in favor

\*Sage did not vote

2. Questions from the public to Planning Board and Planner's Reports.

None

F. Adjournment

On motion Hunt /Garren to adjourn the meeting at 9:35 pm

Vote 5-0 in favor

Respectfully submitted:

  
\_\_\_\_\_  
Rebecca J. Bartolotta, Deputy Clerk

Minutes approved as submitted:

  
\_\_\_\_\_  
Jonathan Eaton

  
\_\_\_\_\_  
Bruce Garren

\_\_\_\_\_  
Wilder Hunt

  
\_\_\_\_\_  
Steven Cole

  
\_\_\_\_\_  
Shari Sage

Date: 05/02/16