

**Minutes
Design Review Board
September 24, 2020 — 6:00 PM
Town Council Chambers – Municipal Building — 93 Cottage Street**

Meeting was conducted remotely, via video (Zoom), due to COVID-19 (as authorized under the provisions of MRSA §403-A, approved by the Maine Legislature in March 2020 as part of LD 2167)

I. CALL TO ORDER

The meeting was called to order at 5:59 P.M. Members present: Barbara Sassaman, Chairman; Andrew Geel, Vice-chairman; Peter Bono, Secretary; and Pancho Cole, Member. Three seats on the board are vacant at this time.

Staff present: Michele Gagnon, Planning Director, and Steve Fuller, Assistant Planner.

II. EXCUSED ABSENCES

There were no absences.

III. ADOPTION OF THE AGENDA

Mr. Cole moved to adopt the agenda as presented. Vice-chairman Geel seconded the motion and the Board voted unanimously, 4-0, on a roll-call vote to approve the motion.

IV. APPROVAL OF MINUTES

- a. August 13, 2020 (meeting minutes)*
- b. August 27, 2020 (workshop notes)*
- c. September 10, 2020 (meeting minutes and workshop notes)*

No one offered any changes to the three documents. Mr. Cole moved to accept all three documents as submitted, seconded by Vice-chairman Geel. The motion then carried unanimously, 4-0, on a roll-call vote.

V. PUBLIC COMMENT

There was none. Assistant Planner Fuller noted for the record that his email address was included in the posted agenda as a means for any interested party to make comment, but that none had been received as of the start of the meeting.

VI. BUILDING PERMIT REMINDERS

Chairman Sassaman reminded the applicant that he would need to apply for and receive a building permit prior to commencing any of the activities approved at the meeting.

VII. REGULAR BUSINESS

- a. Certificate of Appropriateness**
 - Application:** DRB-2020-31 (Paradis Hardware sign)
 - Applicant:** Gerald J. Paradis, Inc.
 - Owner:** 108 Cottage Street Associates, LLC

Project Location: 31 Holland Avenue (104-184-000)

Proposed Project: Installation or changes in sign or awning (new sign of same size and colors to replace existing sign)

Paul Paradis was present as the applicant. Chairman Sassaman noted that Mr. Paradis intends to change one sign on each of his two buildings (each on a separate parcel), but as this was the second sign on one of the parcels (identified above), it required DRB approval.

None of the board members had any questions. Mr. Paradis offered to give a quick summary of the project but Chairman Sassaman said it was not necessary. He explained the only other difference in the two signs, present and planned, is that the present sign has carved lettering while the new sign will have lettering designed to look like it is carved. Colors are the same.

Mr. Cole moved to approve the application as submitted, which Vice-chairman Geel seconded. The motion then carried unanimously, 4-0, on a roll-call vote.

VIII. OTHER BUSINESS

Chairman Sassaman said based on the application the board heard that night, it seemed it may have made an oversight when it allowed for the non-DRB reviewed replacement of single conforming signs of a certain style (wall-mounted, hanging, or window) but left out other styles such as free-standing.

Assistant Planner Fuller noted that Planning Director Gagnon, prior to the meeting, had said the distinction may have been intentional because free-standing signs can have a different impact on traffic than the other types of signs that are mentioned in 125-67 BB. (6) (o) [1]. She said the types of signs listed in that section now are less visually cluttering to motorists than other types of signs, such as free-standing signs.

Chairman Sassaman noted that this section of the ordinance deals with already existing, conforming signs. Assistant Planner Fuller read the section of the ordinance aloud for everyone's benefit. He said the key variables seemed to be that it was a.) limited to one sign, and b.) limited to certain types of signs.

Chairman Sassaman said she saw no reason to not include free-standing signs in that provision. Assistant Planner Fuller asked if there was a desire to change the singular nature of the provision (i.e., to allow for more than one sign), as he noted that even if free-standing signs were included Mr. Paradis still would have had to come to the Design Review Board because it was a second sign on the same parcel. Chairman Sassaman noted some businesses might only have one sign, one that is free-standing, and said again it seemed to have been an oversight to leave that type of sign out of the list.

Mr. Bono asked about definitions of different types of signs. Vice-chairman Geel asked if it was necessary to identify specific types of signs at all, and Chairman Sassaman said getting rid of the list might make sense. Assistant Planner Fuller noted other types of signs are defined in the ordinance (portable, projecting, and roof) that are not listed in the section in question (conforming replacement). Vice-chairman Geel asked about illuminated signs and wooden signs. Discussion continued.

Chairman Sassaman said she liked the idea of allowing for the replacement of one existing non-internally illuminated sign (which would include all other types). Vice-chairman Geel asked about the history of this section of the ordinance, and Chairman Sassaman replied.

Vice-chairman Geel said the key word for him was "replacement," which suggested to him that other than its newness the new sign would be for all intents and purposes the same as the old one (same size, same location, etc.). Assistant Planner Fuller noted that beyond the word "replacement," the section of the ordinance in question said the replacement sign could be "altered in any code-compliant manner," other than being relocated or enlarged. He said other situations might see a greater difference in signs than those in the application from Mr. Paradis. Discussion ensued on this subject, and Vice-chairman Geel said "replacement" to him seemed to mean a new sign, identical to the previous sign. Chairman Sassaman and Mr. Cole disagreed.

Consensus emerged around allowing for the replacement of one non-internally illuminated sign. Assistant Planner Fuller said staff could work on bringing suggested language to the board's next meeting for its consideration. Planning Director Gagnon noted it would be important to retain the word "conforming."

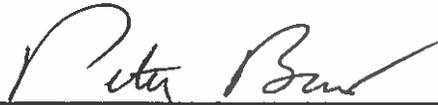
IX. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Assistant Planner Fuller reported it was likely that Fogtown Brewing Co. would be coming to the board at its next meeting for approval of signage for its new location next door to the Criterion Theatre on Cottage Street.

X. ADJOURNMENT

At 6:23 PM, Vice-chairman Geel moved to adjourn the meeting. Mr. Cole seconded the motion, which then carried unanimously (4-0) on a roll-call vote.

Signed as approved:



10-9-20

Peter Bono, Secretary
Design Review Board, Town of Bar Harbor

Date

**Workshop Notes — September 24, 2020 — 6:25 PM
Town Council Chambers – Municipal Building — 93 Cottage Street**

Workshop was conducted remotely, via video (Zoom), due to COVID-19 (as authorized under the provisions of MRSA §403-A, approved by the Maine Legislature in March 2020 as part of LD 2167)

I. Discussion on lighting/sign requirements in Land Use Ordinance

Chairman Sassaman asked if the light meter had been located. Assistant Planner Fuller said staff was still searching for it. Chairman Sassaman said board members using the light meter needed to be one of the first things that was done for board members to get a sense of what different light levels look like.

Chairman Sassaman said the things board members need to think about were lumen level, lux level and dimmable fixtures. She said the light meter is key for the lumens. There was a question of how many board members could go at one time, without it being properly noticed as a workshop or meeting.

Chairman Sassaman spoke about material prepared by Planning Director Gagnon for possible Land Use Ordinance changes. In the definitions, she noted that a new category had been added (for push-through lettering). She asked if a word ("signage") was missing from the end of the new neon sign definition.

There was a discussion of the proposed definitions for Type 5-A and Type 5-B. It was reiterated that having the light meter will be helpful in taking measurements to determine specifics for these definitions. Board members said the definitions generally look good at this point, however. Planning Director Gagnon asked about halo lighting, and Chairman Sassaman said they would return to that subject.

Discussion turned to 125-67 BB. (3) (f). Vice-chairman Geel asked if "transient accommodations" covered any and all of the TA uses (TA-1 through TA-8), and also whether it included weekly rentals. Planning Director Gagnon responded. Vice-chairman Geel said he did not want to add weekly rentals to the list, because he did not want to see that kind of lighting in generally residential districts. Planning Director Gagnon said Vacancy/No Vacancy signs should not be necessary for vacation rentals.

Discussion continued on the subject, including possibly taking "transient accommodations" out of the list of exceptions. Vice-chairman Geel said he thought the term was redundant because (he asserted) hotels, motels and cabins are all transient accommodations. Planning Director Gagnon spoke about the definitions in the ordinance and what was covered under "transient accommodations" and what was not. After more discussion, Vice-chairman Geel reiterated that his concern was whether transient accommodations would include vacation rentals (and particularly those in residential areas/districts). If signs wouldn't be allowed there, he said, he had no issue with the language as presented.

Discussion turned to 125-67 BB. (3) (i). There was discussion of what section of Route 3 should be allowed to have such lighting. Chairman Sassaman suggested the section from the intersection of West Street/West Street Extension to either Cromwell Harbor Road or Park Street. Planning Director Gagnon recalled Cromwell Harbor Road having been discussed before. Chairman Sassaman said both Type 2-B and Type 5-B should be included in this section. Planning Director Gagnon said a small map could be inserted to help define the geographic area the board discussed.

Discussion turned to 125-67 BB. (3) (j). There was a question on whether the word "degrees" needed to appear between "3,000" and "Kelvin". Chairman Sassaman asked what board members thought about having this in the Land Use Ordinance itself, rather than as a recommendation from the board. Mr. Bono supported it. He suggested qualifying it as "externally illuminated signs," based on feedback from the lighting consultant at a previous workshop. This found support from other board members.

Discussion returned to halo signs, which brought up the light meter again. Chairman Sassaman said the tool could help the board a lot.

Planning Director Gagnon said she felt there was progress being made on getting things off the board's to-do list. There was discussion on this.

Chairman Sassaman asked about the ordinance that allows for certain generic signs (i.e., "Beer" vs. "Budweiser," "Soda" vs. "Pepsi," etc. The section is 125-67 BB. (6) (c). The phrase is "general type of merchandise available for purchase." There was discussion about whether a specific prohibition on brand names needed to be added. Others thought it was clear enough as it is currently.

Chairman Sassaman asked about 125-114 A. (1) (d), noting that unlike (a), (b), (c), and (e), it did not have subsequent sections in 125-114. She said it should be clearer where the standards are.

Assistant Planner Fuller asked if there should be a workshop October 8 (members said yes). Mr. Cole was volunteered to learn how to use the light meter. The workshop ended at approximately 7:10 PM.