

**Minutes
Design Review Board
July 23, 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 6:02 P.M. Members present: Barbara Sassaman, Chairman; Steve Demers, Vice-chairman; Peter Bono, Secretary; Pancho Cole, Member; and Andrew Geel, Member.

Also present: Michele Gagnon, Planning Director; Angela Chamberlain, Code Enforcement Officer; Steve Fuller, Assistant Planner; and Patrick Lessard, Deputy Code Enforcement Officer.

II. EXCUSED ABSENCES

There were no absences.

III. ADOPTION OF THE AGENDA

Chairman Sassaman asked that agenda items VIII a. (Explanation of Shared Accommodations and role of Design Review Board) and VIII c. (Discussion of Type 4 Halo lighting) be reversed in order so that Mr. Demers could leave after the multiple meetings discussion in item VIII b. Mr. Geel moved to adopt the agenda with that modification, and Mr. Cole seconded.

Vice-chair Demers asked for clarification of the modification as the vote was being taken. The motion to adopt the agenda as modified carried unanimously (5-0) on a roll-call vote.

IV. APPROVAL OF MINUTES

a. June 25, 2020

No one had any corrections to make. Mr. Cole motioned to approve the minutes, and Vice-chair Demers seconded. The motion carried unanimously (5-0) on a roll-call vote.

V. PUBLIC COMMENT

There was none. Assistant Planner Fuller noted no comment was received by email, in advance of the meeting, as an email address was provided on the agenda for public comment in light of the remote meeting.

VI. BUILDING PERMIT REMINDERS

The applicants were reminded that they would need to apply for and receive a building permit prior to commencing any of the activities approved at the meeting (though Chairman Sassaman noted with a chuckle that the only application on the agenda tonight was for after-the-fact approval of work already done — but said it would still require a building permit).

VII. REGULAR BUSINESS

a. Certificate of Appropriateness

Application: DRB-2020-26 (Dali's lettering)

Applicant: Jewelry By Dali's, LLC

Owner: Steven and Dali Boatner

Project Location: 80 Main Street / 104-519-000

Proposed Project: Installation or changes in sign or awning (adding vinyl lettering to the inside of business window totaling approximately 3.6 square feet (11" x 47"))

Note: It was realized after the agenda was prepared that the applicant had also changed the exterior color of the window frame and needed DRB permission to do so, which was noted by Chairman Sassaman when she introduced the agenda item.

Chairman Sassaman noted that the signage proposed (lettering on the windows) was well within the amount of signage allowed, and that there is no other signage on the building at present.

Following brief discussion, Mr. Geel moved to recuse Mr. Bono from review of this application (Mr. Bono used to own the building in question and sold it to the present owners, who are also the applicant in this case). Vice-chair Demers seconded the motion. It then carried unanimously (4-0) on a roll-call vote. Mr. Bono did not vote on the motion. Mr. Bono's audio and video were turned off for the rest of the discussion on this application.

Mr. Boatner joined the meeting to represent himself. He confirmed there was no other signage on the premises at this time. Mr. Geel said he liked the new exterior color, and that it seemed appropriate, while Chairman Sassaman added that it looked clean and neat.

Mr. Geel moved to approve the application as submitted, for the vinyl lettering in the windows and the change of paint color. Mr. Cole seconded the motion, which then carried unanimously (4-0) on a roll-call vote.

Mr. Boatner was reminded that he would need to pay for a building permit, if that had not already been taken care of. Code Enforcement Officer Angela Chamberlain said she would work with the applicant to address what needed to be taken care of.

b. Certificate of Appropriateness

Application: N/A — no formal application submitted (YMCA signage)

Applicant: Mount Desert Island YMCA

Owner: Town of Bar Harbor

Project Location: Various locations throughout town (at Museum in the Streets signs)

Proposed Project: Installation or changes in sign or awning (installing temporary, campaign-style signs for the month of August at existing Museum in the Streets signs for a social interaction and fundraising campaign that the YMCA is conducting)

Nick Tymoczko, director of corporate wellness for the MDI YMCA, was present. He thanked the board for its time on short notice. Mr. Tymoczko explained that the Town Council had recently (the day before) given permission for the Y to proceed with a fitness initiative involving signage in public spaces, alongside Museum in the Streets signage.

Mr. Tymoczko explained there would be 26 stations where people would have a fitness challenge to complete, and then interacting with the Y's social media accounts afterwards. He said the Y also sees these signs as a chance to bring in revenue by selling space on the

signage to sponsors (i.e., showing the sponsor's name and logo), noting it has lost many of its traditional fundraising events and opportunities due to the COVID-19 pandemic. He referred DRB members to an example sign provided to them electronically to see how that would look. Regarding the size of the signs, he said the Y was looking at 18-inch by 24-inch.

Chairman Sassaman asked how the signs would be mounted. Mr. Tymoczko said the idea was to staple each sign to a stake. He confirmed the signs would be up for the month of August. Chairman Sassaman said she had wondered if the signs would be somehow placed on the same poles as the Museum in the Streets signs. Mr. Tymoczko said they would not be, and would instead be mounted on a separate wooden stake either to the left or right of the other sign. In response to a question, he said the fitness initiative signs would be about half the size of the Museum in the Streets signs. Chairman Sassaman said the wire frame of a traditional campaign sign might provide more stability than a wooden stake; Mr. Tymoczko said the goal was to have the fitness initiative signs at eye level. Chairman Sassaman encouraged him to make sure whatever is used to support the signs is sturdy.

Vice-chair Demers asked about possibly attaching the fitness initiative signs to the Museum in the Streets signs in addition to being staked, as a means of helping to stabilize them. He said it could help ensure the signs stayed plumb and level, and keep them looking neat. Mr. Tymoczko said he could explore that possibility.

Mr. Cole said he did not have a problem with the proposed signs because they will be temporary. He said they may get people more involved and could also help the Y.

Mr. Geel made comments about the number and size of Museum in the Streets signs. He asked how the corporate sponsorship of the Y's signs would work, asking specifically if it would qualify as advertising. Chairman Sassaman said because it's only for a month, the Y needs money and the community is in the midst of a global pandemic, she did not have an issue with it. Mr. Geel acknowledged those issues and said he did not want to create a precedent. Chairman Sassaman said she thought it likely there would be multiple precedents set during the pandemic, which would then end when the pandemic was over. Mr. Tymoczko said the same issue came up during the Town Council meeting, and said Town Council Chairman Jeff Dobbs equated it to sponsors that are shown on banners for Little League. Mr. Geel asked if there were any Code Enforcement issues, and CEO Chamberlain responded that she did not see any issues. She said there is nothing that would specifically prohibit it.

Mr. Cole moved to approve the proposal as submitted. Mr. Geel seconded the motion, which then carried unanimously (5-0) on a roll-call vote.

c. Certificate of Appropriateness

Application: N/A — no formal application submitted (Art on parking meter covers)

Applicant: Parking Solutions Task Force

Owner: Town of Bar Harbor

Project Location: Various locations in town (at parking kiosks with plywood covers)

Proposed Project: Installation or changes in sign or awning (artists)

Chairman Sassaman read aloud an email from Town Councilor Erin Cough, introducing this proposal. In her email, Councilor Cough said the Parking Solutions Task Force put a proposal in front of the Town Council to have artists paint the parking kiosk covers that are used in the off-season when the kiosks are not in use. Councilor Cough said she thought this needed DRB approval, but wanted to get input and feedback from the board before reporting back to the Town Council.

Mr. Bono said the artistic work would be an enhancement, especially during the pandemic. Chairman Sassaman said there were really two questions: did this proposal need DRB approval; and if so, is it a good idea. She said she thought it did need DRB approval. Planning Director Gagnon said she saw it as similar to the proposal from the YMCA: whether or not it technically needed DRB review/approval, it was the right thing to do and a sign of respect to bring the proposals before the DRB.

Vice-chair Demers said he thought it was a fine idea and agreed with Mr. Bono, and he said he welcomed it. Mr. Cole asked if the artists would maintain their works as the paint faded. He also asked if the plywood covers would interfere with wireless communication from the kiosks. He said someone should check to make sure that none of the artistic works put in place would interfere with those signals. There was discussion of how the signals worked. Mr. Cole said there needed to be a guarantee that the artistic works would be maintained so that the paint didn't degrade and end up looking worse than the plain, plywood covering.

Mr. Geel, who had been away from the meeting for a bit checking in visitors at his business (he said it was a madhouse), said he supported the proposal. There was consensus that it was appropriate for this request to come before the board, when Chairman Sassaman posed the question to members. Further discussion followed, and agreement that the board did not need to make a formal motion and vote but could rather indicate its support for the proposal as described by Councilor Cough, with the two stipulations presented by Mr. Cole: that none of the artistic works interfere with any of the wireless communications equipment in the kiosks, and that the artwork be maintained so that it does not end up looking worse than just the plain plywood covers. Chairman Sassaman said she would relay this to Councilor Cough.

VIII. OTHER BUSINESS

a. Discussion of Type 4 Halo lighting

Chairman Sassaman introduced the topic and said the question was, did the board want to allow such lighting in the district, and if so, how should it be regulated (lumens, etc.)?

Vice-chair Demers said he saw it as a "pretty substantially new type of sign" with regard to what is allowed in Bar Harbor at present. He said he did not recall whether the board permitted it in any areas when the topic came up several years ago. Chairman Sassaman said all of the notes she could find left it unresolved. Vice-chair Demers said it warranted good discussion and research. He said he was concerned halo lighting might (with a glow around a three-dimensional object) bring a bit of "mall-type look to Bar Harbor."

Vice-chair Demers called it a "corporate look" normally seen with chain stores in urban and suburban contexts. He expressed concern about bringing that type of lighting into the community. He said it is a major departure from the type of lighting in Bar Harbor now, and said it could bring "disharmony" into the town's signage landscape. He elaborated on some of the specifics (background surface type, color, etc.) that the board would need to consider. He said that would be in addition to brightness parameters. He said it is a big enough departure from what is being approved already that it deserves review.

Mr. Bono said he agreed with what Vice-chair Demers said. He said he did not feel it was in character with the town's look and feel and that it would not enhance the appearance of the town. He said he would not want to permit halo-type lighting. Mr. Geel expressed concern, as well. He said it looks corporate and predicted all lighting would go to that format if allowed. Mr. Cole said he had looked at a lot of halo signs online and estimated that 1 in 50 would be appropriate for Bar Harbor. He said the board would

need to see a very good rendering before approving any such light. He talked about another type of lighting that has a similar effect as halo-type lighting, but which he said actually looked worse if one was trying to avoid a corporate-type look.

Chairman Sassaman said that the College of the Atlantic's logo on its sign is a halo-lit sign. She called it tasteful but noted that the wattage was minimal. She called it a nice, quiet sign. She said a lumens threshold and dark-sky compliance might be the key factors, which Mr. Cole agreed with. Planning Director Gagnon suggested analyzing the COA sign and looking at the factors, such as lumens, that make it work well. Chairman Sassaman asked if such signs might be appropriate on the arterial routes (3 and 102) into and out of town but not in the village area. There was discussion on whether other signs in towns could be looked at, too.

There was discussion about what would be appropriate next steps. Vice-chair Demers said it was helpful before to bring in an employee from a Bangor sign company to walk through the different types of signs with the board. He said it would be helpful for that person to have an appreciation of both dark-sky compliance as well as the character of Bar Harbor. He said he liked Planning Director Gagnon's idea of looking at the COA sign. Planning Director Gagnon, in turn, said she like Vice-chair Demers' idea.

Chairman Sassaman asked board members to take a look at the sign at The Jackson Laboratory while in their travels, and said she would get information from Millard Dority at COA about the college's sign. She asked that the subject of halo lighting be put on the agenda for the next meeting so that board members could discuss what they had learned in the meantime. She asked who the sign company staffer who was consulted before was; she said she could check her notes from 2015 to find out who that was.

b. Discussion of requiring multiple meetings for larger projects

Chairman Sassaman said she thought all board members were in agreement that this was a good idea (she credited Vice-chairman Demers with leading the charge on the subject), but asked how they would go about making it a reality. Mr. Cole said anyone (architect, landscape architect, engineer, etc.) who might work on such a project would need to be notified.

Planning Director Gagnon noted that unlike other boards and committees who have freestanding rules of procedure, the Design Review Board's guiding rules were built in to the Land Use Ordinance and therefore require a vote of the town to change them. "We could voluntarily inform people that it may be in their best interest, if it's a large project, to come twice," she said. Chairman Sassaman said the idea was to have a pre-application meeting and then a meeting at which the application is reviewed. Vice-chairman Demers agreed.

CEO Chamberlain said staff does, for larger projects, already encourage applicants to meet with the Design Review Board in advance. She said two meetings cannot be forced, though, because the ordinance does not require that. She said staff does not always know a big project is coming until the application lands in the office. She said she saw the issue the board was really trying to deal with as being the quality of applications. She described a previous meeting where a large project with a good application was reviewed in 10 minutes, while other times when a small application is not as good it takes longer for the board to review it.

Chairman Sassaman said it seemed like any project the Design Review Board might consider that would also need to go before the Planning Board should have a pre-application meeting. Vice-chair Demers said it sounded like an ordinance change might be in order. He elaborated on this, and said a chance to provide initial feedback to an applicant has typically been well-received and had ultimately led to better projects. He said it boiled down to two things: does an application meet the terms of the ordinance, and is there feedback the board could offer to help make it a better project.

Chairman Sassaman wondered if a letter could be sent to architects and landscape architects in town to let them know what the board is looking for. Board members voiced support for that idea. Vice-chair Demers suggested including local lumber companies. He also suggested a threshold of a certain square footage to determine whether an additional meeting was needed. Discussion ensued on the general subject.

c. Explanation of Shared Accommodations and role of Design Review Board

Before beginning discussion on this item, Chairman Sassaman thanked Vice-chairman Demers for his service on the board. She said he deserved an award. She asked him if he had found anyone to take his place yet, and he said no but that he was working on it. He said he enjoyed working on the board and wished all the members great success. Vice-chair Demers then left the meeting.

Planning Director Gagnon spoke about how substations are a conditional use in certain districts and subject to review by the Design Review Board. She said the idea with Shared Accommodations is the same (it would be a conditional use, subject to Design Review Board review). She said she thought Section 125-114 could be used, for the most part, in that review.

CEO Chamberlain noted that certain levels of Transient Accommodations, regardless of what zoning district they are located in, require Design Review Board review. She said Shared Accommodations would work in the same way. Chairman Sassaman summarized that there are no specific Design Review Board standards for Shared Accommodations, then, but rather that it is a new use that will need to be reviewed by the board.

d. Election of officers for 2020-2021

Chairman Sassaman expressed her desire to have Mr. Bono continue to serve in his capacity as secretary. She said she was willing to continue serving as chairman. She asked if Mr. Cole or Mr. Geel was willing to serve as vice-chair. With a nudge from Mr. Cole, Mr. Geel said he would be willing to serve in that capacity.

Mr. Cole nominated Ms. Sassaman for chairman, Mr. Geel for vice-chairman and Mr. Bono for secretary. Mr. Geel seconded the nominations, which then carried unanimously (4-0) on a roll-call vote.

"My political career is going places," quipped Mr. Geel, following the vote.

IX. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Geel asked about neon-style signs. Chairman Sassaman noted the board has dealt with some signage requests at the Criterion involving signs that are not actually neon but which look like neon signs. The board found it did not have any language in the ordinance to deal

with that specific situation. Chairman Sassaman asked if references in the ordinance to "neon" could also include "faux neon" or "neon-like."

Discussion ensued. Assistant Planner Fuller made reference to Section 125-67 BB. (6) (c), dealing with "Indoor neon signs visible from the street." More questions and comments followed. Mr. Bono made reference to Section 125-67 BB. (3) (f), addressing outdoor neon signs (generally prohibited, with a few specific exemptions). In response to a comment from Mr. Geel expressing concern about blinking or flashing lights, Chairman Sassaman referred to and read Section 125-67 BB. (3) (e), which spoke to that subject.

Chairman Sassaman asked Assistant Planner Fuller to come up with some language that would address faux neon signs that the board could review at its next meeting. Planning Director Gagnon recapped by referring to the two sections addressing neon and asked what the objective was. Chairman Sassaman said it was to make sure that signs that look like neon but which are not neon-powered are included in that category. She said she liked the term "faux neon," though Planning Director Gagnon said that would need to be defined. Planning Director Gagnon captured the intent as "light of a similar effect."

Chairman Sassaman asked if staff had reached out to Ian at Fogtown Brewing, and Assistant Planner Fuller said he had not but that he would. Chairman Sassaman said Ian had expressed interest in serving on the Design Review Board.

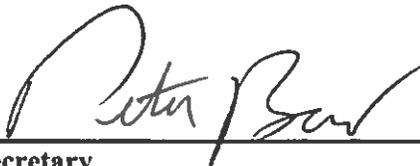
Assistant Planner Fuller spoke about scheduling. He said the board is back to meeting once a month, typically the second Thursday (until March, when the board resumes meeting twice monthly). Chairman Sassaman noted that the board had agreed it could hold a workshop on the fourth Thursday of the month if it felt it was necessary.

Assistant Planner Fuller asked if the board was still planning on holding its scheduled workshop following the current meeting, and Chairman Sassaman said no.

X. ADJOURNMENT

At 7:24 PM, Mr. Cole moved to adjourn the meeting. Mr. Geel seconded the motion, which then carried unanimously (4-0) on a roll-call vote. Board members voiced the following expressions of affirmation when the vote was called on the motion to adjourn: Chairman Sassaman, "You betcha."; Mr. Bono, "Absolutely."; Mr. Cole, "Aye aye, sir.", and Mr. Geel "Oh, sure."

Signed as approved:



8-17-20

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

Date