



CITY OF GARDINER

6 Church Street, Gardiner, Maine 04345

www.gardinermaine.com

ORDINANCE REVIEW COMMITTEE

Monday February 27, 2017 @ 3:00 PM

Meeting Notes

Members Present: Chair Debby Willis Joel Alexander John Burgess
Clare Marron Louis Sigel
Patricia Hart, City Councilor
CEO/Assistant Planner, Barbara Skelton

Members Absent: Les Young

Also Present: Dorothy Morang, Staff to Ordinance Review Committee

1.) Welcome

Chair Willis opened the meeting and welcomed everyone. She introduced the newest member, Louis Sigel and asked him to give a little background on himself. He said he lives on outer Brunswick Av and is on the Marijuana Task Force as a proponent. He wanted to be on this Committee. There was an opening on the Board of Appeals, so he applied for that also and is now a representative from it to the ORC.

2.) Roll Call

3.) Consideration of meeting notes of January 9, 2017.

Clare Marron moved to accept the minutes. John Burgess seconded the motion.
Vote: 7 in favor. 0 opposed. Motion passed.

Mark Eyerman shared information about a recent vacation that he took to Colorado. When they checked into the hotel, he was given information along with a discount card to a local retail marijuana store. He decided to visit it as it is a hot topic in Maine right now.

The store he visited is one of 17 in a chain that sells medicinal and recreational marijuana. He said it looked much like a bank. No one was loitering around – customers came and went. There was security and you had to show your ID to get in. Once in, there were counters with locked display cases. There were staff to assist customers. He also noted that some of it was packaged and looked like different types of candy. Colorado law allows retail stores to remain open until midnight, but in Denver they must close by 7:00 pm.

He noted that the retail stores are advertised in tourism magazines as well as by other means of advertising. In speaking with some of the staff, they noted it is a 2 billion dollar-a-year industry. He has written an article about their experiences there and will email it the members.

Old Business

4.) Continued review of amendments to the sign provisions

Mark talked sign regulations Post Reed - U. S. Supreme Court Decision in 2015. He noted that the case involved temporary signs for a church. The community had different standards for political signs and for other temporary signs. He noted that content based regulations are suspect.

He talked about residential vs. nonresidential signs; different standards in different zones; the types of standards and government signs. He feels that differentiating between signs for residential uses and signs for nonresidential uses within a zone is ok. He also noted that the concept that the type, number, size, etc. of signs can vary from zone to zone ok. For types of standards, he said the key is that the regulations within a zoning district are the same for all residential or nonresidential uses. Government signs that relate to government functions can be treated differently from private signs.

Members discussed the various aspects of the ruling and how it might apply to the standards within the current Ordinance and changes they might want to make as they update the Ordinance. Some of their concerns were about content, i.e., hate speech & profanity. CEO Skelton noted that in Section 10.24.6.2 of the current Land Use Ordinance, it limits content. Under the U. S. Supreme Court ruling, if a sign is allowed, they can put anything they want on it. Mark said if there is proposed wording that creates conflicting rights, that is something that the City attorney would have to look at it. Mark talked about the USSC Model On-Premise Sign Code that Les Young mentioned. He noted that it is scientifically based on safety of vehicles getting in and out of property

and adequate time and travel distance to detect a sign, read and understand its contents, and then execute an appropriate driving maneuver. He said it could be a good guide - it has good definitions. He noted that the provisions raise 3 significant issues for Maine communities – size/height of signs; type of illumination; and the use of electronic message centers – readerboards. He went over each of these issues.

Mark had provided members with a sign analysis that he had prepared for each of a number of zoning districts. They cover sign type, if they are allowed in that district, the maximum number of signs allowed, maximum height, maximum size and comments. Mark noted that he added the total amount of sign area per lot – it's different if a corner lot; a free-standing, project sign for a development or sub-division; if an electronic message boards is allowed or not; and how signs are illuminated.

Members began by reviewing the Planned Industrial/Commercial (PIC) Zoning District. Mark went over each category. Members asked about the large sign that is visible from the highway. CEO Skelton noted that MDOT has approved it – it is a welcome to Gardiner sign and is intended to draw people into Gardiner.

Mark said the City can do whatever it wants – its legal until someone challenges it. He said he tried to be strict to Reed.

The next zone reviewed was the Planned Highway (PHD) Zoning District. Mark went over the chart for both residential and non-residential lots. Clare asked about readerboards – what the state limits are for movement. CEO Skelton said 20 minutes. Mark said that once you say yes somewhere, it becomes harder to say no to those in other districts. It was noted that today's generation of signs are more legible than traditional stationary signs. John said electronic signs are very expensive to purchase and to run. Not everyone would want an electronic sign. Mark noted that for people not from the area, having signs prior to decision making are needed.

Mark polled the members, most agreed to allow readerboards.

Homework:

Mark asked that members go into the electronic copies of the sign analysis documents that he provided and make any changes they want and send them to him to him by next Monday – March 6, 2017. The zones to be reviewed are Planned Development (PD), Residential Growth (RG), Mixed Use Village (MUV), High Density Residential (HDR) and Professional Residential (PR). He will compile the data and provide the collected information for review at the next meeting.

Upcoming Meetings:

March meetings: Monday, March 13, 2017 @ 3:00 pm w/Mark Eyerman
 Monday, March 27, 2017 @ 3:00 pm w/Mark Eyerman

5.) Adjourn

Meeting adjourned at 4:47 pm