



## COMMUNITY DEVELOPMENT COMMITTEE (Town Council Sub-committee)

### Members

Ted Asherman  
Claudia King  
Aaron Svedlow

### Staff

Ethan Croce

### Meeting Minutes

Wednesday, October 10, 2018– 7:30 am  
Large Conference Room, Town Hall

#### 1. **Call to Order**

CDC Chair Asherman called the meeting to order at 7:35 am. CDC members Svedlow and King are participating in the meeting via conference call. Councilors Cahan, Kuhn, and Hemphill are in attendance.

#### 2. **Approval of 9/17/18 Meeting Minutes**

Voting on meeting minutes was deferred to a future meeting.

#### 3. **Temporary Sign Ordinance Discussion**

Ethan Croce summarized the history of the development of the temporary sign ordinance, which was developed by prior staff and a prior CDC. He also explained the nature of his discussion with the Town Attorney around temporary signs and how they relate to public fora in the public right of way.

Councilor Kuhn questioned whether the Town could adopt a local ordinance more strict than State law on this issue. Ethan Croce highlighted the relevant portion of State law that allows municipal ordinances to be more stringent as long as the ordinance is not inconsistent with State law.

Councilor King said she is supportive of a road median prohibition and said that enforcement of a prohibition in the road medians would be administratively much more straightforward than an alternative that allows signs in the medians. Councilor Asherman believes there is a public safety issue with allowing signs in the medians. Councilor Kuhn pointed out that there is a general standard in the proposed ordinance that addresses safety. Councilor Asherman said that the safety component, for him, also has to do with the general issue of driver distraction which the ordinance's safety provision would arguably not cover. He also believes that signage in the medians is an aesthetic issue.

Councilor Svedlow said that he generally agrees with the points around safety and aesthetics but thinks that enforcement of temporary signs will be challenging. He said that the biggest proliferation of signs is during election season and that most people act responsibly in removing their signs after the election. He is less concerned about these signs since their nature is so

temporary. He is also concerned about creating legal and/or enforcement issues with a median prohibition. Councilor King said her concerns about sign proliferation are broader than just political signs. She is just as concerned about other types of temporary signs such as commercial signs. Councilor Svedlow does not believe that Falmouth has experienced an undesirable proliferation of commercial signs.

Councilor Cahan expressed concern about the proposed one day/week restriction on signs in the esplanades. Councilors King and Asherman agree that esplanades can often generally be assumed to be public fora and they supported removing the one day/week restriction.

Ethan Croce pointed out a difference between State law and the Town's proposed ordinance with respect to sign separation distance. State law requires a 30 foot separation distance between signs "bearing the same or substantially the same message". The Town's proposed ordinance would require a 30 foot separation distance between all signs, regardless of their message. Ethan pointed out the difficulties in enforcing a 30 foot separation distance with no parallel provision related to signs with the same message. In many instances, it will be impossible to discern which sign was installed first and, therefore, which sign is the sign in violation. CDC members agreed to amend the draft ordinance to include a parallel provision like the State's on signs with a similar message.

Councilor Asherman said he would prefer to retain the proposed prohibition on signage in medians. He said there is a narrow window of time for enacting a prohibition for the newer median islands and he thinks the Town has a compelling reason to prohibit them. Councilor King agreed and also said that a prohibition is the simplest way to enforce signs in the medians as staff do not need to enter the medians to measure separation distances between signs. She also feels like the Town can demonstrate that alternative channels of communication exist in the public right of way.

Councilor Kuhn said that the separation distance standard, if enforced, will help address the issue of sign density and also thinks that Route One is likely already a public forum. Councilor Asherman thinks that the newer medians have not yet become public fora. He is concerned about losing the window of opportunity to keep the medians from becoming public fora. Councilor Kuhn said she would not support an ordinance that prohibits temporary signs in the medians. Councilors Svedlow, Hemphill, and Cahan also stated they would not be inclined to support an ordinance with a median prohibition.

Councilor Cahan said she would support a change that limits the size of signs in the right of way below 16 square feet. Councilor King agreed that 16 square feet seems too large, but also asked councilors to continue thinking about the median issue since there is a narrow window of time to enact a prohibition.

The CDC agreed to reduce the maximum allowed size of temporary signs in the right of way to three square feet to accommodate standard sized political signs pending staff research on the standard sizes of signs.

Councilor Cahan expressed a desire to remove the draft ordinance's proposed limitation on the number of freestanding signs allowed on a private lot. She would like to accommodate, for example, a scenario where a property owner can install signs supporting multiple political candidates. Councilor King expressed some concern about not capping the number of signs on private property. She thinks some limit might still be appropriate since there are valid concerns about preventing visual blight in residential neighborhoods as well as commercial areas. She also pointed out that temporary signs are usually placed within the right of way to maximize visibility.

Councilor Asherman said one approach would be to remove the limit on the quantity of signs but to impose a restriction on signs of a similar nature like is being proposed within the right of way. Others in attendance expressed some support for this idea.

The CDC requested that staff draft the requested ordinance revisions and bring them back for review by the CDC at the next meeting. Staff agreed to consult with the Town Attorney on the new revisions being proposed.

**4. Route 100 Zoning**

Because of the time, this item was deferred to a future meeting.

**5. Other Business**

There was no other business.

**6. Next Meeting Date**

The CDC asked staff to send out an email inquiring as to whether CDC members could make a meeting work for Monday, October 22 at 5:00 pm.

**Adjourn**

The meeting adjourned at 9:25 am