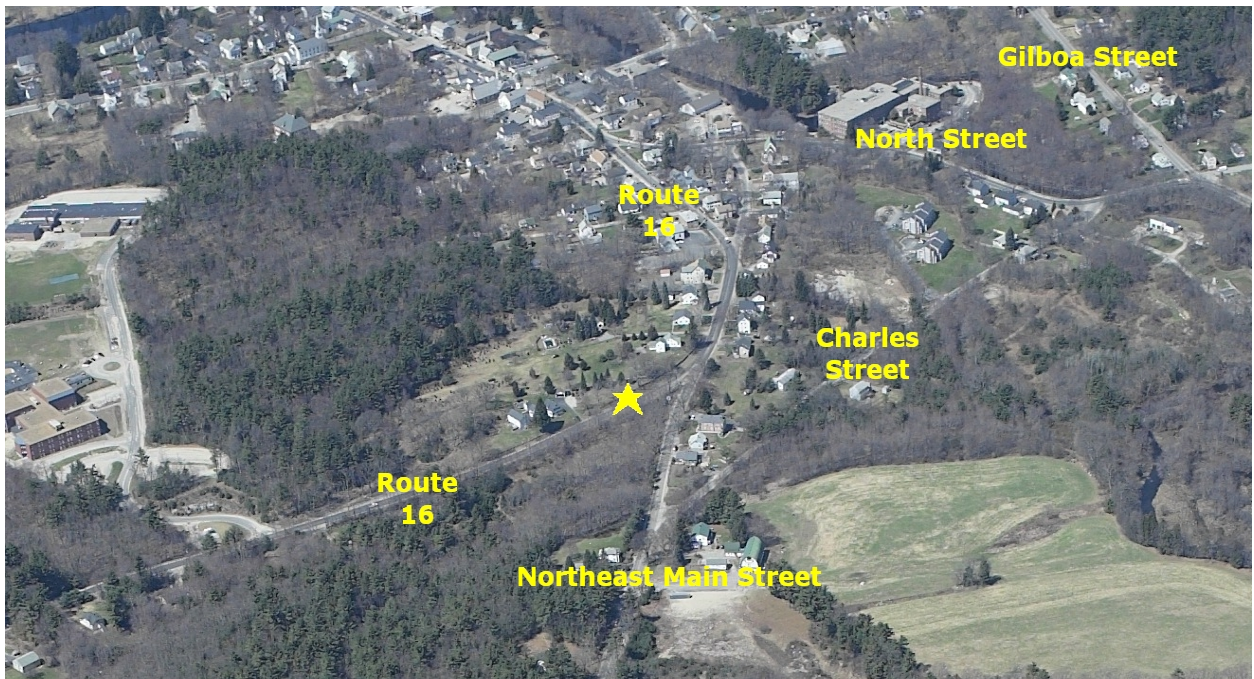


Final Report

**East Douglas Village
Route 16 Corridor Study
Visualization**



**Central Massachusetts Regional Planning
Commission (CMRPC)**

2 Washington Square
Union Station
Worcester, MA 01604

August 2008

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Central Massachusetts Regional Planning Commission (CMRPC)

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1.0 OVERVIEW AND BACKGROUND

This report is the culmination of work done by Central Massachusetts Regional Planning Commission (CMRPC) with regard to the East Douglas Route 16 Strategy Visualization. This document follows up on a critical piece of the Master Plan for the Route 16 corridor. Many previous reports and studies address the broader area. This work to date has included the following:

- A review of previous studies;
- The creation of relevant visuals for a workshop, that included basic maps and charts of available traffic information;
- The development of a PowerPoint presentation that depicted existing conditions for use in the subsequent community workshop;
- The participation and assistance with outreach to solicit comment at a community workshop; and
- The creation of a Route 16 Corridor Strategy that included a review of current zoning requirements and was based on land use analysis and community preferences.

This final summary report should accomplish the following 3 goals:

- Document the work and results of the above mentioned tasks;
- Provide a zoning and land use map for Route 16 through East Douglas; and
- Document the community outreach efforts.

2.0 BACKGROUND RESEARCH

In order to move forward effectively and to gain a complete understanding of previous planning efforts, CMRPC staff reviewed the following studies:

- 1982 Douglas Parking Study (CMRPC)
- 1998 Town of Douglas Master Plan (Whiteman & Taintor)
- 2002 Downtown Improvement Project (Carter & Burgess Inc.)
- 2002 Economic Analysis of Downtown (RKG Associates Inc.)
- 2002 Downtown Improvement Project (Weston & Sampson Inc.)
- 2003 Blackstone Valley Corridor Study (CMRPC)
- 2004 Douglas Community Development Plan (Larry Koff & Associates)

3.0 STUDY AREA

The Study Area for this project includes land primarily along Main Street and Northeast Main Street, from Davis Street to the area near Franklin and West Street as shown in Figure 1. Intersecting streets include Cummings Court, Cook Street, Cottage Street, Pleasant Street, Bowen Court, White Avenue, North Street and C Street. The area is currently zoned mostly Village Business (VB) and Village Residential (VR) with some Commercial (C), Industrial (I), and Residential A (RA) nearby. Land uses are mixed-use, single family residential, multi-family residential, vacant land, commercial/retail, parking lot, institutional, and utilities.

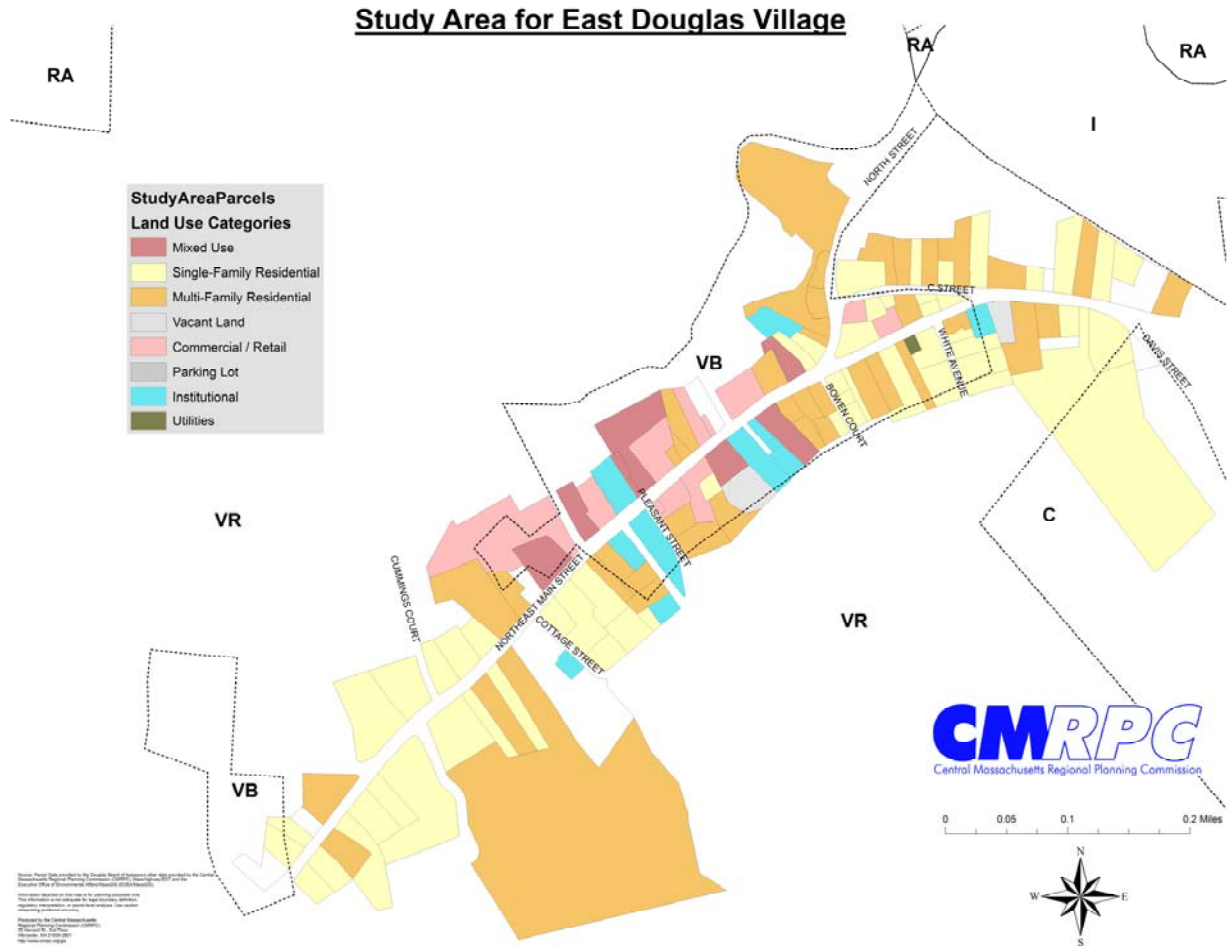


Figure 1 - Study Area for East Douglas Village

4.0 TRAFFIC ANALYSIS

Traffic analysis included an assessment of traffic volumes, volume-to-capacity, projected growth, and travel time at the following locations:

- Route 16 (Webster St) at Webster Line
- Route 16 (Webster St) west of Route 96
- Route 16 (Main St) east of Southeast Main
- Route 96 (South Street) south of Route 16
- Route 16 (Main St.) east of Mechanic St.
- Route 16 (Davis St.) east of NE Main St.
- North Street south of Gilboa Street
- Route 16 (Davis St) at Uxbridge Line

In some areas, data as far back as 1984 and data as recent as 2005 were compared. The compiled data, maps and charts for the traffic analysis are shown in Appendix A as part of the September 25, 2007 CMRPC PowerPoint presentation.

5.0 COMMUNITY PROCESS

On September 25, 2007, representatives from CMRPC presented a PowerPoint presentation to the Douglas Planning Board, the Master Plan Committee and the Town Engineer entitled "Route 16 and East Douglas: A Summary of Existing Conditions." In addition to an overview of traffic conditions, the slides demonstrated "The Good, the Bad, and the Ugly" as they relate to East Douglas's streetscapes, and summarized zoning allowances for both the Village Residential district and the Village Business district. The PowerPoint presentation is attached as [Appendix A](#). A summary of the comments and discussion is attached as [Appendix B](#).



A Presentation for the
Town of Douglas, Massachusetts
September 25, 2007

Presenters: Suzanne LePage, Regional Services Manager
Stephen Wallace, Principal Planner
Central Massachusetts Regional Planning Commission

On October 23, 2007, a community workshop was held at the Douglas High School to respond to questions and gather comments on the PowerPoint presentation. A summary of the comments are attached as [Appendix C](#).

6.0 ZONING-RELATED RECOMMENDATIONS

6.1 Suggested Changes to Schedule of Use Regulations and Definitions

6.1.1 Schedule of Use Regulations

The existing list of uses allowed by right and by special permit is very general as currently set forth in the *Zoning By-law's Appendix A Schedule of Use Regulations*. The *Schedule of Use* should be expanded to include uses that are similar and/or complementary to the current list of uses but also include the types of retail sales and services the residents desire (see the results of the October 2007 public preference forum).

The study area is primarily Village Residential (VR) and Village Business (VB). Village Business is the current zoning category label and has replaced the former label, Central Business (CB), for the same zoning district.

The following uses are allowed in a Village Residential (VR) zoning district:

- Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area
- Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located.
- Single family detached dwelling
- Temporary use of a trailer or mobile home because of loss of dwelling by fire or some other catastrophe for not more than one year
- Use of land or structures for religious purposes
- Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation
- Family day care home, small
- Adult day care facility, small
- Child care facility in existing building
- Municipal facilities

- Forestry and conservation

The following uses are allowed by special permit from the Planning Board (PB) in a Village Residential (VR) zoning district:

- Two-family dwelling
- Conversion of a structure existing at the enactment of these By-laws into a two-family or multi-family dwelling, subject to Section 7.1
- Flexible Development
- Residential Compound
- Assisted Living Facility
- Nursing home

The following uses are allowed by special permit from the Zoning Board of Appeals (ZBA) in a Village Residential (VR) zoning district:

- Nonexempt farm on less than five acres
- Nonexempt farm stand
- Group residence or home
- Retail establishment for the sale of merchandise to the general public, not otherwise set forth herein
- Craft, consumer, professional or commercial service establishment
- Funeral home
- Business or professional office
- Medical or dental office or clinic
- Bank or other financial institution
- Insurance, real estate office
- Bed and Breakfast
- Golf course
- Family day care home, large
- Adult day care facility, large
- Child care facility in new building
- Municipal waste disposal area operated by the town or under contract to the town handling waste produced within the town
- Cemetery
- Drive-through or drive-up window or facility at otherwise authorized use or as free-standing structure or kiosk

Possible additions to the uses allowed by special permit from the ZBA or as an allowed use in Village Residential (VR) zoning district as suggested at the public forum might include:

- Professional offices (as defined below)
- Clinic, medical or dental (as defined below)

The following uses are allowed in a Village Business (VB) zoning district:

- Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area
- Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located.
- Single family detached dwelling

- Temporary use of a trailer or mobile home because of loss of dwelling by fire or some other catastrophe for not more than one year
- Retail establishment for the sale of merchandise to the general public, not otherwise set forth herein
- Sales and service of motor vehicles, marine, farm or recreational vehicles or equipment
- Craft, consumer, professional or commercial service establishment
- Funeral home
- Motor Vehicle light service or repair establishment
- Restaurant
- Business or professional office
- Medical or dental office or clinic
- Bank or other financial institution
- Insurance, real estate office
- Private, non-profit club or fraternal organizational use
- Hotel, motel
- Use of land or structures for religious purposes
- Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation
- Family day care home, small
- Adult day care facility, small
- Child care facility in existing building
- Municipal facilities
- Forestry and conservation

The following uses are allowed with a special permit from the Planning Board (PB) in a Village Business (VB) zoning district:

- Two-family dwelling
- Conversion of a structure existing at the enactment of these By-laws into a two-family or multi-family dwelling, subject to Section 7.1
- Assisted Living Facility
- Nursing home

The following uses are allowed with a special permit from the Zoning Board of Appeals (ZBA) in a Village Business (VB) zoning district:

- Nonexempt farm on less than five acres
- Nonexempt farm stand
- Group residence or home
- Restaurant, fast food
- Commercial indoor amusement or recreational facility
- Commercial outdoor amusement or recreational facility, not including drive-in movie theater
- Bed and Breakfast
- Family day care home, large
- Adult day care facility, large
- Child care facility in new building
- Municipal waste disposal area operated by the town or under contract to the town handling waste produced within the town
- Cemetery
- Drive-through or drive-up window or facility at otherwise authorized use or as free-standing structure or kiosk

Similar to above, possible additions to the uses (as defined below) allowed by special permit from the ZBA or as an allowed use to the Village Business Zoning District as suggested at the public forum might include:

- Pharmacy or drug store
- Delicatessen
- Bakery
- Farmer's Market
- Hardware Store
- Specialty store
- Convenience store
- Sidewalk Café
- Professional Offices
- Clinic, medical or dental
- Art Gallery
- Coffee House (Shop)
- Drycleaners

6.1.2 Definitions

Section 11.0 Definitions of the Zoning By-law of October 2004 defines about 66 different terms. Based on the feedback of suggested and desired businesses at the public forum, the following terms (excerpted with some modification from the American Planning Association (APA) Planners Dictionary) should be considered for addition to *Section 11.0* and also to *Appendix A Schedule of Use Regulations*. Of the uses indicated as desirable in the study area, these are not explicitly "allowed uses" in either zone. For those new uses that are currently not defined in the *Zoning By-law Section 11.0 Definitions*, detailed definitions should be added. The American Planning Association reference, A Planners Dictionary, provides several sample definitions.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use may include private libraries, museums, or non-commercial art galleries. It may also include a room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.



Bakery, retail: An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service, preparing, cooking, baking, and selling of products on the premises. A bakery shall be considered a general retail use.

Clinic, medical or dental: A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. This may include offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

Coffee house: An informal restaurant primarily offering coffee, tea, and other beverages and where light refreshments and limited menu meals may also be sold.



Convenience store: A retail store with a floor area of less than 2,500 square feet that sells a limited line of groceries, household items, periodicals, as well as medicines, cosmetics, intended for the convenience of the neighborhood. Hours of operation of such stores may also be extended over other types of food stores. Within Village Residential or Village Business sale of gasoline is excluded from new uses because of the watershed protection area. (Design guidelines should include limits on parking and hours of operation, landscaping, noise and litter control, and lighting.)

Delicatessen (See also retail sales establishment, specialty): An establishment where food is sold for consumption off premises and no counters or tables for on premises consumption of food are provided, but excludes groceries and supermarkets.

Dry cleaning establishment: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises. Because of the proximity to the watershed protection area, no dry cleaning operations may be done on the premises.

Farmer's market: The offering for sale of fresh agricultural products or have taken the same on consignment for retail sale directly to the consumer at an open air market designated as a community activity. Sale may occur out of vehicles or other temporary structures (including tents). Permits may be necessary from the Board of Health or other agency. Farmer's markets maybe allowed in parking lots or other such open areas as deemed appropriate by the land owner.

Hardware store (See also retail sales establishment, specialty) A facility of 30,000 or fewer square feet gross floor trans area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery; if greater than 30,000 square feet, such a facility is a home improvement center.



Pharmacy (See also drug store): A place where drugs and medicines are prepared and dispensed. A business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

Drug store (See also pharmacy): An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Professional service: Work done for others, predominately on the premises of the office, by someone trained and engaged in such work for a career. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, chiropodists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents.

Retail sales establishment, specialty: Retail operations that specialize in one type or line of merchandise. Such stores may include but are not limited to apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

Sidewalk café: A portion of an eating or drinking establishment or restaurant, located on a public sidewalk that may or may not provide waiter or waitress service and is either enclosed or unenclosed by fence or other border.



6.2 Suggestions for improving existing site development standards

6.2.1 Zoning By-law Section 9.4 Site Plan Review

Suggested additions and/or changes to the existing *Zoning By-law Section 9.4 Site Plan Review Section 9.4.1 Applicability* might include the following: (additions underlined)

1. Construction, exterior alteration, exterior expansion of or change of use within a municipal, institutional, commercial, industrial, mixed-use or multi-family structure involving more than 500 square feet.
2. Construction, expansion, significant modification (a positive or negative change of 20% of the existing parking spaces) of a parking lot or loading area for a municipal, institutional, commercial, industrial, mixed-use or multi-family structure or purpose.
3. No change.
4. Addition or significant alteration of a streetscape feature or facade (including signage or lighting) that would occur on a municipal, institutional, commercial, industrial, mixed-use or multi-family structure.

The *Zoning By-law Section 9.4 Site Plan Review* currently does not direct the reader to the design standards specified elsewhere in the *By-law* and should be modified so that it does. At the beginning of *Zoning By-law 9.4.4 Contents of the Plan*, the following could be inserted: "Design specifications for such items as off-street parking, loading, landscaping, and environmental performance standards should be incorporated into the Site Plan submittal. Standards and Regulations for these features are located in *Zoning By-law Sections 5.1 through 5.4*"

The existing *Zoning By-law Section 9.4.7 Approval* which lays out 10 objectives and review criteria might be amended to describe the preferences and guidance for individual zoning districts. For example "the Village Business (VB) districts are intended to have the look and feel of a pedestrian friendly commercial district with inviting, consistent and compatible store fronts. Businesses may be interspersed with residential units (either adjacent to or within the same property) but with an overwhelming commercial feel." Or "the Village Residential (VR) districts are intended to have the look and feel of a pedestrian friendly residential neighborhood within a short distance of small commercial and convenience services and goods. Businesses may be interspersed with residential units (either adjacent to or within the same property) but with an overwhelming residential feel."

Zoning By-law Section 9.4.7 Approval currently contains a modest amount of guidance for site design, but few details. Perhaps a "development guidebook" such as that used by other communities in Massachusetts could be prepared as a supplemental document for distribution to those who propose new development projects of any size. The Town of Chilmark developed a one-page document that provides overall guidance and flavor of what the community desires. (http://www.ci.chilmark.ma.us/Pages/ChilmarkMA_ZBA/ZBADevelopmentGuidelines). A copy is attached in [Appendix D](#). The Towns of Franklin and Westwood, Massachusetts have prepared more comprehensive documents. The Town Of Westwood Development Guide: A Guide To Westwood's Development Project Review And Approval Process, October 1, 1995 can be found on-line at <http://www.townhall.westwood.ma.us/index.cfm?cdid=12723&pid=10116>. The Town of Franklin, Massachusetts Design Review Commission Guidelines is another excellent example of design guidelines. (<http://www.franklin.ma.us/auto/town/pacdev/drcguide/default.htm>). (Attached [in Appendix D](#).)

In addition to the town's development review procedures, a Douglas Development Guidebook could present examples of good site design elements, pictures of good landscaping design, building façade design, parking area design, signage, fencing, loading, etc. Examples of what to avoid could also be included for clarity.

6.2.2 Zoning By-law Section 5.0 General Regulations: Additions to existing provisions

The *Zoning By-law* does have design standards for such items as off-street parking (Section 5.1), loading (Section 5.2), landscaping (5.3) and environmental performance standards (5.4). Below are suggested corrective revisions for each section that would positively impact the study area.

Zoning By-law Section 5.1 Off-street Parking

In *Zoning By-law Section 5.1.2 Table of Off-Street Parking Regulations*, the following proposed new uses should be added as principal uses along with "Places of public assembly,..." in the fourth block.

- Sidewalk Café
- Art Gallery
- Coffee House (Shop)

Also, the following proposed new uses should be added as principal uses along with “retail business, personal consumer, professional...” in the fifth block.

- Professional offices
- Clinic, medical or dental
- Pharmacy or drug store
- Delicatessen
- Bakery
- Farmer’s Market
- Hardware Store
- Specialty store
- Convenience store
- Professional Offices
- Clinic, medical or dental
- Drycleaners

Zoning By-law Section 5.1 Off-Street Parking Regulations should be modified to reflect the communities desire to have the following:

- Improved signage directing patrons to off-street parking locations.
- Quality lighting compatible with district feel.
- Enhanced site maintenance and landscaping standards.
- Regular monitoring of parking areas as built and maintained.
- Enforcement of standards to ensure compliance with approved plans
- Better location of off-street parking relative to businesses and streetscapes.

Parking standards or guidelines might also encourage

- Site security plans for larger lots
- Drainage plans for lots that reduce the impact to area ground or surface waters or town sewage systems.

Samples of off street parking by-laws from Marlborough and West Boylston are contained in [Appendix E](#).

Zoning By-law Section 5.2 Loading Requirements

Zoning By-law Section 5.2 Loading Requirements should be modified to reflect the communities desire to have the following:

- Improved signage directing delivery/pickup and service vehicles to off-street loading locations.
- Quality lighting compatible with district feel.
- Enhanced site maintenance and landscaping standards.
- Regular monitoring of loading areas as built and maintained.
- Enforcement of standards to ensure compliance with approved plans.
- Better location of loading areas relative to businesses and streetscapes.

In addition guidelines and suggestions should be made to property owners and businesses to encourage pickups and delivery during low traffic time periods such as before 7:00am and after 7:00pm. The police department should be encouraged to ramp up its traffic enforcement and should be diligent in citing on – street delivery trucks. Anti-idling laws might be considered to improve air quality in the area (among other environmental and health benefits.)

Samples loading by-laws from Marlborough and West Boylston are contained in [Appendix E](#).

Zoning By-law Section 5.3 General Landscaping Requirements

Zoning By-law Section 5.3 General Landscaping Requirements should be modified to reflect the communities desire to have the following:

- Quality landscaping compatible with the district feel.
- Enhanced site maintenance and landscaping standards.
- Regular monitoring of landscaped areas as built and as maintained.
- Enforcement of standards to ensure compliance with approved plans
- Better location of landscaped areas relative to businesses and streetscapes.
- Consistent or thematic fencing and screening.

In addition guidelines and suggestions should be made to property owners and businesses to encourage low water usage or xeroscaping, low pesticide usage or organic pest or weed management.

Sample landscaping and screening by-laws from the City of Marlborough and the Town of Leicester are contained in [Appendix F](#).

Zoning By-law 5.4 Environmental Performance Standards

Zoning By-law Section 5.4 Environmental Performance Standards should be modified to reflect the communities desire to have the following:

- Safe and healthy community
- Enhanced site maintenance and landscaping standards.
- Regular monitoring of proposed improvements as built and as maintained.
- Enforcement of standards to ensure compliance with approved plans

In addition guidelines and suggestions should be made to property owners and businesses to encourage use of energy efficient lighting and appliances, sustainable building materials as well as other green building practices.

Samples environmental performance standards, guideline or by-laws for lighting from Town of Townsend, noise from the Town of Holliston, and solid waste from Sherburn County, Minnesota are contained in [Appendix G](#).

6.3 Zoning By-Law Section 5.0 General Regulations: Site Plan Deficiencies - Additional Provisions

There are a few items that the current site plan review standards do not address:

6.3.1 Façade and Signage

Signs are an important means of communication within our society. Properly designed and constructed, they perform valuable functions and can be an asset to the community. However, poorly designed or constructed signs can be blighting influences and be a detriment to the city or town. It is the intent of a sign by-law or ordinance to regulate all signs hereinafter erected or changed in order to ensure the health, safety and welfare of the public, to enhance property values, to encourage a more attractive business climate and improve the physical appearance of



Southbridge, Photo used by permission from LDS Consulting

the Town. Sample sign by-laws from Auburn, Concord, Southbridge, Marlborough, Millbury and Malden, Massachusetts are included in [Appendix H](#) and can be used as models to serve the purposes of Douglas. Care must be taken to strike the right balance in uniformity and freedom of expression. (Not too loose and not too tight.) Most sign by-laws allow existing signs to be grandfathered in, unless and until there is a change in ownership or design.



Southbridge, Photo used by permission from LDS Consulting

Similarly business facades say a lot about the business and the community they serve. Several Main Streets Districts and Historic Districts have added consistent designs that are inviting and promote economic development. As an example, the Town of Southbridge implemented a Façade Improvement Program that has helped attract visitors to its downtown area. According to the Town of Southbridge, Study on Downtown Buildings "The goal of program is to improve downtown buildings to stimulate the downtown economy by making it a more attractive and inviting place to visit and to do business. The funding was available to both landlords and tenants. One of the best ways to demonstrate change early in the downtown revitalization [or beautification] initiative is through building improvement projects. Seeing buildings improved convinces citizens and

business owners alike that something exciting and positive is happening downtown. It reverses negative perceptions. Stimulating interest in building improvements helps generate immediate activity and creates momentum for future projects and downtown investment."

A sign or façade standard could be incorporated into the *Zoning By-law Section 5.0 General Regulations*. Several sample sign by-laws or regulations are included in [Appendix H](#).

6.3.2 Private driveways and sidewalks

Private driveways cross the sidewalks in the village area. Visual inspection of this area found many instances where the conditions of the driveways extending across the sidewalks were in very bad shape. A driveway installation and maintenance regulation could be incorporated into the *Zoning By-law Section 5.0 General Regulations*.

Sidewalk maintenance and repair is typically the responsibility of the property owner. Sidewalks are supposed to be shoveled, free of overhanging shrubs or branches and not blocked by vehicles. Of particular concern are uneven sidewalk slabs having a height difference of 3/4 inches or more. These present serious hazards to pedestrians.

Safe, passable and attractive entrance and egress should be found throughout the district.

Sample driveway and sidewalk by-laws or regulations are included in [Appendix I](#).

6.3.3 Long-term maintenance of site plan improvements.

While the Town requires landscaping and other site improvements as part of the site plan review process, in parts of the study area, landscaping and other site improvements have not been maintained very well. This could be rectified by inserting a paragraph in the *Zoning by-law Section 9.4 Site Plan Review* that sets forth the property owner's long-term maintenance responsibilities and by clearly spelling out the landowner's long-term maintenance obligations within the site plan approval's list of conditions (the last step of approving a site plan). Having such language within the *Zoning By-law* would give the Code Enforcement Officer/ Building Inspector something to refer to when property maintenance is not kept up.

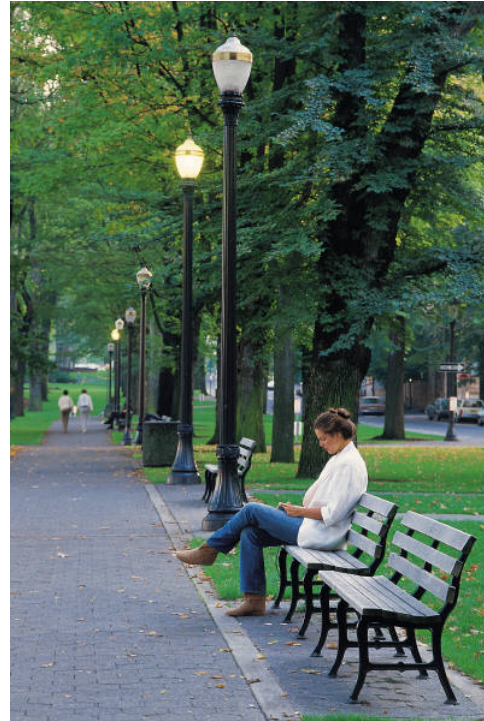
Including a detailed list of maintenance responsibilities within the site plan's list of conditions is also recommended. This could be as stringent as the Town wants to make it, but only to the degree that the Town's administration has the capacity to enforce the list of conditions. The Town should consider whether such improvements need to be inspected periodically or inspected when some complaint triggers the need.

The Town could impose fines on those businesses out of compliance with their site plan's list of conditions. Language needs to be added to the site plan approval process that clearly spells out to the applicant that it has ongoing maintenance responsibilities for the site improvements that are installed.

6.4 Review Of Use Compatibility And Dimensional Requirements For The Village Residential And Village Business Districts And Suggestions For Improvement.

6.4.1 Use Compatibility within the *Zoning By-law Appendix A Schedule of Use Regulations*

A critical interface exists between Village Business and Village Residential districts. A review of existing uses and their dimensions and suggested changes that will prevent incompatible uses would be helpful. To avoid potential future conflicts, the following allowed uses might be changed to "allowed by special permit" from either the Zoning Board of Appeals or the Planning Board.



"Flexible Developments" and "Residential Compounds" are currently not allowed in VB districts. In order to promote Smart Growth, these uses might be changed to "allowed by special permit from the Planning Board."

"Sales and service of motor vehicles, marine, farm, or recreational vehicles or equipment" and "Motor vehicle light service or repair establishments" are allowed in VB districts and not allowed in VR districts. While there are some circumstances where auto garages and repair facilities can successfully coexist with more residential types of uses, these are rare. They typically need multiple curb cuts and special handling and disposal of oil and hazardous materials not conducive to VR or VB districts. As such, in VB districts both uses should be changed to "allowed by special permit from the Zoning Board of Appeals".

"Restaurants" are allowed in VB districts and not allowed in VR districts. "Restaurant, fast food" is allowed by special permit in VB districts and is not allowed in VR districts. In order to promote more of a village feel and provide desired services to surrounding residents and visitors, both of these might be changed to encourage such economic development in the area. Since "Restaurants, fast food" can be done with a more institutional feel or with a small town sandwich counter feel, their use should be "allowed by special permit" in both VR and VB zones. "Restaurants" use should be changed to "allowed by special permit by the Zoning Board of Appeal" in VR districts.

"Private, non profit club or fraternal organization use" is allowed in VB districts and not allowed in VR districts. These types of uses can vary significantly and can be very conducive to the village feel in the case of a non profit office, but can also be very unpredictable in the case of a private social organization. In both the VR and VB districts, the *Zoning By-law* might be might be changed to allow their development by special permit from the Zoning Board of Appeal.

"Hotels, motel use" is allowed in VB districts and not allowed in VR districts. Because of the proximity of VR to the VB district, it might help increase the numbers of visitors to the VB district if such uses were at least allowed in VR districts by a special permit from the Zoning Board of Appeal. The Zoning Board of

Appeals would have the ability to consider the number of rooms and parking spaces compatible with the surrounding area.

Overall, the Planning Board and the Zoning Board of Appeals should be mindful of granting special permits for new developments or substantial reconstruction properties in a VR or VB zone that abuts another zone.

6.4.2 Zoning By-law Appendix B Dimensional Requirements

The “Village” concept is an attractive design to most communities because it encourages social and economic interactions. Dimension regulations for single family dwellings should be modified in VB districts to encourage greater population density while allowing new development in VR districts to also gain larger population density consistent with the surrounding area. The Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) has developed a guide for a Traditional Neighborhood Development as part of its 2007 Smart Growth/Smart Energy Toolkit.

Minimum lot area and minimum lot frontage on a public street for a single family dwelling in VB districts might be adjusted down from 20,000 sf to 16,000 sf (20%) and 50 feet to 40 feet (20%), respectively to reflect a desire for greater density.

The following table demonstrates one possible set of dimension requirements for VB and VR that reduces the required lot sizes for single, duplex and multi-unit residential properties, allowing them closer to the street but still maintaining ample rear setback, while also going up to 3 stories instead of the 2.5 allowed previously. Also multi unit residential properties are allowed 4 stories. Changes to the existing table are underlined.

Zoning district	Use	Min Lot Area sf	Min Lot Frontage	Min Setback (Front)	Min Setback (Side)	Min Setback (Rear)	Max Height Feet/Stories
VR	Single Family Dwelling	<u>16000</u>	<u>80</u>	<u>40</u>	15	20	<u>35/3</u>
	Exempt Religious Educational Use	90000	100	50	15	20	<u>35/3</u>
	Any Municipal Use	90000	100	50	15	20	<u>35/3</u>
	Multi-family dwelling	A minimum area of <u>10,000 square feet per dwelling unit for lots used for 2 or 3 dwelling units, and of 8,000 square feet per dwelling unit for lots used for 4 or more units</u>	150	<u>40</u>	15	20	<u>35/3</u>
	Duplex dwelling	20000	<u>80</u>	<u>40</u>	15	20	<u>35/3</u>
VB	Single Family Dwelling	<u>16000</u>	<u>80</u>	<u>40</u>	15	20	<u>35/3</u>
	Multi-family dwelling	A minimum area of <u>10,000 square feet per dwelling unit for lots used for 2</u>	<u>150</u>	<u>40</u>	<u>15</u>	<u>30</u>	<u>35/3</u>

		<u>or 3 dwelling units, and of 8,000 square feet per dwelling unit for lots used for 4 or more units</u>					
Duplex dwelling	20,000		<u>80</u>	<u>40</u>	15	20	<u>35/3</u>
Retail establishment for public sale	No min		No min	No min	No min	15	<u>35/3</u>
Funeral home	20000		100	15	25	35	<u>25/2.5</u>
Motor vehicle Repair shop	20000		100	25	15	15	<u>25/2</u>
Other commercial use including restaurant, office building, commercial indoor amusement, or recreational facility with or with out a drive- in.	<u>5000</u>		<u>70</u>	No min	15	25	<u>40/3</u>

7.0 PHYSICAL IMPROVEMENTS – STREETSCAPES

7.1 Street Trees

Street trees provide tremendous benefits to communities. Their value has been documented by planners nation-wide in large cities and small towns. Among other benefits, their addition to a streetscape leads to the following results some of which were indicated as desirable in the public forums:

- Reduced and more appropriate traffic speeds.
- Create safer walking environments, by forming and framing visual walls and providing distinct edges to sidewalks so that motorists better distinguish between their environment and one shared with people.
- Increased security. Trees create more pleasant walking environments, bringing about increased walking, talking, pride, care of place, association and therefore actual ownership and surveillance of homes, blocks, neighborhoods, plazas, businesses and other civic spaces.
- Improved business. Businesses on tree-scaped streets show 12% higher income streams, which is often the essential competitive edge needed for Main Street store success, versus competition from plaza discount store prices.
- Convert streets, parking and walls into more aesthetically pleasing environments.
- Soften and screen necessary street features such as utility poles, light poles and other needed street furniture.
- Added value to adjacent homes, businesses and tax base.
- Provides a lawn for a splash and spray zone, storage of snow, driveway elevation transition and more.
- Longer pavement life.
- Connection to nature and the human senses.



The Town of Douglas should consider enactment of a Shade Tree law, such as the Town of Franklin. <http://www.franklin.ma.us/auto/town/publicworks/HotTopics/>

A first step in advancing the addition of trees to the streetscape involves performing an inventory of existing trees. Guidance on such an inventory can be found at <http://www.na.fs.fed.us/urban/inforesources/mgmtplanguide/mgtplanguide.pdf>.

The Massachusetts Department of Conservation and Recreation (DCR) - National Grid Partnership Challenge Grants are available to fund tree programs. DCR Urban and Community Forestry Program in partnership with the National Grid Company is offering matching grants to specific municipalities in which National Grid has completed their ACT Reliability Improvement Program. These grants are made for the purposes of community tree replacement planting and building local capacity for excellent urban and community forestry. Douglas is an eligible community. Other grant opportunities are listed on the DCR website <http://www.mass.gov/dcr/stewardship/forestry/urban/urbanGrants.htm>.

A working estimate for the purchase of a street tree is on the order of \$70-\$100 per tree. This does not include labor to plant the trees. According to Watershed Activities to Encourage Restoration, "The cost associated with planting ball and burlap trees can be quite high – between \$15.00 and \$200.00 each depending on the size and species of tree you are planting. The reason for the high cost is that these trees have been grown from seeds and have been cared for over several years. If money is available, however, planting containerized trees is well worth the cost."

While street trees may be planted in a section of sidewalk with a planting grate, if one exists they are often planted in the landscaped or grassy strip between the sidewalk and the street curb. Locations should be determined with the adjacent landowners and the Town Tree Warden.

7.2 Street Lighting

Instead of the current streetlights that are attached to utility poles, the Town may want to consider installing historic period streetlamps along the corridor. Northbridge has installed such lighting as part of its recent streetscape improvement effort in Whitinsville. While the streetlamp design has been well received by the public, some have said that the lights are not bright enough at night. This may be remedied by changing the type of light "bulb".



Period lighting is often purchased as two pieces, the fixture and the shaft. Prices per fixture can range from \$550 to \$1,100 while prices per shaft can range from \$300 to \$1,200. Again like the street trees above, this does not include installation by qualified experts. Nor does this include the light bulbs. Cost of electricity for various light bulbs may vary from the more energy efficient yet more expensive LED bulbs to the less energy efficient yet cheaper incandescent bulbs. Some attractive outdoors lights can be found at www.lightmart.com.

7.3 Off-Street Parking Areas

Privately-owned. Many businesses in the corridor have parking available for patrons either in front or behind the building. Use of these lots should be encouraged. A number of the lots are poorly maintained, minimally signed, and often underutilized. The Town might consider making arrangements with private property owners to provide shared parking for area visitors in exchange for parking improvements such as landscaping, signage, striping, police patrols, and pavement repairs.

Publicly-owned. The Town has recently completed an off-street parking lot located behind the Post Office and Senior Center off Gleason Court. Eighteen spaces are available at this location. The Town needs to secure an additional off-street parking area nearby on one of the corridor's side streets (Depot, Pleasant, Cook or Bowen Court). A vacant lot exists on the corner of Cook and Northeast Main Street where parking occurs presently. This lot could be acquired, landscaped, striped and formalized to accommodate approximately 15 to 20 cars.



People are not going to stop in the downtown to shop if the only available parking is on-street and those spaces are filled. Signage should be installed along Route 16 that directs motorists to the off-street parking lots. Currently, minimal signage exists.



Handicap accessible spaces should be provided in both private and public lots with clear access to the businesses on ADA compliant sidewalks and crosswalks.

Double parking and street entrance deliveries reduce the available parking for visitors and causes bottle necks in the flow of traffic. Consideration should be given to control double parking by delivery trucks. Limited visibility around parked trucks makes street crossing difficult and dangerous for pedestrians. Trucks should be required to deliver to the rear of the business if possible. Police patrols can reduce double parking an inappropriate delivery. Another possibly more difficult option is to ask businesses to request that deliveries not occur during high traffic periods of the day such as before 7 am or after 9 pm.



7.4 Other Streetscape Amenities

There are several trash receptacles in the village area that have chipped paint and are showing signs of rust. Assuming the Town put the bins along the sidewalks; it should repaint the bins or replace the bins. Purchase prices for new trash receptacles typically range between \$300 and \$1,600. That does not include the labor to install. The town needs to be mindful that the waste is removed frequently.



Bike racks may be added to the streetscape either in front of business or in parking lots to encourage local bike traffic (reducing vehicle traffic.) Purchase prices for new "wave bike racks" depend on the length but typically range between \$200 and \$450 for 7 bike capacity.



Benches may be added to encourage use of the sidewalk area, provide resting areas and increase visitor time in the district. Purchase prices for benches typically range between \$500 and \$1,500. That does not include the labor to install. Businesses and police should be mindful to discourage loitering for long periods of time.

7.5 Signage

Directional signage is currently sprinkled throughout the area. Combining these signs and placing them at key intersections would benefit businesses, and district visitors. Guidelines for consistent business and directional signage should be developed. A crisp uncluttered look makes the business and the district more appealing to shoppers and generates more pedestrian traffic. In addition thematic and/or consistent directional signage should be utilized as much as possible. A sign ordinance might be considered. (See above) One example of a fairly stringent sign ordinance is that of Marlborough, Massachusetts.



7.6 Maintenance

For all of the streetscape amenities put in place within the road's right-of-way that are under the Public Works Department's maintenance jurisdiction, there should be an annual inspection and maintenance program put in place so that said amenities do not fall into disrepair, as is the case with the current conditions of the crosswalks and trash receptacles.

7.7 Other Streetscape Improvements

Across the country overhead power lines have long been a fixture of our streetscapes. In recent years, new subdivisions and areas undergoing revitalization have chosen to place those lines underground. Plenty of reasons exist both for and against performing this improvement.

In favor of relocating the lines, one might argue the following:

- Improved streetscape aesthetics resulting in increased business activity;
- Improved traffic and pedestrian safety; and
- Reduced threats to service during ice storms, high winds, large scale fires, and traffic accidents that might threaten the lines or the pole.

Arguments against relocating the line might include the following:

- Increased cost to install/relocate the lines;
- Increased time to service the lines; and
- Increased traffic delays caused by repair crews.

One study in Maryland suggested that moving electrical cables underground now costs between \$500,000 and \$3 million a mile, depending on ground conditions and other factors, while it costs about \$120,000 a mile to install overhead lines. Some cities and towns are electing to do this over an extended period of time, and/or installing conduit when the ground is opened for other reasons. While the projects can be disruptive, most businesses tend to be supportive of the effort.

7.8 Resources

According to the 2007 Town of Douglas Annual Report,

“The Historic Commission has recently reformed. The goal for 2008 is to get East Douglas downtown district re-documented and re-submitted to the MHC for inclusion in the State Register.”

An application has been made to designate the area as a national historic district. As of July 2008 a decision was still pending. If the application is successful and the area receives designation, a variety of funding resources become available for improvements. Massachusetts Historical Commission, the Blackstone River Valley National Heritage Corridor, and the non-profit group Preservation Massachusetts provide funding and other resources to designated historic districts.

If the Town were to adopt the Community Preservation Act (CPA), they could use a portion of the funds raised for historically-based streetscape improvements.

8.0 PHYSICAL IMPROVEMENTS – ROADWAY AND PEDESTRIAN CIRCULATION

8.1 Right of Way Availability

A survey of right-of-way availability would be necessary for most of the suggested roadway and pedestrian circulation improvements. A clear understanding of existing easements and property boundaries would facilitate design and feasibility analysis of features such as bulb-outs/neckdowns and roundabouts, area available for street tree planting and placement of other sidewalk amenities, and area available for business use of sidewalk (e.g. sidewalk café seating.)

8.2 Crosswalks

There are 5 primary crosswalk locations on Northeast Main Street (see map).

- Near North Street and Bowen Court
- Near Gleason Court (near the Picket Fence Restaurant and the United Methodist Church);
- Near Cook Street (near the Post Office)
- Near Pleasant Street
- Near Mechanic Street

In addition there are 15 crosswalks on intersecting streets.

On the northwest side of Northeast Main Street (going southwest to northeast.)

- West Street
- Cummings Court
- Mechanic Street
- Cook Street
- North Street
- C Street

On the southeast side of Northeast Main Street (going southwest to northeast.)

- Franklin Street
- Cottage Street
- Depot Street
- Pleasant Street
- Driveway at the Post Office
- Gleason Court
- Bowen Court
- White Avenue
- Davis Street

Orange traffic barrels are located adjacent to the crosswalks at Gleason Court and Cook Street. For vehicle traffic these barrels serve to highlight the possibility of pedestrian street crossing and also the risk of fines for failure to yield.

Some efforts to increase the visibility of the crosswalks can and should be done relatively inexpensively. At primary crosswalk locations, new yellow crosswalk paint has been applied and has increased the visibility of the road marking. In other areas where crosswalk markings were previously, attempts to remove the pattern have been less than successful. Efforts to completely remove the pattern should be renewed as the faint but still existent pattern can be confusing for both pedestrian and motorists.

Crosswalk markings on intersecting streets should be freshened up as well with the bright reflective paint clearly linking sidewalks from one curb to another. In addition, other methods can be utilized to highlight the crosswalks. Use of bricks or other decorative patterns to change the texture of the roadway have proven effective.

8.3 Sidewalk Neck-downs

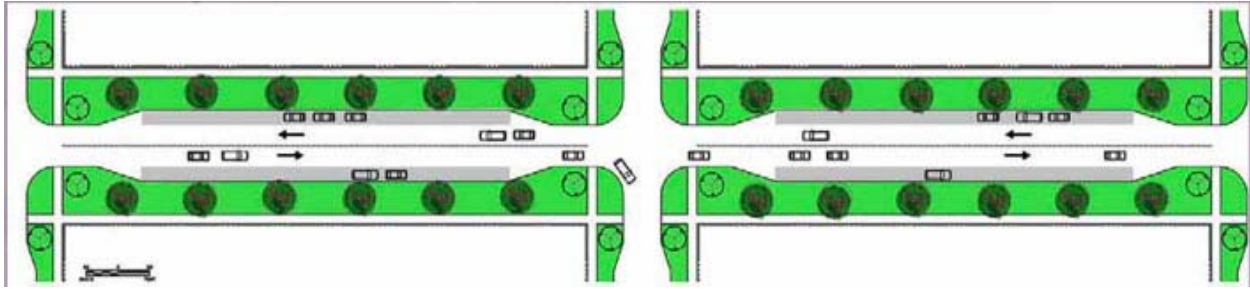


Wikipedia, Richard Drdul, Canada, April 2008 licensed under [Creative Commons Attribution ShareAlike 2.0](#)

Neck downs at Cook Street/Gleason Court, Pleasant Street, and Mechanic Street would provide an additional visual clue for drivers to slow down in these areas. This would necessitate removing on-street parking opportunities within six-to-eight feet of the crosswalks and neck downs. With neckdowns the driver's vision is not obscured by parked cars when people are entering the crosswalk locations.

These features make the pedestrian more noticeable to the driver. Likewise the location of their entry to the intersection or crossing pattern is more predictable. The distance and time to cross the roadway is reduced. If designed correctly, slope and ramping from sidewalk to pavement and back make crossing easier for children, disable, elderly, runners, etc. These designs can easily be made ADA compliant.

According to the Federal Department of Transportation Federal Highway Administration "The cost of installing curb bulbs and changing the curb radii can vary considerably, depending on whether drain grates have to be moved and/or whether there are other issues that have to be addressed. For example, it may be necessary to move the conduit for a signal or relocate utility poles and light and/or sign standards.



Example of a neck down. "Endangered Durham. <http://www.unc.edu/~kueber/neckdown.jpg>"

The Town of Douglas should decide if the work is to be done by the public works department or a private contractor. In general, if only a few bulbs are involved, it may be cheaper and faster to have Town crews do the work. If there is a lot of work to be done, it may be cheaper to use a private contractor. The key is to let the public know how long it will take to install a bulb and then deliver promptly.



Bulb outs and Neck Downs, PBIC Image Library, Ft. Pierce, FL. Photographer Dan Burden

8.4 Raised Crosswalks

Raised crosswalks or a variation of a raised crosswalk may also be considered for the East Douglas Corridor. The Town may also want to consider slightly raising the height of the crosswalks at these locations as another cue for drivers to slow down. The rise in height does not need to be as high as a traditional speed bump, maybe no more than a few inches. This idea (and all of these ideas for that matter) should be discussed with the Public Works Department before they are implemented. The Department will oversee the installation of the features and be responsible for long-term maintenance, so its input into the design phase is crucial.



According to www.trafficcalming.org raised crosswalks have the following advantages, disadvantages, and effectiveness:

Raised crosswalks are "Speed Tables" outfitted with crosswalk markings and signage to channelize pedestrian crossings, providing pedestrians with a level street crossing. Also, by raising the level of the crossing, pedestrians are more visible to approaching motorists.



Raised crosswalks are good for locations where pedestrian crossings occur at haphazard locations and vehicle speeds are excessive.

Advantages:

- Raised crosswalks improve safety for both pedestrians and vehicles.
- If designed well, they can have positive aesthetic value.
- They are effective in reducing speeds, though not to the extent of “Speed Humps”.

Disadvantages:

- Textured materials, if used, can be expensive.
- Their impacts on drainage need to be considered.
- They may increase noise and air pollution.



Effectiveness:

For a 22-foot “Speed Table” (the most similar device for which data is available):

- Average of 18% decrease in the 85th percentile travel speeds, or from an average of 36.7 to 30.1 miles per hour; (from a sample of 58 sites).
- Average of 45% decrease in accidents or from an average of 6.7 to 3.7 accidents per year (from a sample of 8 sites).

Similar Measures:

- By removing the crosswalk markings and signage, you have a “Speed Table.”
- By removing the crosswalk and the flat section in the middle, you have a “Speed Hump.”
- By raising the level of an entire intersection, you have a “Raised Intersection”

The approximate cost to install a raised crosswalk is \$4,000.

8.5 On-street parking

While there was some discussion about removing on-street parking space on one side or the other, it may not be necessary to remove but a few spaces near the crosswalks. Having the road narrow down where parking is allowed on both sides acts as a visual clue for drivers to slow down. Currently, there are no marked spots for on-street parking, just the space necessary to pull over and park. Douglas should consider adding delineated on-street parking.



On street parking, Photographer Dan Burden (PBIC Image Library)

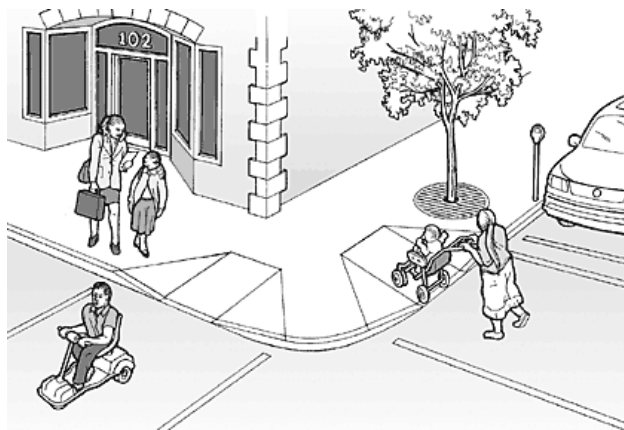
8.6 Sidewalks

All sidewalks in the village should be brought up to the specifications outlined in the Americans With Disabilities Act (ADA). The United States Access Board has issued guidance on bringing sidewalk and curb ramps at intersection into compliance with the current ADA requirements. The Town's sidewalk maintenance account will need to receive additional funding to make this happen.

A new design guide on achieving accessibility in alterations projects involving public streets and sidewalks is now available. Accessible Public Rights-of-Way: Planning and Designing for Alterations, published by the Institute of Transportation Engineers with support from the Board, explains how to maximize accessibility in the course of alterations through careful planning, an understanding of current regulations and access criteria, and strategies for negotiating constraints. The guide outlines and illustrates 25 design solutions, models sidewalks by right-of-way width, and includes case studies and other resources.

From the Americans with Disabilities Act- ADA Guide for Small Towns: A guide for small local governments including towns, townships, and rural counties.

Curb Ramps at Intersections - Pedestrian walkways or sidewalks that are the responsibility of the town often plays a key role in providing access to government programs and services and to the goods and services offered to the public by private businesses. When walkways cross a curb at intersections, a ramp or sloped surface is needed. The title II regulations set requirements for curb ramps at intersections. Whenever a town constructs a new road and sidewalk or alters existing roads and sidewalks, it must install curb ramps. In addition, the ADA requires that towns evaluate its existing system of sidewalks and develop a schedule to provide curb ramps where pedestrian walkways cross curbs. Because a town will not be able to install curb ramps at all town streets right away, the town's plan for curb ramp installation should set priorities for which streets require curb ramps. Towns must give priority to walkways serving State and local government offices and facilities, bus stops and transportation services, private businesses offering goods and services to the public, and employees, followed by walkways serving residential areas.



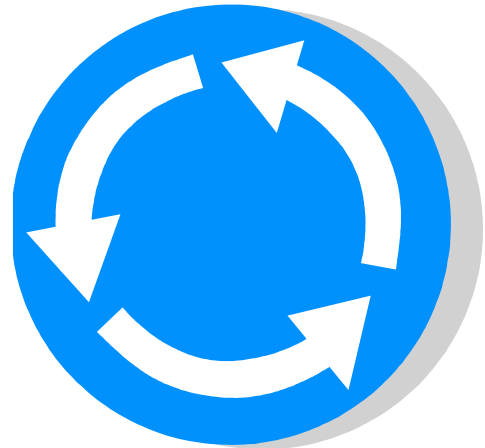
Any curb ramps that are installed must comply with the ADA Standards. In areas with hilly terrain or other site constraints, towns should follow the ADA Standards to the greatest extent feasible.

To achieve or maintain program accessibility, a town should develop procedures to allow the public to request that curb ramps be installed at specific intersections frequented by people with disabilities, including residents, employees, or visitors.

Curb ramps are needed when walkways cross a curb at an intersection. This type of curb ramp has flared sides and must be used when pedestrians may enter or exit the curb ramp from the side.

8.7 Roundabouts

Based on current traffic conditions, the town should consider installation of a roundabout at the intersection of Northeast Main and North Street. At peak traffic hours, the intersection can have significant traffic delays due to northeast bound vehicles turning left onto North Street. A roundabout would slow traffic down without actually installing a traffic light. The right of way availability might constrain the installation of the roundabout. According to Roundabouts USA, www.roundaboutsusa.com



The following are appropriate conditions for roundabout installation:

- “Locations with high delays
- Locations where traffic signals are not warranted
- Four-way stop intersections
- Intersections with more than four legs
- Intersections with high left-turn flows
- Intersections with unusual geometry
- Intersections with changing traffic patterns
- Locations where storage capacities for signalized intersections are restricted
- Intersections that are important from an urban design or visual point of view

The following conditions require special design attention and hiring an experienced designer:

- Locations where there is insufficient space for an acceptable outside diameter.
- Locations where it would be difficult to provide flat (2% or less) entries into the roundabout.
- Maximum grade greater than 4% around the circle,
- A high number of pedestrians, a high percentage of large trucks, intersection junction at the top or bottom of a grade, and the close proximity of adjacent signals.”

Again according to Roundabouts USA, roundabout design basics include the following general process of design:

Horizontal Design: As modern roundabouts replace cross intersections, right angle crashes become less severe and less frequent, and left turning crashes do not occur. Rear-end crashes become less frequent because roundabouts have less queuing. To provide good vehicle path deflection, an important safety design feature that slows traffic on entry, the approach roads are aimed toward left of the central island. They veer back to the right just before the yield lines. Roundabouts are typically designed for speeds from 20 to 25 mph.

Once the horizontal alignment and location of the center island are determined the geometry is checked by turning templates to see if the design vehicle (usually a truck or a bus) can travel through the roundabout without leaving the pavement. Changes are made to the entries, circulatory lane, and exits as needed.

Vertical design follows horizontal design to ensure that approach roads enter and exit the roundabout at optimal grades and smoothness of curves. Care is taken to design the roundabout plateau with a cross slope of 4% or less.

This site recommends using a crowned cross-section around the circulatory lane that slopes 2/3 into the circle and 1/3 away from the circle. This has been found to help with multi-lane

roundabouts in separating left-turn traffic from straight or right-turn traffic. It is especially useful when roundabouts are added to streets with some steep grades on the approaches as it reduces the potential for trucks to overturn on the low side of the circle.”

Two possible configurations of a roundabout for East Douglas may resemble the following pictures with three primary roads intersecting:



Okemos roundabout in Ingham County, Michigan, USA (www.drivers.com) and: Otsego County Road Commission (www.wcroads.org), respectively

9.0 Summary

With a few improvements, East Douglas can become a destination and take on the feel of a functioning village.

Minor corrections/amendments to the *Town of Douglas Zoning By-law* can strongly guide new development or substantial reconstructions in a direction that supports the resident vision of a vibrant business area existing in harmony with a comfortable residential area. Creation of a set of development guidelines with good examples of desirable and undesirable development features will set the tone for new proposals that are sustainable and consistent with resident’s vision of a healthy, safe, attractive and vibrant East Douglas Village.

Enhancement of the streetscape with improved sidewalks, trees, benches, and other amenities can make a visitors experience much more enjoyable. Access to and patronage of the area businesses and institutions can be facilitated with user-friendly crosswalks, and attractive and consistent signage. Improvements to traffic flow and parking will insure that residents and visitors alike are able to reach their destinations inside and out of the Village.

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APPENDIX A - POWER POINT PRESENTATION, SEPTEMBER 25, 2007

Route 16 and East Douglas: A Summary of Existing Conditions

A Presentation for the Town of Douglas, Massachusetts
September 25, 2007

Presenters: Suzanne LePage, Regional Services Manager and Stephen Wallace,
Principal Planner with the Central Massachusetts Regional Planning Commission



**Route 16 and East Douglas:
A Summary of Existing Conditions**

A Presentation for the
Town of Douglas, Massachusetts
September 25, 2007

Presenters: Suzanne LePage, Regional Services Manager
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Central Massachusetts Regional Planning Commission



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Route 16: Previous Studies and Planning Efforts

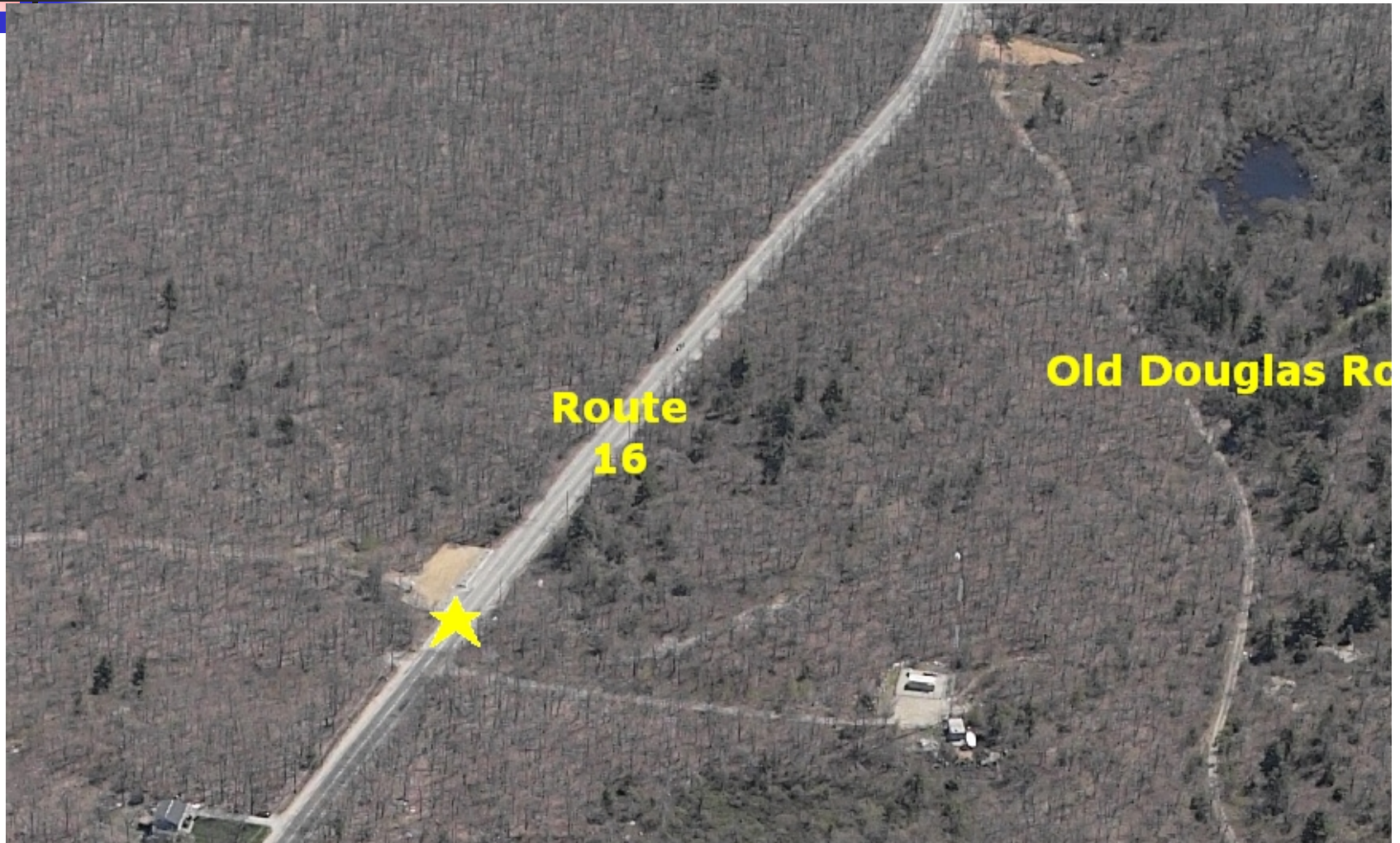
- 1982 Douglas Parking Study (CMRPC)
- 1998 Town of Douglas Master Plan (Whiteman & Taintor)
- 2002 Downtown Improvement Project (Carter & Burgess Inc.)
- 2002 Economic Analysis of Downtown (RKG Associates Inc.)
- 2002 Downtown Improvement Project (Weston & Sampson Inc.)
- 2003 Blackstone Valley Corridor Study (CMRPC)
- 2004 Douglas Community Development Plan (Larry Koff & Associates)



Route 16: Existing and Projected Traffic Conditions

- Traffic Volumes
- Volume-to-Capacity
- Projected Growth
- Travel Time

Route 16 (Webster St) @ Webster Line



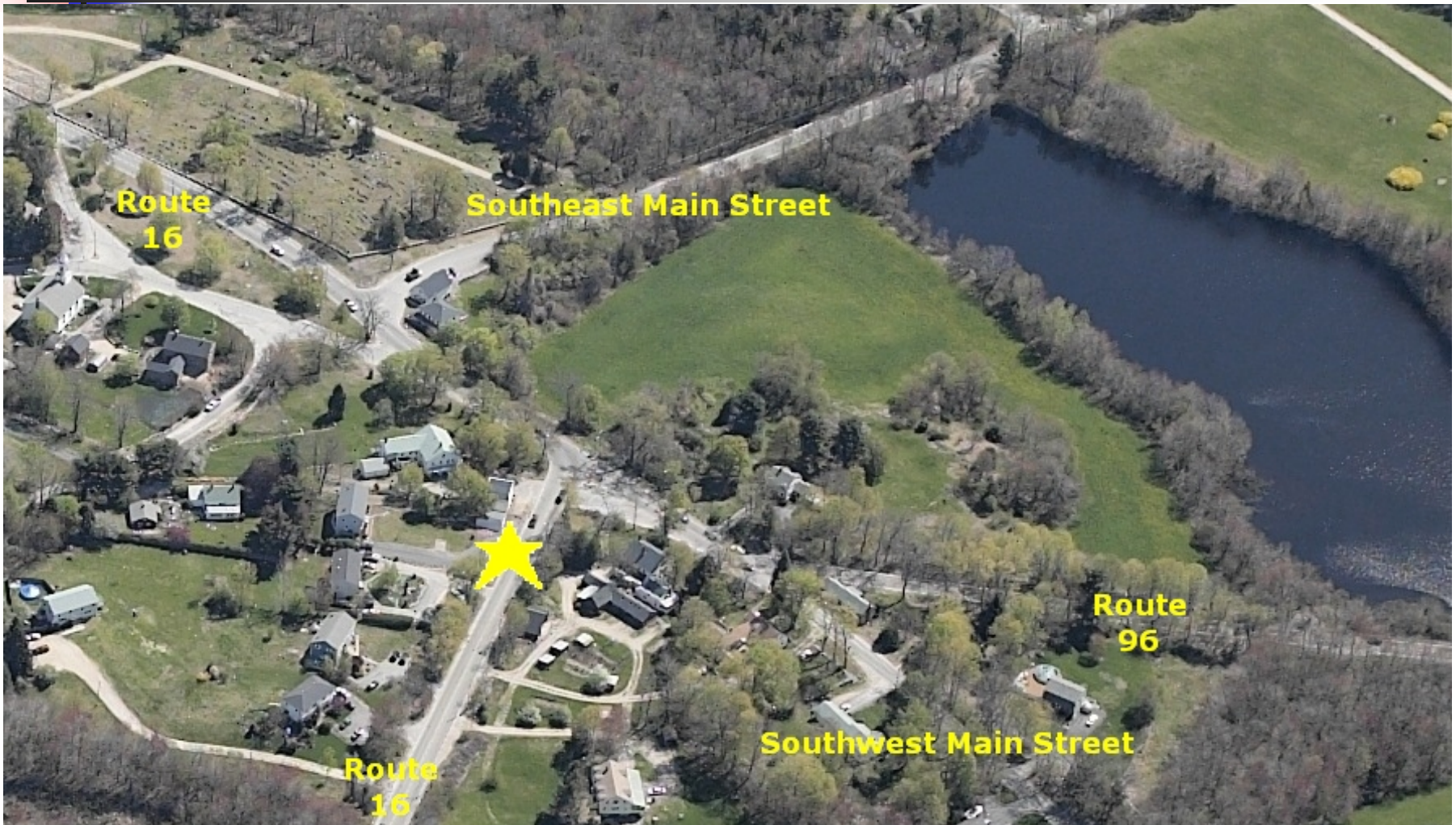


Route 16 (Webster St) @ Webster Line

Date of Count	Daily Total	EB Volume (7-9 AM)	WB Volume (7-9 AM)	EB Volume (4-6 PM)	WB Volume (4-6 PM)	AM % of Daily	PM % of Daily
07/30/91	4,732	305	359	330	529	14%	18%
06/24/02	6,638	396	443	593	540	13%	17%
06/06/05	6,422	406	531	551	527	15%	17%

- Commute pattern -- generally higher volumes Westbound in morning, Eastbound in afternoon
- Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)

Route 16 (Webster St) west of Route 96





Route 16 (Webster St) west of Route 96

Date of Count	Daily Total	EB Volume (7-9 AM)	WB Volume (7-9 AM)	EB Volume (4-6 PM)	WB Volume (4-6 PM)	AM % of Daily	PM % of Daily
07/30/87	3,845	234	223	333	282	12%	16%
05/10/90	3,920	274	281	366	325	14%	18%
09/21/99	4,835	387	415	435	389	17%	17%
06/24/02	4,671	225	429	359	445	14%	17%
06/06/05	5,991	459	450	453	522	15%	16%

- **Commuter pattern not apparent -- generally equivalent Eastbound v. Westbound flows**
- **Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)**

Route 16 (Main St) east of Southeast Main





Route 16 (Main St) east of Southeast Main

Date of Count	Daily Total	EB Volume (7-9 AM)	WB Volume (7-9 AM)	EB Volume (4-6 PM)	WB Volume (4-6 PM)	AM % of Daily	PM % of Daily
07/30/87	6,822	497	287	467	584	11%	15%
10/28/96	6,995	664	401	483	704	15%	17%
09/30/99	8,083	718	491	579	745	15%	16%
06/24/02	10,011	784	447	637	997	13%	16%
06/06/05	10,536	986	575	670	1054	15%	16%

- **Commuter pattern -- generally higher volumes Eastbound in morning, Westbound in afternoon**
- **Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)**

Route 96 (South Street) south of Route 16

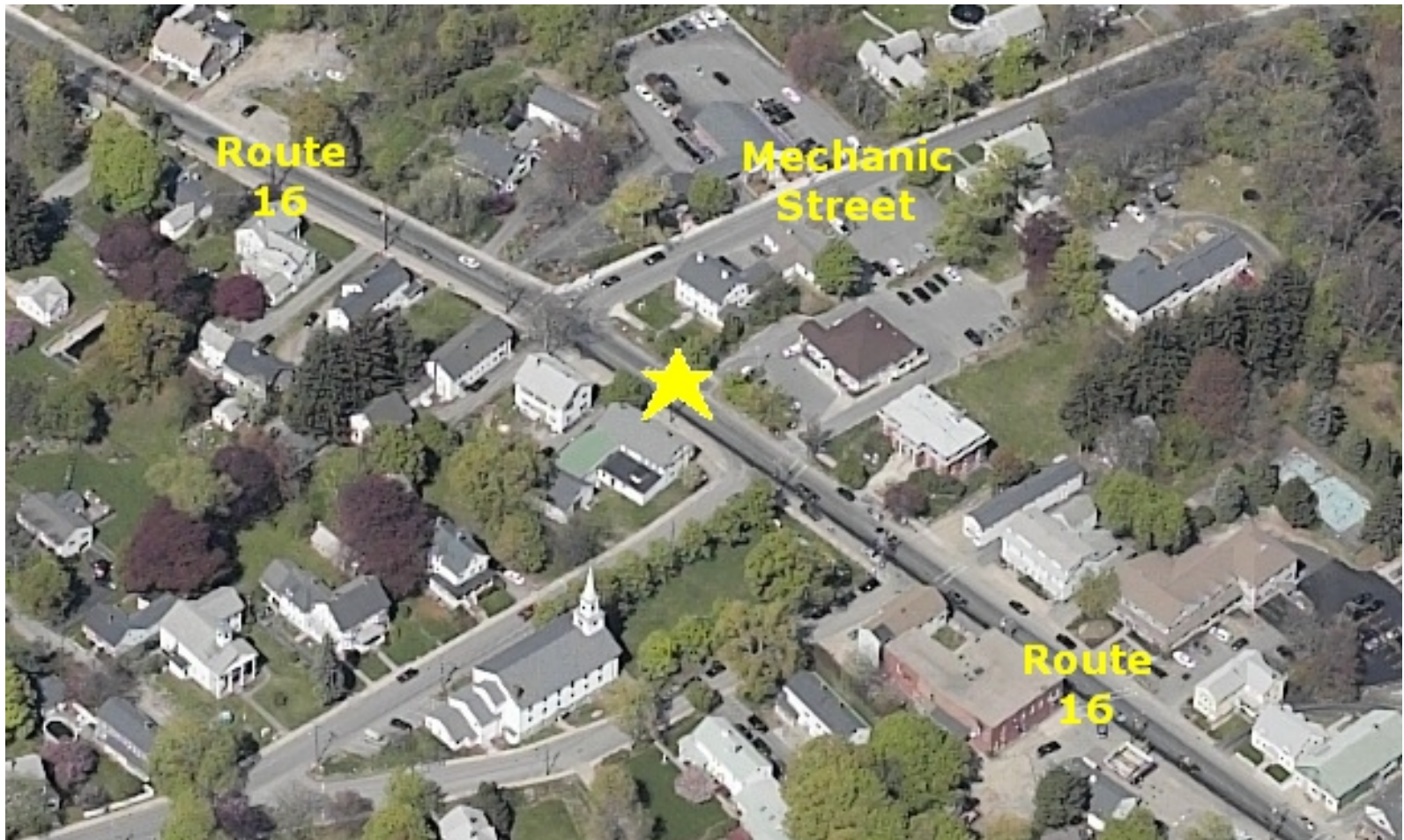


Route 96 (South Street) south of Route 16

Date of Count	Daily Total	NB Volume (7-9 AM)	SB Volume (7-9 AM)	NB Volume (4-6 PM)	SB Volume (4-6 PM)	AM % of Daily	PM % of Daily
07/30/87	1,919	117	70	114	194	10%	16%
10/28/96	1,703	168	55	80	183	13%	15%
09/21/99	2,432	280	91	131	255	15%	16%
06/24/02	1,914	89	57	281	56	8%	18%
06/06/05	2,781	290	109	157	275	14%	16%

- Commute pattern -- generally higher volumes Northbound in morning (feeding Route 16 east) and Southbound in afternoon (fed from Route 16 east)
- Proportions of peak period volumes have remained steady (*i.e.* ~ 1/3 of traffic in 4 hours of day)

Route 16 (Main St.) east of Mechanic St.





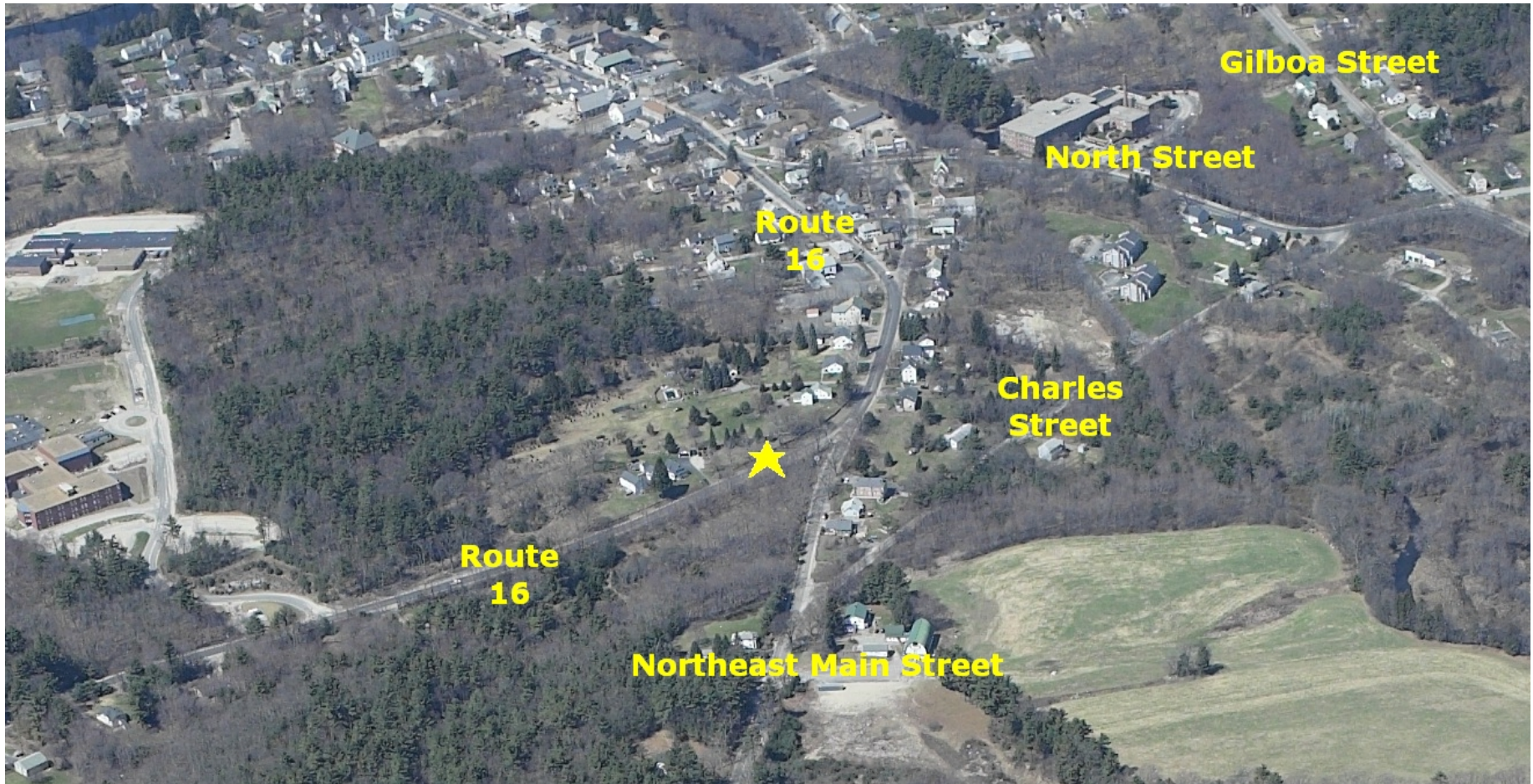
Route 16 (Main St.) east of Mechanic St.

Date of Count	Daily Total	EB Volume (7-9 AM)	WB Volume (7-9 AM)	EB Volume (4-6 PM)	WB Volume (4-6 PM)	AM % of Daily	PM % of Daily
04/30/87	9,103	579	357	615	816	10%	16%
04/07/88	9,106	752	395	618	859	13%	16%
05/04/90*	12,013	1187	441	971	1015	14%	17%

*Friday Count

- Commute pattern -- generally higher volumes Eastbound in morning, Westbound in afternoon
- Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)

Route 16 (Davis St.) east of NE Main St.



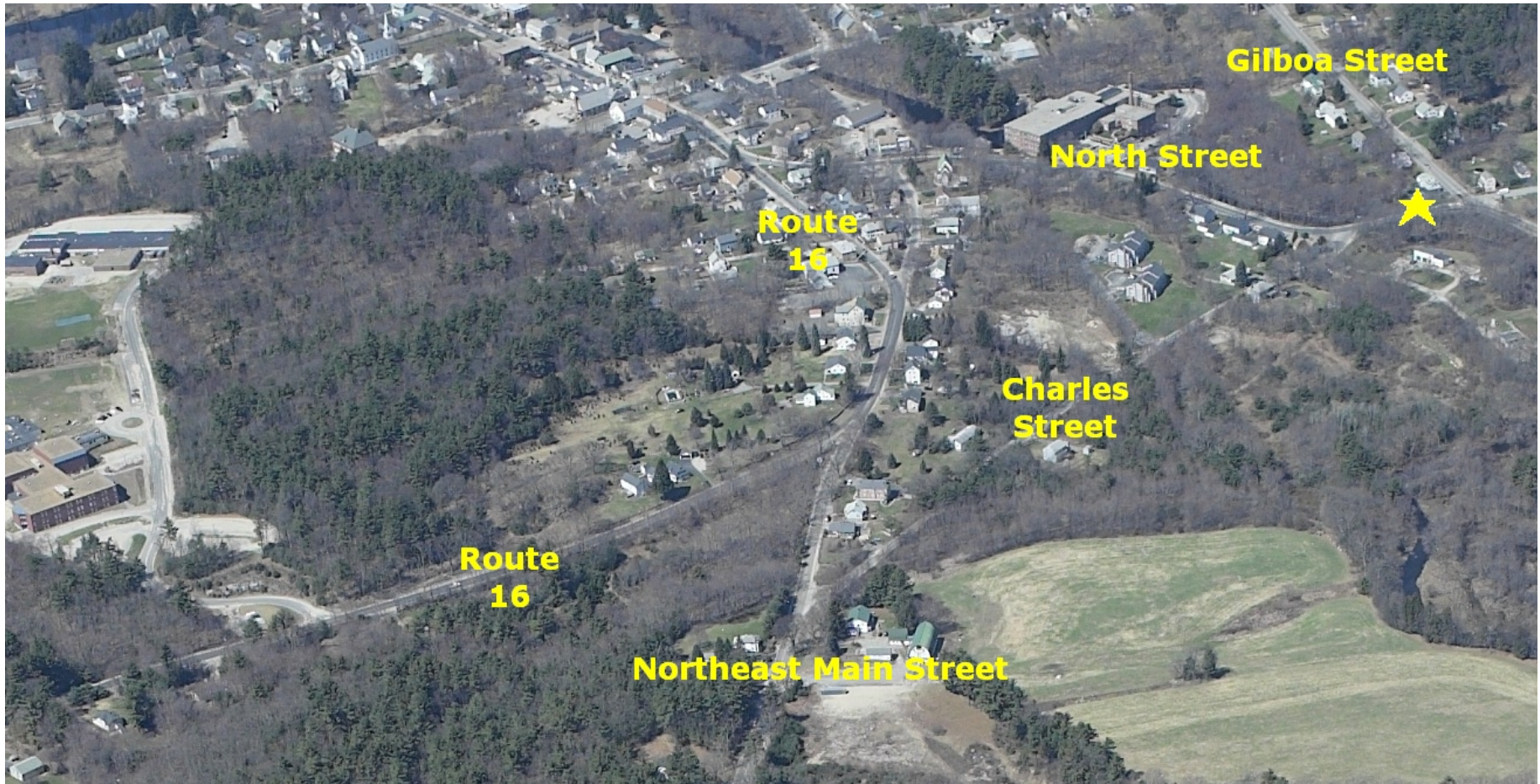


Route 16 (Davis St.) east of NE Main St.

Date of Count	Daily Total	EB Volume (7-9 AM)	WB Volume (7-9 AM)	EB Volume (4-6 PM)	WB Volume (4-6 PM)	AM % of Daily	PM % of Daily
12/17/86	2,882	196	191	190	239	13%	15%
06/06/05	4,837	477	289	273	374	16%	13%

- Commute pattern appears to have developed since 1986 -- higher volumes EB in morning, WB in afternoon
- First example of AM volumes representing a higher percentage of daily volumes (school?)
- Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)

North Street south of Gilboa Street





North Street south of Gilboa Street

Date of Count	Daily Total	NB Volume (7-9 AM)	SB Volume (7-9 AM)	NB Volume (4-6 PM)	SB Volume (4-6 PM)	AM % of Daily	PM % of Daily
12/17/86	5,391	551	236	319	513	15%	15%
08/30/04	7,756	751	367	486	783	14%	16%

- Commute pattern -- generally higher volumes Northbound in morning (fed from Route 16, heading toward Route 146) and Southbound in afternoon (fed from Route 146 heading toward Route 16)
- Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)

Route 16 (Davis St) at Uxbridge Line





Route 16 (Davis St) at Uxbridge Line

Date of Count	Daily Total	EB Volume (7-9 AM)	WB Volume (7-9 AM)	EB Volume (4-6 PM)	WB Volume (4-6 PM)	AM % of Daily	PM % of Daily
08/30/84	3,807	284	170	336	331	12%	18%
04/12/88	3,151	245	179	224	296	13%	17%
05/10/90	3,380	236	169	260	275	12%	16%

- Morning commute pattern with higher Eastbound flows than Westbound
- Proportions of peak period volumes have remained steady (*i.e.* ~1/3 of traffic in 4 hours of day)

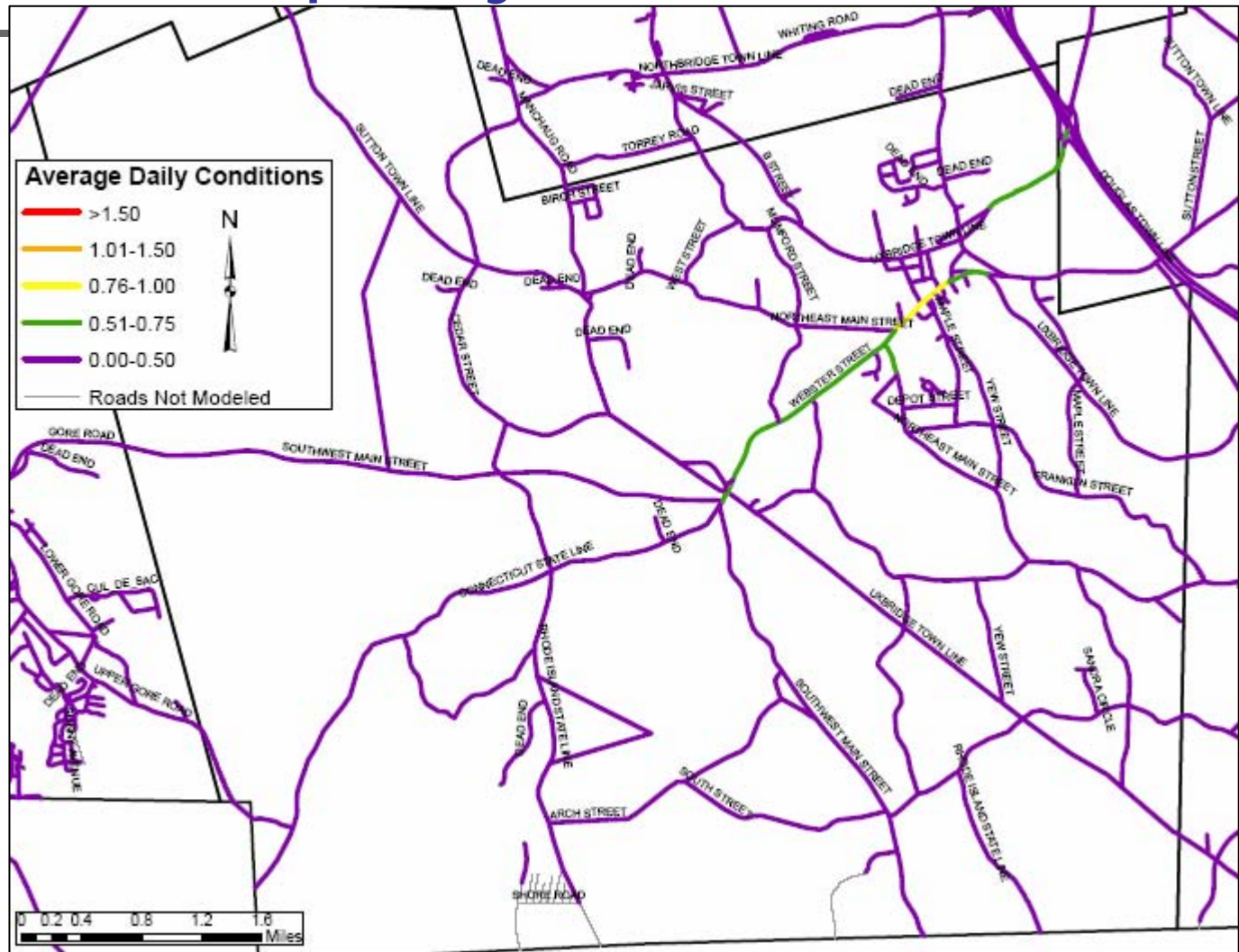


Traffic Volumes – Projected Growth

- 2005 Base Year Travel-Demand-and Forecast Model (*CMRPC*)
 - 2007-2010 – 1.7% annual growth rate
 - 2010-2020 – 1.4% annual growth rate
 - 2020-2030 – 1.3% annual growth rate
- 2005 count of 10,536 (Rte. 16 east of SE Main)
 - 2010 >> 11,463
 - 2020 >> 13,172
 - 2030 >> 14,988

Volume-to-Capacity Ratios

(2005 Daily Conditions)

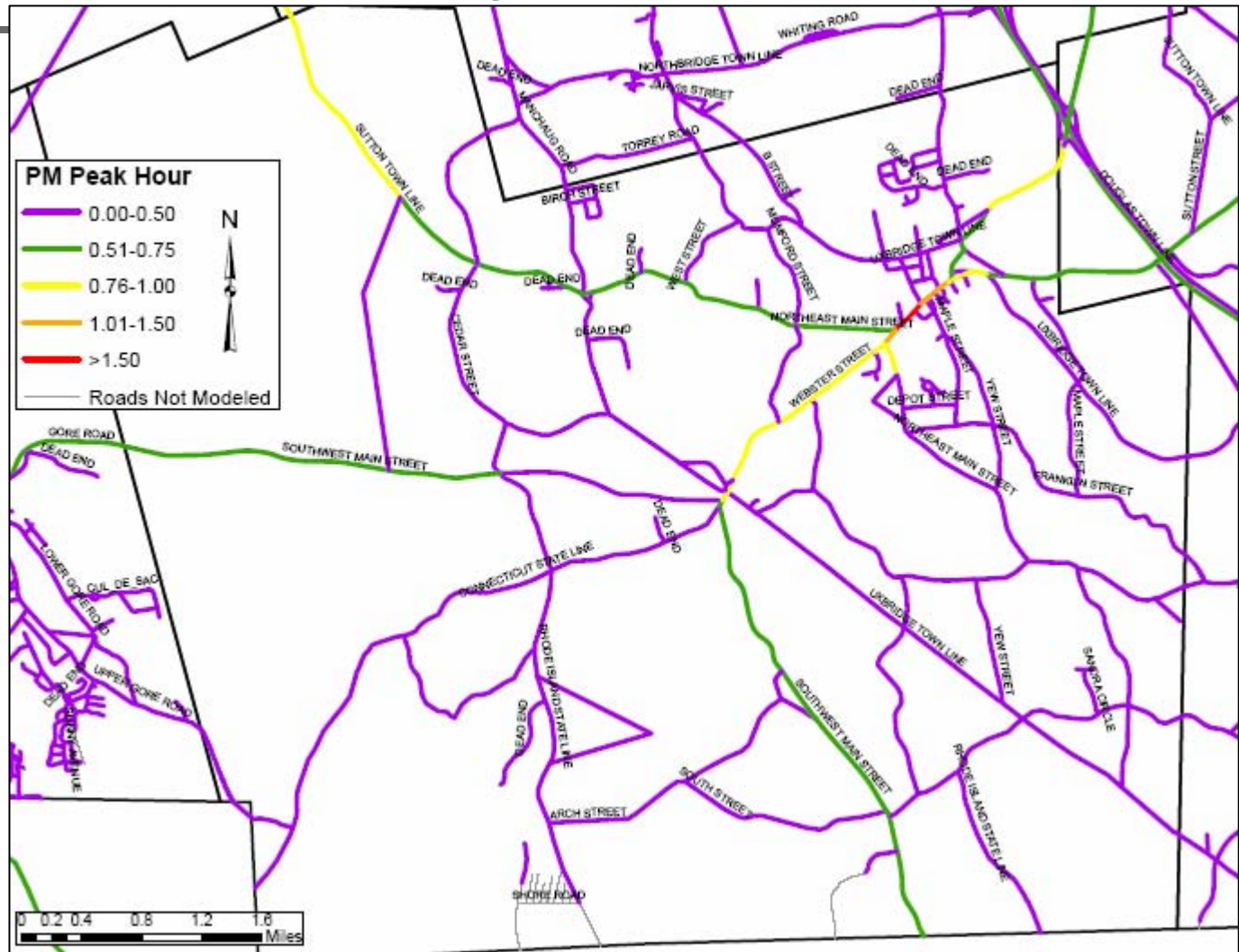


Source: Data provided by the Central Massachusetts Regional Planning Commission (CMRPC), MassHighway and the Executive Office of Environmental Affairs/ MassGIS (EOEA/MassGIS).

Information depicted on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. Use caution interpreting positional accuracy.

Volume-to-Capacity Ratios

(2005 PM
Peak Period
Conditions)

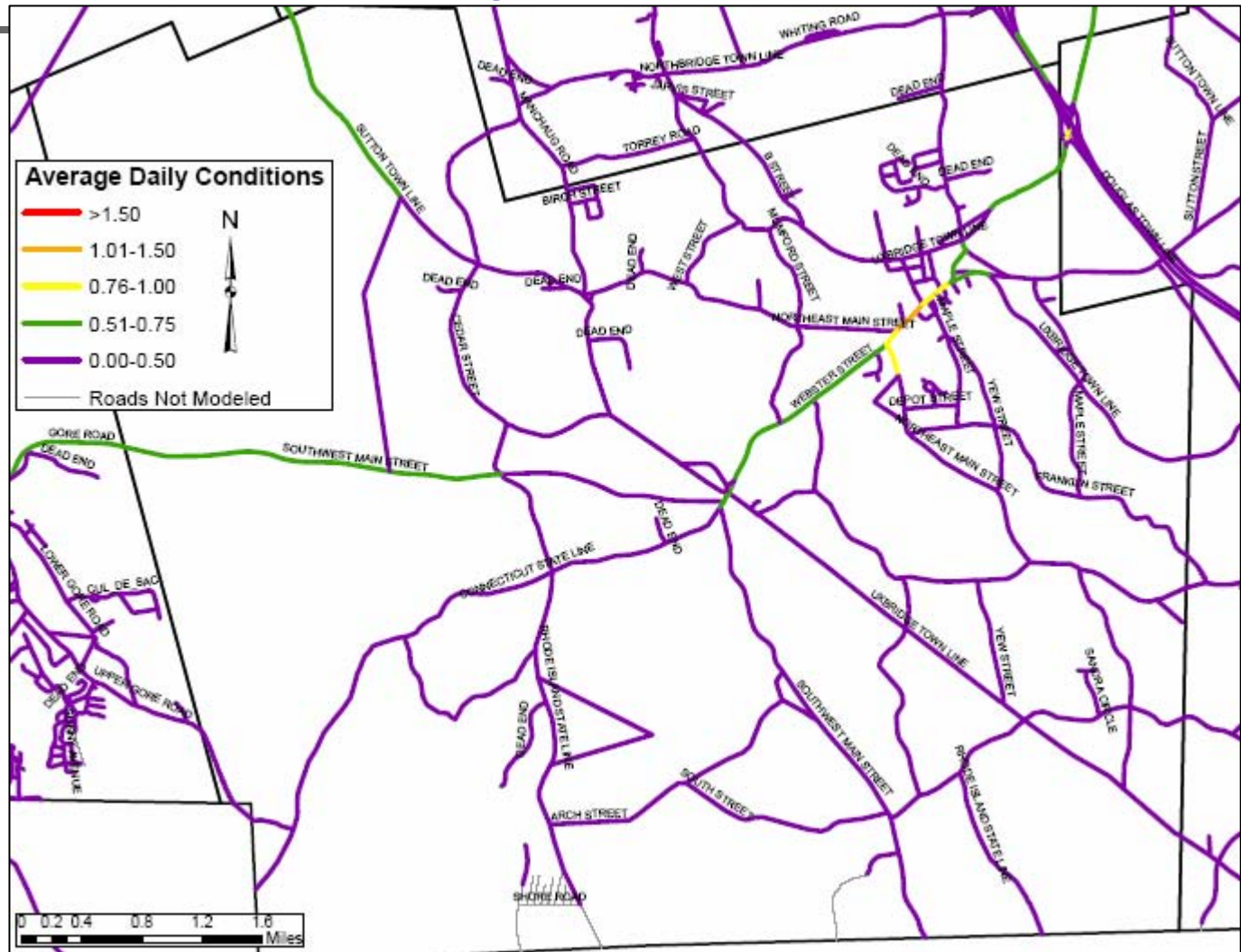


Source: Data provided by the Central Massachusetts Regional Planning Commission (CMRPC), MassHighway and the Executive Office of Environmental Affairs/ MassGIS (EOEA/MassGIS).

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Volume-to-Capacity Ratios

(2030 Daily Conditions)

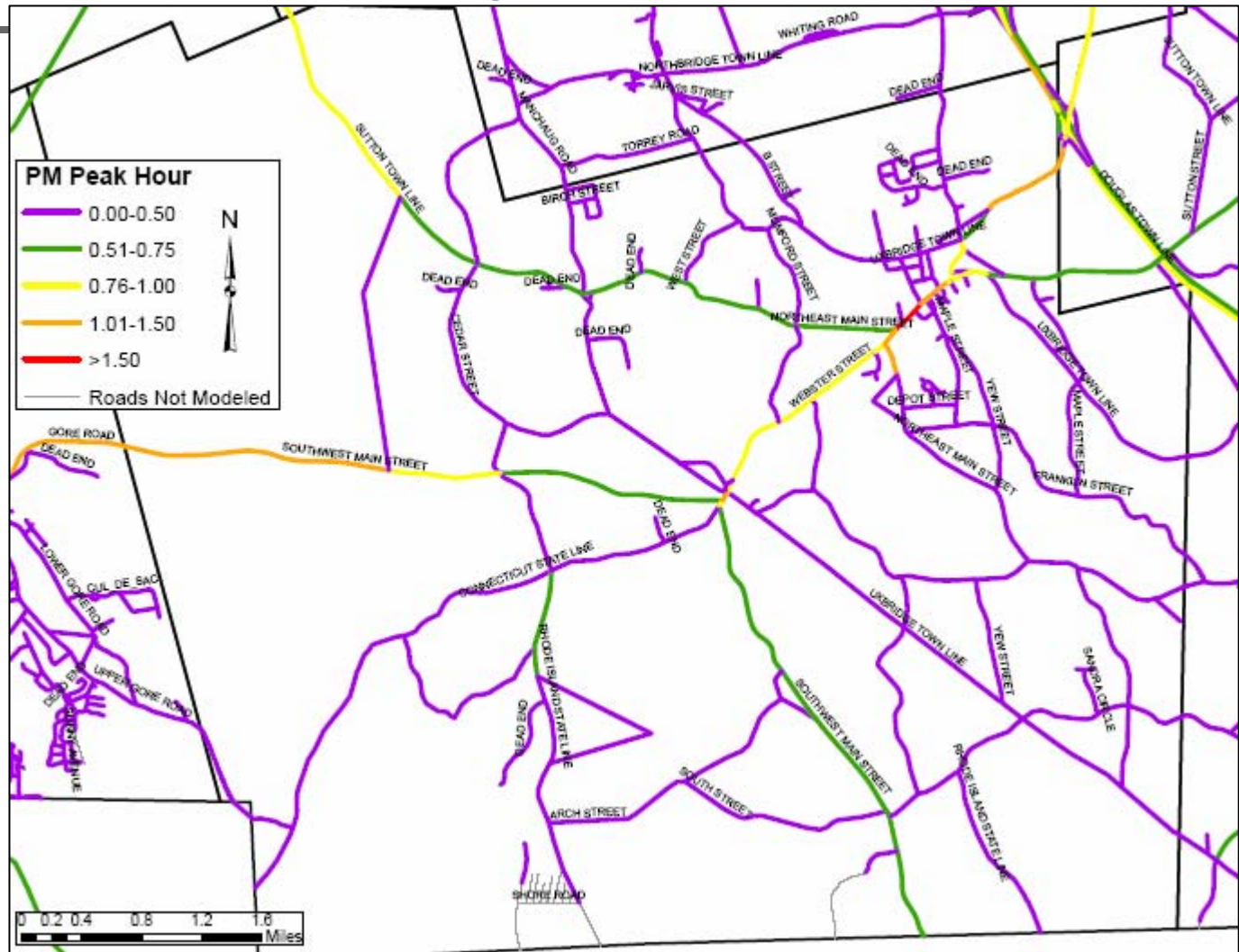


Source: Data provided by the Central Massachusetts Regional Planning Commission (CMRPC), MassHighway and the Executive Office of Environmental Affairs/ MassGIS (EOEA/MassGIS).

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Volume-to-Capacity Ratios

(2030 PM
Peak Period
Conditions)



Source: Data provided by the Central Massachusetts Regional Planning Commission (CMRPC), MassHighway and the Executive Office of Environmental Affairs/ MassGIS (EOEA/MassGIS).

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Travel Speed vs. Travel Time

Travel Time Run Conducted July 19, 2007

Route 16 between Webster TL and Uxbridge TL
(7.7 miles)

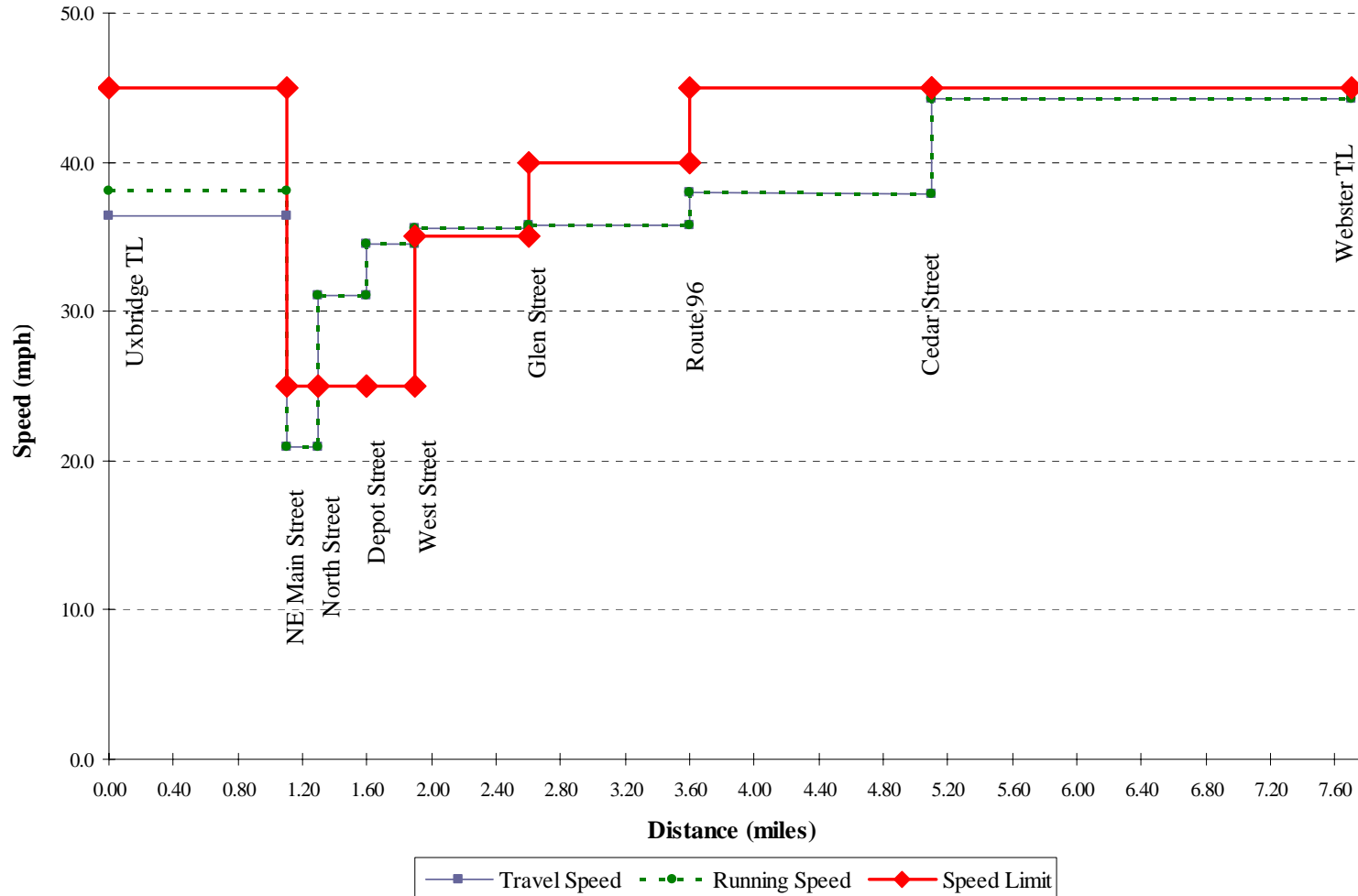
Morning (7-9 AM):

- Eastbound: 11.7 minutes 40.0 mph
- Westbound: 11.3 minutes 41.0 mph

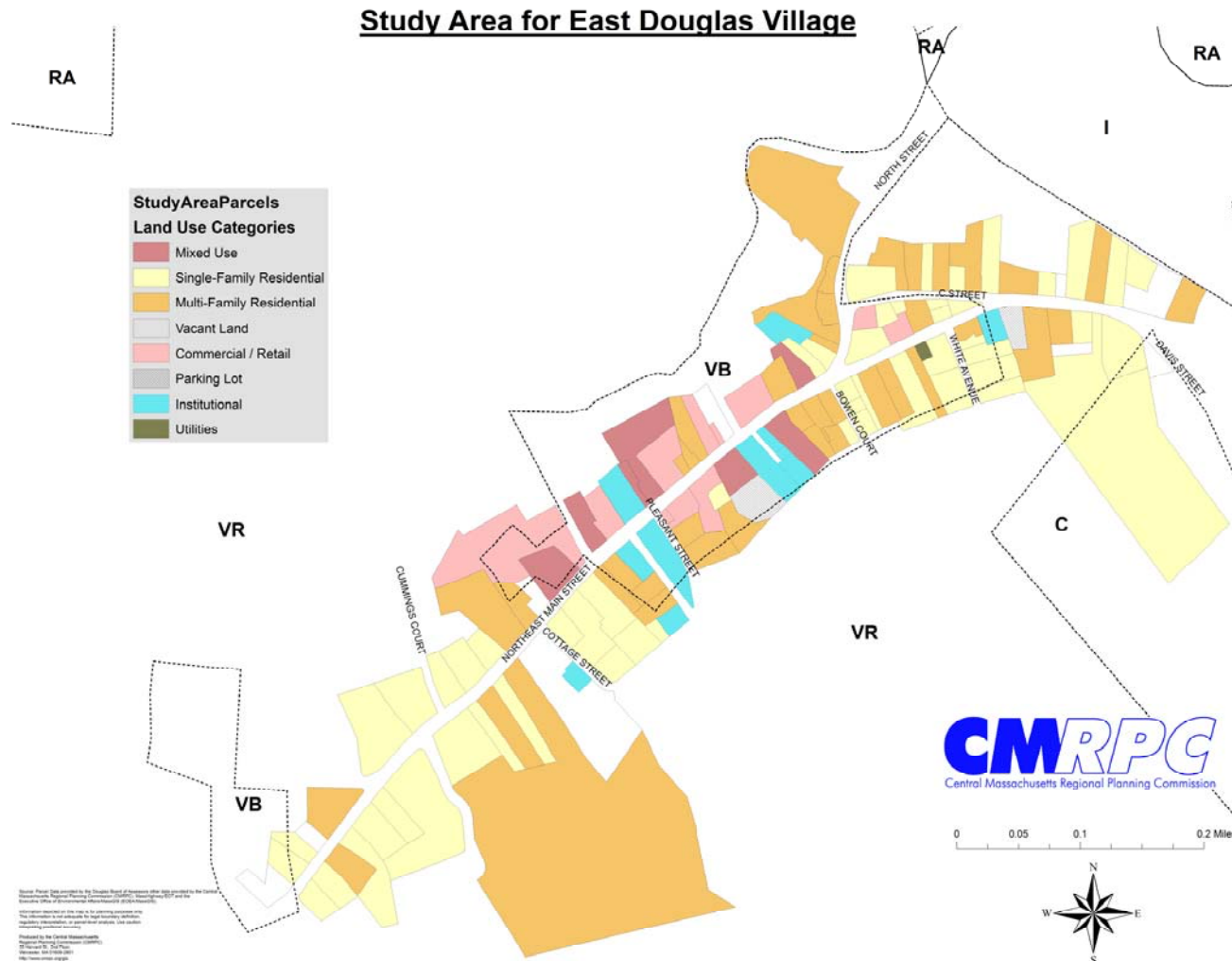
Evening (4-6 PM)

- Eastbound: 12.0 minutes 38.6 mph
- Westbound: 12.3 minutes 37.6 mph

Travel Time-and-Delay



East Douglas Existing Conditions: The Study Area



East Douglas Existing Conditions: The Good, the Bad & the Ugly



At the Franklin Street intersection: No sidewalk on either side of the road until about 100 feet east towards town center, and then the sidewalk is only on one side (south side). **Bad.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Approaching the West Street intersection – sidewalks on both sides of the street. **Good.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



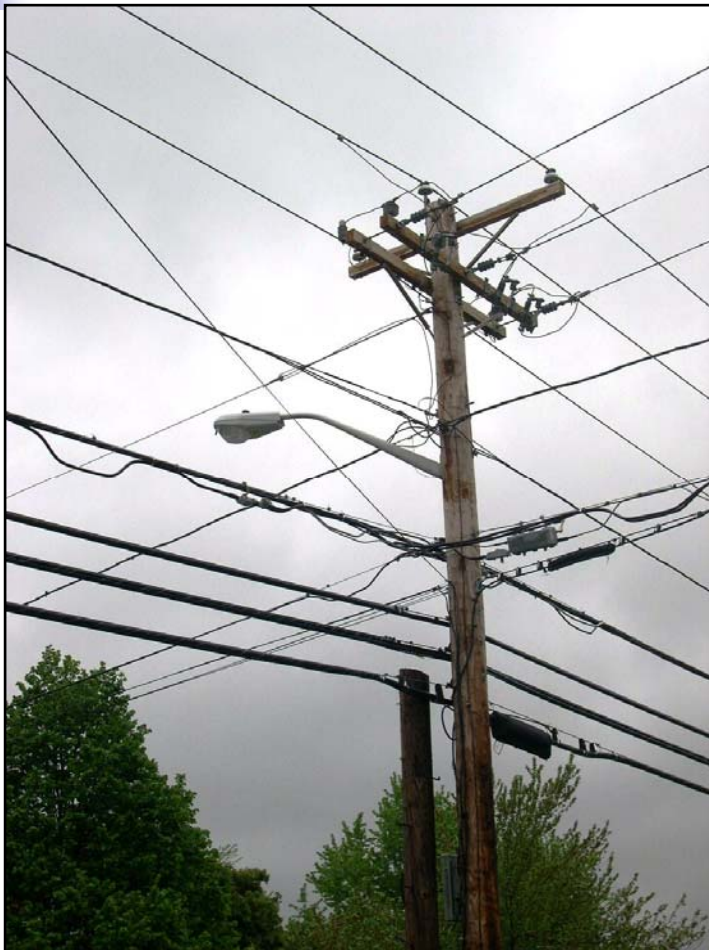
Just past the Cummings Street intersection:
crumbling sidewalk, no buffer between the sidewalk and the road, no curb height to discourage parking and no marking of the road shoulder.
Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



The sidewalk on the other side of the street is in much better condition. **Good.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Overhead utilities along Main Street.
Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Nice green space between the sidewalk and the road with street trees (north side of Main Street). Nice on-site landscaping on the bank's property.
Good.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Non-existent
landscaping on the
other side of Main
Street (south side).
Bad and Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Nice green space between the sidewalk and the road with street trees (north side of Main Street). Attractive stonewall defines the edge of the property.
Good.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Well maintained and attractive stonewall forms the edge of the property. **Good.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained landscaping along the property's edge in front of the sidewalk. **Bad and Ugly.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Dented-in and rusted railing in front of the waterfall.
Bad and Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Another freshly painted and well maintained crosswalk. **Good.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



This one.....
not so much.
Bad and Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Stone monuments
mark the edge of
the property and
intersection.
Good.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



No uniformity of crosswalk colors, poorly maintained sidewalk with utility markings. **Bad and Ugly.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Streetlight provides an attractive streetscape amenity, but poorly maintained landscaping in front detracts from it.

Good and Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Hodgepodge of signage along Main Street, overhead utilities and a rusted trash can make for a less than attractive streetscape. **Ugly.**

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly marked and maintained crosswalk with no visual cues (i.e., the yellow-colored crosswalks seen elsewhere on Main Street). Also clearly not ADA-compliant.

Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Back alley clearly visible from Main Street, with “no parking” hand-painted on the side of the building, leading to an unpaved rear parking lot. **Ugly.**

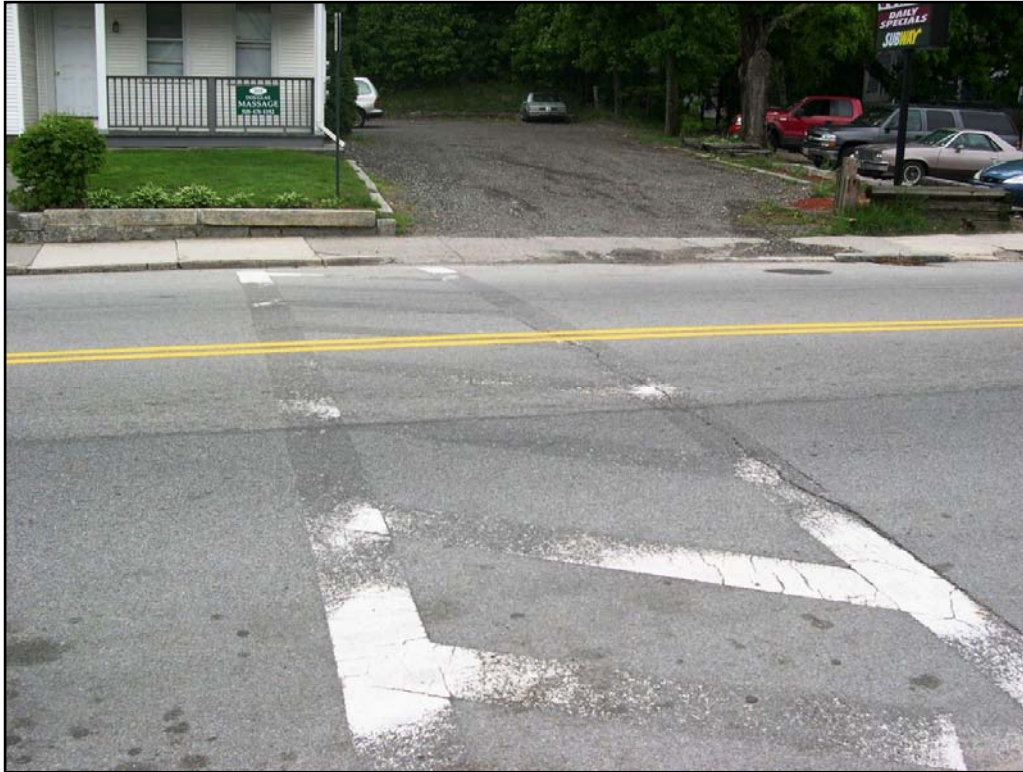
East Douglas Existing Conditions: the Good, the Bad and the Ugly



Hodgepodge of signage with
no uniformity.

Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Yet another poorly marked and maintained crosswalk with no visual cues, located in front of a gravel driveway with poor drainage created a washout along the sidewalk. Again, the access to the sidewalk is not ADA-compliant.

Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained landscaping and rusted trashcan make for a less than attractive streetscape.
Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Street furniture and
ramp for handicapped
accessibility.

Good.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained edge of the sidewalk leads to a poorly maintained crosswalk.

Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Nice stonework and on-site landscaping provide a well-defined edge between the sidewalk and the property.
Good.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained
landscaping on the
property.
Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Uneven sidewalk height and slope are not ADA-compliant.
Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained
sidewalk in front of a
driveway on Main Street.
Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Bent speed-limit sign
and two “no
parking” signs in
close proximity.
Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Well maintained and attractive stonewall forms the edge of the property.
Good.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained
sidewalk in front of
a driveway on
Main Street.
Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Yet another poorly marked and maintained crosswalk with no visual cues (Bowen Street intersection).
Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Poorly maintained landscaping along the property's edge in front of the sidewalk.

Bad and Ugly.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



War Memorial statue provides some much needed visual character to the area.
Good.

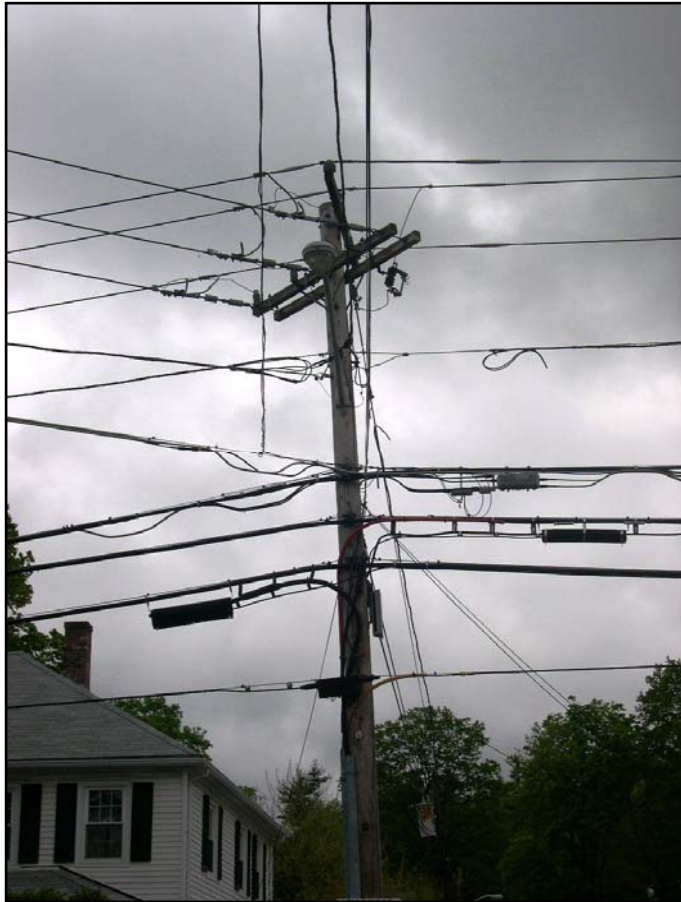
East Douglas Existing Conditions: the Good, the Bad and the Ugly



Intersection of Main Street and Bowen Street: poorly maintained crosswalk, North Avenue is in rough shape and has no sidewalk on its west side.

Bad.

East Douglas Existing Conditions: the Good, the Bad and the Ugly



Overhead utilities:
Ugly!



East Douglas Existing Conditions: Land Use

Total Number of Parcels in the Study Area:	135
Single-Family Homes:	54
Multi-Family Dwellings:	40
Commercial/Retail:	11
Institutional (churches, schools, etc.):	11
Vacant Parcels:	9
Mixed Use (residential/commercial):	7
Parking Lot:	2
Utilities:	1

Only 11 lots used for commercial purposes.....in your "downtown"?



East Douglas Existing Conditions: Zoning

Uses allowed in the Village/Residential District – By Right:

- Single-family dwellings
- Institutional uses (municipal, religious, educational)
- Day-care facilities

Uses allowed in the Village/Residential District – Special Permit from Planning Board:

- Two-family dwellings
- Conversion of single-family home to multi-family
- Flexible developments
- Residential compounds
- Nursing homes and assisted living facilities



East Douglas Existing Conditions: Zoning

Uses allowed in the Village/Residential District – Special Permit from Zoning Board of Appeals:

- Agricultural uses (on parcels less than 5 acres)
- Group homes
- Retail establishments
- Craft, consumer, professional and service establishments
- Funeral homes
- Medical offices
- Banks and financial institutions
- Insurance, real estate offices
- Bed & breakfast
- Golf courses
- Day care facilities
- Cemeteries



East Douglas Existing Conditions: Zoning

Uses allowed in the Village Business District – By Right:

- Single-family homes
- Retail establishments
- Motor vehicle sales, repair and service
- Craft, consumer professional and service establishments
- Funeral homes
- Restaurants
- Medical or dental offices
- Business and professional offices
- Banks and financial institutions
- Insurance, real estate offices
- Private, non-profit, or fraternal organizations
- Hotels, motels
- Institutional uses (municipal, religious, educational)



East Douglas Existing Conditions: Zoning

Uses allowed in the Village Business District – Special Permit from Planning Board :

- Two-family dwellings
- Conversion of single-family home to multi-family
- Nursing homes and assisted living facilities

Uses allowed in the Village Business District – Special Permit from Zoning Board of Appeals:

- Agricultural uses (on parcels less than 5 acres)
- Group homes
- Fast food restaurants
- Commercial amusement facilities (both indoors and outdoors)
- Bed & breakfast
- Day care facilities



East Douglas Existing Conditions

Questions?

Comments?

Have some input to give?

Then join us on: **October 23, 2007**
From: **7:00 PM to 9:00 PM**
at the: **Douglas High School**

APPENDIX B - SUMMARY OF SEPTEMBER 26, 2007 PRESENTATION

Memo To: Douglas Planning Board, Master Plan Committee and Town Engineer
From: Stephen Wallace, Senior Land Use Planner
Date: September 26, 2007
Subject: 9/25 Route 16/East Douglas Existing Conditions Presentation

Thank you all for playing host for our presentation last night. Despite the initial technical difficulties, I believe we were able to establish a common base of knowledge regarding the existing conditions along Route 16 and in East Douglas. This will be helpful as we move towards the October public preference exercise. Presented below is a summary of the public comments we received last night.

- Where the road is very narrow, why not remove parking on one side or the other?
- Crossing the street in East Douglas can be very dangerous at times.
- Truck traffic is an issue.
- Perhaps consider regulating traffic speed from the North Street and West Street intersections.
- Roadway speed limits can be changed with coordination with MassHighway and law enforcement. However, it is a roadway's design that ultimately determines how fast people drive.
- Consider using neck-downs in East Douglas as a visual clue to "slow down".
- What was the result when Whitinsville narrowed down Church Street?
- Perhaps use Mechanic Street and Gilboa Street as a way around the village?
- The bridges on Mechanic Street and North Street are in serious need of repair.
- The idea of installing roundabouts at the Route 16/North Street and Route 16/West Street intersections is worthy of continued discussion/consideration.

So there you have it. I've also attached a disc with the PowerPoint presentation on it for web posting, as well as the sign-in sheet for public attendance.

We are looking forward to the October forum and hope it will result in some clear cut guidance for Douglas planners as you deliberate the future of Route 16 and the East Douglas village.

APPENDIX C - PUBLIC FORUM

Options for Improving East Douglas - October 23, 2007, 7:00PM Douglas High School

Public Forum Comments Summary

All told, there were about twenty participants throughout the course of the evening. The audience was broken up into two groups. Each group was instructed to answer four questions:

- What do people like about East Douglas?
- What do people not like about East Douglas?
- What types of businesses and services do people want for East Douglas?
- What types of streetscape improvements do people want for East Douglas?

At the end of the breakout sessions, the participants were reconvened together and a speaker from each group went through their comments. Each participant was given four red dots and instructed to place one dot on the number #1 thing they like about East Douglas, the #1 thing they don't like, the #1 business/service they would like to see, and the #1 streetscape improvement they would like to see. The results of this effort are listed below.

Top three things people like about East Douglas

Historic character (5 votes)

Small town feel (4 votes)

It is walkable (3 votes)

Top three things people don't like about East Douglas

Traffic – congestion, speeding and noise (8)

Truck traffic (5 votes)

Five-way tie for third place with each item receiving one vote

Top three businesses/services people want in East Douglas

Pharmacy/drug store (5 votes)

Deli/bakery (5 votes)

Farmer's market (2 votes)

Top three streetscape improvements people want in East Douglas
Riverwalk (9 votes)

Address parking issues (8 votes)

Underground utilities (6 votes)

Group 1

What we like about East Douglas:

Small town feel

Village character

Local businesses (no chain stores)

It is walkable

Octoberfest
Historical buildings
Pizza and Italian restaurants
Church common
The “stage coach” step
River nearby
Waterfalls
Used by residents
Street trees (in the past)
Window boxes
Good property upkeep
Nice library
Nearby schools
The Post Office
Local drivers courteous for street crossers

What we don't like about East Douglas:

No night time lighting
Traffic congestion
Trash needs to be controlled
Speeding
Too much traffic
Too much pizza
No trees
Lack of landscaping
No drug store
Overhead utilities
No grocery store
Insufficient off-street parking
Signage
Do not feel safe crossing the street

Businesses/Services we'd like to see in East Douglas:

Drug store
Small grocery store
Hardware store
Specialty store
Restaurants
Some conveniences
Sidewalk café
Bakery
Saturday farmer's market
Family-owned businesses

Streetscape Improvements we'd like to see in East Douglas:

Remove overhead utilities

Add trees/landscaping
Non-intrusive signage fitting in with small town character
Uniform curbing/sidewalks
Old fashioned street lighting
No parking in front of the Subway restaurant (narrowest area)
Regulate parking and traffic
Rotaries
Traffic lights
Preserve historic buildings
Rear delivery and parking (alleys)
Use old railroad bed as a road to bypass Route 16
Niche businesses
On-street short-term parking
Historic walking tour
Green spaces
Mini parks
Riverwalk

Group 2

What we like about East Douglas:

The common
The Goodness Store as a meeting place
Old cemetery
Historic homes
Small town character
Historic character
Older Colonial look – architecture
Front lawn of the church
The Library
Convenience of commute
Soldier's Field
The River
Octoberfest
Waterfall
Picket Fence Building (Axe Mill history)
It is walkable

What we don't like about East Douglas:

Traffic: the noise, the speed and the danger
Tractor-trailer trucks
Power lines/telephone lines
Lack of trees
Parking (off-street/inadequate)
Street parking (clogs the road)
Sidewalks and pedestrian access
Handicapped accessibility

Businesses/Services we'd like to see in East Douglas:

Pharmacy/drug store
Deli/bakery
Dentist/doctor/lawyer (using residential structures)
Fresh produce
Farmer's market
Art gallery
Sophisticated coffee shop
Medical clinic with a pharmacy
Dry-cleaner/tailor
Family restaurant
Foreign food store (Chinese, Thai, etc.)

Streetscape Improvements we'd like to see in East Douglas:

Trees with small leaves
Shrubs and landscaping
Underground utilities
No ugly signage – use historical design and enforce the sign by-law
Trash receptacles
Window boxes
Riverwalk
Redirect traffic to create a pedestrian downtown and provide off-street parking
Historic street lamps (the good ones, not like in Northbridge)
Parking in the back of buildings

APPENDIX D - DEVELOPMENT GUIDELINES

D-1 Zoning Development Guidelines, Town of Chilmark, Massachusetts

These are not a part of the Zoning By-laws. [A copy of these Guidelines shall be given to all: a) persons applying for a subdivision; b) purchasers of lots and their architects; c) persons applying for a building permit.]

Historical Background

Chilmark is the most geologically complex section of Martha's Vineyard, due to the intermingling of the three latest terminal moraines which, with the relatively small section of the outwash plain (on the South shore), provide the town with its natural assets of physical beauty, variety of landscapes, irregular terrain, hills, ponds and shorelines.

A. Purpose of these Guidelines

To minimize the impact of all development in Chilmark to protect the Town's rural, scenic and natural qualities and adhere to the goals of Chilmark's Master Plan, Open Space Plan and Zoning By-laws.

B. Preservation of Open Space

1. Preserve sufficient open space so that the uninhabited areas of the town are predominate.
2. Protect natural features of the landscape such as scenic points, water courses, large trees, historic spots and similar community assets.
3. Protect agricultural land and uses.
4. Retain existing woodland areas large enough to be sanctuaries for wildlife. Retain existing trails; create new ones.
5. Do not disturb wetlands; check with the Conservation Commission before doing any work near wetlands and coastal areas. Do not use pesticides or herbicides in these areas.
6. Avoid altering the natural landscape. Minimize the size of lawns and recreational facilities. (Chemical pesticides and fertilizers are not allowed in some areas. Organic products are permissible.)
7. Use native species for landscaping; retain natural vegetation on slopes.
8. Use flexible siting (Article 6.7 of the Chilmark Zoning By-laws) to provide dedicated open space.

C. Roads and Driveways

1. Minimize grading. Build roads that curve to fit the landscape and that require slow speeds. Add speed bumps where necessary.

2. Retain natural buffer areas to screen structures and parking areas from roads, water bodies and neighboring houses.
3. Provide shared driveway entrances where possible.
4. For details of road construction refer to Appendix C of the Planning Board Rules and Regulations.

D. Siting and Design of Structures

1. Maintain the visual integrity of ridge lines and hilltops by keeping roof-tops and other construction below the ridge line and at least 10 feet below the average height of the existing trees on wooded ridges or hilltops.
2. Grading and earth removal should be executed so that contours of the land are the same as those previously existing on the site and adjacent to it.
3. In open land, site houses behind fields against the background of adjoining woodlands.
4. Site all structures to minimize visibility from roads, water bodies, and neighboring properties. Take care not to block neighbors' views.
5. Design structures that harmonize with the landscape and are compatible with the scale and character of existing Chilmark architecture.
6. Use materials, textures and colors which are typical of Chilmark's architectural traditions.
7. Place all wiring and appurtenances of electric power, communications and fire alarm systems under-ground.
8. Preserve visibility of the night sky by shielding all external lights (see Article 5 in Zoning By-laws).

http://www.ci.chilmark.ma.us/Pages/ChilmarkMA_ZBA/ZBADevelopmentGuidelines/

D-2 Design Review Commission Guidelines, Town of Franklin, Massachusetts

(Some Pictures are referenced but not included.)

Design Review Commission Guidelines
The Town of Franklin, Massachusetts
Design Review Commission Guidelines
Written and/or Compiled by the Town of Franklin
Design Review Commission Guidelines Committee
Philip Evans, Editor
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Town of Franklin Design Review Commission, Guidelines Committee, 1998 - 1999

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Town of Franklin Design Review Commission
1998 - 1999

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Introduction - A Little History

A Brief History of Franklin

The rocky soil deposited by the retreating Pleistocene glacier became the land of the Wampanoag. Its hilly topography was deeply forested with lakes framed to the north by the Charles river. A part of Wrentham for over a hundred years, Franklin came into its own as a town on March 2, 1778. Originally called Exeter, the town fathers instead named the town after the most famous man of that time; Benjamin Franklin. It is the first town in America to make this claim.



In appreciation of naming the town after him, Benjamin Franklin made a gift of books to the town. Known as the "Franklin Books", they were shared by all who wished to borrow them. They formed the basis of the town library, supposedly the oldest public library in the United States. There are other great men associated with Franklin, Massachusetts. Horace Mann, the "Father of American Education", was born here in 1796 as was the great western artist, Charles Adams, born in Franklin in 1858. James Nason, the inventor of the coffee percolator, was a Franklin man, as was Albert D. Richardson, author and Grant biographer. A few of the many landmarks which also contribute to Franklin's unique heritage are the Horace Mann museum, the campus of Dean College,

the Franklin Public Ray Memorial library, and the historic Oliver Pond house, a true relic of the American Revolutionary period.

During the industrial revolution, Franklin began its commercial growth with the production of hats. This industry was very important to the local economy and lasted well into the 1960's. During the Victorian era this growth boomed with the manufacture of textile machinery, pianos and many other successful capital enterprises. It was during this period that many of the great Victorian mansions in town were built. The architecture of the town is also rich in Colonial, Federal, Edwardian, Roman, and Spanish Colonial buildings. A beautiful example of local mill architecture is the Brookdale Mill in the Unionville section of town.

Along with the great ethnic diversity of the town brought on during the great immigration periods during the late nineteenth and early twentieth century, other influences to the architectural measures of the town have been contributed by the churches. Fine examples of this divine influence can be enjoyed from the town green.

A Brief History of Design Review

As Franklin grew and expanded in recent years, the Town recognized the need for a commercial design review process. The 1997 Master Plan approved by the Planning Board noted that Franklin "should adopt design standards which, over time, will reestablish a streetscape typical of traditional New England villages. Such standards will enhance the visual appeal of the community as a whole, as well as the commercial appeal of individual establishments."

This recognition became reality in 1998, with the enactment by the Town Council on January 21, 1998 of a new Zoning By-law establishing a sitting Design Review Commission (the "DRC"). The complete Design Review By-law is reproduced in **Appendix D**, while several important points are excerpted in Chapter 3. The By-law charges the DRC with reviewing the design of any construction or renovation within the Commercial or Business zoning districts, and making recommendations on these designs to the Planning Board or Zoning Board of Appeals. The purpose of this process, as stated in our By-law, is:

. . . to promote safe, functional and attractive development of business and commercial areas; to preserve and enhance the New England character of the Town's commercial centers and thoroughfares as a valid general welfare concern; to unify commercial properties, both visually and physically, with surrounding land uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the Town; and to protect commercial property values by enhancing the Town's appearance.

Town of Franklin Code Chapter 185, §185-31(2)A.

The Design Review By-law also called for the adoption of a set of design guidelines, "specific to Franklin's business and commercial areas", after study by an ad hoc Committee. The work of that Committee has resulted in this booklet.

The DRC and the Guidelines Committee hope that all who will use this booklet - residents, businesspeople, and Town officials - will keep all of the above purposes of design review in mind. Through reasonable and judicious application of the processes and principles included in this booklet, these purposes may be both strived for, and achieved.

Please Note:

*The Design Review Guidelines themselves are contained in **Chapters 4 and 5** of this booklet. **The Guidelines are always enclosed in double-lined boxes like this one.***

Two additional chapters are included as *references only*:

Chapter 2, which describes the Design Review procedure and answers several frequently asked questions; and

Chapter 3, which excerpts and highlights specific points from the Design Review By-law.

The Design Review Process - The Procedure for Applicants

This chapter is included as a service and another resource for design review applicants needing guidance or assistance. All information presented in this chapter, including the "Frequently Asked Questions" section, is believed to be accurate at the time of publication. However, there may be future changes to the applicable laws, regulations or policies which are not reflected in this chapter. In the event of any doubt or dispute, the provisions of applicable law will control over this chapter.

Who Applies?

If your place of business or building is located in any **Commercial I, Commercial II, or Business** zoning district, you will need DRC review for any of the following:

New Construction, including new structures, changes in use, or changes in site design whenever a building permit is required.

Additions, Alterations or Renovations of an existing building, site, or landscape that affect the exterior appearance of a building or site, or which are visible from the exterior of the property, **including but not limited to new or existing signs.**

In Addition, DRC review applies in the same instances to properties located **in any other zoning district**, where:

1. the specific use of the property would otherwise be permitted only in a commercial or business zone, but has been allowed as a variance or special permit, **or**
 2. the use exists previously as a legal non-conforming use.
- Town of Franklin Code Chapter 185, §185-31(2)B.

How to Apply for Design Review

● **STEP ONE:** Obtain a "Design Review Application" (FORM Q) and consult with the Planning Staff.

All applications to the DRC are made on a "Design Review Application" form available from the Planning Department in the Town Hall (and reproduced in this booklet as **Appendix E**). Copies of the Zoning By-laws are also available. Additional information and assistance can be obtained from the Planning Staff.

The application contains background information on the project, the owner and the applicant, and asks for you to describe how your project addresses each of the eleven general design standards listed in the Design Review By-law. (These general standards are also reproduced in this booklet in Chapter 3 - see pages 12 - 14).

There is no fee for filing an application, but the DRC can not approve a project until a complete application and supporting information have been filed. Once this information has been filed, the DRC has 30 days to respond. Failure of the DRC to respond within the 30 days is considered a recommendation for approval.

Town of Franklin Code Chapter 185, §185-31(2)G(2) .

● **STEP TWO:** Prepare your Supporting Information.

The DRC will receive *one (1)* copy of any site plan which you are required to submit to the Planning Board. In addition, you will need to submit the following materials at the time of the application to the DRC:

(1) A drawing showing the location, type, size or dimensions of existing structures and site features.

(2) Photographs showing the proposed building site and surrounding properties. Applications for alterations and/or additions shall depict existing structures to be altered and their relationship to adjacent property.

(3) A drawing of the proposed structure, including color and type of surface materials, showing front and rear elevations, and side elevations, where there are not adjoining buildings, and floor plans.

Town of Franklin Code Chapter 185, §185-31(2)F(1)-(3).

The By-law requires that *nine (9)* copies of all required drawings and plans must be submitted to the DRC. The DRC may reduce this number on request.

Town of Franklin Code Chapter 185, §185-31(2)G(1).

Site Plans should include:

- Existing Buildings and Plantings
- Proposed New Structures
- Handicapped Access Features
- Sidewalks, Drives and Parking Lots
- All Site Objects and Fixtures (Including Signs and Lighting)

Landscape Plans (if not included on the Site Plan) should include:

- Existing and Proposed Grading
- Paving Materials
- Planting Plan, with descriptions of materials

Building Elevations should include:

- Facade Treatment and Materials
- All Entrances and Windows
- Existing and Proposed Plantings, and all Site Objects and Fixtures

For **New Signs** or **Changes to Existing Signs**, the Applicant should also submit:

- A scale drawing of the sign details, including materials, dimensions, color, lighting and lettering style
- Scale elevations or photographs, showing existing signs and all the proposed modifications, or the location of the new signs.

● **STEP THREE: Attend a Design Review Hearing.**

Submit the completed Design Review Application and all supporting documentation to the Planning Department in the Town Hall. Meetings of the DRC are scheduled on the evening of the second and fourth Tuesday of each month. Applications should be submitted by noon on the Thursday *before* the next meeting.

The DRC will schedule a review of an application for its next regular meeting. The applicant or a representative should attend the meeting to present the proposal. Sample materials, if available, should be brought to the meeting.

Based on compliance with the requirements in the By-law and the Design Review Commission Guidelines, the project may either be recommended for approval, with or without conditions, or for denial. When a project is recommended to be approved or denied, the applicant will receive written notice of the recommendation from the Planning Office within five (5) days of the date of the meeting. In the case of denial, reasons for denial will be provided in detail and with specificity.

Frequently Asked Questions

● **How detailed do applications have to be?**

The scope of your project should determine the scope of your submission to the DRC. Larger construction projects will necessarily require the oversight and assistance of many Town agencies - besides the DRC and the Planning Department, a project may require review by the Conservation Commission, the Department of Public Works, the Board of Health, etc. Where this is the case, a submission will most likely need to be prepared for all the Town reviewing agencies. An applicant of this type will do well to combine its submissions and provide sufficient detail and clarity so that each agency, including the DRC, is able to analyze the impact of the project and determine its compliance. On the other hand, a smaller project - either new construction or renovation of an existing site - is often less all-encompassing. In this case, a simpler submission, which may only include a hand-drawn rendering of the proposed work, may be sufficient for the DRC's purposes. The function of design review is not to require every applicant to prepare an equally-complex submission. The important point is for the DRC to be able to fully understand each project, and to evaluate them all on their own merits.

● ***Do I have to provide sample materials?***

Sample materials are not absolutely required, but are often helpful in visualizing the way a project looks. Again, the scope of your project should determine if sample materials would help the DRC in its review.

● ***I have a very complex project. Can I meet with the DRC informally, before I prepare a full submission?***

Yes. The DRC, *if its schedule permits*, will meet with applicants on an informal basis prior to the submission of a formal application, and will give comments on preliminary designs or ideas. The DRC and several applicants have found this to be a helpful way to make sure that everyone is "on the same page" and to save an applicant the expense of preparing an application which may need more substantial revision than otherwise.

● ***Are the decisions of the DRC binding?***

No. The DRC is an *advisory* board to the Planning Board and the Zoning Board of Appeals. Its function is to review a project for conformance with the design review standards contained in the By-law and the Design Review Commission Guidelines, and to make recommendations as appropriate to the permit-granting authority. Those authorities, however, are not required to accept the DRC's recommendations.

● ***If the DRC recommends changes, do I have to prepare and present revised drawings showing all of them?***

Not necessarily. If the DRC feels that changes are necessary, and if time permits, an applicant is encouraged to incorporate the requested changes and have its hearing continued. However, the revisions need not always be prepared with the same level of detail as in the initial submission - often, hand-drawn revisions to plans will be sufficient. Where an applicant disagrees with the requested changes, or where the applicant must proceed immediately to a hearing at the Planning Board, a continued hearing is not held and the DRC's requested changes are considered "conditions" to its approval of the design.

In either case, if the Planning Board (or the Zoning Board of Appeals) accepts the recommended conditions, revised plans incorporating the changes must be submitted to that agency before a building permit can be issued. The enforcement of any conditions (including conditions recommended by the DRC) which are placed on a building permit by the permitting agency is mandated by other Town By-laws and procedures.

The Town of Franklin Design Review By-law

The Design Review By-law (Town of Franklin Code Chapter 185, §185-31(2)) provides that the Design Review Commission Guidelines shall serve as the basis for decisions by the DRC. However, it also contains two general principles as well as eleven general standards which apply to all projects under review. Because of their importance, these principles and standards are reproduced in this chapter.

*NOTE - the principles and standards in this Chapter are **not** part of the Design Review Commission Guidelines, and were **not** written by the Ad Hoc Committee - they are taken directly from the Design Review By-law, and may only be amended by action of the Franklin Town Council.*

Two General Principles of Design Review

The following principles should always be kept in mind, and should be looked to first in the preparation or the review of any project:

(1) Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material, architectural features or trees should be avoided when possible.

(2) Distinctive stylistic features and/or examples of skilled or period craftsmanship which characterize a building, structure or site shall be treated with sensitivity. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the surrounding environment.

Town of Franklin Code Chapter 185, §185-31(2)E.

Eleven General Standards

The By-law also includes eleven general standards which the DRC is to consider, *at a minimum*, in the course of the design review of a proposed action. These standards should be treated as minimum standards to be adhered to in the design and review of any project, and should control whenever no more specific guideline is set forth in the remainder of this booklet.

(1) Height

The height of any proposed alteration should be compatible with the style and character of the surrounding buildings, within zoning requirements.

(2) Proportions of Windows and Doors

The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.

(3) Relations of Building Masses and Spaces

The relationship of a structure to the open space between it and adjoining structures should be compatible.

(4) Roof Shape

The design and pitch of the roof should be compatible with that characteristic of New England architectural styles.

(5) Scale

The scale of the structure should be compatible with its architectural style and the character of the surrounding New England style buildings.

(6) Facade Line, Shape and Profile

Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal context.

(7) Architectural Details

Architectural details including signs, materials, colors and textures shall be treated so as to be compatible with New England architectural styles and to preserve and enhance the character of the surrounding area.

(8) Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of the proposed buildings and structures and the surrounding properties.

(9) Heritage

Removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable.

(10) Energy Efficiency

To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements.

(11) Landscape

The landscape should improve the character and appearance of the surrounding area and parking areas should be located to the side or rear of buildings when reasonably possible.

- Town of Franklin Code Chapter 185, §185-31(2)E.

Design Guidelines of General Application

This and the next chapter contain the actual Design Review Commission Guidelines, which expand on the eleven general standards, both in the context of general architectural design and as applied to specific areas of Town and projects. This chapter contains guidelines applicable in *all* cases, while Chapter 5 contains additional guidelines applicable to certain projects and areas.

NOTE - In each of the following sections, the specific guidelines are preceded by a brief introduction. This introductory material is intended to orient both the applicant and the DRC to the specific material being covered, and while this commentary may prove to be both helpful and advisory, it should not be considered a permanent part of the Design Review Commission Guidelines.

THE SURROUNDINGS

The surroundings of a site will influence prospective development in several ways. Plans must incorporate advantages such as pedestrian traffic, vehicular traffic patterns, service access and parking entrances. The number of people who frequent the area will determine how a project collects visitors. The style and size of nearby buildings should dictate something about the massing and character of any new buildings and landscape elements to be provided in the new development. The orientation of the site may dictate how many windows of what size go where.

The successes of the surrounding area, those which contribute to community life, should be emulated, and the pitfalls avoided. When property owners consider a development in the Town of Franklin, they are encouraged to examine the historic building patterns that give Franklin its charm. Tradition lies not only in the materials and forms used but in the planning principles that guided settlement throughout New England.

There is, of course, a tendency to sentimentalize the past. Things were not always better then, and modern tech-technology and planning insights bring vital contributions to the life of a town like Franklin. Development in the Town of Franklin should help maintain the best traditions of the Town while supplying new elements the Town needs in order to work better.

Adaptive reuse of historic buildings, rather than razing and rebuilding, is encouraged as a way of preserving Franklin's character. New developments should incorporate details of neighboring historic buildings, in scale and spirit if not in replica. Beyond respect for indigenous architecture, applicants for developments are encouraged to research

Franklin's rich historical past for events which may deserve commemoration. Any new development will add greater richness to the community if it acknowledges local history.

Taking Action - Guidelines for THE SURROUNDINGS

i. Parking requires both practical and visual consideration. Place access to parking areas near the greatest volume of traffic (but not near a busy intersection where it can obstruct traffic flow), but hide the parking to whatever extent possible. Where or when parking lots do exist on the street, plantings or attractive fences make excellent screens to hide and beautify them.

ii. Thoughtfully landscaped buffers between the street and parking areas are encouraged. Tree-lined sidewalks at the street front should be included to establish a new tradition of beautification for all of Franklin's streets. In all cases, the use of fewer trees of *larger* caliper is encouraged over more trees of *smaller* caliper.

iii. Match size and massing of new buildings as closely as possible to surrounding architecture except in the case of sprawl development, i.e., shopping centers.

iv. Franklin's architectural heritage includes some of the best examples of period architecture. Wherever possible adapt Franklin's historic buildings for re-use.

v. Allow neighboring architecture to influence the size, shape, style, materials, and detailing of new buildings, parks, and street furnishings.

vi. Research the Town of Franklin's historic past for clues to significant events or fragments of history in the area. Commemorate these in new developments whenever possible.

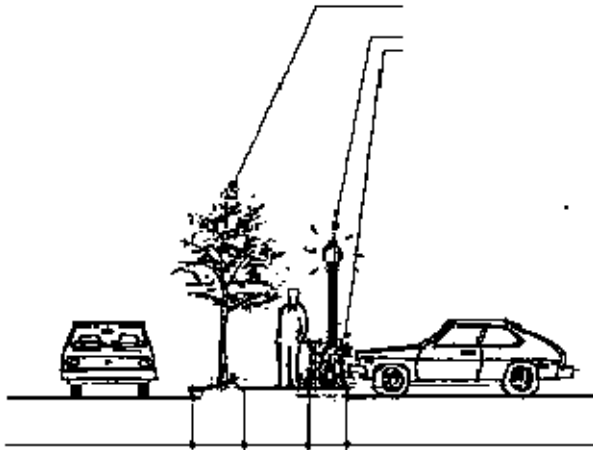
vii. Buildings should fit the natural topography instead of fighting it.

viii. The use of small sidewalk pavers such as cobblestones, bricks, or textured-stamped concrete is encouraged. Avoid whenever possible bare concrete or asphalt.

ix. Within the parking lots of larger developments the use of paving texture changes at the crosswalks between the parking areas and the building is encouraged. Coarse materials such as cobblestone will define pedestrian circulation and slow traffic.

x. For Signage- refer to *IDENTITY*.

Figure 1- Street-Front Parking Lots



Screening of parking areas with hedges, fencing and trees can help avoid the visual unattractiveness of parking areas. In general screening should continue to permit view from the sidewalk into the lot.

THE ARCHITECTURAL STREET

Memorable towns are characterized by beautiful streets. In Franklin, the most picturesque streets are made beautiful by: appealing width, intriguing curve, dramatic straightness, harmonious facades or large gracious trees. Buildings and trees give a street shape as well as their own beauty. Trees can also improve the appearance of a street when buildings are set back too far or built too low. The amount and type of illumination chosen by individual businesses or locations further defines the shape and feel of an entire street.

The contribution of detailed facades or fences, walls, and hedges cannot be overestimated. Variety in a street's scenery is often part of its charm. The repetition of buildings that are similar but not identical is part of Franklin's charm.

Streets provide powerful images that make up our impression of a place and the means by which we orient ourselves within it. They are our communal living rooms, where civic rituals and activities both great and common take place. For that reason, the design and maintenance of streets must be carefully considered, perhaps more than the design of individual buildings.

Taking Action - Guidelines for THE ARCHITECTURAL STREET

- i. The use of trees, hedges, fences, walls, traditional lighting, and the occasional facade are all encouraged to define the boundaries of the street and give it a cozier scale and atmosphere.
- ii. Except in the case of decorative or "pedestrian scale" fixtures, light fixtures should be the "cut-off" variety, projecting all light less than ninety (90) degrees from the vertical.

Decorative fixtures do not need to be the cut-off variety, but should be equipped with interior reflectors or shields to direct light at the desired target. Flood and area lighting should not be permitted.

iii. Metal halide lamps should be used whenever possible, except in the case of landscaping or ground lighting, which may be high pressure sodium. Solar-powered lights should also be used wherever possible.

iv. Buildings that offer no detail, variety, or human scale features should be avoided. Visual richness should be achieved by adding interesting features such as bays, entrances, storefront windows, human scale detail, trees and landscape elements.

v. Accommodate pedestrians with landscaping such as trees for shade and beauty, and street furnishings such as benches and trash containers for convenience and comfort.

vi. Where appropriate, space and amenities for sidewalk activity such as cafes, fairs, sidewalk sales, performing arts groups, etc. is encouraged.

vii. Applicants are encouraged to consider use of a landscape architect. A non-exclusive list of suitable plants is included in **Appendix C**.

Figure 2 - Improving Storefronts

Figure 3 - Improving Storefront Windows

AVOID

- * *Strip Windows or Small Window Panes at Eye Level*
- * *Large "Retail" Windows without Horizontal or Vertical Breaks*
- * *High Sill Heights*
- * *Top of Street Level Window above Eight Feet*
- * *Excessive "Temporary" Window Signage*

RECOMMENDED

- * *Window Sill Height should not Exceed 24"*
- * *Top of Window should not Exceed 8 feet*
- * *Use Smaller Window Panes in Combination with Larger Lower Pane*
- * *Use Transparent Glass in Windows and Doors*
- * *Storefront Windows should Reveal, not Conceal, Storefront Display*
- * *"Temporary" Window Signage should not Exceed 20% of the Storefront Glass Area*

THE BASICS OF BUILDINGS

Buildings are the building blocks of which we construct our cities and towns. From the humble to the monumental, the simple to the grand, and the hospitable to the imperious, each is a medium through which we convey our culture, and each building affects the way we live in our communities. Since our buildings tend to outlive us, we must support

the design of buildings that satisfy not only the needs of the moment but which will remain useful and beautiful across generations.

An ancient Roman treatise on arch-architecture listed firmness, commodity, and delight as the most important attributes of a good building. Firmness refers to sound construction and the quality of the materials used; it addresses the engineering of a building. Commodity addresses the fitness of a building for both its purposes and its site. Buildings delight us through graceful proportions, the drama of the spaces that enclose us, and the elegance of configuration and detailing. We instinctively find delight in those buildings that appeal to us on many levels, while abhorring buildings behind which we see single-minded or merely expedient goals. Fine buildings satisfy day-to-day goals and touch our emotions. Mediocre ones rarely even do the former.

One of the goals of the DRC is to establish open dialogue between the citizens of Franklin and the developer seeking to construct or renovate a building in the Town. The design of a building usually begins with the idea of what suits the community, the site, and the purpose of the building. In the early stages of design, Franklin citizens and town officials can begin to ask whether the building's appearance and function respond to the site in all the ways discussed in the prior sections and whether it responds to the requirements of the community.

An aesthetic response to surroundings does not mean mimicking neighboring buildings. Invention and variation are the hallmarks of both progress and artistry, and cannot be entirely denied in favor of context. Franklin offers many historic examples of the delicate balancing of repetition and variety. The variation in houses around the Town Common shows a subtle sense of innovation, as does the wonderful assortment of details, styles, and heights of buildings in the Downtown area. Like most towns Franklin does have once-startling innovations that now harmonize with their surroundings.

When building in an historically sensitive area, attempts to harmonize with the surroundings become particularly important. All attempts should be made to develop a compatible style of building and materials the blend with the area. Materials need not duplicate those of nearby buildings, but similarity is often desirable. The styles of residential, commercial, and industrial buildings are now much different from each other, although at one time they were all variations of the home. The neighborhood context should help determine whether a new building is large or homey, sleek and modern, or alludes to the local historic character of Franklin.

Taking Action - Guidelines for THE BASICS OF BUILDINGS

i. The proposed building should not be too large or too small to fit with the surrounding buildings. As a rule, a building's mass (size) and style should respond to both the distant and immediate surrounding area without jarring contrasts in scale or character. The neighborhood context should be considered when determining whether a new building is large or homey, sleek and modern, or alludes to Franklin's historic character.

ii. Large buildings should be broken into smaller bays or wings to present more humanely scaled facades.

iii. Avoid "big-boring-box" and "amusement-park-historic" versions of buildings. Instead, develop attractive buildings with unique characteristics which lend them distinction.

iv. The proposed materials for the building should blend with the materials of neighboring buildings. Avoid stark contrast whenever possible. Building materials and color scheme should be evaluated on their attractiveness, appropriateness, and suitability to the surrounding.

v. All proposed building materials should be durable and of good quality and appropriate to the surroundings. **Appropriate** materials are: *wood clapboards, brick, stone, wood trim and shingled roofing*. Materials to **avoid** or to be only used in small amounts include: *synthetic stucco, vinyl clapboards and metal siding and metal roofing*.

vi. New buildings should take advantage of light, views, and existing circulation patterns.

vii. Pedestrian entrances should be located conveniently.

viii. All new and renovated buildings should consider the privacy of neighbors to the buildings and should be properly screened to minimize its impact.

ix. When buildings are constructed close to each other the upper floors should be stepped back, away from each other, to allow light into both buildings.

x. Place building services and loading areas at back of buildings or otherwise provide screens to mask areas. Screen dumpster areas with appropriate materials, such as wooden fences, landscape berms or stone walls.

xi. Building facades should consider basic architectural principles including defining the base, middle and roof-line of the building. Several architectural design concepts are discussed in **Appendix B**.

xii. Building designs should have a appropriately distinctive roof-line for the building. The use of the building or the history of the site or that of the Town of Franklin sometimes suggest a particular treatment.

xiii. Consider different treatment of the windows at the base, middle, and upper sections of the building. Use successful or existing historic buildings as guides to appropriate or attractive window composition.

xiv. Wherever possible windows that can be opened are encouraged.

xv. Residential scaled buildings, elements and features that emphasize local traditions and character for the Town of Franklin are encouraged.

Figure 4 - Facade and Building Improvements (to Existing Conditions)

IDENTITY (Signs and Advertising)

The primary function of a sign is to identify a property or business and direct customers clearly and easily to the desired location. Additionally, signage can unify the streetscape or building facade by creating an organized pattern of information. Signage can be used to activate a building's facade by intro-introducing color, texture and sophistication.

All signs should serve as an integral part of the immediate surroundings. In general, well designed signs increase the visual quality and character of the business being served as well as the Town of Franklin. Because they are viewed publicly, signs can either add or detract from the community image.

Signs not only enhance the architecture, but support the intended function of the business being advertised. Sign type, style, materials and color should be compatible with the building and the site. Sign content should generally be limited to the individual establishment name or place name, however it may also consist of logo or icon. Secondary signs may include some description of services or products sold.

Signs come in basically three types; freestanding signs, wall signs and projecting signs, including canopies and awnings. Roof signs are not common in Franklin and generally not permitted.

Taking Action - Guidelines for IDENTITY

i. Types of Signs:

a. Freestanding Signs: Freestanding signs should be incorporated into the street side landscape buffer and appropriately transitioned into the landscape by incorporating a base and supporting structure that utilizes building design architectural features and materials. External sign illumination is encouraged, however, attractively designed internally illuminated signs may be acceptable.

b. Wall Signs: Wall signs are generally widely used in the Town of Franklin as a means of identification. Of primary importance is the location of wall signs and their format which should not confuse by containing too much information. Wall signs are helpful when located over doorways or over storefronts and all wall signs must be well integrated and should incorporate existing or proposed building architectural features. Externally illuminated signs are encouraged but smaller internally illuminated signs may be acceptable.

c. Projecting Wall Signs: Projecting wall signs (perpendicular signs), if small and of high design quality, can be effective and eye-catching. Where allowable

by code and By-law, the shape and size of projecting wall signs should relate to the proportions of the structure or the portion of the building affected. The overhead clearance of a projecting sign should be a minimum of ten feet.

d. Window Signs: *Window signs, such as information signage (hours of operation, sales info, etc.) should be high quality vinyl die cut letters or painted directly on to the glass. All temporary signs should not cover more than 20% of the total glass area.*

ii. Signs should be compatible with the building, neighboring buildings, and the character of the Town of Franklin as a whole.

iii. Signs should be designed to present a clear message about the business they serve. They should be compatible in terms of type, size, color, and materials with the buildings they adorn.

iv. Signs on a row of storefronts on the same building should all be of a similar size, material and proportion.

v. Paper signs and temporary signs taped directly on to the glass never look good, and are discouraged. Paper signs should be hung one foot behind the glass attached to a rigid backer board and highlighted with a spotlight.

vi. Free-standing signs in general should be carefully considered. The overall design should be compatible with the design of the building itself. Features, detailing and materials of the building should be incorporated in the design of the sign. Exposed structural supports are discouraged.

vii. Thoughtful landscaping around the base of a sign will enhance the sign and the image of the business.

viii. Building signs and graphics should be clear and well designed. The style and placement should complement the architectural character of the building.

ix. Awnings should be used where allowable and appropriate, i.e., in the area of wide sidewalks or on the sunny side of the street. Awnings are especially useful when used at the rear of a building as a cost effective way to highlight a building's entry and improve the general character of the parking area.

Figure 5 - New and Renovated Freestanding Signs

Design Guidelines for Specific Applications

This chapter contains additional guidelines for projects falling into one or more categories: those located in the Downtown area of Franklin; those located in the outlying commercial area of Town (primarily the areas near the two Industrial Parks, at exits 16 and 17 of route 495); and projects involving "big-box", or large-scale, construction.

Please note that these categories are not exclusive - a single project may be subject to both the Outlying Areas guidelines and the Big-Box guidelines, for example, while still remaining subject to all the guidelines in Chapter 4. Whenever particular questions of applicability arise, they should be addressed so that *more* guidelines apply, rather than less, to preserve the overall intent of the guidelines as a whole.

Downtown Franklin

Franklin is fortunate to retain one of the hallmarks of traditional New England towns - a well-defined, vibrant town center, complete with a central Town Common as well as an accessible, pedestrian-scaled central business district. As more New England towns have extended their borders and moved their services and shopping to their own suburbs, many traditional town centers have fallen into disuse or even disrepair.

Like most town centers, downtown Franklin is not the product of any one historical area, but rather reflects the changes in use and architecture that accompanied the growth of Franklin over the years. Victorian-styled buildings coexist with both older and more modern designs, but with an overall commonality of height and scale, and a shared palette of materials. The challenge for Franklin will be to ensure the continued vitality and relevance of its town center while permitting it to continue to grow and change in the future. For this reason, more sensitivity to design is necessary in the downtown area than in other areas of Town.

Except for the generally larger and more monumental "public" buildings - including the Ray Memorial Library and many of the buildings comprising the Campus of Dean College - most of the commercial buildings in Downtown Franklin are of one of two basic types. First, there are several "town center commercial" type buildings and areas, which are characterized by having one or two stories, continuous storefronts and flat roofs. Second, there exist at the fringes of the area many "converted residential" buildings, which are generally two-story free-standing structures, with pitched roofs and predominately wood construction. Many of these latter types reflect the Victorian influence seen in many of the homes still surrounding the Town Common.

To continue the development of the downtown area, it should not be necessary to strictly and faithfully reproduce either one of these styles for every new project. In fact, a "faux" historical building is often worse than a well-planned and designed modern one. However, new construction and renovation should respect the older models, retaining whatever visual and structural characteristics are possible, and should be compatible with the existing architecture and predominate styles in the area.

Taking Action - Guidelines for DOWNTOWN FRANKLIN

i. Buildings and facades should be compatible with the size and character of the area's buildings, and should encourage active street life.

ii. The pedestrian scale should always be considered, with details and amenities scaled and provided for pedestrian activity wherever possible.

iii. The exclusive use of externally illuminated wall signs for the downtown Franklin area is strongly encouraged.

iv. New buildings should respect and be compatible with existing design, height, and siting patterns, with parking to the rear and (in the Commercial I District) with frontage directly on the sidewalk.

v. Materials which are compatible with the character of the area, particularly *brick*, *stone* and *wood*, should be used.

vi. For existing buildings, maintain, preserve and enhance facades and character-defining architectural features wherever possible. Do not cover up distinctive original features of the building.

vii. When converting residential buildings for commercial use, the residential character of the building should be maintained. In particular, the residential size, shape and scale of doors and windows should be maintained; front yards should be landscaped and may include a hedge or fence at the streetedge; parking should be accommodated behind the building, and screened from surrounding uses and the street. Signs, except for those of the small "name-plate" variety, should be placed on free-standing posts and not on the building itself.

viii. As many existing Downtown structures are of either the "town center commercial" (one-or-two story, with continuous storefronts and flat roofs) or "converted residential" (generally two-story free-standing structures, with pitched roofs and predominately wood construction) character, new construction in the area should generally be compatible with one model or the other.

ix. For commercial-style buildings, the provision of a sign band on the front facade, typical of older commercial buildings, is encouraged. Sign bands can be defined by a change in facade color and/or material or an articulation of the facade without a change in material or color. In buildings with multiple divisions, articulation or division of the sign band so that each section clearly relates to an individual store or site is encouraged. Signage in these cases should be integrated with the design of the storefronts, and should avoid obscuring important architectural features.

x. Also in the case of commercial buildings, the building's height should be divided into street-level and upper levels, with the character of the first and upper stories clearly distinguished.

Figure 6 - Renovation and Restoration in Downtown Franklin



Maintain, preserve and enhance facades and character-defining features of high quality or historic interest which contribute to the character of the building and Franklin's center as a whole. It is strongly recommended that original distinctive architectural features not be covered up.

Figure 7 - Commercial Buildings of Residential Character



Buildings which were constructed for residential purposes serve a variety of predominantly non-retail, professional service and office uses. They occupy transitional areas between the clearly commercial architecture of the downtown center and the residential character of surrounding neighborhoods.

Outlying Commercial Areas - The Industrial Parks and their Neighbors

Outside of the Downtown area, the areas currently experiencing the greatest commercial activity are located in and around the two major industrial parks in Franklin - Forge Park and Franklin Industrial Park. The DRC's mandate does not extend to the Industrial Parks, although major developments in the Parks have on occasion voluntarily appeared before the DRC. The DRC hopes for future close cooperation with the

industrial parks, but of more immediate concern are the commercial areas developing around them.

Commercial development in these areas is a natural result of the proximity of similar businesses, as well as the highly visible and desirable locations of each on exits of Route 495. Continued development of these areas could result in a hodge-podge of incompatible buildings and uses, or, with careful planning, could result in attractive and usable "gateways" to the Town which can be sources of pride to the entire community.

The DRC's objective is to reconcile the architecture of the new "gateway" commercial areas, King Street/Route 495 and West Central Street/Forge Park, with the rural character which already exists throughout the Town. Orderly streetscape patterns, small and clustered scale, vernacular building forms, materials and details, appropriately sized signage and thoughtful landscaping can all contribute to the rural context.

Site planning is perhaps the most significant visual problem in these and other outlying commercial areas and other paved asphalt areas - especially when located in highly visible locations such as the intersection of major streets. Well designed, landscaped parking lots can do a great deal to improve the quality of the outlying commercial areas. They should be subdivided by internal landscaped divisions and screened from the street and adjacent residential areas.

Beyond site planning, individual buildings and signs should seek to display a common identity, compatible with the residential areas they will share. Placing buildings closer to the road in the "gateway" areas will enhance Franklin's visual character by creating attractive facades along the corridors, and making parking lots easier to screen. In addition, locating buildings closer to the road provides opportunities to display goods and place signs both facing the road and the parking area.

Taking Action - Guidelines for OUTLYING COMMERCIAL AREAS

- i.** SITE PLANNING - should aim in these areas to establish a consistent and cohesive character within the commercial area, and create a welcoming environment for pedestrians and neighbors.
- ii.** Provide fencing and landscape screening between the parking lot and the street. Include internal landscape divisions in larger parking lots. Minimize curb cuts.
- iii.** Provide perimeter landscaping around all commercial lots where they abut the street or residential lots.
- iv.** Provide good pedestrian connections along the sidewalk and in front of stores. Provide sidewalk areas in larger parking lots where possible.

v. Use pedestrian-scale light fixtures within parking lots, designed to shine entirely on the lot. Choose lighting fixtures with baffles where necessary. Lighting should be focused directly on the lot and avoid "spill" onto adjacent properties and the street.

vi. Light levels should be sufficient to ensure easy vision and a sense of security within parking areas. Avoid overly bright lighting.

vii. BUILDINGS AND SIGNS - should display a common identity, compatible with residential areas.

viii. In "gateway" locations or outlying commercial areas, scale, massing, proportion, roof pitch and style should relate to surrounding building characteristics.

ix. Wherever possible new buildings should be sited toward the front of the lot to maintain a traditional relationship with the road.

x. Larger commercial structures (generally, those over 4,000 square feet) should preferably be designed so that the narrow elevation is placed perpendicular to the road, to lessen the impact of a large mass. Parking lots should be located to the side or rear of the lot.

xi. Freestanding signs should not detract from the desired pedestrian character of the area. See IDENTITY for complete sign guidelines.

xii. Wall signs on multi-tenant buildings should be compatible with one another, and should be scaled to read from the parking lot.

xiii. All wall signs in a multi-tenant building should be coordinated and display a consistent attitude toward design.

Figure 8 - Guidelines for Outlying Commercial Buildings

"Big-Box" Development

Large scale developments and corporate prototypical design can be detrimental to community aspirations and sense of place when they result in massive individual developments that do not contribute to or integrate with their surroundings.

These guidelines are a response to large developments whose strategy dictates design that is indifferent to the identity and character of Franklin. Large developments depend on high visibility from major public streets. In turn, their design determines much of the character and attractiveness of major streetscapes. The marketing interest of many corporations, even with strong image-making design by professional designers, can be detrimental when individual developments do not contribute to the Town of Franklin in a positive way.

These guidelines were developed to ensure that future development fits with the expectations and meets the needs of the community. The standards and guidelines for big box development require a basic level of architectural variety, compatible scale, safe pedestrian access and mitigation of negative impacts. These guidelines are by no means intended to limit creativity; it is the DRC's hope that they will serve as a useful tool for developers and design professionals engaged in site-specific design in context.

Taking Action - Guidelines for BIG-BOX DEVELOPMENT

i. Facades greater than 100 feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade should exceed 100 horizontal feet.

ii. Ground floor facades should have arcades, display windows, entry areas, canopies, awnings or other such feature along no less than 60% of their horizontal length.

iii. Buildings should have architectural features and patterns that provide visual interest at the pedestrian scale and incorporate local character detailing, while avoiding massive aesthetic effects.

iv. Repetitive elements at intervals of no more than 30 feet, either horizontally or vertically, should be used. Express architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib. All facades should include no less than three of the elements listed below. At least one of the elements must repeat horizontally.

1. Color change,
2. Texture change,
3. Material module change.

v. Variations in the roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should be compatible with and complement the character of adjoining buildings and neighborhoods.

vi. The use of parapets to conceal roof top equipment is encouraged. Parapets should incorporate three dimensional cornice treatments.

vii. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore they should be aesthetically pleasing and compatible with materials and colors used in adjoining buildings or neighborhoods. Exterior building materials should be high quality materials that include, without limitation: brick, wood clapboards, wood trim, and stone.

viii. Traditional entry elements and features that give orientation and create aesthetically pleasing character to the building should be used. Entry features can

include: canopies, porticos, overhangs, recesses, projections, peak roof forms and gables, etc.

ix. All facades visible from a public way, adjoining properties, public streets or neighborhood should be carefully designed to contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics to the front facade.

x. Landscaping at the building and within the parking areas should be used.

xi. Traditional lighting should be used at all pedestrian circulation systems.

xii. Loading, dumpsters and service areas should be screened from public view.

xiii. Refer to *IDENTITY* for signage.

Conclusion

As both policy and procedure, Design Review was new in 1998 to all parties - Town officials, Town residents, business owners and operators, and the committee members themselves. Some period of adjustment was inevitable. However, as the process has developed and been refined, both the sitting Commission and the ad hoc Committee have been pleased to see a generally favorable reaction to Design Review, again from all involved parties. Franklin is fortunate to have many locally-owned and operated businesses with deep commitments to the Town, and a recognition that promoting attractive and appropriate design makes good business sense as well as good social policy. The Committees commend these businesses for the increasing quality of and obvious care given to the submittals and proposals that are being made. The concern of the residents of Franklin, from all its varied areas, in preserving the character and appearance of their Town is well-noted and gratifying. The Committees wish to thank all those residents who have attended their hearings and shared their views for their participation and insights, and also wish to thank the Town employees and officials for their invaluable assistance in establishing and maintaining the Design Review process.

We must all remember, though, that this process requires a continued commitment from all three sectors - private, commercial, and public - to be successful. We urge all Franklin residents to attend public hearings, or otherwise let their views be known, on all projects in Town, whatever their location. We encourage all businesses coming to Franklin or expanding within it to show the same level of sensitivity to design as many of their predecessors have. We also challenge the Town itself to uphold the same standards for its public places and areas as for its commercial areas. The support of all three sectors is necessary to ensure that the purposes of Design Review are upheld in the Town of Franklin, and that the interests of all three sectors are thereby served. Together, the community can protect and preserve itself for the betterment of all who call it home.

The purpose of Design Review is to promote safe, functional and attractive development of business and commercial areas; to preserve and enhance the New England character of the Town's commercial centers and thoroughfares as a valid general welfare concern; to unify commercial properties, both visually and physically, with surrounding land uses; to facilitate a more healthful urban atmosphere; to protect and preserve the unique and cultural features within the Town; and to protect commercial property values by enhancing the Town's appearance.

- Town of Franklin Code Chapter 185, §185-31(2)A.

APPENDIX E - OFF STREET PARKING AND LOADING REGULATIONS AND BY-LAWS

E-1 Off-Street Parking and Loading By-law, Marlborough, Massachusetts

A. In all zoning districts, permanently maintained off-street parking shall be provided as part of the plan for any new construction as follows:

(1) Stores and shops for the conducting of retail business shall provide one (1) parking space, three hundred fifty (350) square feet for each one hundred (100) square feet of public floor space or area.

(2) Theaters, stadiums, auditoriums, halls, undertaking establishments or other places of public assembly, excluding churches, shall provide one (1) parking space for each two (2) legal occupants.

(3) Hospital or nursing home, one (1) space for each two (2) beds.

(4) Boardinghouse, lodging house, inn, hotel or motel, one (1) space for each room.

(5) Offices and banks shall provide one (1) parking space for each two hundred fifty (250) square feet of office space or area.

(6) Industrial and manufacturing establishments shall provide one (1) parking space for each three (3) workers based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the establishment.

(7) Multifamily dwellings, one (1) off-street parking space per dwelling unit, plus one (1) off-street parking space per bedroom; apartment buildings shall provide two (2) off-street parking spaces for each dwelling unit over and above access roadways and maneuvering.

(8) Home occupation, one (1) off-street parking space for each nonresident employee and two (2) additional spaces.

(9) All parking spaces, other than single-family dwellings, shall be provided with adequate fencing to prevent the creation of a nuisance to abutters from headlights of cars entering and leaving the property.

(10) Any other non-resident uses not otherwise covered in this Chapter: minimum requirements as shall be determined by the Building Inspector must be adequate to serve the customers, patrons or visitors and the employees of such use.

(11) Clubs, restaurants, taverns and other eating places shall provide one (1) parking space for every three (3) seats, plus one (1) space for every three (3) employees.

(12) Residential conference and training center, two (2) parking spaces for each three (3) bedrooms.

(13) Shopping Mall shall provide a minimum of one (1) parking space for each two hundred twenty five (225) square feet of gross leaseable area.

(14) Retail stores, shops, restaurants and service establishment uses, excluding automotive service establishments (such as gasoline filling stations and places for the repair and service of motor vehicles), on a Retail Lot shall provide a minimum of one (1) parking space for each 225 (two hundred twenty five) square feet of gross leaseable area.

(15) A Large Tract Development shall provide one (1) parking space for each three hundred thirty-three (333) square feet of office space or area. For purposes of this Section , structured off-street accessory parking areas, areas used for employee amenities (including, but not limited to, cafeterias, lounges, fitness centers, convenience stores, and bank teller machines), and rooms for mechanical equipment, including but not limited to, telephone, heating, air-conditioning or other mechanical equipment, shall not be considered as office space or area.

B. Application of Parking Requirements.

(1) Approvals and Permits.

(a) Site Plan Approval. No driveways, curb cuts or parking areas (whether such parking areas are required or not) shall be created, graded or constructed of any material, through expansion or otherwise, without receiving prior Site Plan approval.

(b) Permits. No permit shall be issued for the erection of a new structure, the enlargement of an existing structure or the development of a land use, unless the plans show the specific location and size of the off-street parking required to comply with the regulations set forth in this Zoning Ordinance and the means of access to such space from public streets. In the event of the enlargement of an existing structure, the regulations set forth in the Zoning Ordinance shall apply only to the area added to the existing structure.

(2) Buildings and land uses in existence on the effective date of this Chapter are not subject to these parking requirements, but any parking facilities then serving or thereafter established to serve such buildings or uses may not in the future be reduced below these requirements.

(3) Common Parking Areas and Mixed Uses. Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses and provided that the total number of spaces is not less than the sum of the spaces required for each use individually, except that said number of spaces may be reduced by up to one-half (1/2) such sum if it can be demonstrated that the hours or days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. The following requirements shall be met:

(a) Evidence of reduced parking needs shall be documented and based on accepted planning and engineering practice satisfactory to the City Planner and Engineer.

(b) If a lower total is approved, no change in any use shall thereafter be permitted without further evidence that the parking will remain adequate in the future, and if said evidence is not satisfactory, then additional parking shall be provided before a change in use is authorized.

(c) Evidence of continued availability of common or shared parking areas shall be provided satisfactory to the City Solicitor and shall be documented and filed with the Site Plan.

(d) The determination of how a combined or multi-use facility shall be broken down into its constituent components shall be made by the Planning Department.

(e) If any reduction in the total number of parking spaces is allowed as a result of this subsection, then one hundred fifty (150) square feet of open space (per parking space reduced) shall be provided in addition to that required by lot coverage provisions of this Chapter.

(4) Temporary Parking Reserve. Where it can be demonstrated that a use or establishment will temporarily need a lesser number of parking spaces than is required (such as phased occupancy of large new facilities), the number of such spaces required may be reduced by not more than fifty (50) percent, subject to the Site Plan Approval, provided that the following requirements are met:

(a) The applicant shall submit documentary evidence that the use will temporarily justify a lesser number of spaces for a period of time not less than one (1) year.

(b) A reserve area shall be provided sufficient to accommodate the difference between the spaces required and the lesser number provided.

(c) Said reserve area shall be maintained exclusively as landscaped area and shall be clearly indicated as "Reserve Parking Area" on the Site Plan.

(d) The landscaping may either consist of existing natural vegetation or be developed as a new landscaped area, whichever is granted Site Plan approval.

(e) No structure or mechanical equipment may be placed in the reserve parking area.

(f) Said reserve area shall not be counted toward the minimum open space required by lot coverage provisions of this Chapter.

(g) When, in the opinion of the Building Inspector, additional parking is required, said reserve area may be required to be improved as a parking lot.

C. Location and Layout of Parking Facilities.

(1) Required off-street parking facilities shall be provided on the same lot as the principal use they are required to serve. The required parking areas may be provided on any lot under the same ownership and within four hundred (400) feet of the building or structure to be served.

(2) The requirement that parking areas be provided within four hundred (400) feet of the building or structure to be served set forth in Paragraph C.(1) above shall not be applicable to parking provided on a Large Tract Development Lot. Parking areas provided on a Large Tract Development Lot shall be within six hundred (600) feet of the nearest building or structure to be served.

(3) Full-Size Parking Dimensions. The minimum dimensions of full-size parking stalls and aisles shall be as indicated in the Table of Parking Dimensions: Full Size Spaces. [See Subsection C(4) below for compact size spaces.] The complete stall dimensions shall be paved and no deduction shall be obtained for bumper overhang.

TABLE OF PARKING DIMENSIONS: FULL SIZE SPACES

Angle of Parking (degrees)	Parking Space (feet)	Width of	Width of	
		Depth of Parking Space (feet)	1-way (feet)	2-way (feet)
61 to 90	9	18	24	24
46 to 60	9	18	18	20
45	9	18	15	20
Parallel	9	20	12	20

NOTES: *Aisle widths may be different than driveway widths. For driveway width requirements, see Section 200-49C(1) and D(1).

(4) Compact-size Parking Spaces.

(a) Applicability. This subsection shall apply only to parking lots primarily used by employees or residents occupying the site in question and shall not apply to parking areas used by the general public and/or having constant turnover, such as shopping centers, unless authorized at Site Plan Approval based upon determination that safety will be adequately protected and that commonly employed engineering and planning standards have been met in full.

(b) Percentages. Up to thirty-three (33) percent of parking spaces may be designed for use by cars smaller than full size, hereinafter called "compact cars."

(c) Additional Open Space Required. For any reduction in total parking area obtained as a result of using compact-sized spaces, an equal or greater area of open space shall be provided in addition to the minimum open space required by the lot coverage provisions of the Chapter.

(d) Location. Compact-size parking spaces, unless restricted for use by and located adjacent to a dwelling unit, shall be located in one (1) or more continuous areas and shall not be intermixed with spaces designed for full size cars.

(e) Identification. Compact-size parking spaces shall be clearly designed by pavement marking and by direction signs in conformance with the Sign Ordinance, Chapter 63, and labeled as "Compact Cars Only."

(f) Dimensions. The minimum dimensions of compact size parking stalls and aisles shall be as indicated in the Table of Parking Dimensions: Compact Size Spaces. [See Subsection C(3) above for full size spaces.] The complete stall dimension shall be paved and no deduction shall be obtained for bumper overhang.

TABLE OF PARKING DIMENSIONS: COMPACT SIZE SPACES

Angle of Parking (degrees)	Width of Parking Space (feet)	Depth of Parking Space (feet)	Width of Maneuvering Aisle*	
			1-Way (feet)	2-Way (feet)
61 to 90	8	16	22	22
46 to 60	8	16	18	18
45	8	16	15	18
Parallel	8	18	18	18

NOTES:* Aisle widths may be different than driveway widths. For driveway width requirements, see Section 200-49C(1) and D(1).

(5) Parking Setbacks. For purposes of maintaining adequate, open landscaped space in yards, adequate separation of parking and driveways from lot boundaries,

streets and buildings and adequate space for snow stockpiling, the following provisions shall apply:

(a) Parking in Front Yard.

(i) One- and Two-family Dwellings. Off-street parking shall not be permitted in the area between the front lot line and the prescribed minimum front yard (building setback line), except on a driveway not exceeding twenty-four (24) feet in width located essentially perpendicular to the front lot line and authorized at Site Plan Approval. This provision may also apply where three (3) or more dwelling units are provided through conversion of a one- or two-family dwelling, subject to Site Plan Approval.

(ii) Multifamily Residential Uses. Off-street parking shall not be permitted in the area between the front lot line and the prescribed minimum front yard (building setback line).

(iii) Nonresidential Uses. Where a front yard is required, off-street parking shall be allowed no closer than the minimum distances from the front lot line prescribed in Section 200-47E governing the requirement for a street frontage planting area.

(iv) Districts or Areas where No Front Yard is Required. In districts or areas where no front yard is required parking areas shall be set back at least five (5) feet from the front lot line and said setback shall be landscaped.

(b) Parking in Side and Rear Yard. Parking areas shall be set back the following minimum distance from any side or rear lot line:

(i) One- and Two-Family Dwellings: five (5) feet.

(ii) Multifamily Residential Uses in All Districts: The minimum distance for parking setback from side and rear lot lines shall be the same as the minimum width required for side line planting areas as prescribed in Section 200-47 F.

(iii) Nonresidential Uses in All Districts: The minimum distance for parking setback from side and rear lot lines shall be the same as the minimum width required for side line planting areas as prescribed in Section 200-47 F.

(iv) All Lots where Common Driveways are Approved on the Lot Line at Site Plan Approval: No minimum width.

(c) Parking Setback from Building. No parking space shall be located within five (5) feet of a building.

(d) Parking in Rights-of-Way. No parking space shall be located on land which is reserved as a vehicular right-of-way, whether developed or undeveloped or whether public or private.

(7) Parking areas shall not be used for automobile sales, gasoline sales, dead storage, repair work, dismantling or servicing of any kind, and lighting that is provided shall be installed in a manner that will prevent direct light shining onto any street or adjacent property.

(8) Access to Parking Spaces.

(a) Backing into Street. In no case shall parking or loading stalls be so located as to require the backing or maneuvering of vehicles onto the sidewalk or into a public way upon entering or leaving the stall, except for single- or two-family houses. An exception may also apply where three (3) or more dwelling units are provided through conversion of a one- or two-family dwelling, subject to Site Plan Approval.

(b) Access to Nonresidential and Multifamily Residential Parking Spaces. All required parking spaces serving nonresidential or multifamily residential uses shall be so arranged as to permit vehicle access and egress to any space when all other required spaces are filled.

D. Construction of Parking and Loading Areas.

(1) Paving Type. All parking spaces, loading bays and maneuvering aisles shall have a durable, dustless, all-weather surface suitable for year-round use and acceptable to the City Engineer and the Building Inspector, such as bituminous concrete or cement concrete.

(2) Parking Grades. The maximum grade of any parking or loading area shall be five (5) percent.

(3) Paving Drainage. All paving shall be designed and constructed in such a manner that the amount of surface water draining onto any public way or onto any lot in other ownership, other than through a drainage easement or stream, shall be minimized.

(4) Striping of Parking Spaces. All parking spaces, except those for single- and two-family houses, must be clearly striped and remain striped at the required dimensions and locations, as shown in an approved Site Plan.

(5) Curbing Required. For purposes of protecting landscaped and pedestrian areas next to parking or driveways from damage by vehicles and snowplows and to assure proper maintenance and drainage, all parking lots and loading areas, except those for single- or two-family houses, shall be provided with durable curbing a minimum of six (6) inches high as follows:

(a) Granite or Cement Concrete. Said curbing shall be constructed of cement concrete or better subject to Site Plan Approval in the following areas:

(i) In heavily used areas of multifamily residential and nonresidential parking lots.

(ii) In all loading areas.

(iii) Surrounding all landscape islands or landscape projections within parking lots.

(iv) Sloped granite may only be used in areas approved at Site Plan Approval.

(b) Asphalt. In all other areas, the curbing may be asphalt if approved at Site Plan Approval.

(6) Driveways. See Section 200-49 for the provisions for driveways.

E-2 Off-street Parking and Loading, Town of West Boylston, Massachusetts

A. General Provisions for Off-Street Parking and Loading

1) Application

a) It is the intent of this By-law that all new buildings and land uses be provided with sufficient space located off-street for:

i.) the accessory parking of motor vehicles;

ii.) the standing, loading and unloading of motor carriers, to meet the needs of persons employed at or otherwise making use of such buildings or land under normal conditions.

b) Any application for a permit for the erection of a new building, or for an alteration or change of use of an existing building that provides additional accommodations, or for the development of a land use shall include a plan for parking and loading for the new or expanded facilities or areas in accordance with Section 5.2 and 5.2 C.

c) Where a building or land area is used by two or more categories of uses as defined under Section 5.2 B, the off-street parking and loading facilities required shall be not less than the sum of the requirements for the individual uses computed separately.

d) Buildings and land uses legally in existence on the effective date of this By-law are not subject to these off-street parking and loading requirements, provided that any parking or loading facilities now serving such buildings or uses may not in the future be reduced below these requirements.

If existing parking or loading spaces exceed the requirements of this By-law, any excess shall be applied to the requirements for additions.

If existing parking or loading spaces are less than the requirements of this By-law, only the requirements for the additions need to be fulfilled with additional spaces.

e) For non-residential uses in the Business and Industrial Districts common driveways may be used to serve both parking and loading spaces, but no part of a designated loading space may be extended into the common driveway.

Amended Oct. 18, 1999 Article 24

f) No commercially licensed vehicles in excess of 18,000 lbs. gross vehicle weight, except school buses or a farm vehicle, and construction equipment during actual construction on the site, shall be parked overnight in a residential district.

2) Jurisdiction and Modification

a) Jurisdiction:

All off-street parking plans shall require Building Inspector approval. Such approval shall be required prior to the issuance of the building permit.

Parking plans and loading plans submitted for approval should identify elevations and contours of the finished site, existing right-of-way, entrances and exits, driveways, aisles, parking spaces, loading spaces, circulation, capacity, drainage, lighting, berms, curbing, fences, walkways and landscaped areas.

The Building Inspector shall examine said parking plans with respect to access, drainage, capacity, circulation and safety of pedestrians and vehicles using the facilities and using abutting streets.

b) Modification

The Board of Appeals may, by special permit, modify the requirements for off-street parking and/or loading where it is demonstrated that with such modification there will be, under normal use, adequate space for parking and/or loading to provide for the needs of the subject building or uses.

3) Construction and Maintenance

Parking and loading areas shall be graded, surfaced and drained so as to dispose all surface water through approved catch basins to preclude drainage onto other properties or streets.

Parking and loading areas located adjacent to a way shown on the official map shall maintain a permanent fence, berm, curbing, or its equivalent on or near the property line abutting the way.

A landscaped separation strip of at least five feet (5') shall be provided between a parking area and an adjoining public way, except in manufacturing districts.

All off-street parking and loading facilities shall be maintained by the owner or operator in good repair, neat and orderly in appearance and free from refuse and debris.

Parking and loading areas shall be arranged for convenient access, egress and safety to pedestrians and vehicles.

4) Design Standards

All off-street parking and loading facilities shall be provided with adequate vehicular access. Backing directly onto a street shall be prohibited except for single and multi-family residences.

Adequate ingress and egress to the parking facilities by means of clearly limited and defined drives shall be provided for all vehicles. Said access shall be limited to well defined locations away from street intersections, and in no case shall there be unrestricted access along the length of the street.

5) Lighting

All lighting used to illuminate any off-street parking or loading shall be installed so that direct rays from such lighting shall not cause a public nuisance to adjacent property.

6) Snow Storage

Storage of snow in parking or loading facilities shall be arranged so as not to unduly reduce sight distances and visibility at entrances and exits and aisles intersection.

B. Off-street Parking (See Section 5.2, A for General Provisions)

1) Off-street Parking Requirements

Parking spaces are to be provided according to the following units of measurement.

Multiple use requires space calculations for each applicable use. Capacities and areas include outdoor use where applicable.

Note: Utility, energy, corridor, stairway, restroom, and building maintenance areas are exempted from space assignment.

a.) Residences

Single Family	Two (2) Parking spaces per dwelling unit
Two Family & Multi-family*	Two (2) Parking spaces per dwelling unit
Hotel, Motel, Lodging, Rooming	One (1) space per bedroom
Group, Dormitory	One (1) space per resident car
Nursing, Convalescent & Rest Home	One (1) space per three beds

*Note: Housing designed specifically for elderly persons need provide only 50 percent (50%, of the space required above.

b.) Place of Assembly

Including Cultural, Sports, Religious, Recreational Entertainment One (1) space for each five (5) persons accommodated in the assembly place

c.) Hospitals

Exempted from further use calculations	One (1) space per patient bed excluding nursery
Inpatient Outpatient	Three (3) spaces for each room, booth or other unit exclusively assigned for outpatient treatment or counseling

d) Drive-up Service including window, pump, wash, cash and carry

Three (3) off-street waiting spaces will be provided leading to each service entrance or island and one (1) such space beyond each service exit.

A mechanized car wash with conveyor will provide eight (8) off-street waiting spaces leading to each line and two (2) spaces beyond the exit end.

e) Professional offices including clinics, barbershops and beauty salons

Three (3) parking spaces for each room, booth, or other unit assigned for client treatment or counseling.

f) Bowling alleys and lanes

Four (4) parking spaces per lane or alley.

g) Public garage

Three (3) parking spaces for each bay or stall used for service or repair.

h) Restaurant, Cocktail Lounge or Nightclub

One (1) parking space for each four (4) seats in the dining area, plus one (1) parking space for each two (2) seats in the cocktail area or those areas where meals are not served or where meals are self-service.

i) Quick, Service, Fast Food, Drive-in Establishment

One (1) parking space for each forty (40) square feet of gross floor area.

j) Retail Areas For Sales and Display of Portable Goods and Related

Retail Services One (1) space for each 250 square feet in such use.

k) Office Areas Including Reception, Desk Drafting Bench, Data Processing

Manufacturing Areas For Portable Goods One (1) space for each 500 square feet in such use

l) Wholesale Areas For Sales And Display; Retail areas For Sales And Display of Non-portable Goods; Freight Handling Area

One (1) space for each 1,000 square feet in such use.

m) Storage and Warehousing Areas

One (1) space for each 3,000 square feet in such use.

n) Automobile/Vehicle Sales

One (1) customer parking space for every four hundred (400) square feet of showroom and office, plus one (1) customer parking space for every two thousand (2,000) square feet of exterior display area.

Amended May 20, 2002 Article 35

2) Location and Dimensions

a) Required parking shall be provided on the same lot with the main use it is to serve. In business and manufacturing districts, required parking shall be provided through the same ownership within one thousand feet (1,000') of the use it is to serve.

b) Dimensions of Parking Space:

Each parking space shall not be less than nine feet (9') in width and eighteen feet (18') in length. Aisles shall provide adequate width for vehicles to enter or to leave parking spaces in a single motion. All vehicles must be parked completely within the property lines.

c) Setbacks

In Business and Industrial Districts all parking spaces shall be provided only at the side or to the rear of buildings, but not within the required side and rear yard setbacks.

Parking areas shall be set back a minimum of five feet (5') from any building wall and ten feet (10') from any boundary lines.

Driveways may occupy any part of the required front or side yards. Any portion of a parking area not used for parking space or circulation shall be landscaped and protected.

Amended May 21, 1990 Article 20

d) No driveway in a Business District or Industrial zone shall be located closer than fifty feet (50') to any street intersection measured along the street line.

e) Uses that propose drive-through facilities such as automatic teller machines and restaurants shall be designed to be an integral component of the building complex and shall not be located within a public right-of-way. Such uses shall be safely and conveniently accessible from surrounding uses via a clearly defined circulation system that minimizes points of conflict between vehicular and pedestrian traffic. The queue length shall be arranged so that there will be no spillage onto a public right-of-way. See Section 4.B.1.d of the Zoning By-laws for the Town's parking standards for drive-through facilities.

Amended May 20, 2002 Article 35

f) Use of Parking Areas for Retail Sales: The use of designated parking areas for outdoor sales events shall be limited to five (5) days per year.

Amended May 20, 2002 Article 35

3) Shared Parking

The Board of Appeals shall hear and decide upon applications for Special Permits for the reduction of the required number of parking spaces by up to twenty-five percent (25%), if it can be demonstrated that two or more uses within a single development can share parking areas due to different hours of normal activity.

Amended May 20, 2002 Article 35

C. Off-Street Loading (See Section 5.2, A for General Provisions)

1) Table of Loading Requirements

Gross Floor Area Per Tenant (square feet)	Number of Required Loading Spaces
0-10,000	0
10,001-50,000	1
50,001- 100,000	2
100,001-200,000	3
200,001-400,000	4

Each Additional 20,000 sq ft

| 1

2) Location and Dimensions of Required Loading Spaces

a) Location

Loading spaces located within one hundred feet (100') of a residence district shall have material handling activities relating thereto enclosed.

In an Industrial Park District all loading and delivery facilities shall be located either at the side or rear of the building(s) they are designed to serve, but not within the required side and rear yard setbacks.

b) Dimensions of Loading Space

Each loading space shall be twelve feet (12') in width and fifty feet (50') in length and shall be entirely contained within the property lines.

Amended May 16, 1988 Article 23

APPENDIX F – LANDSCAPING REGULATIONS AND BY-LAWS

F-1 Landscaping and Screening By-laws, City of Marlborough, Massachusetts

General Off-Street Requirements

A. Underground Utility Lines. All electric, telephone, cable television and other utility lines shall be installed underground, subject to the approval of the City Engineer. This requirement shall apply to all new structures and all additions and major renovations to existing structures requiring Site Plan Approval.

B. Refuse Areas Required. In all districts, all structures except one- and two family dwellings shall be provided with an area or areas suitable for storage of refuse and like matter, in compliance with regulations of the Board of Health, screened as required in this Chapter, located away from living quarters and within the setback requirements for accessory buildings. Said refuse or like matter shall be removed and disposed of periodically and as required to prevent accumulations and to further ensure the health and safety of the tenants of such building or buildings or of abutters and to protect the property values of abutting property.

Landscaping and Screening.

A. Objectives. The provisions of this Section are intended to achieve the following purposes:

- (1) To provide a suitable boundary or buffer between zoning districts.
- (2) To separate different and otherwise incompatible adjacent land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, the intrusion from artificial light, including the ambient glow there from, signs or the view of unsightly buildings and parking lots.
- (3) To provide visual relief to parking lots and protection from wind in open areas.
- (4) To preserve or improve the visual and environmental character of a neighborhood and of Marlborough generally.
- (5) To offer property owners protection against possible diminution of property values due to adjacent commercial construction, or a change in existing ostensibly incompatible land uses.
- (6) To assure public safety requirements for sight distance visibility.

B. Applicability. Landscaping, planting areas and screening shall be provided in accordance with all provisions of this Section as specified below:

(1) When the building or site undergoes a change of use or is enlarged by more than ten (10) percent of the floor or ground areas of use or when any new principal building is built on the site or when any new building, addition, alteration or change of use requires a parking increase of five (5) or more spaces.

(2) Compliance with all provisions of this Section, to the maximum extent practicable as determined at Site Plan Approval, shall be a requirement for approval of any site plan or off-street parking plan or issuance of any building permit, occupancy permit or Special Permit.

(3) An application for a Special Permit for a use, structure or activity that does not comply with the provisions of this Section shall not be granted until compliance to the maximum extent practicable is demonstrated.

*Landscaping and Screening Diagrams are located at the end of this Chapter.

C. Landscaping Plan Required.

(1) A landscaping plan demonstrating compliance with the standards contained in this Section for landscaping, planting areas and screening shall accompany each application for Site Plan Approval and Building Permit. The plan shall be drawn to scale and may be part of a Site Plan Application. A landscaping plan shall not be required for a single- or two-family dwelling.

(2) The landscaping plan for any lot used or zoned for multifamily or nonresidential use shall be certified by a landscape architect registered in the Commonwealth of Massachusetts.

(3) The landscaping plan shall show, apart from information normally required on a site plan:

(a) A layout plan showing existing and proposed grades, the proposed landscaped area and planting areas, the existing plant materials to be retained, the proposed plant materials to be provided and the location, size and type of such plant materials and of any non-plant materials to be retained or provided.

(b) A plant schedule giving botanical and common names of plant to be used, size at time of planting and quantity of each.

(c) The methods for protecting plant materials during and after construction.

D. Planting Area Requirements. The following requirements shall apply to all planting areas required by this Section, except as provided hereinafter:

(1) Planting Areas and Lot Coverage. Planting areas on a lot shall be considered a part of the total landscaped area on a lot required by the maximum lot coverage provisions of Section 200-43. Any landscaped area required by the lot coverage provisions and located outside of a planting area required by this Section shall meet the requirements of Subsection D(3), Ground Surface Materials, but need not meet the requirements of Subsections D(4) or (5) for planting type and size and planting quantity and spacing.

(2) Location. The planting area required by this Section shall be located entirely within the lot. Additional planting area may be provided outside the lot, but shall not be credited to the area required within the lot.

(3) Ground Surface Materials.

(a) Paving. The planting area shall not be paved over with asphalt, concrete or similar material, or covered with gravel, except for access drives and walks located essentially perpendicular to the area. No structure, parking area or paved play area may be located in a required landscape area.

(b) Plant Materials. The planting area shall have a ground surface cover of live plant material, such as lawn grass or live ground cover, over at least four (4) inches of topsoil, except that bark mulch may be used in place of live ground cover, and except for non-plant materials solely as provided for hereinafter under Subsection D(3)(d).

(c) Substitution with Artificial Plants. The substitution of artificial shrubs, grass or other plants shall not be permitted.

(d) Non-plant Materials. Non-plant ground surface material, such as brick, decorative stones or other similar material (but not gravel, concrete or asphalt paving), may be used in place of live plant material or bark mulch, provided that the non-plant material covers no more than thirty (30) percent of any planting area required by this Section and has shrubs and trees distributed over its surface as required below under Subsection D(5).

(4) Planting Type and Size. Required plantings shall include both trees and a mix of deciduous and evergreen shrubs to maintain effectiveness throughout the winter, and preferably will include vegetation existing on the site. To be credited towards meeting these requirements, trees must be at least two (2) inches caliper, four (4) feet above grade at the time of planting, be of a species common in the area and which reach an ultimate height of at least twenty (20) feet when mature. Shrubs must be at least twelve (12) inches in height at the time of building occupancy and be of a species

common in the area. Live ground cover, lawn grass or hedgerows may be substituted for shrubs as provided under Subsection D(5) below.

(5) Planting Quantity and Spacing.

(a) Plantings shall consist of at least one (1) shrub per five (5) linear feet, or thirty-five (35) square feet of ground area, whichever results in a greater number of shrubs and at least one (1) tree per forty (40) linear feet of planting area length, except one (1) tree per thirty (30) linear feet of street frontage planting area abutting Routes 20 and 85.

(b) Planting Layout. Plantings may be grouped, not evenly spaced, but groups of shrubs shall be spaced no further apart than ten (10) linear feet and groups of trees no further apart than fifty (50) feet.

(c) Substitution of Shrubs with Lawn Grass or Ground Cover. Shrubs required by this Section may be substituted with live ground cover or lawn grass, but not bark mulch or non-plant ground surface material, under the following conditions. To be credited for substitution:

(i) The substitution may occur in the street frontage planting area, but not in the side line or district boundary planting areas.

(ii) The substitution must be in a contiguous area of not less than one hundred (100) square feet.

(iii) No more than fifty (50) percent of the total number of shrubs otherwise required in the entire frontage landscaped strip may be substituted in the above manner.

(iv) No substitution may be made for tree plantings required by this Section.

(v) The lawn grass or live ground cover must be properly maintained in presentable appearance. Additional areas of live ground cover or lawn grass may be provided in planting areas, but cannot be used in substitution of the required number of shrubs or trees.

(d) Substitution of Shrubs with Hedgerow. Shrubs required by this Section may be substituted in full by a continuous hedgerow not less than two (2) feet high when planted and attaining a height of at least three (3) feet within three (3) years. Such substitution may be made in any planting area, provided that live ground cover or lawn grass is planted in the remainder of the planting area along with the hedgerow. Trees may not be substituted with hedgerows.

(e) Egress Visibility. Plantings shall be located or trimmed to avoid blocking egress visibility. (See Subsection N, Sight Distance.)

(6) Existing Vegetation. Wherever possible, the above requirements shall be met by retention of existing plants, including as follows: If located within the street frontage planting area required by this Section, no existing tree of six (6) inches in caliper or greater [measured four (4) feet above grade], dense hedgerow of four (4) or more feet in both depth and height or existing earth berm providing similar visual screening shall be removed or have grade changed more than one (1) foot, unless required by plant health or access safety.

(7) Curb Protection of Landscaping from Vehicles. Except for single- and two-family dwellings, wherever landscaping areas are adjacent to parking areas or driveways, the landscaped areas shall be suitably protected by raised curbing to avoid damage to the plant materials by vehicles and by snowplows and to define the edge of the landscaped area. The edge of the landscaped area shall also be defined by tall stakes during winter season. Curb specifications for parking areas and driveways are included in Section 200-49.

(8) Walls or Fences. Walls or fences may not be substituted for plant materials to reduce the required planting area. A wall or fence may be added where a mass of plant materials would not provide an adequate screen, in which case planting shall be provided along the side of the wall or fence.

E. Street Frontage Planting Area.

(1) Location and Width.

(a) A continuous landscaped strip shall be provided adjacent to the right-of-way line of any street (existing, proposed, paper, public or private) or highway, except for driveways or walkways located essentially perpendicular to the street frontage. This landscaped strip shall have a minimum width as prescribed below, provided that said minimum width shall be increased if required by provisions of Subsection E(1)(b) following, and also provided that if the front yard (building setback) as built, not as required, is less than the width of the landscaped strip, then the landscaped strip may be reduced to not less than the depth of the front yard. Said minimum width shall be as follows:

(i) One- and two-family dwellings: the minimum width of the required front yard.

(ii) Multifamily dwellings: the minimum width of the required front yard.

(iii) Nonresidential uses and districts:

[a] Commercial and Automotive Districts: ten (10) feet.

[b] Other districts: fifteen (15) feet.

(b) In nonresidential districts, or where nonresidential uses or multifamily housing exists in a residential district, the street frontage landscaped strip shall have a greater width than the requirements of the above subsection by providing, where applicable, an additional one (1) foot of width for each twenty (20) feet or fraction thereof of street frontage over one hundred (100) feet in length. The maximum required width for said street frontage landscaped strip shall be twenty-five (25) feet.

(2) Planting in Right-of-Way. The landscaped strip adjacent to the right-of-way required by this Section must be located within the affected parcel, and state or city property within the right-of-way may not be used to meet the requirements of this Section. However, wherever possible, the extension of grass or ground cover into said right-of-way is encouraged, but must be approved on the landscaping plan and maintained by the owner of the affected parcel.

(3) Planting Requirements.

(a) For other than residential uses in all districts, the street frontage planting area shall be planted with trees and shrubs according to Subsection D, Planting Area Requirements, entirely within the frontage planting strip next to the right-of-way.

(b) For residential uses in all districts, the required plantings shall consist of one (1) shrub per five (5) linear feet and one (1) tree per thirty (30) linear feet of frontage. Said plantings shall be located anywhere within the front yard.

(c) For one- and two-family dwellings, the plantings may be installed within one (1) year of the issuance of the Certificate of Occupancy, provided that the dwelling is not built for profit or for the use and occupancy of the builder or developer. (See Subsection M, Inspection, Date of Completion and Enforcement.)

F. Side Line Planting Area. Side line planting areas are required with the following minimum width:

(1) One- and Two-Family Dwellings: No side line planting is required.

(2) Nonresidential and multifamily residential uses on lots with under forty thousand (40,000) square feet lot area: five (5) feet.

(3) Nonresidential and multifamily residential uses on lots with over forty thousand (40,000) square feet lot area: seven (7) feet.

(4) All lots where common driveways on the lot line are approved at Site Plan Approval: No side line planting is required.

G. District Boundary Planting Area. A district boundary planting is intended as a buffer or transition between different uses and shall be provided as follows:

(1) Location. District boundary planting is required in the following locations:

(a) Nonresidential Parcels: On any nonresidential zoned or used premises along the full length of any boundary which:

[1] Abuts a residential district;

[2] Is located across a street from a residential district; or

[3] Extends into a residential district and said premises are being developed for a use not allowed in that residential district, unless abutting property is unbuildable because of wetlands as determined by the Conservation Commission.

(b) Residential parcels: On any residentially zoned parcel to be used for residential purposes, along the full length of any boundary which abuts non residential zoned or used premises which are already developed in whole or part and do not contain said boundary planting.

(2) Width. The width of the district boundary planting area, located adjacent to the boundary, shall be sufficient to act as a buffer or transition between uses. Said width shall be determined at Site Plan Approval but shall not be less than the widths prescribed in the table below:

Minimum Width of District
Boundary Planting Area

Lot Area (square feet)		Width Planting Area (feet)
Under 40,000		5
40,000 to 80,000		7
80,001 to 120,000		10
Over 120,000		15*

*For lots over one hundred twenty thousand (120,000) square feet in area, the minimum width shall be as provided in the table above, plus an additional one (1) foot of width for each ten (10) feet or fraction thereof of district boundary over one hundred (100) feet in length. The maximum required width for said district boundary planting area shall be twenty-five (25) feet unless it is determined by the Planning Director at Site Plan Approval that a greater width is required.

(3) Planting. Said planting area shall be densely planted with shrubs and trees at least four (4) feet high when planted and of a type expected to form a year-round dense screen or wall at least six (6) feet high, within three (3) years, or by an opaque fence or wall at least six (6) feet high supplemented by landscaping on the residential side of the fence.

(4) Topographic Features. If the abutting parcel is presently visually separated by topographic features, the planting area shall be provided with the required width, but the plantings need not be installed until and unless said topographic features are removed.

H. Parking Lot Planting Area.

(1) Perimeter of Parking Lot. On at least three (3) sides of the perimeter of an outdoor parking lot containing ten (10) or more parking spaces, there shall be a planting area or strip with a minimum width equal to the width required for side line planting areas under Subsection F above, except that where the perimeter is along the street frontage or district boundary, the planting areas shall have the larger dimensions required by this Section. The plantings in the perimeter area shall be according to Subsection D, Planting Area Requirements.

(2) Interior of Lot.

(a) A minimum of three (3) percent of the interior area of a parking lot containing a total of fifty (50) or more spaces must be planted as landscaped islands or areas exclusive of perimeter landscaping. The interior area of the lot shall be computed as the paved area excluding all parking spaces abutting the perimeter of the parking lot.

(b) Planting on Landscaped Islands. Planting islands or areas on the interior of a parking lot shall each contain not less than one hundred (100) square feet of unpaved soil area, and have a minimum dimension of seven (7) feet. Each island shall be planted with at least one (1) tree and four (4) shrubs. A minimum of one (1) tree and four (4) shrubs, exclusive of perimeter plantings, must be planted for every twelve (12) cars in the interior area of the parking lot.

(c) Location of Landscaped Islands. The landscaped islands shall be contained within or project into a parking lot, and be so located that some part of every parking space is not more than forty-five (45) feet from a landscaped area on the perimeter or interior of the parking lot. See the Landscaping and Screening Diagram at the end of this Chapter for alternative layouts.

(d) Protection of Landscaped Islands. Each such landscaped island shall be surrounded by curbs at least six (6) inches high for protection from vehicles, and the area may be used to locate fire hydrants.

(3) Site Plan Approval. The above requirements shall be complied with to the extent practicable. Grouping of landscaped islands into larger landscaped areas may be allowed if the result meets the intent of this Section as interpreted by the City Planner at Site Plan Approval.

(4) Within a Limited Industrial District, the requirements of Subsection H(2) may be suspended for the development of a shopping mall or a retail lot when approved by the City Council, as provided in Article VIII, 200-59, in writing, provided that the City Council finds that at the perimeter of the development lot or a retail lot, the strip required under subsection H(1) is increased by a minimum of one hundred twenty-five (125) percent of the area that would be devoted to the islands under subsection H(2) if the requirements of subsection H(2) were applicable to the development lot or a retail lot.

I. Screening of Parking Lots from Residential Uses. In all residential districts, or on a lot used for residential purposes, the following provisions shall apply: Any outdoor parking lot containing five (5) or more parking spaces, all loading bays, maneuvering aisles and driveways, shall be screened in a manner to protect abutting residential lots from the glare of headlights, noise and other nuisance factors, by the following screening:

(1) A planting area not less than seven (7) feet wide, adjacent to the parking lot, densely planted with shrubs and trees at least four (4) feet high when planted and of a type expected to form a year-round dense screen at least six (6) feet high within three (3) years; or

(2) A fence or wall of uniform appearance at least six (6) feet high above the parking lot surface. Such wall or fence may be supplemented by planting, and shall be located at least seven (7) feet away from any parking or loading space to allow for vehicle overhang or snow clearance. Such wall or fence may be opaque or perforated, provided that no more than fifty (50) percent of the fence face is open. If snow drifts are likely, the fence shall be designed accordingly.

J. Screening of Other Use Areas Within Lots.

(1) Outdoor storage, loading areas, and refuse disposal.

(a) All outdoor storage areas for nonresidential uses in all districts, all loading areas for nonresidential uses located in a residential districts and all facilities for refuse disposal for all uses in all districts, except one- and two-family houses, shall be screened from view at normal eye level from any residential living unit, public or private street, common parking lot or adjoining lot residentially used or zoned, to the extent practicable. Refuse storage areas shall be located no closer to the property line than the applicable setback requirements for accessory buildings.

(b) Screening shall consist of a solid wall or fence compatible with surrounding architecture and materials, of a height sufficient to completely screen the area at the time of installation, but not less than six (6) feet high. The fence or wall may be supplemented but not replaced by plantings.

(2) Mechanical Equipment. Wherever possible, in all districts, on nonresidential properties, all air-conditioning equipment, transformers, elevator equipment or similar mechanical equipment on any roof or building or on the ground shall be screened from public view, to the maximum extent practicable.

(3) Transfer, Equipment Lockers and Underground Installation of Utility Lines. In all districts, when electric, telephone and all other utility lines or cables are proposed to be extended or relocated, in connection with the development or redevelopment of land or a building for nonresidential purposes, they shall be installed underground. Transformers and other equipment located above ground shall be screened from public view by planting or fencing.

(4) Exterior Lighting.

(a) All artificial lighting used to illuminate a parking or storage area, maneuvering space or driveway shall be arranged and shielded so as to prevent direct glare from the light source into any public street or private way or onto adjacent property.

(b) The level of illumination of lighting for parking and loading areas shall be low so as to reduce the glow of ambient lighting perceptible at nearby properties or streets.

K. Retaining Walls and Embankment Stabilization. Retaining walls and embankments requiring stabilization, visible from the exterior of the lot, shall utilize natural rock material for facing where practical and technically feasible and shall be planted with suitable shrubs at not less than one (1) plant per fifty (50) square feet to enhance appearance.

L. Maintenance.

(1) The owner of the lot shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with the approved landscaping plan required under Subsection C.

(2) All plant materials required by this Section shall be maintained in a healthful condition. Dead tree limbs, refuse, and debris shall be promptly removed. Bark mulch and non-plant ground surface materials allowed by the Section shall be maintained so as to control weed growth. Dead plantings shall be replaced with new live plantings of the required size and quantity at the earliest appropriate season. Shrubs and live ground surface plant materials, such as grass or ground cover, shall be properly

maintained in presentable appearance or replaced in kind at the earliest appropriate season.

(3) Plantings shall be selected and designed so as not to require high water use for maintenance. If grassed lawn areas or thickly planted shrubs or ground cover are used in the street frontage planting areas, a permanent water supply system, sufficient to serve the landscaped areas, shall be provided by the installation of a sprinkler system and/or hose bibs placed at appropriate intervals.

(4) Fences and walls shall be maintained in good repair and presentable appearance or replaced.

M. Inspection, Date of Completion and Enforcement.

(1) The landscaping plan and plantings, as approved, shall be completed and installed according to specifications prior to the issuance of a Certificate of Occupancy for any residential or nonresidential use or building, other than for single-family houses. If the completion of the structure occurs after the planting season has passed, only a temporary Certificate of Occupancy may be issued until the landscaping is completed.

(2) For single-family houses, the same provisions shall apply except that for those houses not built for profit or for the use and occupancy of the builder or developer, the landscaping shall be completed within one (1) year after the issuance of the Certificate of Occupancy.

(3) If at any time after the issuance of a Certificate of Occupancy the landscaping of any parking or vehicular area to which this Section is applicable is found to be in nonconformance, notice shall be issued to the owners that corrective action is required to be in compliance with this Section and shall describe what action is necessary to comply. The owners shall have thirty (30) days to fulfill the landscaping requirements. Failure to comply with the allotted time shall be considered a violation of this Section.

(4) At the time of Site Plan Approval, a bond may be required to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to eighteen (18) months following such planting.

N. Sight Distance.

(1) Measurement. In order to provide an unobstructed sight distance for motorists, there shall be no obstruction as described below within a triangle which measures at least twenty-five (25) feet on two (2) sides of the intersection of a street with another street or a driveway, interior drive or bikeway. The triangle shall be measured from the point of intersection or, in the case of a rounded corner, the point of intersection of the tangents, in a direction away from the intersection for a distance of at least twenty-five (25) feet along the street right-of-way line; along the side line of the

other street, driveway, interior drive or bikeway for a distance of at least twenty-five (25) feet; and by a third line connecting these two (2) points.

(2) Obstruction. The word "obstruction", as used in this Section, shall mean anything erected, placed, planted or allowed to grow in such a manner as to impede vision for motorists between a height of two (2) feet and eight (8) feet above the grade of the center line of the street and the intersecting street, driveway, interior drive or bikeway.

(3) Ground Elevation. In all cases of new construction and in other cases when deemed necessary by the permitting authority, ground elevation (hills, embankments, etc.) shall be considered as an obstruction to sight requirements if said elevation is higher than the two (2) feet put forth above, within the prescribed area.

(4) Illustration. The illustration of sight distance is included at the end of this Chapter.

O. Nonconforming Landscaping and Screening.

(1) Any landscaping, screening and fencing legally provided or erected and conforming to the requirements of this Section when so erected, may continue to be maintained, even though as a result of changes to this Section the landscaping and screening no longer conforms to its requirements, provided that such landscaping and screening shall not be reduced, enlarged, redesigned or altered except so as to make them conform to said requirements, and further provided that any such landscaping and screening which has been destroyed or damaged to such an extent that the cost of restoration would exceed fifty (50) percent of the replacement value of the landscaping and screening at the time of destruction or damage, shall not be repaired, rebuilt or altered, except so as to make such landscaping and screening conform to the requirements of this Section.

(2) The exemption for nonconforming landscaping and screening and fencing herein granted shall terminate with respect to any landscaping and screening which shall:

(a) Have been abandoned; or

(b) Not have been repaired or properly maintained for at least sixty (60) days after notice to that effect has been given by the Building Inspector.

P. Exceptions. Where plant materials required by this Section would harmfully obstruct a scenic view, substitution of additional low-level plantings which will visually define the street edge or property line may be authorized on the landscaping plan required by Subsection D, provided that proposed buildings are also designed and located to preserve that scenic view.

F-2 Landscaping Rules and Regulations, Town of Leicester, Massachusetts

10-19-04

Leicester Planning Board Landscaping Rules and Regulations

Adopted October 19, 2004

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I. Purpose

To assist and guide the developer/applicant in meeting the standards as set forth in the Zoning Bylaw and in the protection and enhancement of the natural environment and the Town of Leicester.

II. Applicability:

These regulations are intended to be used as a design tool, and are to be used in conjunction with the Required Standards as set forth in the Leicester Zoning Bylaws as follows:

Zoning District	Applicable Section of Zoning Bylaw
Business-Industrial District 2 (HB-2)	3.31. (requires compliance with TB-1 requirements)
Residential-Industrial-Business (RIB) district	3.32.C.
Highway Business-Industrial District 1 (HB-1)	5.5.02.2
Greenville Village Neighborhood Business District (NB)	5.6.05.2
Business District	5.8.03.B

These regulations are also strongly encouraged for any project requiring Planning Board approval and any new development in Town wishing to provide a higher quality of development.

Leicester Planning Board Landscaping Rules and Regulations

Adopted October 19, 2004

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III. Plan Requirements

- A. The landscape plan required as part of the Site Plan Review procedures (Zoning Bylaw, Section 5.2.04.2) shall be at a scale sufficient to determine compliance with the standards as set forth in these regulations (20' scale or 10' scale is recommended).
- B. Use of a Registered Landscape Architect is strongly recommended for the design and oversight of installation of the project.
- C. Landscape Plans shall include a detailed plant list. Such plant list shall describe the identifying label, quantity, botanical name, common name, size at time of planting, spacing if applicable, and any other pertinent information for each species proposed.
- D. Details of proper planting procedures, as per industry standards for trees, shrubs, and groundcovers, shall be graphically illustrated on the landscape plan itself or as an attachment to the plan.

IV. Landscape Design Standards

A. Existing Vegetation

1. Every effort shall be made to preserve and protect valuable existing plant material, particularly mature trees. Where appropriate and at the discretion of the Planning Board, existing plant material may be substituted for new plantings specified below.
2. Existing trees, shrubs, and other naturally occurring vegetation in buffer areas required by the Zoning Bylaw may not be removed without prior permission from the Planning Board. Permission may be granted by the Planning Board for the selective removal of dead, dying, or diseased trees within landscaped areas or buffer zones upon submission of documentation certifying that such removal is necessary to protect the health of the surrounding forest and/or to protect the public health, safety and welfare; or where new landscaping of equivalent or better quality is proposed.

B. Buffers/Landscaped Areas

1. Street frontage plantings shall be designed to visually separate the building and its parking area from the road, shall be continuous with the exception of driveways, and shall meet the dimensions as set forth within the particular Zoning district's regulations. If not specified in the Zoning Bylaw, landscaping should generally be provided between the street and the building and/or parking areas. The plantings shall be a mixture of trees, shrubs, and groundcovers that shall be located so as not to interfere with vehicular views for entering or exiting the site. Where not specified in the Zoning Bylaw, street trees shall generally be planted every thirty-five (35) feet.
2. Buffer areas between the development (inclusive of parking lots) and rear or side lot lines shall meet the depth requirements as set forth within the individual zoning district regulations. Where new developments abut residential uses, the required buffer shall be designed to reduce the visual impact of the new development. Screening shall consist of a combination of native plantings of trees, shrubs, and groundcovers that is mostly evergreen and accented with deciduous materials in staggered rows of substantially sight impervious foliage. Deciduous trees shall be

spaced a maximum of 40' apart. Shrubs shall generally be spaced upon their ability to efficiently screen views within 5 years. Where there is a need to immediately and efficiently screen views, an evergreen hedge of a minimum 5' (feet) height at time of planting is strongly recommended.

3. Dumpsters and Service areas such as loading, storage, refuse storage and disposal areas shall be screened from view from adjacent properties and public ways with the use of planted areas as described in section IV.B.2 above, and/or opaque screening such as fencing.
4. Where it is not practical or feasible to provide opaque landscaped screening, or because of the particular nature of the site or the development landscaped screening would not provide an adequate screening, the Planning Board may allow or require the use of an opaque fence in addition to, or in lieu of planted areas.

C. Parking Areas

1. Landscaping within parking areas shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site. Planted areas within parking areas must be contained within islands. Placement of islands shall be either in long rows between the parking aisles or shall break up the long rows of parking with islands perpendicular to the parking row, or a combination of both. Parking Islands shall have a 5 foot minimum width of plant bed. Landscaped islands shall be designed and located to help provide effective, safe vehicular and pedestrian circulation. See Appendix A for sample island configuration and landscaping in parking lots.
2. Refer to specific zoning district requirements for requirements for landscaped islands within parking areas. Where not specified, it is recommended that parking areas with more than 30 spaces shall contain plantings of trees, shrubs, and/or groundcovers within the parking area in landscaped islands, so that the total amount of landscaped area within the parking lot is equal to a minimum of 5% of the area of parking spaces provided (i.e. 10 square feet per parking space for a standard 200 square foot parking space).

V. Standards for Plant Materials

A. General Plant Material Guidelines

1. Plant material shall meet nursery stock standards as defined in ANSI Z60.1, "American Standard for Nursery Stock":

"Provide healthy, vigorous stock, grown in recognized nursery in accordance with good horticultural practice and free of disease, insects, eggs, larvae, and defects such as knots, sun-scald, injuries, abrasions, or disfigurement.";

and, shall be appropriate for the proposed use, soil, siting, and other environmental conditions. Native plant material shall be used that can survive without the aid of an irrigation system.

2. Plant material shall be labeled with Botanical, Common name and Nursery of its origination. For large quantities of the same variety of plant material, label at least one (1) tree and one (1) shrub of each variety with a securely attached waterproof tag bearing legible designation of botanical and common name.
3. Deciduous Trees shall be at least 2 inches in caliper (measured at breast height) at time of planting, and shall be expected to reach a height of 20 feet within 10 years after planting. Evergreen trees shall be a minimum of 6' to 8' (feet) in height at time of planting. Exceptions to height standards will be accepted on an individual project basis.
4. Shrubs and hedges shall be at least 2.5 feet in height at time of planting and have a spread of at least 24 inches.
5. Grass or groundcovers are preferable to mulch where practical.
6. Existing healthy plant material shall be preserved and may be substituted for new plantings at the discretion of the Planning Board.

B. Maintenance of landscaped areas.

1. Warranty of plant material and immediate replacement of shall be the responsibility of the owner.
2. All plant material shall be guaranteed for a minimum of one full year or two growing seasons from date of installation. Any dead plant material or that which is not thriving in a healthy manner must be promptly replaced at the earliest appropriate season and at the owner's expense.
3. Plant materials shall be carefully maintained during establishment, inclusive of watering, fertilizing, pruning, and general care.
4. Plant beds shall be maintained to be free of dead plant material, weeds, and trash; and shall be maintained in order to promote a healthy and safe environment for both the plant material and the general public.
5. Lawn areas shall be well maintained to keep the growth healthy, green, well trimmed, and free of trash and weeds.
6. Organic Products shall be used whenever feasible during installation, establishment, and continued maintenance for such needs as pesticides, herbicides, and fertilizing.

C. Recommended Plant Materials

The following suggested list of trees and shrubs are suggested for projects in the Town of Leicester, MA. It is strongly suggested that plant material also be considered 'low maintenance' and 'native' in order to reduce the requirements of maintaining the plants and insuring healthy stock. Unique site conditions should always be considered when selecting plant material. These plants are suitable for Zone 5 and usually available at local nurseries. This list is a suggested list and is not all inclusive of trees, shrubs, or groundcovers that would do well in the Leicester, MA area.

STREET TREES

Acer campestre / Hedge Maple	Liquidambar styraciflua / Sweet Gum
Acer rubrum / Red Maple	Pinus nigra / Austrian Pine
Acer pseudoplatanus / Sycamore maple	Platanus acerifolia / London Plane
Carpinus betulus / European Hornbeam	Prunus sargentii / Sargent Cherry
Cercidiphyllum japonicum / Katsura	Pyrus calleryana 'Bradford' / Callery Pear
Cornus mas / Cornelian Cherry (small tree)	Quercus borealis / Red Oak
Fraxinus pennsylvanica lanceolata / Green Ash	Quercus palustris / Pin Oak
Ginkgo biloba / Ginkgo	Tilia cordata / Littleleaf Linden
Gleditsia triacanthos var. inermis / Thornless Honey Locust	Zelkova serrata / Japanese Zelkova

PARKING LOT ISLANDS

Trees	
Acer rubrum / Red Maple	Pyrus calleryana 'Bradford' / Callery Pear
Carpinus betulus / European Hornbeam	Tilia cordata / Littleleaf Linden
Fraxinus pennsylvanica lanceolata / Green Ash	Ulmus parviflora / Chinese Elm
Ginkgo biloba / Ginkgo	Zelkova serrata / Japanese Zelkova
Gleditsia triacanthos var. inermis / Thornless Honey Locust	
Shrubs	
Azalea spp. / Azaleas	Ilex spp. / Holly
Berberis julianae / Wintergreen Barberry	Juniperus spp. / Junipers
Berberis tricanthophora / Threespine Barberry	Taxus spp. / Yew
Cotoneaster spp. / Cotoneaster	Ornamental Grasses
Forsythia spp. / Forsythia	
Groundcovers	
Euonymus fortunei / Wintercreeper	Pachysandra terminalis / Japanese Spurge
Hedera helix 'Baltica' / Baltic Ivy	Vinca minor / Periwinkle
Juniperus spp. / Juniper	Ajuga / Bugle Weed

BUFFER / SCREENING

Trees	
Abies concolor / Concolor Fir	Pinus strobus / White Pine
Cornus mas / Cornelian Cherry	Pyrus calleryana 'Bradford' / Callery Pear
Craetagus phaenopyrum / Washington Hawthorn	Thuja spp. / Arborvitae
Picea spp. / Spruce	Tsuga Canadensis / Canadian Hemlock
Shrubs	
Azalea spp. / Azalea	Ligustrum amurense / Amur Privet
Hamamelis vernalis / Vernal Witch Hazel (heavy wet soils)	Rhododendron spp. / Rhododendrons
Ilex opaca / American Holly	Taxus cuspidate / Japanese Yew
Juniperus spp. / Juniper	Taxus spp. / Yew
Kalmia latifolia / Mountain Laurel	Viburnum spp. / Viburnum

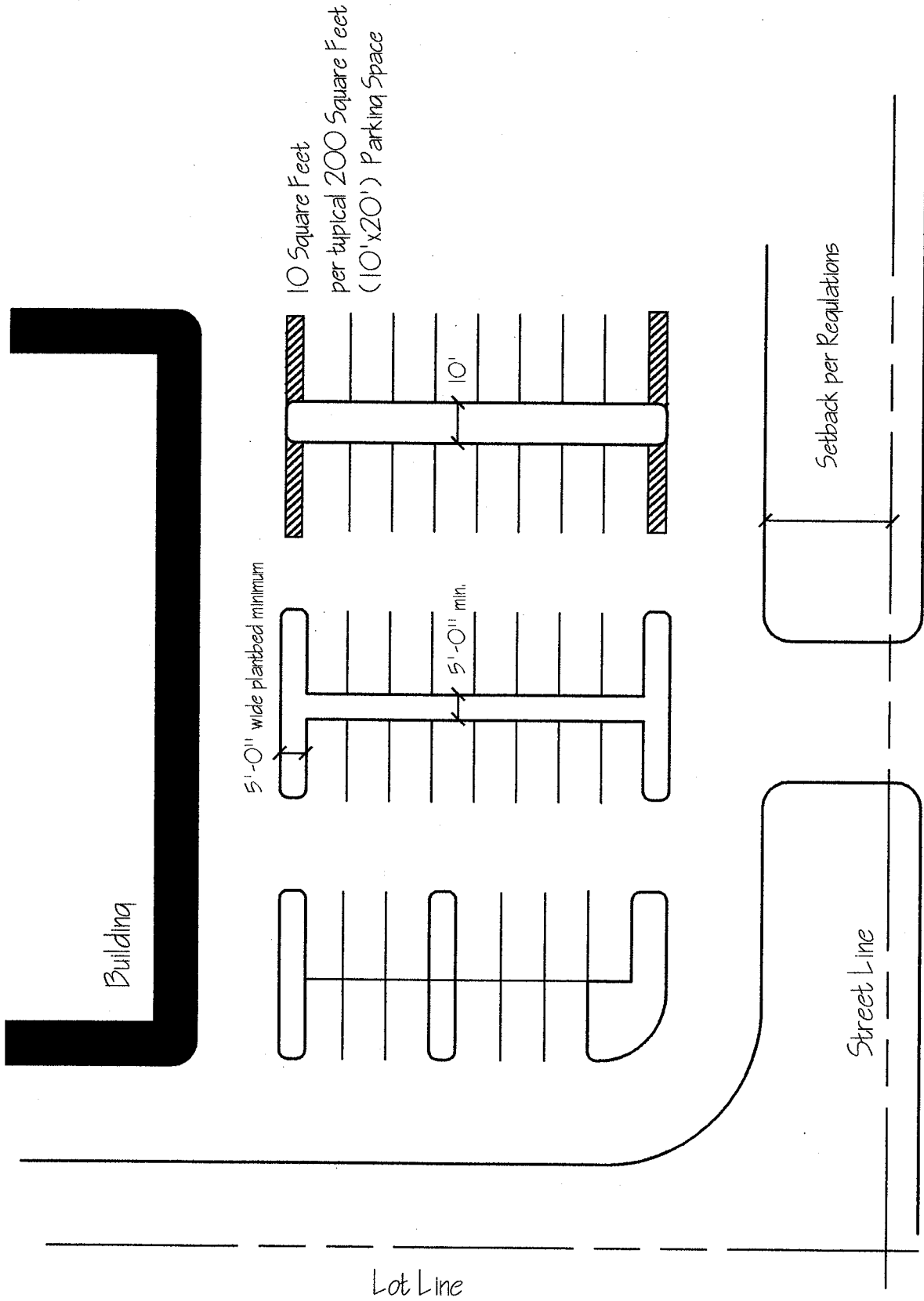
BUFFER / SCREENING	
Leucothoe fontanesiana / Drooping Leucothoe	Ornamental Grasses
Groundcovers	
Euonymous fortunei / Wintercreeper	Pachysandra terminalis / Japanese Spurge
Hedera helix 'Baltica' / Baltic Ivy	Vinca minor / Periwinkle
Juniperus spp. / Juniper	

GENERAL LIST	
Abies concolor / Concolor Fir	Malus spp. / Crabapple
Acer spp. / Maple	Myrica pensylvanica / Northern Bayberry
Azalea spp. / Azalea	Pachysandra terminalis / Japanese Spurge
Berberis spp. / Barberrys	Picea spp. / Spruce
Betula spp. / Birch	Pinus strobus / Eastern White Pine
Cornus spp. / Dogwood (trees & shrubs)	Platanus acerifolia / London Plane
Cotoneaster spp. / Cotoneaster	Prunus sargentii / Sargent Cherry
Craetagus phaenopyrum / Washington Hawthorn	Quercus spp. /Oak
Euonymous fortunei / Wintercreeper	Rhododendron spp. / Rhododendron
Forsythia x. intermedia / Border Forsythia	Sophora japonica / Japanese Pagoda Tree
Ginkgo biloba / Ginkgo or Maidenhair	Thuja / Arborvitae
Hedera helix 'Baltica' / Baltic Ivy	Taxus spp. / Yew
Hamamelis spp. / Witch Hazel	Taxus cuspidata / Japanese Yew
Juniperus spp. / Juniper	Viburnum spp. / Viburnum
Ligustrum amurense / Amur Privet	Vinca minor / Periwinkle
Liquidambar styraciflua / Sweet Gum	

Adopted by the Leicester Planning Board on the 19th day of October, 2004

Appendix A:

- Sample of Island Configuration for Parking Lots
- Sample of Landscaping in Island Configurations for Parking Lots

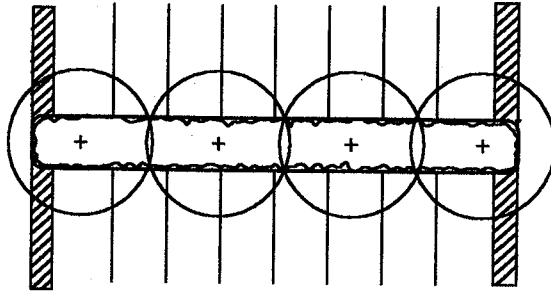
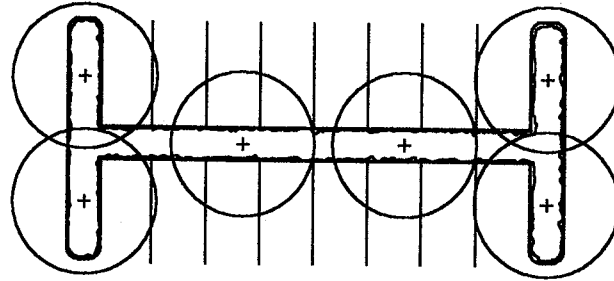
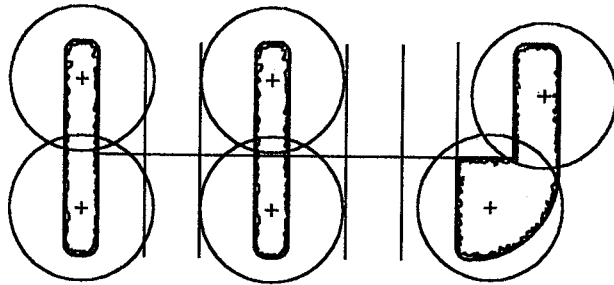


Sample of Island Configurations for Parking Lots

Not to Scale



Building



Islands to be planted with Trees a maximum of 35' apart.

Understory to be planted with a mixture of Shrubs and Groundcovers.

See Regulations for Landscaping Requirements in Setback Areas

Street Line

Lot Line

Sample of Landscaping in Island Configurations for Parking Lots

Not to Scale

APPENDIX G – ENVIRONMENTAL PERFORMANCE BY-LAWS

G-1 Lighting Bylaw, Town of Townsend, Massachusetts

9.19 Outdoor Lighting (accepted 4/29/97)

9.19.1 Purpose

This Bylaw is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate glare, minimize light trespass and sky glow, reduce energy use of outdoor lighting by limiting the area that certain outdoor lighting fixtures can illuminate in the Town of Townsend.

9.19.2 Definitions: For the purposes of this Bylaw, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser or through the refractor or diffuser lens of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, or a refractor or lens.

Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases causing momentary blindness.

Height of Luminaire: The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One (1) foot-candle is one (1) lumen per square foot. For the purposes of this Bylaw the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire: A complete lighting system including a lamp or lamps and a fixture.

Outdoor Lighting: The illumination of an outside area or object by any man made device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The specific illumination of an outside area or object by any man made device located outdoors that produces light by any means for a period of less than seven (7) days with at least one-hundred-eighty (180) days passing before the device is used again.

9.19.3 Regulations: All luminaires for private outdoor lighting installed in the Town of Townsend shall be in conformance with the requirements established by this Bylaw.

9.19.3.1 The luminaire shall emit no direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.

9.19.3.2 The luminaire shall be mounted at a height in feet equal to or less than the value $3 + (D/3)$ where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed twenty-five (25') feet.

9.19.4 Exceptions:

9.19.4.1 Any flood or spot luminaire with a lamp or lamps rated at a total of nine-hundred (900) lumens or less and any other type of luminaire with a lamp or lamps rated at a total of eighteen-hundred (1,800) lumens or less may be used without restriction to light distribution or mounting height except that if any flood or spot luminaire rated at a total of nine-hundred (900) lumens or less aims, directs, or focuses direct light toward residential buildings on adjacent or nearby land or creates glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

9.19.4.2 Luminaires used for roadway illumination may be installed at a maximum height of twenty-five (25') feet and may be positioned at that height up to the edge of any bordering property.

9.19.4.3 All temporary lighting needed by the Police Department, Fire Department, or other emergency services as well as all vehicular luminaires shall be exempt from the requirements of this Bylaw.

9.19.4.4 All hazard warning luminaires required by government regulatory agencies are exempt from the requirements of this bylaw except that all luminaires used must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

9.19.5 Non-conforming Temporary Outdoor Lighting: Non-conforming temporary outdoor lighting may be permitted for a period of up to seven (7) days upon issuance of a temporary lighting permit by the Building Inspector.

9.19.6 Outdoor Recreational Facilities: Illumination of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, or tennis courts, shall not occur after 11:00 p.m., except to

conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

9.19.7 Effective Date And Grandfathering Of Non-conforming Luminaires:

9.19.7.1 This Bylaw shall take effect immediately upon approval by the voters of the Town of Townsend at an annual or special Town Meeting.

9.19.7.2 Any luminaire lawfully in place prior to the date of this Bylaw shall be exempt from section 9.19.3 of this Bylaw until the luminaire is moved or replaced.

9.19.8 Violations, Legal Actions And Penalties:

9.19.8.1 Violations and Legal Actions: If, after investigation, the Zoning Enforcement Officer finds that any provision of this Bylaw is being violated, he shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of receipt of the notice. If the violation is not abated within the thirty (30) day period, the Zoning Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Bylaw and to collect the penalties for such violations.

9.19.8.2 Penalties: A violation of this Bylaw, or any provision thereof, shall be punishable by a civil penalty of twenty-five (\$25.00) dollars. Each day of violation after the expiration of the thirty (30) day period provided in paragraph 9.19.8.1 shall constitute a separate offense for the purpose of calculating the civil penalty.

9.19.9 Invalidation: If any portion of this bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

G-2 Performance Standards (Noise) Zoning Bylaw, Town of Holliston, Massachusetts

4. Noise. No use shall be permitted within the town of Holliston which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. Exempt from the provisions of this subsection are

- (a) vehicles not controlled by an owner or occupant of a lot within the town,
- (b) temporary construction activities occurring during the hours of 7 a.m. to 6 p.m. on weekdays,
- (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity,
- (d) use of power tools and equipment such as lawn mowers, snow blowers, chainsaws, tractors, and similar equipment for the maintenance of property between the hours of 7 a.m. and 8 p.m. on weekdays and 8 a.m. and 6 p.m. on weekends. For the purposes of this by-law the standards in the following table shall apply:

a. Noise Standards:

Table E-1
For Sounds Generated Continuously

From any Source Not Otherwise Sound Exempted Above, and Measured	Maximum Permitted Levels (in dBA*)
(a) At or beyond the lot line of an adjacent or nearby residence or institutional use, weekdays during the hours of 7a.m. to 6p.m.	60
(b) At or beyond the lot line of an adjacent or nearby residence or institutional use, Sundays or during the hours of 6 p.m. to 7 a.m. weekdays	50
(c) At or beyond the lot line of an adjacent business use	65
(d) At or beyond the lot line of an adjacent industrial use	70

*dBA shall mean the A-weighted sound pressure levels in decibels, as measured by a general purpose sound level meter complying with the provision of "American National Standards Institute." The instrument shall be properly calibrated and set to the A-weighted response scale, and the meter set to the slow response. Reference pressure shall be 0.0002 microbars.

b. Exceptions for Intermittent Noise. The levels (dBA) specified in Table 1 may be exceeded by ten (10) dBA, weekdays during the hours of 7 a.m. to 6 p.m., but not at any other time, for a period not to exceed twenty (20) minutes during any one (1) day.

c. Impact Noise. Impact noise such as from a punch press, drop forge hammer, or similar equipment, shall be measured using the fast response of the sound level meter, and shall not exceed the levels specified in Table 1 by more than ten (10) dBA.

G-3 Solid Waste Ordinance, Sherburne County, Minnesota

SECTION 6.0:

SOLID WASTE STORAGE

Subsection 1. Solid Waste Accumulation. Except as otherwise allowed by this ordinance, owners and managers of every property shall be responsible for maintaining all open areas free of improperly stored solid waste accumulation. Solid Waste shall have the meaning given in Section 3.0, Subsection 129.

Subsection 2. Nothing in this subsection shall unreasonably restrict commonly accepted activities of farms and duly established automobile, scrap iron, metal recyclers, or salvage operations that maintain such operations in an orderly and pollution free manner.

Subsection 3. Storage Facilities and Containers Required. Every property shall be supplied with adequate solid waste storage facilities or containers.

Subsection 4. Waste Materials too Large for Containers. Waste objects too large or otherwise unsuitable for storage containers shall be stored in an orderly and pollution free manner and in compliance with the regulations of Federal, State and Local Governments, and their regulatory agencies.

Subsection 5. Provided Facilities Required to be used. Property owners shall cause occupants and employees to store solid waste for removal in the solid waste storage facilities or containers provided. The property owner shall not permit solid waste to be placed in locations or in a manner that the solid waste may be scattered by wind, water, animals, or insects.

Subsection 6. Frequency of Container Service. Every property owner shall cause container contents to be removed and deposited at a permitted disposal facility at a frequency so as to not create a nuisance. Solid waste shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer. Solid wastes suitable and stored for recycling may be contained if stored in an acceptable manner that avoids risk to public safety and otherwise complies with this ordinance.

Subsection 7. Storage Construction. All solid waste storage containers shall be constructed of rust and impact resistant materials with covers that deter rodent and insect entry. The containers shall be equipped with tight-fitting covers that shield the container from the entrance of precipitation, rodents, insects, and vermin.

A. As described in Volume 42, No. 113, pages 30296 to 30302 of the Federal Register, Refuse Bins having an internal volume of one (1) cubic yard or greater shall be

constructed or retrofitted to meet American National Standards Institute (ANSI) Standard (Z 245.3-1077) for the Stability of Refuse Bins.

B. Single use containers not meeting the above requirements may be used for Yard Waste provided the container is:

1. Constructed of moisture resistant materials.
2. Adequately designed to contain the waste.
3. Closed to resist the entrance of water.
4. Loaded no more than fifty five (55) pounds.

5. Strong enough to allow collection and loading by hand.

Subsection 8. Container Maintenance. Solid waste containers shall be maintained in a nuisance free condition by the owner. When supplied by a property owner or commercial hauler, the containers shall be maintained in good repair.

Subsection 9. Container Compliance:

A. Any commercial hauler finding solid waste containers in use that appear not to be in compliance with this ordinance shall report the container's location to the Solid Waste Officer.

B. The Solid Waste Officer shall investigate complaints about solid waste containers and if the container is found not in compliance a notice shall be attached to the container as provided in this section. If the Solid Waste Officer does not investigate the complaint, the Department shall mail to the containers owner a notice that a complaint was received regarding the container. The notice shall describe this ordinance's requirements for a solid waste container. The owner shall report their actions to the Solid Waste Officer within ten (10) days of the notice date regarding the corrections they have made. If the owner does not make this report to the Solid Waste Officer within ten (10) days, the Solid Waste Officer shall proceed with an investigation. If the container is found to be in violation of this ordinance, a notice shall be attached to the container stating substantially as follows:

NOTICE: This solid waste container does not comply with the Sherburne County Solid Waste Ordinance and this container shall be removed by the owner within ten (10) calendar days. The licensed solid waste hauler who services this property is hereby ordered by the Sherburne County Solid Waste Department not to empty this container.

SIGNED BY: _____ on behalf of the Sherburne County Zoning and Solid Waste Department.

DATE OF NOTICE: _____

WARNING: This notice shall not be removed except by action of the Zoning and Solid Waste Department.

A. The notice attached to the container shall not be removed except by action of the Department.

B. Any public costs associated with investigation and removal of the container may be charged as a fee to the owner of the container or as an assessment against the property as provided by law.

Subsection 10. Transfer of Solid Waste. Solid waste shall not be transferred to another property or solid waste container except with the written consent of the owner.

Subsection 11. Hazardous Waste Storage. Hazardous wastes shall be managed and stored pursuant to all applicable 49 CFR regulations of Federal, State (Minn. Rules Ch. 7045) and Local Governments, and their regulatory agencies.

APPENDIX H - SIGNS BY-LAWS

H-1 Sign By-law, City of Malden, Massachusetts

Section 600 Sign control

600.1 Intent: Signs are an important means of communication within our society. Properly designed and constructed, they perform valuable functions and can be an asset to the community. However, poorly designed or constructed signs can be blighting influences and be a detriment to the city. It is the intent of this section to regulate all signs hereinafter erected or changed in order to ensure the health, safety and welfare of the public, to enhance property values, to encourage a more attractive business climate and improve the physical appearance of the city.

600.2 Permits: With the exception of those signs covered in Section 600.4, no sign shall be erected, altered, or enlarged until a permit for such erection, alteration or enlargement has been issued by the Inspector of Buildings. All applications for permits must be submitted in writing on the appropriate form furnished by the Inspector of Buildings, containing such information as he may deem necessary. Permits shall be issued only to owners of the specific properties involved, and only when the Inspector of Buildings determines that the sign complies or will comply with all applicable provisions of the ordinance, the State Building Code, and the regulations of the Malden Redevelopment Authority within the project areas under their control. Temporary signs which do not otherwise comply with this ordinance may be authorized by the Inspector of Buildings for public or charitable purposes.

600.3 Design Requirements for All Signs

600.3.1 Multi-Faced Signs: Each face of a sign shall be considered to be a separate sign.

600.3.2 Movement: No sign shall contain any moving, flashing or animated lights, or visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature.

600.3.3 Illumination: Signs may be illuminated by the following means:

600.3.3.1 By a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, and not casting light off the premises.

600.3.3.2 By interior lights of reasonable intensity.

600.3.3.3 In the event of an energy shortage, the City Council is authorized in its discretion to order that all signs in the Town consuming electric, gas, oil or other forms of energy cease such consumption in whole or in part during such hours and for such period as the Council may designate.

600.3.3.4 Color: No sign shall contain red or green lights if, upon consultation with the Traffic Director, the Inspector of Buildings finds it constitutes a driving hazard.

600.4 Signs Not Requiring Permits

The following signs, conforming to this section and section 600.3, may be erected and maintained without a permit in any district:

600.4.1 One sign displaying the street number and/or name of the occupant of the premises not exceeding one (1) square foot in area. Such sign may include identification of a permitted home occupation.

600.4.2 Two (2) "For Sale" or "For Rent" signs whose combined area does not exceed six (6) square feet, advertising only the premises on which the signs are located.

600.4.3 Bulletin or announcement boards, identification signs or entrance markers of a church, synagogue or other institution provided that there shall be no more than four (4) such signs for each such establishment.

600.4.4 One contractor's sign, not exceeding thirty-two (32) square feet in area, maintained on the premises while construction is in process and containing information relevant to the project. Such sign shall be removed promptly after completion of the construction.

600.4.5 One identification sign, not exceeding twelve (12) square feet in area, at any public entrance to a subdivision or multifamily development.

600.4.6 Signs limited solely to directing traffic within or setting restrictions of the use of parking areas, not exceeding six (6) square feet per sign.

600.4.7 Window signs painted or placed on the inside of windows, not exceeding twenty (20) percent of the glass area of each individual pane.

600.4.8 Flags of a nation, state, county, municipal government or other political subdivision.

600.5 Accessory Signs Requiring Permits

In RO, BN, BC, BH, and I zoning districts, the Inspector of Buildings may issue permits for signs conforming to section 600.3 and this section. In Residential zoning districts, the Board of Appeal may issue special permits for signs conforming to section 600.3 and this section providing said signs would not be detrimental to the neighborhood.

600.5.1 Size:

600.5.1.1 All signs attached to walls shall not exceed the greater of fifty (50) S.F. per establishment or twenty-five (25) percent of the wall on which it is located excluding doors and windows, except that no projecting sign shall exceed thirty-six (36) S.F. per face.

600.5.1.2 Ground Signs: Sign area shall not exceed one hundred (100) S.F. per face except where there are four (4) or more establishments on any lot, there may be one (1) double-faced ground sign on said lot. Each face shall not exceed one hundred (100) S.F. plus forty (40) S.F. per establishment. This sign may consist of more than one (1) sign section.

600.5.2 Number: The number of signs shall not exceed four (4) per establishment.

600.5.3 Height: Signs located flat against building walls shall not be restricted as to height. All other accessory signs shall be restricted to a maximum height of twenty-five (25) feet, as measured from the average grade at the base of the sign to the highest part of the sign. Where a sign may interfere with pedestrian movement, there shall be a minimum height of ten (10) feet, measured from the average grade at the base of the sign to the lowest part of the sign. Signs on or projecting above the roof or parapet are prohibited.

600.5.4 Location:

600.5.4.1 Ground signs shall be permitted only in BH and I districts.

600.5.4.2 No sign shall cover any part of a window or door.

600.5.4.3 No sign shall project over a public street or way without the approval of the Public Works Commission.

600.6 Nonconforming Accessory Signs. Accessory signs legally erected before the adoption of this regulation which do not conform to the provisions of this ordinance may continue to be maintained, provided, however, that no such sign shall be permitted if it is, after the adoption of this regulation, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatic or manually changing messages), redesigned, or altered in any way excluding repainting in a different color, except to conform to the requirements of this regulation; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement cost of the sign at the time of the restoration shall not be repaired, rebuilt, or altered except to conform to the requirements of this regulation. Any exemption provided in this section shall terminate with respect to any sign which:

600.6.1 Shall have been abandoned for at least two (2) years; or

600.6.2 Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; or

600.6.3 Shall not have been replaced or properly maintained within thirty (30) days after notice to that effect has been given by the Inspector of Buildings.

600.7 Non-Accessory Signs. Non-accessory signs (i.e., Billboards) shall not be permitted.

600.8 Nonconforming Non-Accessory Signs

Non-Accessory signs legally erected before the adoption of this Ordinance may remain standing, provided that they shall be maintained. The signs may be redesigned and new sign technologies employed provided that there is no increase in the area of the face of the sign. Any exemption provided in this regulation shall terminate with respect to any sign which:

600.8.1 Shall have been abandoned for at least two (2) years; OR;

600.8.2 Shall not have been repaired or properly maintained within thirty (30) days after written notice to that effect has been given by the Inspector of Buildings.

H-2 Sign By-law Town of Concord, Massachusetts

Town Meeting adopted, pursuant to any and all authority, including M.G.L. Chapter 93, Section 29, and Article II of the Amendments to the Mass. Constitution, as amended by Article 89 (the Home Rule Amendment), the following general by-law:

1. PURPOSE AND INTENT

The purpose and intent of this By-law shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant; be protective of property values and the safety of the public; and not unnecessarily detract from the historic qualities and characteristics of the Town of Douglas.

2. PERMIT REQUIREMENTS

a) **General.** No sign shall be erected, altered or relocated without a permit issued by the Building Inspector. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Building Inspector at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Board of Appeals.

b) **Signs in Historic Districts.** Each application with respect to a sign within a Historic District must be accompanied by a certificate of appropriateness from the Historic Districts Commission, unless such sign is exempt from the requirement of such certificate under Section 6 of Statute 1960, Chapter 345.

c) **Applications.** The applicant must submit to the Building Inspector a completed sign permit application, together with all supporting materials specifying building and sign dimensions, colors, attachment methods, position of the sign, and any other such pertinent information the Building Inspector may require to insure compliance with this by-law and any other applicable laws. A permit shall be issued only if the sign conforms to the provisions of this by-law and all other applicable laws.

d) **Fees.** Fees for sign permits shall be paid in accordance with the schedule of fees for permits set forth in the Building Code.

e) **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Inspector may, in his discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.

f) **Inspection.** Any sign may be inspected periodically by the Building Inspector for compliance with this by-law and other requirements of law.

g) **Existing Signs.** Existing signs are defined as those erected before January 1, 2009, and are classified into one of four separate categories. These are:

(1) Conforming signs which comply with all provisions of this by-law in its most recently amended form.

(2) Prohibited signs, as specified in Section 6.

(3) Non-conforming signs, which do not comply with one or more provisions of this by-law in its form, prior to the April 1987 Annual Town Meeting, but which are not described as prohibited signs in Section 6.

(4) Non-conforming protected signs, which fully complied with this by-law prior to the amendments approved by the April 1987 Annual Town Meeting.

h) **Removal of Existing Signs.**

(1) Conforming signs may remain until and unless they violate the by-law as amended.

(2) Prohibited signs, as described in Section 6 shall be removed no later than October 1, 1972.

(3) Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this by-law; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this by-law.

(4) Non-conforming protected signs may remain, and may be altered with the exception of increasing their size, unless the cost of any such alteration shall exceed 50% of the replacement cost for a new conforming sign.

i) **New Signs.** Any sign erected after February 2, 1987 shall be considered a new sign and shall conform to the provisions of this by-law as amended.

j) **Removal of New Signs.** The Building Inspector shall order the removal of any new sign erected or maintained in violation of this by-law. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the by-law.

3. ADMINISTRATION AND PENALTIES

a) **Enforcement.** The Building Inspector is hereby authorized and directed to enforce all of the provisions of this by-law.

b) **Failure to Act on Permit.** If no sign permit has been issued within 30 days after the application therefore has been made, it shall be deemed to be denied.

c) **Board of Appeals.**

(1) **Right of Appeal.** Any applicant for a permit, any person who has been ordered by the Building Inspector to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision of the Building Inspector, may appeal to the Board of Appeals within 14 days from the date of such refusal, order, or decision. After notice given to such parties as the Board shall order, the Board of Appeals shall hold a public hearing. Applying the standards in clause (2) below, where applicable, and interpreting this by-law, the Board shall affirm, annul or modify such refusal, order, or decision. The action of the Building Inspector may be annulled or modified only by a unanimous decision of the Board. If the action of the Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Board.

(2) **Variations in Specific Cases.** The Board of Appeals may vary the provisions of this by-law in specific cases which appear to them not to have been contemplated by this by-law, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this by-law but not otherwise.

Any decision to vary the provisions of this by-law shall be unanimous and shall specify any variance allowed and the reasons therefor. Each decision of the Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be removal of any variance sought.

(3) **Conditions and Safeguards.** The Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

d) **Penalties.** Any sign owner or owner of property on which a sign is located who violates or permits a violation of this by-law, shall be subject to fines as established under the Non-Criminal Disposition By-law, said fine to begin after the later of (1) the date of issuance of any written notice given by the Building Inspector or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

4. ILLUMINATION

a) Exterior illumination of signs shall be so shaded, shielded or directed that they shall not reflect or shine on or into neighboring premises or into any public street.

b) The intensity of such light shall be deemed acceptable if it does not exceed a factor of 3 above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:

(1) The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.

(2) With the sign turned off, the same measurement is repeated.

(3) The ratio of the measurement in (1) to that in (2) shall not exceed 3.

c) No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. except in those cases where the premises are open for business or unless authorized by the Board of Appeals.

5. SIGNS PERMITTED IN ALL DISTRICTS

a) **Street Banners.** Such street banners advertising a public entertainment or advertising a charitable, religious or educational event, as may be specifically approved by the Town Manager, may be displayed in locations designated by the Town Manager for a period of time not to exceed 8 consecutive days, the first of which shall occur not more than 7 days prior to such entertainment or event. All said banners shall be removed within 24 hours after such entertainment or event.

b) **Temporary Signs.** Permits for temporary signs located on the premises may be issued by the Building Inspector. These signs shall be appropriate to the use being made of the premises (e.g., construction and real estate subdivision signs) and shall conform to the requirements for freestanding signs in the district in which the temporary sign is located.

c) **Form Signs.** Permits for a human, animal or product form sign may be issued by the Building Inspector only with the approval of the Board of Appeals, if said Board, after notice and a public hearing, shall find and rule that maintenance of such a sign will not be detrimental or injurious to the neighborhood and that granting of such a permit will not substantially derogate from the purposes of this by-law. Any such permit may be revoked by a majority of said Board of Appeals at any time, after notice and a public hearing, whenever any condition attached to the granting of such permit shall be violated or whenever, in the opinion of a majority of said Board, maintenance of the sign would be detrimental or injurious to the neighborhood or would substantially derogate from the purpose of this by-law.

d) **Churches.** One bulletin or announcement board, identification sign, or entrance marker for each public entrance to the premises upon which the church, synagogue, or other religious institution is located, not exceeding 12 square feet in area, provided that there shall be no more than three such signs for each church or synagogue or other religious institution.

6. PROHIBITED SIGNS

- a) Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced.
 - b) Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.
 - c) Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.
 - d) Signs illuminated by other than a stationary white or off-white steady light are prohibited.
 - e) Signs which are pasted or attached to utility poles, trees, fences, or structures such as overpasses and bridges are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
 - f) Mechanically activated signs, other than rotating barber poles, are prohibited.
 - g) No free standing sign or part thereof, shall be more than twenty (20) feet above ground level except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with. No projecting or wall sign or part thereof may be higher than the wall to which it is attached or twenty (20) feet above ground level, whichever is less. Roof mounted signs are prohibited.
 - h) Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs, and signs mounted on a truck or trailer chassis with or without wheels whose primary functions a sign and not for the transport of goods or merchandise, are prohibited.
 - i) Any new or existing sign not erected pursuant to and in accordance with the requirements of this by-law, is prohibited.
- See Section 2-G for guidelines pertaining to nonconforming signs.
- j) Signs on a marquee or canopy are prohibited.
 - k) A sign advertising businesses, services or activities located at different premises from the premises on which the sign is located, is prohibited, except street banners pursuant to Section 5a.

7. RESIDENCE DISTRICTS.

In a residence district the following signs only are permitted:

- a) A sign of not more than two square feet in area, displaying the street number and/or the name of the occupant of the property. Such sign may include identification of an accessory professional office or other accessory use approved by the Board of Appeals.
- b) Signs pertaining to the lease, or sale of a lot or building, provided that such signs do not exceed a total area of nine square feet nor more than 3-½ feet in any dimension, until such time as all lots, apartments or houses have been rented or sold.
- c) One contractor's sign, not exceeding 12 square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall be removed promptly after completion of construction.
- d) One sign identifying each public entrance to a subdivision or multi-family development such as apartments or town houses, of not more than nine square feet in area, nor more than 3-½ feet in any dimension. In addition, each family unit may carry a single sign of not more than one square foot, without time limit.
- e) One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to the premises of a church, synagogue, or other religious institution, or school, museum, library, gallery, or other not-for-profit organization, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide information to users on the site, provided that no single sign exceeds three (3) square feet.
- f) For gasoline service stations and farmstands, one identification sign not to exceed twelve (12) square feet in area except when the establishment fronts on Route 2, then twenty-five (25) square feet.

See Section 8-E for exception to lettering on awnings.

In addition, product identification signs may be maintained provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area. In addition, farm stands will be allowed to have additional signage for the specific purpose of advertising products grown on their property. These additional product signs may not exceed twenty-five (25) square feet each, except for farm stands on Route 2, which may have signs of fifty (50) square feet each. There cannot be more than two (2) such product signs per property.

8. BUSINESS, LIMITED BUSINESS AND INDUSTRIAL DISTRICTS

a) **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

b) **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

(1) The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(2) A projecting sign shall not extend beyond the curb line nor more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

(3) A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

c) **Secondary Signs.** If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under Section 8A, but the size of the sign shall not exceed the maximum size allowed under Section B.

d) **Directories.** Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

e) **Awnings.** Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curb line.

f) **Unimproved Property.** The area of all signs for business conducted on unimproved lots or lots with a small business office shall not exceed fifty (50) square feet.

g) **Sale Signs.** Signs of a temporary nature, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door.

9. BYPASS DISTRICTS

In the Bypass District, the same restrictions on signs shall apply as in Business Districts, except that no change in or removal of any existing sign in such a district or area is required hereby until June 30, 1974. Thereafter, any nonconforming or prohibited sign, not authorized by the Outdoor

Advertising Board under the provisions of Section 29 of Chapter 93 of the General Laws shall be removed.

10. INDUSTRIAL PARKS DISTRICTS

In Industrial Parks the same restrictions on signs shall apply as in Business Districts except that a directory sign not to exceed 50 square feet in area may be placed at each public entrance to such park and more than one freestanding sign for the purpose of traffic direction and control may be erected, and shall not be included in the total permissible sign area calculations for the lot(s) within the Park.

11. MEDICAL PROFESSIONAL DISTRICTS

The following signs shall be permitted:

a) Signs attached against the wall of the building with a total sign area of not more than 1 square foot for every linear foot of horizontal length of the facade on which lot is mounted.

b) Freestanding signs, limited to one sign and a total of 12 square feet of sign area, for each street on which the lot fronts. Signs shall not be higher than 20 feet above the grade of the nearest point on the nearest street, nor closer than 10 feet to the sideline of the way.

c) An additional sign of one square foot may be maintained by each occupant of the premises, or a single directory sign may be placed at the public entrance not to exceed eight square feet in area.

12. SPECIAL PROVISIONS

a) **Gasoline Station Signs.** In addition to the signs permitted in the foregoing sections, gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet. The standard type gasoline pump bearing the name or type of gasoline and the price in usual size and form shall not be deemed a sign within the meaning of this By-law.

b) **Public Interest Signs.** Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this by-law, provided they do not exceed two (2) square feet in area.

c) **Directional and Traffic Safety Signs.** Signs indicating "entrance", "exit", "parking", or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a Town or State regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot.

d) **Political, Ideological, Charitable, or Religious Message.** Temporary display or expressions of political, religious, ideological or charitable ideas, shall be exempt from the provisions of this by-law, provided that no such sign shall be affixed to a tree or utility pole in a public way, and no such sign shall be erected for longer than sixty (60) days.

Permanent displays of such expressions require a permit and shall not exceed the maximum dimensional limitations for the district in which they are located.

13. DEFINITIONS

a) "**Sign**" means any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national or state flags, athletic scoreboards, official announcements or signs of government, or temporary holiday decorations customarily associated with any national, local or religious holiday.

b) "**Area of Sign**" - The area of a freestanding or attached sign shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing.

The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted.

The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols.

A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

c) "**Business Establishment**" means an independent economic unit, in a single physical location, where a business is conducted.

14. SEVERABILITY CLAUSE

The invalidity of any section or provision of this by-law, or its application to any sign, shall not invalidate any other section or provision, or application of this by-law.

15. INTERPRETATION AND CONFLICT CLAUSE

These regulations are not intended to interfere with, abrogate or annul any other by-law, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, by-law, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

H-3 Sign By-law, Town of Millbury, Massachusetts

Section 34 Sign Requirements

34.1 Purpose and Applicability

The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures. The orderly development of the community requires striking a balance between the needs of businesses to advertise, and the desire of residents to maintain an aesthetically pleasing environment. The regulation of signs is an important element in promoting local business while ensuring a safe and attractive community.

This chapter regulates any device intended to convey a message that may be viewed by the public from any street. This chapter shall not regulate traffic and directional signs, or any sign installed or required by the Town of City Millbury, the Commonwealth of Massachusetts, the United States of America, or any unit of these respective governments.

34.2 General Provisions

1. Conformance to Codes.

Any sign hereafter erected shall conform to the provisions of this by-law and the provisions of the Building Code and any other applicable by-law or regulation within the Town of Millbury.

2. Signs in Rights-of-Way.

No sign other than an official traffic sign or similar sign shall be erected within two feet of the lines of any street, or within any public way, except as authorized in Section 34.2.3.

3. Projections over address Street Public Ways.

A. Signs projecting over public walkways may do so only pursuant to a Special Permit from the Planning Board and subject to a minimum height of ten (10) feet from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the Town of Millbury for such structures.

B. Banners extending over streets or walkways are permitted in the Business I zone only, by Special Permit from the Board of Selectmen, which approval shall be granted only for banners related to an event of community interest.

4. Traffic Visibility.

No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

5. Computation of Frontage.

If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated may then be applied to permitted signs placed on each separate wall or property line frontage, set forth in Table 34.6.01.

6. Animation and Changeable Messages.

Animated signs are prohibited. Changeable signs, manually activated, are permitted in all business and industrial zones. Changeable signs, electrically activated, are allowed by Special Permit in all business and industrial zones. Elements to be reviewed and regulated in allowing a Special Permit shall include, but not be limited to the following:

- A. The intensity of illumination, especially as it may impact the use or quiet enjoyment of surrounding properties; and
- B. The frequency of changing message text, especially as it may have an impact on traffic safety. In addressing this issue, the Planning Board may review sight distances and speed limits on surrounding roads.

Freestanding changeable signs, electrically activated, are prohibited in the Business I zone.

7. Maintenance, Repair or Removal.

Every sign permitted by this by-law shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Building Inspector, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this by-law, the owner thereof or the person or firm using same shall, upon written notice by the Building Inspector forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this ordinance, or shall remove it. If within ten (10) days, the order is not complied with, the Building Inspector may remove or cause such signs to be removed at the expense of the owner and/or the user of the sign. In the case of immediate danger to public safety, the Building Inspector shall have the authority to immediately remove or cause to be removed any sign, at the expense of the owner.

Such removal shall occur only after the Building Inspector has contacted, or attempted to contact the owner of the sign. The Building Inspector shall have sole and exclusive authority to determine that a sign poses a threat of immediate danger to public safety.

8. Nonconforming Signs.

Any sign legally existing at the time of the passage of this by-law that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a legal non-conforming use or structure and may continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- A. No sign shall be structurally altered unless it is made to conform to this by-law.
- B. No billboard and no temporary sign shall be considered to be a legal nonconforming sign.

9. Off-Premises Signs.

Off-premises signs are necessary to promote those commercial or other activities that, due to location, may require greater visibility than that which is available on premises. However, the needs of such businesses or activities must be balanced against the need for an uncluttered landscape, especially in residential and rural areas of the town. The following regulations govern the use of off-premises signs:

- A. No business shall be permitted more than three (3) off-premises signs.
- B. No off-premises sign shall exceed six (6) feet in height.
- C. The total area of off-premises signs for any business shall not exceed twelve (12) square feet in the aggregate.
- D. Off-premises signs for home occupations are prohibited.
- E. Off-premises signs shall be placed on private property only. In applying for a permit for an off-premises sign, the applicant shall furnish evidence of the approval of the owner of the property upon which the sign is to be placed. No property shall contain more than one off-premises sign.

10. Wayfinding Signs.

Wayfinding signs are deemed essential to the orderly growth of the community, and especially the downtown area. Wayfinding signs shall be permitted for groups of three (3) or more users, with designs and locations approved by the Board of Selectmen. When located on public property, users shall pay an annual fee to the Town of Millbury,

which fee shall be established and amended from time to time by the Board of Selectmen.

11. Illuminated Signs.

A. No sign shall be illuminated except during the hours of operation of the business to which the sign refers, or until 10:00 p.m., whichever is later.

B. Electric signs shall display the Underwriter's Laboratory approval seal, or shall display the manufacturer's name, and the voltage and amperage used.

12. Obsolete Sign Copy or Abandoned Signs

Any sign that no longer advertises or identifies a use conducted on the property on which said sign or signs are attached or erected or free standing MUST have such sign or signs removed within thirty (30) days after written notification from the Building Inspector. Painting, taping over or installing faces in reverse does not constitute removal.

(By-laws of 5-2-2006, Article 48)

34.3 Exempt Signs

The following signs shall be exempt from the provisions of this by-law. No sign shall be exempt from the requirements set forth in Section 34.4.1.

1. Official notices authorized by a court, public body, or public safety official.
2. Directional, warning or information signs authorized or required by federal, state, or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate holiday season.
6. Street address signs, and combination nameplate and street address signs attached to a building, which contain no advertising copy and which do not exceed six (6) square feet in area.
7. Historical markers.

34.4 Prohibited Signs

The following are specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or which obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided in Sections 34.2.3 and 34.7.3, signs encroaching upon or overhanging any street or public right-of-way.
3. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
4. Signs that blink, flash or are animated by lighting in any fashion, except for changeable message signs as described in section 34.2.6.
5. Portable signs, except for temporary signs as set forth in Section 34.6.4.
6. Advertising vehicles or any sign attached to, or placed on, a vehicle or trailer parked on any public or private property, except for signs meeting the following conditions:
 - A. The primary purpose of such vehicle or trailer is not the display of signs
 - B. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - C. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
7. Balloons, streamers, pennants, or pinwheels, except those temporarily displayed as part of a special sale, promotion or community event, as set forth in Section 34.6.4(C). For the purposes of this subsection, "temporarily" means no more than thirty (30) days in any calendar year.
8. Any sign constructed upon or attached to the roof of a building or structure. For the purposes of this subsection, the face of a mansard roof or fascia shall not be considered to be a part of the roof.
9. Billboards are prohibited.

34.5 Permits

1. Permits Required.

Unless specifically exempted, a permit must be obtained from the building inspector for the erection of all signs erected or maintained within the Town of Millbury, and in accordance with all other applicable regulations and by-laws of the Town. Exemptions from the necessity of securing a permit, however, shall not relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all the other provisions of this by-law. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

2. Construction documents.

Any sign twelve (12) feet or over in height above adjoining grade, or any free standing sign or any projecting sign with an area over sixty (60) square feet, or any marquee sign shall have structural drawings and specifications, including foundations, prepared by a registered professional engineer. The Building Inspector shall have the authority to waive or modify this requirement if he believes that public safety can be achieved through alternative methods.

3. Electrical Signs.

An electrical permit shall be required for all illuminated signs in conformance with 780 CMR3102.13.2.

4. Changes to Signs.

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

5. Permit Fees.

Permit fees to erect, alter, enlarge or relocate a sign shall be in accordance with the fee schedule adopted by the Board of Selectmen.

34.6 Specific Sign Requirements

1. Size and Height Requirements.

Signs are permitted in all zones in accordance with the size and height restrictions set forth in Table 34.6.01. In residential zones, wall signs are measured in square feet. In

all other zones, wall signs are measured as a percentage of the wall space upon which the sign is placed. In all cases, "wall" refers to an exterior wall of a building facing a street or a public way. For shopping centers, planned industrial parks or other multiple occupancy nonresidential building, the building face or wall shall be calculated separately for each separate occupancy.

Table 34.6.01					
Signs Permitted by Zone					
Sign Type	Zone				
~	R I - III	S I - IV	B I	B II	I I - II
Max size/max height	s/h	s/h	s/h	s/h	s/h
Wall Maximum Height	6'	6'	20'	25'	35'
Wall Maximum Size	4 s.f.	4 s.f.	15%/300**	25%/500**	30%/600**
Freestanding Size/Height	6s.f./6'	6s.f./8'	32s.f./6'*	60s.f./15'	80s.f./20'

*Requires a Special Permit from the Planning Board

**Percentage of wall area up to a maximum size

2. Calculation of Sign Size.

For freestanding signs, internally illuminated signs, and any other sign with an identifiable border, the entire face of one side of the sign shall be measured. For all other signs, the area of the sign shall be calculated by drawing the smallest possible rectangle or rectangles around the sign copy. Illustrations of specific sign types and the methods used to calculate sign sizes are shown in the Appendix.

3. Directional signs.

One directional sign shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. In Residential zones, the maximum area for directional signs shall be 4 square feet. For all other zones, the maximum area for any directional sign visible from adjacent property

or rights-of-way shall be 12 square feet. Not more than twenty five percent of the area of any directional sign may be devoted to business identification or logo, which area shall not be assessed as identification sign area.

4. Temporary Signs

A. Real estate signs.

Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 4 feet in height and 6 square feet in area.
2. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision and each sign shall be no greater than 32 square feet in area nor ten (10) feet in height. All signs permitted under this section shall be removed within 10 days after the sale of the last original lot.
3. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 32 square feet in area nor 6 feet in height, and shall be limited to one sign per street front.
4. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than 8 feet in height, and 32 square feet.
5. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

B. Development and construction signs.

Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project, or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

1. Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 16 square feet in area.
2. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 8 feet in height and 32 square feet in area.

3. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 8 feet in height and 32 square feet for projects on parcels 5 acres or less in size, and not to exceed 12 feet in height and 100 square feet for projects on parcels larger than 5 acres.

4. Development and construction signs shall not be displayed until after the issuance of construction permits by the building inspector, and must be removed not later than ten (10) days following issuance of an occupancy permit for all or any portion of the project.

C. Special promotions, event and grand opening signs.

Portable signs and other signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for all business and industrial zones, subject to the following requirements and limitations:

1. Such signs shall be limited to one sign per street front.
2. The aggregate area of all such signs shall not exceed 64 square feet.
3. Such signs shall not be internally illuminated.
4. Such signs require a permit from the building inspector.

D. Portable signs.

Portable signs shall be permitted in all Business and Industrial zones, and only in conjunction with a special event or promotion as provided in Section 34.6.4(C), subject to the following limitations:

1. No more than one such sign may be displayed on any property. Such sign shall not exceed a height of six feet or an area of 32 square feet in the Business I zone; such signs in other permitted zones shall not exceed a height of twelve feet or an area of 60 square feet.
2. No portable sign shall contain any component that moves or flashes.
3. No portable sign shall be displayed prior to obtaining a sign permit.

E. Political signs.

Political signs shall be permitted in all zoning districts, subject to the following limitations:

1. Such Signs shall not exceed a height of 4 feet, nor an area of 8 square feet.

F. General

1. No temporary sign shall be displayed for more than ninety (90) days in any calendar year.
2. No temporary sign shall be placed within the right-of-way of any street.
3. No temporary sign shall be placed in a manner that may obstruct traffic visibility.

34.7 Requirements for Specific Sign Types

1. Marquee signs.

- A. The copy area of marquee signs shall be counted toward the permitted area for wall signs.
- B. Graphic striping, patterns or color bands on the face of a building, marquee, or architectural projection shall not be included in the computation of sign copy area.

2. Canopy and Awning signs.

- A. The copy area of canopy and awning signs shall not exceed an area equal to twenty-five percent (25%) of the background area of the canopy, awning or awning surface to which such sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- B. Neither the background color of a canopy or awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area, except as set forth in Section 34.7.2(D).
- C. For the purpose of calculating the permitted size and height of a sign, awning signs shall be considered as wall signs, and they shall count toward the permitted area for all wall signs.
- D. In the Business I zone, the entire area of a back-lit awning, regardless of whether the awning contains any advertising copy, shall count toward the allowed wall signage.

3. Projecting signs.

- A. Projecting signs shall be permitted in lieu of freestanding signage, limited to one sign per occupancy along any street frontage with public entrance to such occupancy.
- B. No such sign shall extend vertically above the highest point of the building facade upon which it is mounted.

C. Such signs shall not extend over a public sidewalk in excess of two-thirds (2/3) of the width of the sidewalk, and shall comply with the requirements set forth in Section 34.2.3 of this by-law.

4. Under canopy signs

A. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed 8 square feet. The size of such sign shall be included in the allowable computation of wall signs.

B. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of ten (10) feet.

5. Window signs.

Window signs shall be permitted in all business and industrial zones, subject to the following limitations:

A. The aggregate area of all such signs shall not exceed twenty-five percent (25%) of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.

B. Window signs that are electrically operated shall be assessed against the sign area permitted for other sign types. All other window signs shall not be assessed against the permitted sign area.

34.8 Signs for Development Complexes

1. Master Sign Plan Required.

All single-owner controlled multiple-occupancy non-residential or mixed-use development complexes on parcels exceeding four (4) acres in size, shall submit to the Planning Board a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- A. Proposed sign locations
- B. Materials
- C. Type of illumination
- D. Design of freestanding sign structures
- E. Size
- F. Height
- G. Quantity
- H. Uniform standards for non-business signage, including directional and informational signs.

2. Development Complex Sign.

In addition to the freestanding business identification signs otherwise allowed by this by-law, every multiple-occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this by-law may identify the name of the development complex.

3. Compliance with Master Sign Plan.

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

4. Special Permit Required.

The Planning Board shall act upon all applications for master sign plans through the special permit process. Special permits for master sign plans shall be reviewed concurrently with the site plan approval process. In their review of master sign plans, the Planning Board shall consider the following:

- A. The relationship of the proposed signage to the overall development, as well as to surrounding properties.
- B. The extent to which the proposed signage is compatible with the proposed architecture.
- C. The use of appropriate landscaping to complement the proposed sign designs.

5. Waiver from Underlying Requirements.

The Planning Board shall have the authority to modify or waive specific sign regulations related to a master sign plan if it finds that such modification or waiver results in a superior master sign plan design.

(By-laws 6-8-2004 A.T.M. Art. 46, A.T.M. 5-3-2005, Art. 50)

http://www.millbury-ma.org/Public_Documents/MillburyMA_ZoningBy-laws/new/section34signby-law/

H-4 Sign By-law, Town of Auburn, Massachusetts

Section 7

Signs and Advertising Devices

7.0 Purpose and Intent It is recognized that signs perform important functions, and are essential for the public safety and general welfare of the community. The public interest is served by [the] use of signs by businesses and services to identify their premises, to provide orientation and information about goods and services available and communicate noncommercial messages. The regulation of signs is necessary in order to preserve and enhance the interests of the Town of Auburn and its natural, scenic, historic, cultural and aesthetic qualities and to prevent hazards to vehicular and pedestrian traffic.

7.1 Definitions For the purpose of this section, the following terms shall have the following meaning:

7.1.1 Signs and Advertising Devices: Any permanent or temporary structure, device, symbol, design, letter, words, model, banner, pennant, insignia, logo, trade flag, balloon, lighting or representation that is used as or in the nature of an advertisement, announcement, direction or that is used to identify any place of business, product, activity or person and that is designed to be seen from the outside of a building.

7.1.2 Erecting: Any constructing, re-lettering, extending, altering or changing of a sign other than repainting, repairing and maintaining.

7.1.3 Calculations of Area:

7.1.3.1 Free Standing and Wall Signs:

For a free standing sign or a sign attached to a building, the area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or closed, or any lighting that is part of a symbol or logo, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

7.1.3.2 Murals and Painted Signs:

For any sign painted upon or applied to a building, the area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with any background of a color different from that of the building and any lighting that is part of a symbol or logo.

7.1.3.3 Individual Letters and Symbols:

Where the sign consists of individual letters or symbols attached to or painted on a surface, wall or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all letters, symbols and any lighting that is part of a symbol or logo.

7.1.3.4 Multi-Sided Signs:

Only one face of a two-sided sign shall be counted in computing the area of a sign, providing the sign faces are parallel and of equal size.

7.1.4 Sign Types and other Definitions

Abandoned Sign: Any sign or sign structure which has not been used for the display of sign copy for more than sixty (60) days, or that no longer identifies or advertises a location, product, or activity conducted on the premises upon which the sign is located.

Advertising Vehicle: Any registered or unregistered vehicle or trailer having attached thereto or located thereon any sign or advertising device which advertises a product, business, or service, or directs people to a business or activity located on any premises. This definition does not include the identification of a firm or its products on a vehicle operated during the normal course of business. Franchised buses and taxis are specifically excluded from this definition.

Animated Sign: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this By-law, include the following types:

1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennants and pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination.

b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Banners: a strip of cloth or other man-made fabric on which a sign is painted, silk-screened or printed. The display area shall be defined as the area of one face of the banner. The banner shall not exceed (40) square feet. (5/13/99)

Building Elevation: The entire side of a building, from ground level to roofline, as viewed from ground level.

Canopy (Attached): A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

Canopy (Freestanding): A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign: A sign affixed to the visible surface(s) of an attached or freestanding canopy.

Changeable Sign: A sign with the capability of content change by means of manual or remote input, including signs, which are:

1) Manually Activated: Changeable sign whose message copy or content can be changed manually

2) Electrically Activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Sign or Center

Community Event: An occurrence open to the general public, and organized by (or in cooperation with) a public agency, religious or civic organization located within the Town of Auburn.

Copy: Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, excluding numerals identifying street address only.

Development Complex Sign: A freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single-owner or landlord.

Directional Sign: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Electronic Message Sign or Center: An electrically activated Changeable Sign whose variable message capability can be electronically programmed.

Exterior Sign: Any sign placed outside a building.

Fascia Sign: See Wall Sign.

Freestanding Sign: A sign principally supported by a structure affixed to the ground and not supported by a building, including signs supported by one or more columns, poles, or braces placed in or upon the ground.

Frontage (Building): The length of an exterior building wall or structure of a single premise oriented to the public way or other point of property access.

Frontage (Property): The length of the property line(s) of any single premise along a public way or other point of property access.

Ground Sign: See Monument Sign.

Historical Marker: A small sign attached to a building and identifying a person or event of historic significance related to the property.

Hours of Operation: The actual hours when a building is open for business and not more than thirty (30) minutes prior to opening or following closing.

Illuminated Sign: A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally illuminated] or reflecting off its surface(s) [Externally illuminated].

Inflatable Sign: A balloon or other gas-filled figure. These signs are prohibited in Auburn.

Interior Sign: Any sign placed within a building, but not including Window Signs as defined by this by-law. Interior Signs, with the exception of Window Signs as defined, are not regulated by this Chapter.

Mansard: An inclined decorative roof-like projection that is attached to an exterior building facade.

Marquee: See Canopy (Attached)

Marquee Sign: See Canopy Sign

Menu Board: A freestanding sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than twenty percent (20%) of the total area for such sign utilized for business identification.

Monument Sign: (Also know as a Ground Sign) A freestanding sign not more than six (6) feet in height which is attached to the ground by means of a wide base of solid appearance.

Off-Premise Sign: A permanent or temporary sign (including the structure to which it is attached) erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of products sold on, or the sale or lease of, the property upon which it is displayed.

On-Premise Sign: A sign (and the structure to which it is attached) erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of products sold on, or the sale or lease of, the property on which it is displayed.

Parapet: The extension of a building facade above the line of the structural roof.

Pole Sign: See Freestanding Sign.

Political Sign: A temporary sign intended to advance a political statement, cause, or candidate for office. A legally permitted advertising sign shall not be considered to be a political sign.

Portable Sign: Signs which are not permanently affixed to a building, structure or the ground including, but not limited to, those used in conjunction with a gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs, and signs mounted on a truck or trailer chassis with or without wheels whose primary function is that of a sign and not to transport goods or merchandise.

Projecting Sign: A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

Real Estate Sign: A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Revolving Sign: A sign that revolves three hundred and sixty degrees (360) about an axis. See also: Animated Sign, Mechanically Activated.

Roof Line: The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign: A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. Roof signs are prohibited in the Town of Auburn.

Sign Copy: Those letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign, exclusive of numerals identifying street address only.

Sign Height: The height of a sign as measured from the ground to the highest point of the sign structure. For a sign placed on sloping or uneven terrain, the height of the sign shall be measured by determining the average ground elevation directly beneath the sign and using that average elevation as the ground level.

Sign Structure: Any structure supporting a sign.

Temporary Sign: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs, or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Banners, balloons, and pennants are temporary signs, regardless of the manner by which they are affixed to a building or to the ground.

Wall or Fascia Sign: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall, including signs affixed to architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For visual reference and comparison examples of differences between wall or fascia signs and roof signs (see Section 3).

Wayfinding Sign: A sign or series of signs located in a manner that provides orientation and direction to a destination or destinations within a specific geographic area.

Window Sign: A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

7.2 General Regulations: The following regulations shall apply in all districts:

7.2.1 No exterior sign or advertising device shall be erected except as provided by this By-law.

7.2.2 Illumination:

7.2.2.1 Sign may be illuminated by either of the following methods:

1) By a white, steady stationary light of reasonable intensity shielded and directed solely at the sign, and not casting light on the premises;

2) By interior non-exposed lights of reasonable intensity.

7.2.2.2 The light from any sign shall be so shaded, shielded or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises, reflect or shine on or into residential lots, or impair the safe vision of operators of vehicles moving on public roads and highways. No illumination shall be permitted which casts glare beyond the perimeter of the property on which the sign is located.

7.2.2.3 Dark or opaque backgrounds are required for internally lit signs.

7.2.2.4 Light bulbs shall be enclosed in a housing, can, sleeve, or other container.

7.2.2.5 Seven-day timers shall be installed on every illuminated sign, which shall coincide with times of illumination as stated in Section 7.2.2.6 of this By-law.

7.2.2.6 No sign shall be illuminated more than 30 minutes before opening or after closing of any store or business. In the case of Multiple Business Signs (MBS) illumination shall coincide with business first to open and last to close.

7.2.2.7 The Building Inspector may refuse to issue a sign permit for a sign containing red, yellow and/or green lights, if said lights constitute a driving hazard in his opinion.

7.2.2.8 In no instance shall any illuminated sign be located closer than fifty (50) feet to any residential district, with the exception of those signs located within the Residential Office District and permanent subdivision identification signs.

7.2.3 Any sign which advertises or identifies products, businesses, services or activities which are no longer sold, located or carried on or at the premises shall be removed within 60 days of the cessation of the service or sales of such product. After such time the sign shall be considered abandoned and any replacement shall be required to conform to the provisions of this By-law.

7.2.4 Temporary signs shall be permitted for a period of time not to exceed fourteen (14) days. All temporary signs shall require a permit with the exception of those listed in Section 7.5, of this By-law.

7.2.5 Nonconforming Signs: Any sign legally erected prior to the effective date of this by-law or which was permitted by previous provision contained in the Zoning By-law or other by-laws of the Town, but which is not in conformity with the provisions of this Section 7 shall be considered a non-conforming sign.

7.2.5.1 Non-Conforming Signs may be maintained, except as hereafter provided:

(a) A non-conforming sign shall be brought into compliance with this Section 7 of the Zoning By-law if there is:

i. A change in the use, or

ii. A change in the location of the sign on the premises, or

iii. A change in the location of the building or the property line in a manner that renders the sign to be nonconforming with respect to dimensional requirements.

(b) A non-conforming sign shall be brought into compliance with this Section 7 if it is rebuilt or relocated. Rewording or re-lettering of a non-conforming sign is allowed as long as such sign is not required to be brought into compliance for a reason provided in Section 7.2.5.1 (a) above.

(c) A non-conforming sign shall not be changed or altered to another sign which does not comply with this Section 7 of the Zoning By-law.

7.3 Sign Permits: No sign which requires a sign permit shall hereafter be constructed except in conformity with a sign permit from the Inspector of Buildings.

7.3.1 Applicability: All signs shall require a sign permit except as provided in Section 7.5.

7.3.1.1 Location of Signs: All signs shall be erected in the exact location described in the permit.

7.3.1.2 Inclusion of permit number on sign: All signs shall have the permit number clearly visible and located at the lower right hand corner of the sign face or structure that is visible from the street. This excludes all signs that are exempt under Section 7.5 of this By-law.

7.3.2 Application – All applications for signs requiring a sign permit shall be obtained from the Inspector of Buildings and shall include at least:

(1) The location, by street number, of the proposed sign;

(2) The name and address of the sign owner and the owner of the premises where the sign is to be located, if other than the sign owner;

(3) A scale drawing showing the proposed construction, method of installation or support, colors, dimensions, location of the sign on the site, and method of illumination;

- (4) Such other pertinent information as the Inspector of Buildings may require to ensure compliance with the By-law and any other applicable law; and
- (5) The owner of the sign and the owner of the premises where the sign is to be located must sign the application. The Inspector of Buildings shall have the authority to reject any sign permit application which is not complete when submitted.

7.3.3 Time Limitation – The Inspector of Buildings shall approve or disapprove any application for a sign permit within 30 days of receipt of the application. If the Inspector of Buildings fails to approve or disapprove an application for a sign permit within such 30 day period, the application shall be deemed approved.

7.3.4 Fees – The Board of Selectmen shall establish and from time to time review a sign permit fee that shall be published as part of the sign permit application.

7.4 Signs Prohibited in All Districts

7.4.1 All billboards, signs on utility poles, trees or fences and all signs not located on the same premises as the advertised activity, business, product or person.

7.4.2 All signs consisting of pennants, ribbons, streamers, spinners, neon lighting, strings of lights unless associated with a specific holiday, revolving beacons, searchlights or animated skies.

7.4.3 All Animated Signs as defined in Section 7.4.1 of this By-law, except for indicators of time and temperature or barber poles.

7.4.4 No sign, portion of a sign, or structural support for such sign shall extend above the lowest point of the roof of a building. For one-story buildings having a continuous parapet above the lowest point of the roof, or a mansard-style roof, signs may be placed below the highest point of such parapet rather than the lowest point of the roof. For a mansard-style roof the sign must be placed at least one foot below the top of the lower slope.

7.4.5 Advertising vehicles or any sign attached to, or placed on, a vehicle or trailer parked on any public or private property, except for signs meeting the following conditions:

A. The primary purpose of such vehicle or trailer is not the display of signs

B. The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer and do not break the silhouette of the vehicle.

C. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.

7.4.6 Portable Signs as defined in Section 7.1.4 of this By-law.

7.5 Signs Which Do Not Require a Sign Permit:

7.5.1 Resident Identification Sign – For single and two-family residential uses in any district, one identification sign upon a lot identifying the occupants of the dwelling or one sign identifying an authorized home occupation shall not require a sign permit. All such signs shall not exceed two square feet of display area and, if lighted, shall use indirect white light only.

7.5.2 Government Signs – Signs erected and maintained by the Town of Auburn, the Water Districts, the Commonwealth of Massachusetts, or the Federal Government on any land, building or structure used by such agencies and any other signs at any location required by such agencies for public health or safety purposes shall be exempt.

7.5.3 Temporary Construction Signs – One temporary construction sign for a new project, identifying the building, the owner or intended occupant and the contractor, architect and engineers, shall not be illuminated nor in excess of 32 square feet of display area.

Such signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days of completion of the construction or issuance of the occupancy permit, whichever comes first.

7.5.4 Fuel Pump Signs – Fuel pump signs on service station fuel pumps identifying the name or type of fuel and price thereof.

7.5.5 Window Signs: Window signs in the Business or Industrial districts shall not require a sign permit provided that their aggregate display surface covers no more than 25% of the window or door on which they are placed or sixteen (16) square feet, whichever is smaller. Such signs shall not be illuminated other than by standard lighting fixtures on the building. Window signs promoting a public service or charitable event shall not be calculated in the allowable 25%.

7.5.6 Political Signs: Political signs are allowed on private property for a period beginning 30 days before an election. All signs must be removed within seven days following an election. Signs shall be no more than 12 square feet in area.

7.5.7 Real Estate Signs: Real Estate signs are allowed for a period 10 days beyond the closing date of a sale. Signs shall be no more than 12 square feet in Residential districts and 32 square feet in all other districts. Other than in Residential districts, no sign shall remain for longer than 365 days.

7.5.8 Service and Charitable Organizations – Signs announcing fundraising and community-service events shall be allowed for a period beginning 30 days before an event. Signs shall be removed within seven days following such event. These signs shall not exceed ten (10) square feet, be placed so as to obstruct sightlines at intersections, or advertise anything other than the community event.

7.6 Signs Permitted in the Business, or Industrial Districts: Any principal use permitted in the Business or Industrial Districts may have a sign or signs associated with it subject to the following:

7.6.1 Exterior Sign: Freestanding, wall and monument signs are permitted for any use in Business or Industrial Districts as follows:

a. A lot which contains not more than one establishment shall be allowed one freestanding sign or one wall sign or one monument sign only; the street address number of the property shall be prominently displayed on such sign,

b. The street address number portion of the sign shall be not more than 4 square feet and shall not count against the signs total square footage.

c. A lot which contains more than one establishment shall be allowed a combination of the following signs, all of which shall in every respect conform to the requirements of this By-law:

i. One free-standing or monument sign identifying the property, and

ii. One wall sign per business occupying the ground floor and front wall of the building, and

iii. Either the allowed freestanding or monument sign or, if no freestanding or monument sign is used, at least one wall sign shall prominently display the street address number of the property.

iv. The street address number portion of the sign shall be not more than 4 square feet and shall not count against the sign's total square footage.

d. Projecting signs shall be permitted in the Local Business District only.

7.6.1.1 Wall Sign – A wall sign shall not exceed four feet overall in height. The length of signs of businesses occupying other than the first floor of a building shall not exceed six feet. No portion of a wall sign or individual letter sign shall project more than one foot from the face of a wall or above the wall of any building. A business may divide the entire display area permitted on the front facade into separate wall signs or individual letter signs provided that the maximum height of each separate sign does not exceed the maximum height permitted herein, and that the sum of the aggregate width and area of each separate sign does not exceed the maximum permitted herein, and that all signage is located on the front façade of the building. Other signage on exterior walls would be considered secondary signage. (11/2/00)

7.6.1.2 Projecting Sign: One projecting sign may be erected provided that the display area shall not exceed 20 square feet and the thickness between sign faces shall not exceed one and one-half feet. No portion of a projecting sign shall project more than six feet from the face of a wall or above the wall of any building. A sign that projects over a sidewalk may not contain more than six square feet of display surface, and shall require a permit from the Board of Selectmen. The stamp of a Registered Structural Engineer shall accompany all drawings submitted for signs that project over the sidewalk or traveled way.

7.6.1.3 Freestanding Sign: The face of a freestanding sign shall not exceed six (6) feet in height. Not more than one and a half (1½) feet shall separate the two parallel faces of any freestanding sign.

7.6.1.4 Monument Signs: All monument signs shall be placed a minimum of five (5) feet from the property line, and should be a minimum of thirty (30) feet from any curb cut or driveway entrance/exit. Signs should be designed to complement the architectural style of the building and not detract from the appearance of the property.

7.6.2 Secondary Signs: If a business has a direct entrance in a wall other than the front wall, there may be a secondary sign affixed to such wall, and if the business has a wall, other than the front wall, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the business. No business shall have more than two secondary signs in any event. The display surface of any secondary sign shall not exceed six square feet.

7.6.3 Directory Signs: One exterior directory sign listing the name and location of the occupants of the premises may be erected on the exterior wall of a building at the main entrance, provided that the display area shall not exceed four square feet.

7.6.4 Directional Signs: Directional signs may be erected for the safety and direction of vehicular or pedestrian traffic and shall be limited to wall and freestanding signs only. The display area of each directional sign shall not exceed two square feet and no directional sign shall be located more than six (6) feet above the ground level if mounted on a wall of a building or more than three and one-half (3 ½) feet above the ground if free-standing. One such sign, not exceeding three (3) feet in height, may be placed at each vehicular entrance or exit on a lot to identify such entrance or exit, provided that such sign does not constitute a traffic hazard; such signs shall not affect the computation of the allowable number of signs or the aggregate sign size on a property. Directional signs shall not advertise, identify or promote any product, person, premises or activity but may identify the street name/number and provide traffic directions.

7.6.5 No sign shall be erected with any part closer than 10 feet from the traveled roadway or side or rear yard lot lines.

7.6.6 Electronic Message Centers. Electronic Message Center signs are allowed by Special Permit in LB, HB, GI, IA and IP districts. Elements to be reviewed and regulated in allowing a Special Permit shall include, but not be limited to, the following:

- A. The intensity of illumination, as it may impact the use or quiet enjoyment of surrounding properties;
- B. The frequency of changing message text, as it may have an impact on traffic safety. In addressing this issue, the Zoning Board of Appeals may review sight distances and speed limits on surrounding roads.
- C. The message center shall not comprise more than twenty-five (25) percent of the total sign area.

7.6.7 Landscaping: The area surrounding the base of all freestanding and monument signs shall be attractively landscaped. This landscaping may include low shrubbery, flowers or other such plantings that will not exceed one and one half (1½) feet in height. These plantings will serve to obscure the supporting structure of the sign, while adding to overall appearance of the property.

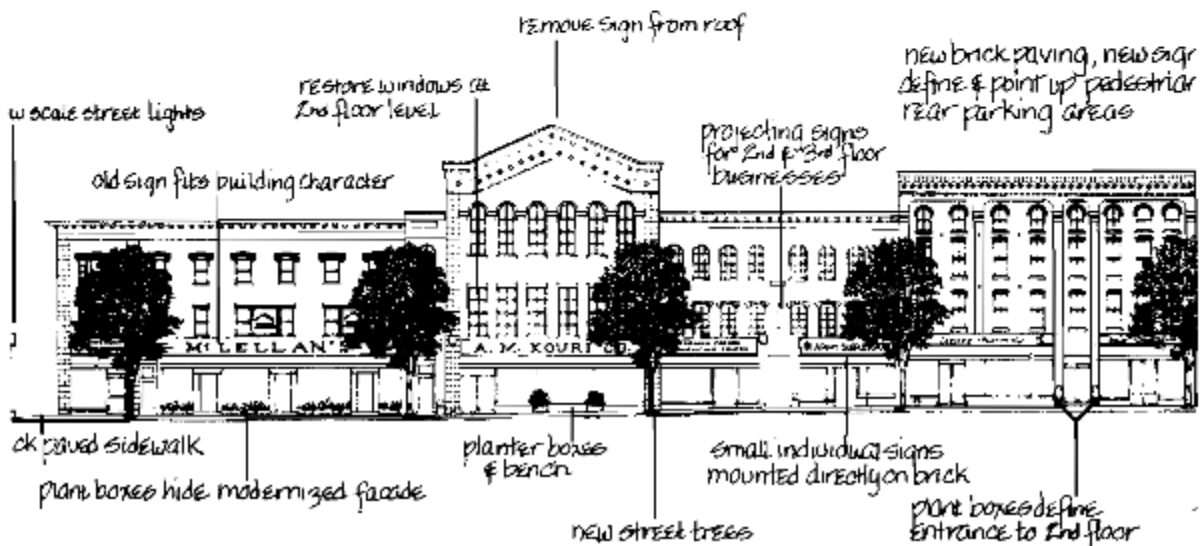
7.6.8 Site Plan Approval: All signs shall be included as an element of all Site Plan Approval applications. The application shall include the location, size and height of all signs existing and proposed on the property. Applicants may be required to document signs on adjacent property, if the Planning Board determines the circumstances warrant such information to reach an informed decision.

Sign Dimensions By District

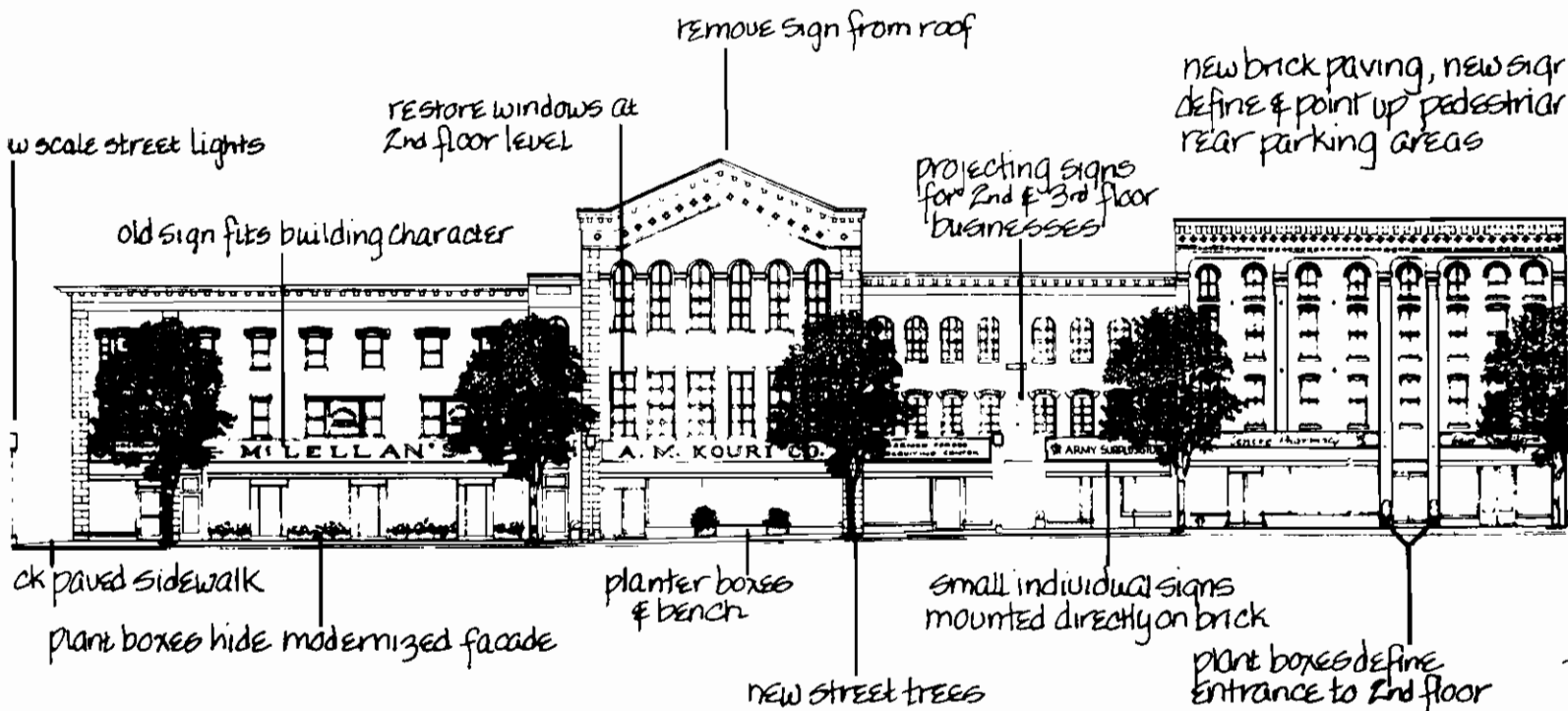
Sign Type	District			
	RO	LB	HB	GI, IA & IP
Wall Sign Size Formula	N/A	1 sq ft/lineal ft of building façade	10% of façade	10% of façade
Wall Sign: Maximum Size	10 sq. ft.	32 sq. ft.	70 sq. ft.	50 sq. ft.
Wall Sign: Maximum Height1	10 ft	15 ft	20 ft	30 ft
Projecting Sign: Maximum Size	N/A	18 sq ft	N/A	N/A
Projecting Sign: Minimum Height2	N/A	10 ft.	N/A	N/A
Projecting Sign:	N/A	12 ft.	N/A	N/A

Maximum Height1				
Free Standing Sign: Maximum Size	N/A	20 sq. ft.	30 sq. ft.	30 sq. ft.
Free Standing Sign: Minimum Height2	N/A	6 ft.	6 ft.	6 ft.
Free Standing Sign: Maximum Height1	N/A	12 ft.	20 ft.	20 ft.
Monument Sign: Maximum Size	15 sq. ft.	40 sq. ft.	50 sq. ft.	40 sq. ft.
Monument Sign: Maximum Height1	3 ft	4 ft.3	6 ft3	6 ft.3

Southbridge Sign Design Review 1985



Southbridge Sign Design Review 1985





Signs are one of the most prominent visual elements of a street. If well designed, they add interest and variety to building facades and attract customers. On the other hand signs, more than any other single feature can detract from even the most attractive storefront. The sign by-law was enacted to prevent an adverse community appearance and protect the area in which they are located.

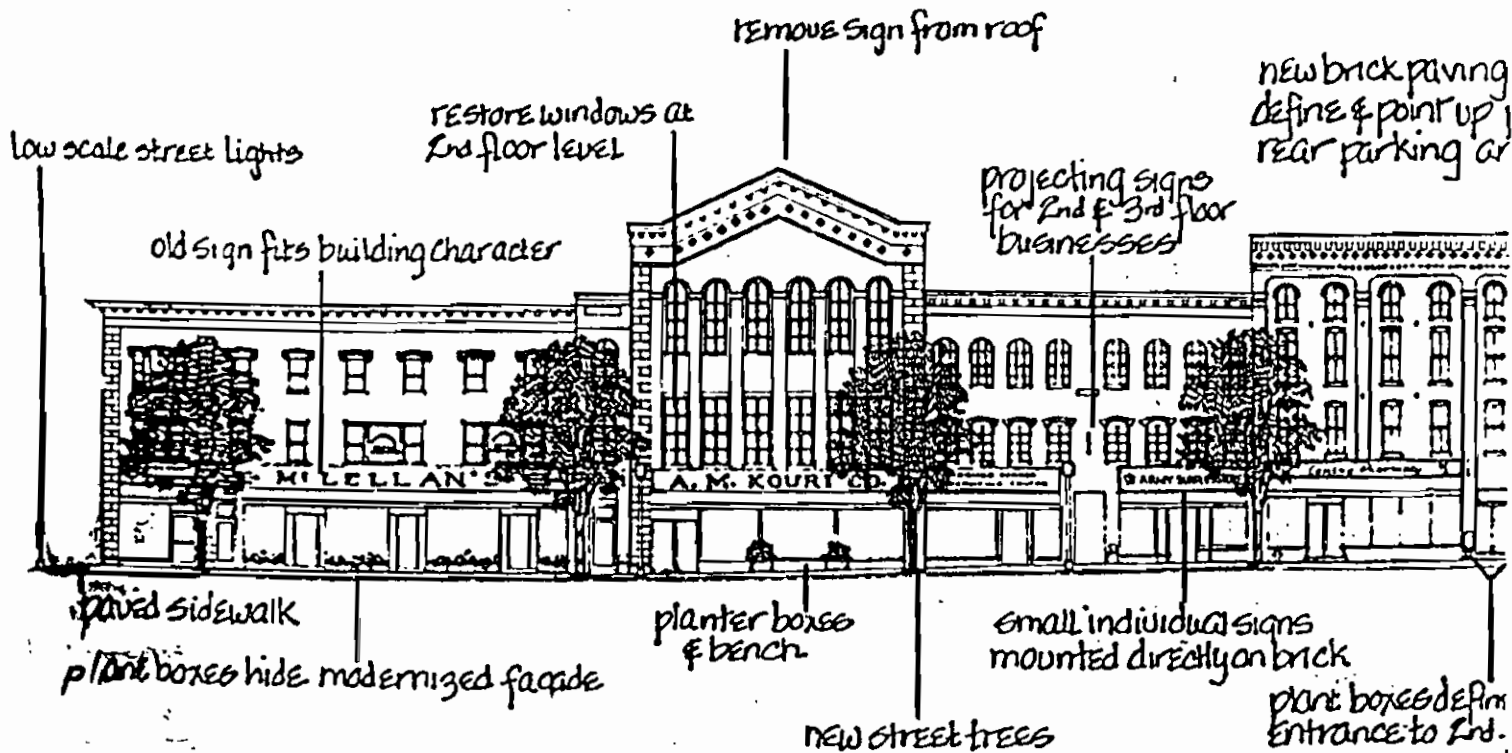


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SIGN PERMIT APPLICATION (sample).....9

TOWN OF SOUTHBRIDGE



SOUTHBRIDGE, MASSACHUSETTS 01550

TO: Merchants, Businessmen, Property Owners, Residents

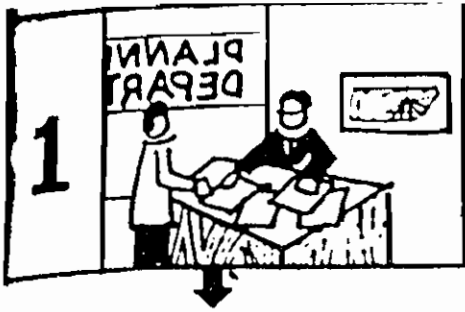
This booklet, "SOUTHBRIDGE - SIGN DESIGN REVIEW - 1985" has been prepared by the Southbridge Historical Commission to help outline the environmental impact and design review regulations in the Zoning By-Law as they apply to signs in Southbridge.

If you are planning to erect a new sign or make changes in an existing sign at any location in Southbridge, the provisions of Article XVIII of the Zoning By-Law would apply. Additionally, Section 2.1.4. applies to all signs and sign changes in any Special Information District.

In recognizing the administrative difficulties that are often inherent in any such regulations, this booklet attempts to minimize such difficulties by summarizing the design review process step-by-step on page 2, and listing the submission requirements on page 3, and offer some basic sign design guidelines on pages 4 and 5. Excerpts from the Zoning By-Law pertaining to signs are also included for reference purposes.

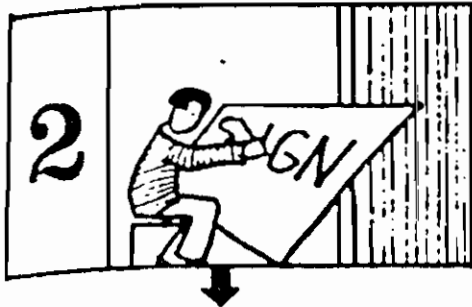
Since the success of these regulations will depend on a high level of cooperation and coordination, the staffs of both the Southbridge Historical Commission and the Director of Inspection Services are available to assist you and answer any questions you may have regarding signs at your location.

SOUTHBRIDGE HISTORICAL COMMISSION



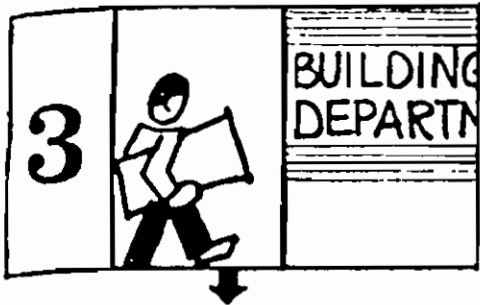
PRELIMINARY INQUIRY OF INSPECTION SERVICES DEPARTMENT - TOWN HALL BETWEEN THE HOURS OF 9 A.M. TO 5 P.M.

You will be informed of regulations and guidelines that might affect a sign at your location.



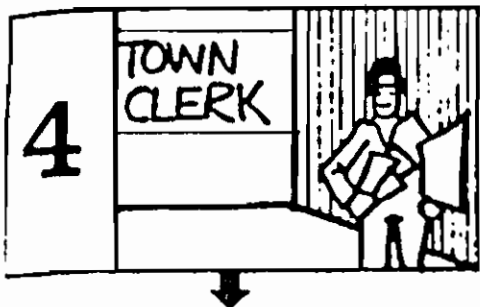
DESIGN OF SIGN AND PREPARATION OF SIGN SUBMISSION PACKAGE

The sign submission package consists of the items listed on page 3.



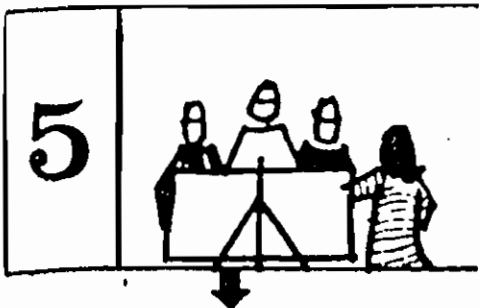
BRING SIGN SUBMISSION PACKAGE TO INSPECTION SERVICES DEPARTMENT

Package will be reviewed by the Inspection Services Department and if approved, you may obtain permit and install sign. Signs for "Special Information District" must be approved by the Southbridge Historical Commission. Map designating district is on page 6B.



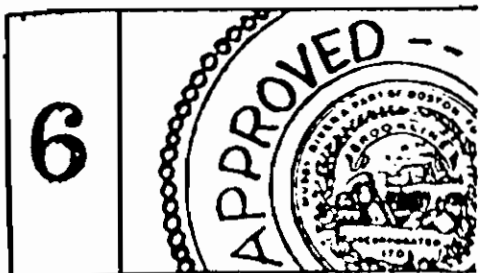
HOW TO APPLY TO SOUTHBIDGE HISTORICAL COMMISSION FOR SIGN DESIGN REVIEW

Historical commission meets 1st Wednesday of each month in GAR Room, Town Hall at 7:30 P.M. Bring sign package with you or send to Historical Commission. Call commission secretary, Helen Walkowiak, (764-8121) to arrange hearing.



HISTORICAL COMMISSION APPROVES SIGN DESIGN

Return to Inspection services Department, obtain permit, and install sign.

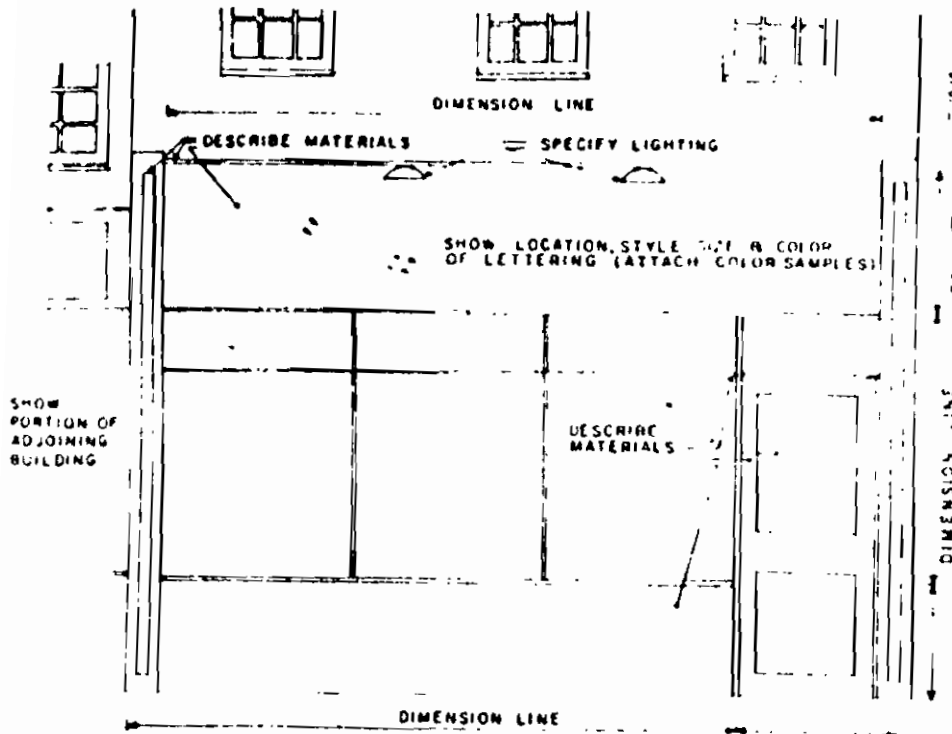


WHAT IF IT DOESN'T PASS ?

Contact Town Manager's Office to arrange hearing with Sign Appeals Board

SIGN SUBMISSION PACKAGE CONSISTS OF THE FOLLOWING.

A. ELEVATION



TYPICAL ELEVATION
SUGGESTED SCALE 1/2" = 1'0"

B. CROSS-SECTION

SHOW PORTION OF
SECOND STORY
IF APPLICABLE

CONNECTIONS
TO STRUCTURE

DESCRIBE
EXISTING
MATERIAL

LETTERING

EXISTING
GLASS

SHOW
PORTION OF
ADJOINING
BUILDING

DESCRIBE
EXISTING
MATERIAL

TYPICAL CROSS-SECTION
OF FACADE SHOWING
SIGN ATTACHMENT

C. APPLICATION FORM FOR SIGN PERMIT

(Sample included in this booklet)

D. SITE PLAN - for free standing signs

NOTES

FACADE CHANGES - Building permit needed.
Consult with Inspection Services Department

TEMPORARY SIGNS - Any sign including its supporting structure intended to be maintained for a period less than thirty (30) days.

ILLUMINATED SIGNS:

1) SPECIAL DISTRICTS - Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, so as not to interfere with safe vision of motorists, pedestrians, or neighboring premises.

2) OTHER AREAS - see sign by-law, sections 3.2.5. to 3.5.4.

SIGN DESIGN GUIDELINES

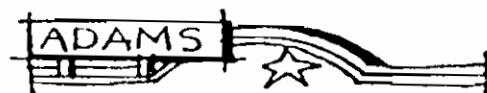
The following guidelines do not necessarily represent a complete or definitive list, but they do reflect the types of considerations that are applied to signs during the design review process.

- a) The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them.

THIS



NOT THIS



- b) The sign should identify the name of the business, not advertise brand names.

THIS



NOT THIS

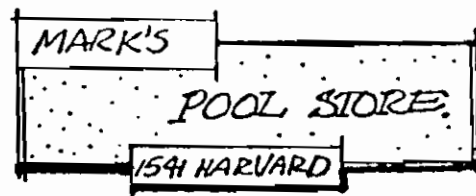


- c) Signs should be consolidated.

THIS



NOT THIS



- d) Where feasible, sign letters should be attached directly to building without superfluous back-facing.

THIS



NOT THIS



- e) Sign graphics should reflect simplicity, neatness and minimum wording - not only to improve appearance but to improve legibility.

THIS

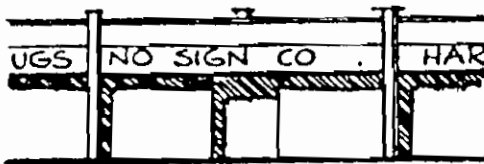


NOT THIS



- f) Where previous renovations have resulted in nonconforming signs or other inappropriate elements being added to a facade, all such nonconforming signs are to be removed, and serious consideration should be given to removal of all other extraneous elements prior to design of new signs.

THIS



NOT THIS

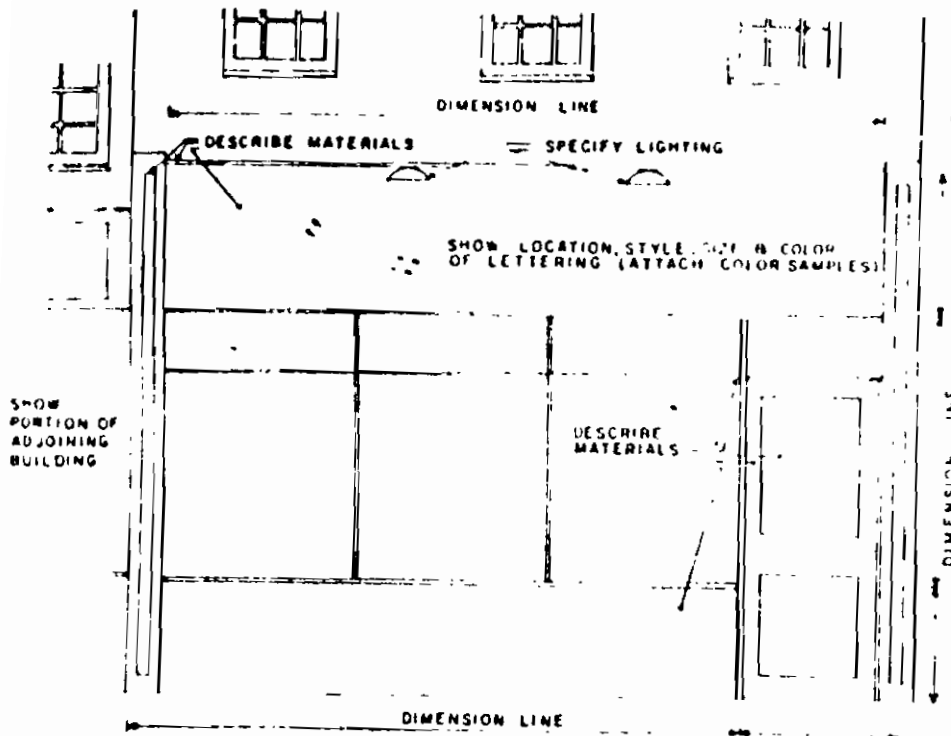


- g) Sign colors should be limited in number and should be compatible with building facade.

SIGN SUBMISSION PACKAGE CONSISTS OF THE FOLLOWING.

A. ELEVATION

B. CROSS-SECTION



TYPICAL ELEVATION
SUGGESTED SCALE 1/2" = 1'0"

SHOW PORTION OF SECOND STORY IF APPLICABLE

CONNECTIONS TO STRUCTURE

DESCRIBE EXISTING MATERIAL

LETTERING

EXISTING GLASS

DESCRIBE EXISTING MATERIAL

SHOW PORTION OF ADJOINING BUILDING

DIMENSION LINE

TYPICAL CROSS-SECTION OF FACADE SHOWING SIGN ATTACHMENT

C. APPLICATION FORM FOR SIGN PERMIT
(Sample included in this booklet)

D. SITE PLAN - for free standing signs

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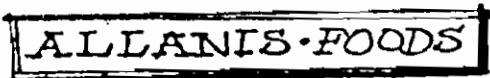


NOT THIS



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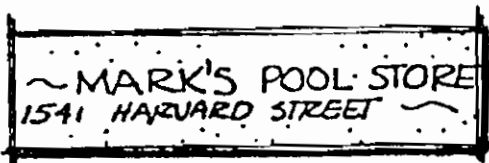


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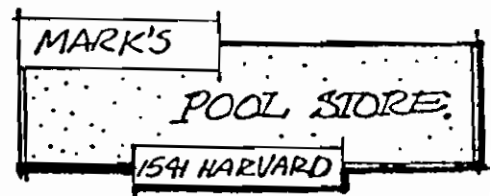


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THIS



NOT THIS

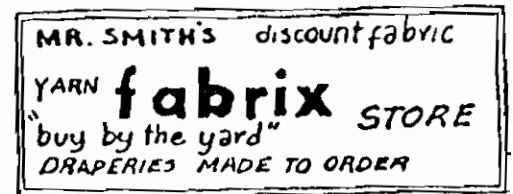


- e) Sign graphics should reflect simplicity, neatness and minimum wording - not only to improve appearance but to improve legibility.

THIS



NOT THIS



- f) Where previous renovations have resulted in nonconforming signs or other inappropriate elements being added to a facade, all such nonconforming signs are to be removed, and serious consideration should be given to removal of all other extraneous elements prior to design of new signs.

THIS



NOT THIS



- g) Sign colors should be limited in number and should be compatible with building facade.

AM ENDMENT TO THE TOWN OF SOUTHBRIDGE TOWN BY-LAWS

ADDITION OF ARTICLE XVIII

1. GENERAL OBJECTIVES:

PURPOSE: Signs are herein regulated in the interest of promoting traffic safety, preventing adverse community appearances while protecting the character of the area in which they are located. To restrict private signs and lights which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.

- 1.1 To encourage signing and lighting and other communications which aid orientation, express local history and character.
- 1.2 To prevent environmental damage to the community.
- 1.3 To reduce conflict among private signs and lighting between environmental information systems.
- 1.4 To increase opportunity for local groups to determine policies of private signing and lighting.
- 1.5 To permit maximum legibility and effectiveness of signs and to prevent over concentration, improper placement and excessive bulk and area, by providing a limiting control.

2. DEFINITIONS:

- 2.1 SIGN: Any visible device, display or structure used for visual communications for the purpose of or having the result of bringing the subject thereof to the attention of others, the public in general. A sign includes but is not limited to reading matter, letters, numerals, pictorial representations and patterns whether affixed to a building, painted or otherwise depicted on a building, or including separate and not affixed and including window signs. A permit is needed for all signs, except sign cited in Section 3.6 and single family residential signs.
 - 2.1.1 NOT AFFIXED SIGN - any sign not attached to a building
 - 2.1.2 TEMPORARY SIGN - any sign including its supporting structure intended to be maintained for a period less than thirty (30) days.
 - 2.1.3. CAMPAIGN SIGN - See Section 3.6.4.
 - 2.1.4. SPECIAL INFORMATION DISTRICTS - area with high use by the general public and/or with recognized public significance

which are particularly sensitive to the effects of private signs and lights. In these districts the Town shall exercise central control of signs and lights specifically specialized guidelines and design review, which shall be established by regulation by the Town Manager. The Town Council shall establish special information districts by majority vote.

2.1.5 Area to conform with and be consolidated with zoning districts.

2.2. SURFACE AREA OF A SIGN:

The Surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, logos or other figures. Structural members shall be included. Only one side of a free-standing or projected double faced sign shall be calculated in surface area. All sides of multi-faced signs shall be calculated.

2.3. ALLOWED SIGNS:

Signs whose subject matter relates exclusively to the premises on which they are located, or to the products, accommodations or activities on those premises shall be allowed as follows:

3.1. NUMBER OF SIGNS:

3.1.1 Each building may have one building sign facing to each street on which the premises has frontage, identifying the building as a whole or its predominant use. In addition, there may be one occupancy sign and one pedestrian sign oriented to each side on which the premises have frontage relating to each occupancy within the building. A building may have an additional sign on the rear of the building if it abuts on a municipal parking lot.

3.2. LOCATION OF SIGNS:

3.2.1. No sign shall overhang the public way to within three (3) feet of the curb line. No sign except on a marquee or canopy providing shelter shall overhang more than 1/3 of the sidewalk width.

3.2.2 No sign shall extend more than 15 feet above record grade or more than four (4) feet above the lowest point on the roof line, and must be seven (7) feet above the sidewalk.

3.2.3. The top of pedestrian signs shall be no higher than ten (10) feet above the sidewalk.

3.2.4. For other than first floor occupants, occupancy signs shall be located between the second and third floors.

3.3. SIGN AREA:

3.3.1. With the exception below, the total surface area of all signs facing any street shall not exceed 15 times the square root of street frontage, and the combined area of all signs shall not exceed 15 X the square root of the combined street frontage:

<u>STREET FRONTAGE</u>	<u>ALLOWABLE AREA</u>
20'	67 square feet

Expand to all sign sizes.

3.3.2. SIGN SIZE EXCEPTIONS:

No sign on a residential unit shall exceed two (2) square feet. The following are allowed in addition to signs as limited by Section 3.2.

3.3.3. Names of buildings, dates of erection, monumental citations, and commemorative tablets up to ten (10) square feet in area, when permanent and integral part of a building.

3.3.4. Building directories up to twenty (20) square feet in area if located outside.

3.3.5. Traffic Control and guidance signs in conformance with public traffic sign standards, but located on private property and orientational signs up to two (2) square feet in area, displayed for purposes of direction or convenience including signs identifying rest rooms, freight entrances, and the like.

3.3.6. Permanent signs on the surface or inside display windows shall cover no more than ten (10%) of the display window area.

3.4. LETTERING SIZE:

3.4.1. Building signs shall not employ letters exceeding eight (8") in height in residence districts as defined in the Town of Southbridge Zoning By-Laws or 18" elsewhere.

3.4.2. Occupancy signs - not exceeding eight (8") in height.

3.4.3. Pedestrian Signs - not exceeding three (3") in height.

3.5 ILLUMINATION:

SPECIAL DISTRICTS

3.5.1. Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, so as not to interfere with the safe vision of motorists, pedestrians or neighboring premises.

OTHER DISTRICTS:

3.5.2. ILLUMINATED SIGNS:

Including neon signs shall not produce more than ten (10) foot candles measured at ten (10') feet from the sign.

3.5.3. Signs shall not be illuminated between the hours of 11:00 P.M. and 7:00 A.M. unless related to an establishment operating during those hours.

3.5.4. All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary shielded sources so as to avoid causing glare to motorists, pedestrians or neighboring premises.

3.6. TEMPORARY SIGNS

The following are allowed for a period of up to one (1) year without a permit:

3.6.1. CONSTRUCTION SIGNS: One unlighted sign up to twenty (20) square feet identifying parties involved on the premise.

One illuminated sign up to forty (40) square feet identifying owner and activity for which the construction is intended and describing the process, but not including any advertisement of any product.

3.6.2. REAL ESTATE SIGNS: One unlighted sign twenty (20) square feet for commercial, ten (10) square feet for residential only pertaining to the sale, rental or lease of the premises on which the sign is displayed, to be removed 21 days after the sale, rent or lease.

- 3.6.3. EVENT SIGNS: Not to exceed thrity (30), square feet announcing an event of a civic, philanthropic or educational organization displayed on the site of the event. Signs shall not be erected prior to twenty-one (21) days preceding the event and removed within forty-eight (48) hours after the event.
- 3.6.4. CAMPAIGN SIGNS: Exempt except that campaign signs shall be removed within 48 hours after the close of the election.
- 3.6.5. YARD/GARAGE SALE SIGNS: Not to exceed five (5) square feet displayed on private property and limited one to each premise. Not to erected three (3) days preceding the sale and removal within twenty-four (24) hours.
- 3.6.6. RELIGIOUS BUILDINGS: Exempt
- 3.6.7. MISCELLANEOUS EXEMPT SIGNS:
- a) Seasonal decorative signs
4. ADMINISTRATION:
- No sign, except those specifically exempted by this ordinance shall be erected without a permit issued by the Director of Inspection Services, application for which shall be accompanied by such scale drawings, photographs and other information as the building official may require. Special districts will require full design review by such official.
- 4.1. FEES:
- Fees for sign permits shall be as fixed by the Town Council.
- 4.2. REMOVAL OF NON-CONFORMING SIGNS:
- Non-conforming signs shall be removed by their owner within ten (10) days of the period set forth or the inspection official shall cause their removal at the expense of the owner.

5.0 NON-CONFORMING SIGNS:

5.1 Signs which were legally erected before the adoption of this by-law shall not be voluntarily rebuilt, altered or relocated without conforming to this by-law.

5.2 Signs legally erected before this by-law that do not conform to the provisions of this by-law must be made to comply as follows:

a) Special Districts

One (1) year after the effective date of this by-law.

b) Other Districts

All signs effective with the date of this by-law be allowed to remain in existence. If the property is sold or changes hands, the sign shall conform with this by-law.

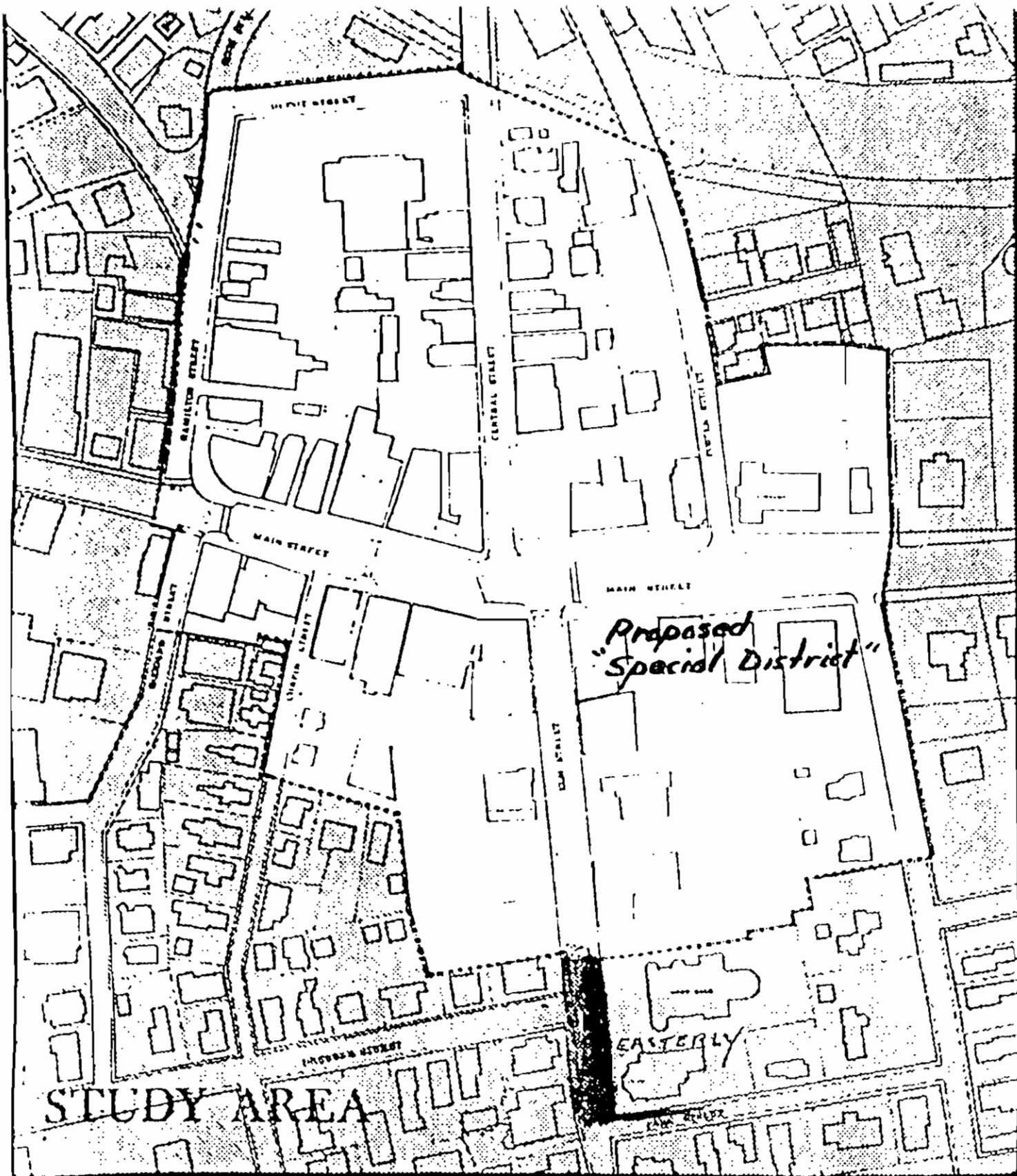
6. SPECIAL CIRCUMSTANCES SIGNS:

If the Director of Inspection Services determines that the general conditions specified cannot be met in special circumstances, a special permit may be allowed. Special circumstances may include but are not limited to: unusual configuration, location or building use, maximum number of signs and/or total signage area as specified in 3.3.1. Special circumstances shall not apply to special information districts, 2.1.4.

7. APPEALS BOARD:

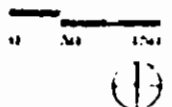
There shall be an Appeals Board to review any decision of the Director of Inspections composed of the Town Manager, the Town Council Chairman and three Town Councillors appointed by the Chairman of the Town Council. A 2/3 vote of the Board will be required to overturn a decision of the Director of Inspections. An appeal must be filed in writing with the Town Manager within 15 calendar days of the Director of Inspections decision, which must also be in writing.

Voted by the Town Council on Spetember 24, 1984



SOUTHBRIDGE DOWNTOWN PHASE II

TOWN OF SOUTHBRIDGE, MASS.
 TRI - COMMUNITY CHAMBER
 OF COMMERCE



ANDERSON NOTTER FINEGOLD INC.
 Architects & Preservation Planners
 Boston, Massachusetts

Sign Area

With the exceptions below, the total surface area of all signs oriented to any street shall not exceed 15 times the square root of street frontage on that street, and the combined area of all signs shall not exceed 15 times the square root of the combined street frontage:

Street Frontage	Allowable Area
20 feet	67 sq. ft.
25	75
30	82
35	89
40	95
50	100
60	116
70	126
80	134
90	143
100	150
125	168
150	185
175	198
200	212
250	237
300	260
400	300
500	336

SOUTHBRIDGE, MASSACHUSETTS
APPLICATION FOR APPROVAL OF SIGN PERMIT

The undersigned herewith submits said application and plan for approval of the INSPECTION SERVICES DEPARTMENT.

- A. NAME OF APPLICANT _____
ADDRESS _____
TELEPHONE NUMBER: Home _____ Business _____
- B. NAME OF SIGN OWNER(if different) _____
ADDRESS _____
- C. NAME OF PROPERTY OWNER _____
ADDRESS _____
- D. SIGN MAKER _____

ANSWER THE FOLLOWING QUESTIONS IN FULL:

1. Address Where sign will be located _____
2. Lineal Frontage of Establishment _____
3. Type of sign(s) in This Application
____ Wall Sign (Primary Facade) ____ Window Sign(s)
____ Wall Sign(Secondary Facade) ____ Awning Sign
____ Freestanding Sign
4. Size of Sign(s)
a. Height _____ Length _____ Depth _____
b. Height _____ Length _____ Depth _____
c. Height _____ Length _____ Depth _____
5. Height of Letters: a. _____ b. _____ c. _____
6. Height of Sign(s) Highest Point a. _____ b. _____ c. _____
Lowest Point a. _____ b. _____ c. _____
7. Sign to be constructed of _____
8. Text of Sign a. _____
b. _____
c. _____
9. Distance of building from public way _____
10. Name of Street(s) sign(s) are intended to face _____
12. Color Scheme: Letters _____ Background _____
Other(specify) _____
13. Number of establishments in building or complex _____
14. Size of window(if window sign) _____

ATTACH THE FOLLOWING(see sign book for assistance)

1. Sketch of sign(indicate lettering type, colors, and materials)
2. Building elevation(indicate location of sign in relation to building features)
3. Cross-section (indicate how sign will be mounted)
4. Site plan (for freestanding signs-indicate distance of sign from public way and building)

(Signature of sign owner)

(Date)

- 1) To expediate sign approval and avoid costly changes, submit proposed sign design plans before having sign made.
- 2) Submit a photograph of building so the commission members can tell location of sign in relation to building features.
- 3) For building elevation drawing follow instructions on page 3 of sign by-law guidelines.

For Historical Commission use -----

Approved-----

Disapproved -----

Comments:

Commission signature.

H-6 Sign By-law and Regulations, City of Marlborough, Massachusetts

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§ 163-1 GENERAL

A. PURPOSE AND INTENT.

The purpose and intent of this chapter shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will be appropriate to the land, building or use to which they are appurtenant and be protective of property values and the safety of the public. Any pre-existing ordinance that conflict with any provision herein are hereby expressly deleted and shall have no further effect.

B. AUTHORITY AND INTERPRETATION.

This Chapter is hereby declared to be remedial and protective, and is to be so construed so as to secure the beneficial interests and purposes thereof. This Chapter is adopted pursuant to Chapters 93 and 43B of the General Laws of Massachusetts.

C. APPLICABILITY.

All signs as defined herein are subject to the regulations of this chapter.

§ 163-2 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED SIGN: A sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, product or activity conducted on the premises where such a sign is displayed.

ALTERED: Changed in any way, including changed in structure, size, location, design or lettering.

ANIMATED SIGN: Any sign which includes figures or objects that seem to move in a life-like manner.

ARCADE: A permanent structure with a roof over a pedestrian walkway, with columns to one side and building to the other side.

AREA OR SURFACE AREA: The area of the smallest rectangle or circle within which the entire sign can fit, including all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed and including any background of a different color or appearance than the finished material of any wall on which the sign is placed. The area shall not include basic supporting framework and bracing which does not contribute through shape, color or otherwise to the sign's message. A double-faced sign, where the sign faces are placed back to back

and face in opposite directions, shall be deemed to be one sign having an area equal to the area of one side.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of non rigid materials on a supporting framework. (compare "MARQUEE")

AWNING SIGN: A sign painted on, printed on, or attached flat against the surface of an awning.

BACK LIT AWNING: (see "ELECTRIC AWING SIGN")

BANNER: A temporary sign made of fabric or similar material, with no enclosing framework, attached at all corners or edges to a structure or structures.

BUILDING INSPECTOR: A City employee or agent designated by the Inspector of Buildings of the City of Marlborough, to administrator the provisions of this chapter.

BUSINESS ESTABLISHMENT: Each separate place of business whether or not consisting of one or more buildings.

CANOPY (or marquee): A permanent roof-like shelter extending from part of or all of a building face constructed of some durable material, such as metal, glass, plastic or concrete.

CANOPY OR MARQUEE SIGN: A sign painted on, printed on or attached flat against the surface of a canopy or marquee.

CHANGEABLE WALL PANEL SIGN: A sign consisting of a rigid rectangular frame mounted flat against a building wall such that panel or poster inserts can be replaced or altered within the frame, or a chalk board or other dry erasable board can be mounted in the frame.

COMMERCIAL CENTER: A group of five (5) or more business establishments totaling over ten thousand (10,000) square feet gross floor area on the same lot and/or sharing the same street entrance and parking lot, or a hotel of over one hundred (100) rooms and having at least ten thousand (10,000) square feet of public function rooms.

COMMERCIAL CENTER - LARGE: A commercial center with ten (10) or more business establishments totaling over fifty thousand (50,000) square feet gross floor area, or a hotel with over one hundred fifty (150) rooms and having at least twenty-five thousand (25,000) square feet of public function rooms.

ELECTRIC AWNING SIGN: (also "BACK LIT AWNING") - An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.

ELECTRIC SIGN: Any sign containing electrical wiring which is

attached or intended to be attached to an electrical energy source.

ERECTED: Attached, altered, built, constructed, reconstructed, enlarged, or moved.

ESTABLISHMENT: See BUSINESS ESTABLISHMENT.

FACADE: That portion of the building wall containing the main exterior public entrance to one (1) or more business establishments within, which corresponds to the width of the interior space occupied by the business establishment or establishments measured at said entrance level only.

FLAG: A temporary sign made of fabric or similar material, rectangular in shape, attached along the length of one edge only to a rope or rigid pole, such that the other edges may hang freely.

FLASHING SIGN: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

FLAT WALL SIGN: A sign erected with the face of the sign horizontally parallel to the face of the wall to which it is attached.

FREESTANDING SIGN: A non-portable sign erected on a freestanding frame, structural base, mast, pole or wall which is not attached to any building. The area of a double-faced freestanding sign, where the sign faces are placed back to back and face in opposite directions, shall be equal to the area of one (1) side.

HEIGHT OF FREESTANDING SIGN: The overall vertical distance measured from the grade of property where sign is installed.

ILLUMINATED SIGN: Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign face.

INDUSTRIAL PARK: An area of land developed in an orderly, planned way and leased or sold to various industrial firms.

LARGE COMMERCIAL CENTER: Refer to COMMERCIAL CENTER - LARGE.

MARQUEE (or canopy): A permanent roof-like shelter extending from part of or all of the building face and constructed of some durable material such as metal, glass, plastic or concrete.

MESSAGE BOARD: A changeable sign whose informational content in the form of individual graphics, letters or numbers can be changed or altered by any means, including manual, electric, electro-mechanical or electronic means. Said announcement shall be limited solely to a change in offering (such as a new price, event or promotion) made by a business establishment, but shall not include a change in the name of said business establishment. Said change in the name of a business establishment shall be considered an

alteration to an existing sign as described in § 163-3G(3) of this chapter. A message board shall not be a portable sign but, where applicable may be considered a freestanding sign or a flat wall sign or a window sign or a changeable wall panel sign or a part thereof and shall comply with all provisions of this chapter governing said signs.

OFF-PREMISES SIGN: Any sign which advertises or announces a use conducted, or goods available elsewhere other than on the lot where the sign is located.

ON PREMISES SIGN: Any sign that advertises, calls attention to, or indicates, the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other message or subject.

OWNER: A person recorded as the owner of the premises upon which the sign is located on official records and including duly authorized agent or notary.

PANEL SIGN: Refer to definition of CHANGEABLE WALL PANEL SIGN.

PERMANENT SIGN: Any non-portable and non-temporary sign.

PORTABLE SIGN: Any sign not permanently attached to the ground or a building, including trailer signs and A-frame signs, and similar, placed on the ground or temporarily staked into the ground.

PROJECTING SIGN: A sign which is permanently affixed to the exterior surface of a building or structure with the display area positioned perpendicular to the wall to which the sign is mounted.

PUBLIC STREET: An accepted public way for vehicular traffic.

REAL ESTATE SIGN: A sign pertaining solely to the rental, lease or sale of real estate.

ROOF LINE: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROOF SIGN: Any sign erected upon, against or directly above the roof or on top of or above the parapet of a building.

SIGN: Any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, banners, flags, balloons, moving devices, strings of lights and similar devices. "Sign" shall not include national or state flags, official announcements or signs of

government or temporary holiday decorations customarily associated with any national, local or religious holiday.

SIGN STRUCTURE: Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

SPECIAL PURPOSE SIGN: Any sign other than a business, non-accessory identification sign, including but not limited to traffic signs.

TEMPORARY SIGN: Temporary signs are signs that indicate occasional events, and are removed upon the conclusion of the event, except as otherwise specified for a particular sign by this chapter.

TRAILERS AND VEHICLES: For the purposes of this Sign Ordinance a "trailer" or a "vehicle" shall be considered and regulated as a sign when such trailer or vehicle is not engaged in the usual business or work of the owner or lessee but is used merely or mainly for advertising purposes.

WALL PANEL: Refer to definition of CHANGEABLE WALL PANEL SIGN.

WALL SIGN: Refer to definition of FLATWALL SIGN.

WINDOW SIGNS: A sign placed inside a window or transparent door so as to be viewed from the exterior.

§ 163-3 PERMIT REQUIREMENTS

A. GENERAL - No sign shall be erected, altered or re-located without a permit issued by the Building Inspector, except for the following signs which do not need permits but must still be in conformance with all other requirements of this chapter.

(1) All Signs Not Visible from any the following: a public way, any public property, or any abutting lot not in the same ownership.

(2) Temporary Signs for Municipally Sponsored Events, pursuant to § 163-6A(1).

(3) On-premise Directional and Public Safety Signs not visible from the public way and not in conflict with any approved Site Plan, pursuant to § 163-6C. (If questions on Site Plan, contact City Planner).

(4) Window Signs, pursuant to § 163-6F.

(5) Occupant Signs for single dwelling units, pursuant to § 163-6A(1).

(6) Cautionary Signs, pursuant to § 163-6 G.

(7) Temporary real estate and construction signs for single

and two-family dwellings, pursuant to § 163-8B and 8G.

(8) Changeable Panel Signs for multi-family projects, pursuant to § 163-8C.

(9) Temporary Signs for residential yard and garage sales, pursuant to § 163-8E.

(10) Temporary real estate and construction signs for non-residential property, pursuant to § 163-9G and H.

(11) The following types of temporary promotional signs, pursuant to § 163-10, do not need permits: Open for business signs, promotional flags and window signs. In addition, no permit is required to make any changes to the lettering on an installed message board, and/or to make changes to the panel inserts on an installed changeable wall panel. Note however, that initial installation of a message board or changeable wall panel does require a permit. A permit is also required for each separate time of installation or display of a banner.

(12) Temporary signs for political campaigns, pursuant to § 163-11.

(13) Historical site plaques approved by the Marlborough Historical Commission.

B. APPLICATIONS

(1) All signs. All applications for permits shall include a drawing to scale showing the following information:

(a) The street address where the proposed sign is to be located.

(b) The name of the business or other organization which occupies the address in item (a) above.

(c) The name, address and telephone number of the following:

[1] The person making the sign application on behalf of the business identified in item (b) above.

[2] The owner of the property on which the business is located (if the business is a tenant).

[3] The sign company installing the sign.

(d) A plot plan showing the buildings and driveways and the locations, dimensions and areas of the proposed sign and of all existing signs on the premises. The plot plan shall also indicate the location of the main exterior entrance to each business establishment and the linear

dimension in feet of the building facade containing these entrances.

(e) A sketch of the proposed sign. If a flat wall sign is proposed, the sketch shall include the entire building facade and indicate the location and dimensions of the proposed sign and all existing flat wall signs on the building.

(f) Specifications for construction, lighting and wiring shall be in accordance with the State Building Code.

(g) Such other pertinent information as the Building Inspector may require to insure compliance with this chapter and any other applicable law.

(h) The application must be signed by the owner of the premises where the sign is to be located.

(2) ^uAction on Applications. The Building Inspector shall have the authority to reject any sign permit application which is not complete when submitted. A permit shall only be issued if a sign conforms to the provisions of this chapter and all other applicable laws. An application shall be deemed to have been approved following thirty (30) days from the date of filing of the application with the Building Inspector, provided the required permit fee has been paid, also provided the sign applied for conforms to all provisions of this chapter, and also provided the Building Inspector may order the removal of any new sign which does not so conform, as provided for by Sub-section 3.I. below.

(3) Signs or other Obstructions over Public Ways.

(a) Approval for Obstruction. No person shall construct, erect, establish or maintain, or cause to be constructed, erected, established or maintained, in or over any part of the public street or sidewalk, any sign, awning, canopy, marquee or shade (hereinafter collectively called "obstructions") without receiving approval for an "obstruction" from the Building Inspector. (This approval shall be a pre-requisite for the sign permit required for the sign.)

(b) Bond and Insurance.

[1] Amount of Bond and Insurance. The obstruction approval shall not be effective so as to authorize the establishment or maintenance of any such sign or other obstruction over a public way until the person to whom such approval is granted has furnished the following:

[a] A bond with sufficient sureties, in a

penal sum of four thousand dollars (\$4,000), to cover the cost of removal of an obstruction as provided for under paragraph (b) below.

[b] An indemnity insurance policy issued by a reliable insurance or indemnity company in the sum of one million dollars (\$1,000,000). The obligation of such insurance policy shall save the City harmless from all liability of any nature what-so-ever caused directly or indirectly by the erection or maintenance of such sign or other obstruction.

[2] Approval of Bond and Insurance. The bond and indemnity insurance policy shall be subject to the approval of the City Solicitor as to form and also subject to the approval of the City Treasurer as to sufficiency. The bond and indemnity insurance policy shall be filed with the City Treasurer.

[3] Renewal of Bond and Insurance. A person to whom approval has been granted to erect or maintain such an obstruction shall annually thereafter file a bond and indemnity insurance policy in renewal or extension of the bond and insurance policy filed at the time such approval was granted. A failure to file shall nullify the obstruction permit, in which event the obstruction shall be removed immediately.

(c) Certification by Installer. Following installation of the sign or other obstruction, and prior to inspection by the Building Inspector, the Building Inspector shall require certification from the installer that the obstruction has been designed according to all code requirements and has been securely fastened and supported so as not to endanger persons on the sidewalk or street below.

(d) Removal by City. The Building Inspector may order any obstruction within the limits of any street or sidewalk to be removed at any time, for any violation associated with the obstruction or for public safety reasons, and the obstruction shall thereupon be forthwith removed by the person maintaining it. In case of failure to remove the obstruction as required above, the City may use the bond as described in paragraph (b) above to pay for the cost of removal by the City.

C. FEES

(1) No sign permit shall be effective until the required fee has been paid in accordance with the schedule of fees as follows:

(a) All signs except the following: Temporary

Promotional Signs, any type of sign or other obstruction located over a public way, off-premise directional signs.

[1] A base fee of thirty-five (\$35) dollars, plus one dollar (\$1) per square foot of sign area in excess of fifty (50) square feet.

(b) Temporary Promotional Signs as specified in § 163-10, and temporary banners for multifamily residential projects as specified in § 163-8C.

[1] Open-for-business Signs: No fee.

[2] Promotional Flags: No fee for display of any flag. However a building permit is required for the installation of the pole structure, with plans or specifications for the pole foundation. Refer to § 163-10D(2)(a).

[3] Window Signs: No fee

[4] Message Board Signs: ten dollars (\$10.00) for initial installation, but no fee to change wording thereafter.

[5] Changeable Wall Panel Signs: ten dollars (\$10.00) for initial installation, but no fee to change or alter panel inserts thereafter.

[6] Temporary Banners: ten dollars (\$10.00) for each separate time of installation or display.

(c) Any type of projecting sign or other obstruction located over a public way. (For example: a projecting sign, an awning or awning sign, a canopy or canopy sign, a marquee or marquee sign, a sun-shade, etc.) located over a sidewalk or public way: Fifty dollars (\$50), accompanied by the bond and insurance policy as required by § 163-3B(2).

(d) Off-Premise Directional Signs: Fifty dollars (\$50), unless the sign is made by the City and/or installed by the City within the public way, in which case the fee shall be the full cost of making and installing the sign plus fifty dollars (\$50).

(2) No fees shall be charged for organizations whose primary purpose is charitable, religious, educational or governmental.

D. **NULLIFICATION** - A sign permit shall become null and void if sign is not completed and in place within a period of six (6) months from the date of the permit.

E. **INSPECTION** - All signs for which a permit is required shall

be inspected by the Building Inspector within a reasonable period of time, or as required by the Building and/or Wiring Codes, and may be inspected periodically to insure continued compliance with this chapter and other requirements of Law. Owners shall be notified in writing of violations, and such signs shall be brought into conformity or removed within thirty (30) days.

F. EXISTING SIGNS - "Existing signs" are defined as those erected before the date of passage of this chapter and are classified into one (1) of three (3) separate categories. These are:

(1) CONFORMING SIGN: A sign which complies with all provisions of this chapter.

(2) PROHIBITED SIGN: as specified in § 163-7.

(3) NON-CONFORMING SIGN: A sign which does not comply with one (1) or more provisions of this chapter, but which is not defined as a prohibited sign in § 163-7.

G. REMOVAL OF EXISTING SIGNS

(1) A conforming sign may remain while conforming to this chapter as amended.

(2) A prohibited sign as described in § 163-7 shall be removed on or before September 1, 1987.

(3) All non-conforming signs shall be registered with the Building Department prior to June 23, 1994, on forms prescribed by said Department. All non-conforming signs which are not registered prior to June 23, 1994 shall immediately comply with all provisions of this chapter. A non-conforming sign shall conform to the provisions hereof no later than June 23, 2000. Except for the provisions contained in § 163-9D(5), non-conforming signs which are enlarged, reworded (other than in the case of theatre signs or message boards), redesigned, replaced or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this chapter, provided that signs which are located on a building or site which undergoes a change of use, or which is enlarged to more than ten percent (10%) of the floor or ground areas of use (including parking areas) existing on June 23, 1986, shall comply immediately with all provisions of this chapter as a requirement of any site plan and building permit and before issuance of any certificate of occupancy, and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent (35%) of the replacement value of this sign at the time of replacement shall not be repaired or rebuilt or altered except in conformity with the requirements of the chapter.

(4) The required removal of a sign as provided for above

shall include the removal of all supporting structure and frame, except as otherwise specified by the Building Inspector.

H. NEW SIGNS - Any sign erected after June 23, 1986 is considered a new sign.

I. REMOVAL OF NEW SIGNS - The Building Inspector shall order the removal of any new sign erected or maintained in violation of this chapter or installed without permit. The Building Inspector will issue his findings of violation and Order of Removal in writing. Penalties provided elsewhere in this chapter shall be assessed against the owner of such sign, or the owner of this building, structure, or premises on which such sign is located or affixed, for each day said sign remains in place after that date on which the Order of Removal has been issued by the Building Inspector upon the identified violator. The required removal of a sign as provided for above shall include the removal of all supporting structure and frame, except as otherwise specified by the Building Inspector.

§ 163-4 CONSTRUCTION AND MAINTENANCE

A. METHOD OF CONSTRUCTION - No sign shall be painted or posted directly on the exterior surface of any wall. All exterior signs, except awning signs, shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign consisting of individual letters or devices securely affixed to the exterior wall of the building.

B. CONFORMANCE TO CODE - The material and construction of any sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and the intermediary surface to the wall of the building shall be in accordance with applicable provisions of the State Building Code and with the reasonable requirements of the Inspector of Buildings.

C. MAINTENANCE - All signs, together with their structural elements, shall be kept in good repair and in a proper state of preservation to the reasonable satisfaction of the Inspector of Buildings. Defective parts shall be replaced or repaired. The Inspector of Buildings may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.

D. SIGNS OR OTHER OBSTRUCTIONS OVER PUBLIC WAYS - Refer to Sub-section 163-3B(2).

§ 163-5 ILLUMINATION

The light from any sign or advertising lights shall be so shaded, shielded or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall

not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads and highways. All lighted signs and advertising lights shall be so shaded, shielded or directed that they shall not reflect or shine on or into residential structures to an extent that would adversely affect them.

§ 163-6 SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following signs are permitted in all zoning districts:

A. TEMPORARY OFF-PREMISES SIGNS

(1) Municipally Sponsored Events. Signs of any type, located on public property and advertising a municipally sponsored event may be displayed with the approval of the Mayor.

(2) Other Public and Non-Profit Events. Signs of any type advertising a charitable, religious, cultural, or educational event may be displayed in designated locations for a designated period of time with the approval of the Planning Board. All such signs which are freestanding signs shall be no longer than thirty-two (32) square feet, shall be displayed for no more than thirty (30) days per event, shall be removed within two (2) days after such event, and shall contain wording prominently displayed at the top of the sign identifying the name of the organization and including the words "NON-PROFIT".

(3) For-Profit Events. Privately sponsored, for-profit temporary events may not be advertised with signs located off-premises, except that sponsors of major events attracting large numbers of visitors may apply in each instance for a variance for temporary signage.

B. PERMANENT OFF-PREMISES DIRECTIONAL SIGNS (other than official traffic or street signs).

(1) Purpose. Off-premises directional signs allowed herein are intended solely to assist pedestrians or motorists in finding their way to specific destinations. They are not for advertising purposes or for temporary events. The intent of the Sign Ordinance is that off-premise directional signs shall be approved only when there is a demonstrated need, taking into account the intent of this chapter to minimize the number of separate freestanding signs near the public way.

(2) Directional Signs located within the public way.

(a) Uses. Such signs shall be limited to the following uses.

[1] Major Uses. These uses shall include public or quasi-public services or institutions or other

major destinations. Examples include, but are not limited to, directional signs to bus stops serving private carriers, parking lots for car pools, convention or trade centers, private schools or colleges, major employers or other institutions drawing large numbers of out-of-town visitors, and similar uses.

[2] Minor Uses. None allowed. Signs for such uses, if approved, shall be located on other lots, as provided for in paragraph (3) below.

(b) Area. Off-premise signs in the public way shall be of a standard design of the City or Mass. DPW. They shall be manufactured and installed by the City at the expense of the applicant if so required by the City.

(3) Directional Signs Located on Other Lots.

(a) Uses. Such signs shall be limited to the following uses.

[1] Major Uses. All major uses as listed in paragraph (2) above, in the event the major uses do not have signs within the public way.

[2] Minor Uses. Signs for uses which are situated behind and obstructed from public view by other buildings on other lots, and which do not themselves have frontage on any of the major through streets. No such sign shall be permitted for a home occupation.

(b) Area. The sign area for major uses, where the sign is placed on another lot, shall not exceed six (6) square feet per business establishment identified on the sign. The sign area for minor uses shall not exceed two (2) square feet per business establishment identified on the sign. The sign shape shall generally be a narrow rectangle, with an arrow at one end pointing in the required direction.

(c) Number of Signs. There shall be no more than the necessary number of locations at which any particular business may be identified by an off-premise sign as provided hereunder. It is the intention of this Sign Ordinance that, in circumstances where several businesses are similarly situated, their off-premise sign panels shall all be attached to one (1) freestanding pole, or be combined into one (1) integrated flatwall sign, with each business having its own replaceable panel.

(4) Application and Decision.

(a) Application. In order that sign requirements may be

explained in advance, applicants should arrange for a preliminary review meeting with the Building Inspector and City Planner (acting as agent for the City approving agency) prior to making any formal application for an off-premise sign. If a formal application is filed, it shall be accompanied by a filing fee of twenty-five dollars (\$25.00), together with a letter of approval signed by the property owner on whose land the sign will be located. Applications shall be made to the City approving agency, as specified in paragraph (b) below.

(b) Decision. The City approving agency shall be the Planning Board, which shall make the following determinations before approving any off-premise sign.

[1] Alternatives to Off-Premise Signs. Except in cases where off-premise signs are deemed to be in the public interest, the City approving agencies shall require that all practical alternatives be pursued first, before allowing off-premise directional signs. For example:

[a] New Street Sign. If a street sign is missing, unclear, poorly located, or small in area, then the approving agency may require that a new and larger street sign be installed as an alternative, or be installed for a trial period before the request for the off-premise sign is re-submitted.

[b] New On-Premise Signs. If the problem could be solved by a different sign on the premises (rather than off-premises), such as by adding a message board to the freestanding sign, or by increasing the sign area, or by adding the street number to the sign, then the City approving agency may require that the on-premise signs be changed first.

[2] Standards and Demonstration of Need. The approving agency shall base its decision on the following factors: The type of business or the function served, the frequency of visits, the number of people visiting the business, the degree of difficulty in finding the business, the number of other businesses similarly situated in the general vicinity, and any other factors it considers relevant, including alternatives (see paragraph [1] above). The approving agency may require the applicant to produce necessary information to justify the off-premise sign and to enable the approving agency to make a decision serving both the public interest and the private interest of the business and not causing an undesirable precedent. Such information may

include a plan showing the specific location and design of all signs proposed. The approving agency may place any reasonable condition upon the approval of such sign, which shall be further restricted as provided in paragraphs (2) and (3) above.

[3] State Approval. No approval granted by the City for a sign falling under this paragraph shall be valid if said sign is visible from a State or Federal highway, unless approval is granted for said sign by the Outdoor Advertising Bureau of the Massachusetts Department of Public Works, or its successor, in accordance with M.G.L., Ch. 93.

C. PERMANENT ON-PREMISE DIRECTIONAL AND TRAFFIC SAFETY SIGNS - Privately erected directional and traffic signs, including service and delivery signs and signs setting restrictions on the use of parking areas, located on the same lot and subject to the approval of the City department coordinating Site Plan Approval and not exceeding four (4) square feet in area per sign and four (4) feet in height, provided that no more than twenty-five percent (25%) of the sign area shall identify the business establishment. Directional and traffic safety signs which are not visible from the public street or from another lot may be installed in any location and in any size without permit or fee, provided they do not change the type, scale or direction of traffic movement on or off-site, in which case applicants should refer questions on this matter to the City Planner for Site Plan Approval.

D. APPROVED SIGNS - Any sign erected before June 23, 1986 which is included in a special permit or variance issued by the City Council shall be deemed to conform to the provisions hereof until either the expiration date of such special permit or variance or until enlarged, reworded, redesigned, replaced or altered in any way, including repainting in a different color or relettering, except to conform to the requirements of this chapter, and no permit requirement shall exist with respect to such sign until June 23, 1989. Thereafter such sign must conform to the provisions herein or be removed.

E. CHURCHES - One (1) bulletin or announcement board, identification sign or entrance marker for each public street entrance to the premises upon which a church, synagogue, or other religious institution is located, not exceeding twelve (12) square feet in area.

F. WINDOW SIGNS - Permanent window signs shall not require a sign permit, provided that their aggregate display surface covers no more than fifty percent (50%) of the window or door on which they are placed. Temporary window signs may cover no more than seventy-five percent (75%) of the window or door on which they are placed. Temporary window signs promoting a public service or charitable event shall not be calculated in the allowable seventy-five percent (75%). Temporary window signs may be displayed for a

period of time not to exceed fourteen (14) days, and shall be removed within forty-eight (48) hours after the sale, event or reason for the sign has been concluded.

G. CAUTIONARY SIGNS - Privately erected signs not related to traffic, such as "Beware of dog", "Danger" or "No trespassing", provided said cautionary signs do not exceed two (2) square feet in area.

§ 163-7 PROHIBITED SIGNS

The following are prohibited:

- A. A sign which advertises an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. No such sign shall remain in place in or on vacated premises for more than thirty (30) days from the date the vacancy commenced.
- B. OFF-PREMISES SIGNS - A sign advertising businesses, services or activities located at different premises from the premises on which the sign is located, except off-premises signs pursuant to § 163-6A and B and political signs pursuant to § 163-11.
- C. A sign which contains or consists of pennants, ribbons streamers, spinners, other moving devices, strings of light bulbs or other similar devices, banners, balloons and flags with the exception of banners and flags pursuant to § 163-10, and with the exception of temporary lighting for holiday decoration.
- D. An electrically activated sign which has blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, except public service signs showing time and temperature.
- E. A mechanically activated sign, other than rotating barber poles.
- F. A sign illuminated externally by other than a stationary white or off-white steady light.
- G. A sign which is pasted or attached to a utility pole, tree, fence or structure such as an overpass and bridge is prohibited.
- H. A sign pasted or attached to another sign is prohibited unless such subsidiary portions are an integral part of the total sign design.
- I. A sign placed upon a roof except that signs placed upon a mansard roof of buildings that are less than or equal to one and one half (1 1/2) stories are permitted, provided the sign is no higher than the top of said mansard roof.
- J. A Portable Sign, except as follows:

(1) Temporary Real Estate Signs under nine (9) square feet in area in residential districts pursuant to § 163-8.

(2) Yard and Garage Sale Signs in residential districts pursuant to § 163-8F.

(3) Temporary Seasonal Signs pursuant to § 163-10E.

K. A new sign not erected pursuant to and in accordance with the requirements of this chapter or an existing sign not maintained pursuant to and in compliance with this chapter.

L. Any sign which due to its shape, colors and/or words resembles a traffic sign or traffic control device or which in any way creates a hazard to traffic or pedestrians, obscures or confuses traffic controls, or blocks safe sight distances as specified by Ch. 200 Zoning.

M. Any sign which in any way obstructs free entrance or egress from a door, window or fire escape.

§ 163-8 RESIDENCE DISTRICTS

In a residence district, or where a residential use legally exists in a non-residential district, the following signs only are permitted. Such signs may be freestanding signs or flat wall signs.

A. OCCUPANT SIGN

(1) Name and Address. One (1) freestanding sign and one (1) flatwall or nameplate sign of not more than two (2) square feet displaying the street number and/or the name of the occupant of the property.

(2) Home Occupation Sign. The signs permitted in paragraph (1) above may be increased in area to no more than three (3) square feet in order to allow identification of an accessory home occupation as defined in and permitted by Chapter 200 Zoning.

B. TEMPORARY REAL ESTATE SIGN FOR SINGLE FAMILY LOTS

(1) Freestanding Sign. No more than one (1) sign per lot, with an area of no more than four (4) square feet and a height no more than four (4) feet.

(2) Flatwall Sign. No more than one (1) sign, with an area of no more than four (4) square feet.

C. TEMPORARY REAL ESTATE SIGN FOR MULTI-FAMILY DEVELOPMENT OR SUBDIVISION OF MORE THAN ONE (1) LOT

(1) Freestanding Sign. No more than one (1) of the following

signs may be used at any one (1) time:

(a) Either, one (1) temporary freestanding sign, provided that no permanent freestanding sign for the development has been installed on site. (See Sub-section D below.) The sign shall have an area of not more than four (4) square feet for the first lot or dwelling unit, plus a half (1/2) square foot for each additional lot or dwelling unit, up to a maximum of thirty (30) square feet of total sign area for all lots or units. : Or:

(b) Alternatively, one (1) temporary banner on the permanent freestanding sign (if one exists), provided the banner meets all requirements of § 163-10D(7). Or:

(c) Alternatively, one (1) changeable panel under the permanent freestanding sign (if one exists). The panel shall be temporarily attached below the permanent freestanding sign, such that the panel can be independently removed (e.g. on hooks). The panel may have an area no larger than four (4) square feet, or alternatively a larger area equal to no more than two (2) feet multiplied by the width in feet of the permanent sign. No permit or fee is required to install or alter a changeable panel.

(2) Flatwall Sign or Wall Banner. No more than one of the following signs may be used at any one (1) time:

(a) Either, one (1) temporary flatwall (rigid) sign with an area no larger than the area allowed for the temporary freestanding sign permitted under paragraph (1) above. The temporary flatwall sign may continue to be used for an indefinite period provided it is fixed to the exterior wall enclosing vacant space intended for rental or sale. Or:

(b) Alternatively, one (1) temporary wall banner with an area no larger than twice the area allowed for the temporary freestanding sign permitted under paragraph (1) above. The banner must be hung flat against the wall of any building in the complex and shall be displayed on no more than three (3) separate occasions totalling up to ninety (90) days in any year, with a permit for each occasion specifying the starting and ending dates. No banner shall be permitted for the sale or rental of an individually owned unit in a multiple unit residential complex, such as a condominium complex.

D. PERMANENT RESIDENTIAL DEVELOPMENT SIGN - Permanent signs identifying a subdivision or multi-family development are permitted as follows:

(1) Permanent Main Sign.

(a) Number. One (1) sign provided that no temporary freestanding or flatwall signs already exist on site, unless they are first removed.

(b) Location. The permanent sign shall be located near the major public entrance off the street into the multi-family development or subdivision.

(c) Area. Not more than four (4) square feet for the first lot or dwelling unit, plus a half (1/2) square foot for each additional lot or dwelling unit, up to a maximum of thirty (30) square feet of total sign area for all lots or units.

(d) Changeable Sign Panels. The changeable panels described in paragraph C(1)(c) above, may be hung beneath a permanent residential development sign.

(e) Type. The sign may be a freestanding or a flatwall sign, but not both. Alternatively the sign may be attached to a stone wall, retaining wall or other landscaping feature on the lot, provided that such sign and feature, in the opinion of the Planning Board, are an integral component of the landscaping design on the lot.

(2) Permanent Secondary Sign. An additional freestanding sign of one half (1/2) the area of the main sign (allowed by paragraph (1) above) may be located at any secondary driveway entrance situated over one hundred fifty (150) feet away from the main driveway entrance.

E. TEMPORARY YARD AND GARAGE SALES - One (1) freestanding or portable sign of up to nine (9) square feet in area may be installed on a lot at each driveway entrance, provided the sign is displayed no more than one (1) day before the sale and removed no more than one (1) day after the sale.

F. FLAGS AND "OPEN FOR BUSINESS" SIGNS - Promotional flags and "Open-for-business" signs meeting all the requirements of § 163-10.D(1) and (2) may be permitted on a parcel of land containing a multi-family development of over ten (10) units or a subdivision of over ten (10) single family lots, provided there is a sales or rental office open on site.

G. TEMPORARY CONSTRUCTION SIGN - One (1) contractor's sign, not exceeding twelve (12) square feet in area (except as otherwise required by law), maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall be removed promptly after completion of construction.

§ 163-9 NON-RESIDENCE DISTRICTS

The following regulations pertain to signs in Business,

Industrial, Limited Industrial, Commercial and Automotive Districts, and to legally non-conforming businesses located in residence districts, but not to home occupations.

A. GENERAL AND SPECIAL REGULATIONS - The general regulations in the following Sub-sections are applicable to all non-residence uses, except where special regulations are provided. For example, signs for gas stations are provided in § 163-9K, and for the downtown Main Street district in § 163-9L.

B. FLAT WALL SIGNS

(1) Location. A flat wall sign may be located anywhere on any wall of a building occupied by a business establishment, provided the sign shall not conceal any part of a window, that its length shall not exceed seven eighths (7/8) of the facade of the business establishment, and that it does not project beyond or above the top or sides of the wall to which it is attached, nor more than fourteen (14) inches from the face of the wall, unless mounted on a canopy, arcade or awning pursuant to § 163-9B(2) below.

(2) Canopy, Marquee or Awning Sign.

(a) Location. A sign may be located on any face of a canopy, marquee or awning, located on the first floor level only.

(b) Area. The area of a sign on the front face of a canopy, marquee, or awning shall be included within the total allowable area for flatwall signs. Additional area shall be available for signs located on any projecting side or end of a canopy, marquee or awning, provided that this additional area shall be no larger than one (1) square foot for each foot that the canopy, marquee or awning projects out from the face of the building.

(c) Illumination. A canopy, marquee or awning may be back lit.

(3) Calculation of Area.

(a) Basic Area. Unless otherwise hereinafter provided, the total area of all flat wall signs shall not exceed one and one half (1 1/2) square feet for each horizontal linear foot of the facade of the establishment, provided that the aggregate area of all flat wall signs for any one (1) establishment on any one (1) building shall not exceed one hundred (100) square feet, except for bonus area provided in § 163-9B(4) and (5) below.

(b) Number of Signs and Allocation of Area. Any number of separate flatwall signs may be erected on the face of a building, provided they meet all provisions of this Section and do not exceed the aggregate area allowed by

paragraph (a) "Basic Area" above.

(c) Area of Canopy, Marquee or Awning Sign. Refer to paragraph (2) above.

(4) Bonus Area for Multiple Frontage. If the building has frontage on more than one (1) public street, or public entrances on more than one (1) facade, then an additional flat wall sign area of one (1) square foot shall be allowed for each linear foot of such additional facade frontage. Such additional sign area shall appear solely on that side of the building which gives rise to the multiple frontage and shall be used exclusively for the business establishment having its facade on that frontage. In no case shall more than two (2) facades be counted on any one (1) building for the purpose of calculating total allowable sign area, which shall not exceed one hundred fifty (150) square feet per establishment, except for bonus area provided for in § 163-9B(5).

(5) Bonus for Large Buildings. If a single business establishment has over twenty thousand (20,000) square feet on one (1) floor of one (1) building, the area of flat wall signs for that establishment may be increased by an additional ten (10) square feet for each one hundred (100) feet of facade of the establishment and for each one hundred (100) feet the establishment is set back from the public street, provided the total sign area does not exceed two hundred (200) square feet for a single business establishment, provided the flatwall sign faces and can be viewed from the public way, with no obstructing building or other object between the sign and the street.

C. FREESTANDING SIGNS

(1) General.

(a) Height. Except as provided below, a freestanding sign may not exceed fifteen (15) feet in height, plus one (1) foot for each ten (10) square feet of sign area or part thereof, up to a maximum height of thirty (30) feet above ground level to the top of the sign. A sign up to fifty (50) feet in height may be allowed provided it is designed to be viewed solely from an interstate highway.

(b) Sign Setback. A freestanding sign may not extend over a public way.

(c) Building Setback. A freestanding sign may not be erected on a lot unless the building is setback at least thirty (30) feet from the public way, provided that a building setback between ten (10) and thirty (30) feet from the public way shall be restricted to a freestanding sign fifty percent (50%) smaller than otherwise permitted.

(2) Calculation of Area.

(a) Basic Area. Unless otherwise hereinafter provided, the surface area of all freestanding signs, including tenant signs, shall not exceed one half (1/2) square foot for each horizontal linear foot of the facade of the establishment. A maximum of fifty (50) square feet shall be allowed on any freestanding sign, except for the addition of bonus areas allowed in paragraphs (b) and (c) below, and for commercial centers in Sub-section 163-9D.

(b) Bonus area for street number. An additional area shall be provided for the street number which shall be included on the face of the sign in a prominent location at the top of the sign, utilizing the bonus area of one (1) square foot for each ten (10) square feet of sign area, with a minimum bonus area of four (4) square feet and a maximum additional area of ten (10) square feet on one (1) freestanding sign.

(c) Bonus area for message board. An additional area shall be provided for a message board, provided it is installed as an integral part of the freestanding sign and complies with all requirements of § 163-10D(4), "Message Board Signs". The bonus area shall be a thirty-three percent (33%) increase in the basic area allowed by paragraph (a) above, with a minimum bonus of not less than fifteen (15) square feet and a maximum bonus of fifty (50) square feet. This bonus shall be applied only once for one (1) message board on each freestanding sign considered as a whole. If there are several sign panels for separate businesses, all on the same freestanding sign, then the owner or manager of the complex shall be responsible for allocating the use of the one (1) message board between the several tenants.

(3) Number of Signs.

(a) Main Sign. One (1) freestanding sign shall be permitted on each non-residential zoned parcel with frontage on a public way and having its own vehicular entrance off the public way into its own parking lot.

(b) Secondary Signs. Subject to prior conformance with requirements of paragraphs [4] and [5] below, the following secondary signs shall be permitted.

[1] Secondary Signs for Multiple Street Entrances. A parcel with driveway entrances spaced more than two hundred fifty (250) feet apart off a public way may have a secondary sign at each such secondary entrance, which sign shall not exceed twenty-five (25) square feet in area, except in commercial centers. See paragraphs [4] and [5] below."

[2] Secondary Sign for Multiple Buildings. A complex of buildings, (such as a large shopping plaza), located on one or more lots under unified ownership or control and containing multiple business tenants, may have secondary freestanding signs as follows:

[a] Number. One (1) secondary sign for each isolated building in the complex, where the isolated building meets the following requirements:

The isolated building must contain over one thousand (1,000) square feet of usable interior floor space, be physically isolated from any other building in the complex by a distance of over fifty (50) feet, be located within one hundred fifty (150) feet of the public street, have no other building or freestanding sign between the isolated building and the public street, and be situated (or capable of being situated on) its own lot conforming to Chapter 200 Zoning and M.G.L. Ch. 41.

[b] Use. The content of the secondary sign must be associated solely with the business conducted within the isolated building, and the content of the main sign serving the complex shall contain no reference to the business conducted in the isolated building.

[c] Area. The area of the secondary sign shall be calculated based upon the facade length of the isolated building, in accordance with § 163-9C(2), up to a maximum of fifty (50) square feet. This facade shall not be counted in calculating the area of the main sign.

[d] Location. The secondary sign shall be situated within a landscaped area of at least one hundred (100) square feet, in front of the isolated building. See paragraphs [4] and [5] below.

[3] Secondary sign for parcels with multiple or long frontage. A lot, or abutting lots under unified ownership, may have one (1) secondary freestanding sign for each two hundred fifty (250) linear feet of street frontage or part thereof, provided the area of the secondary sign shall not exceed fifty (50) square feet, and also provided the content of the secondary sign shall not repeat

the content of the main sign or of any other secondary sign. See paragraphs [4] and [5] below.

[4] Separation and duplication of secondary signs. In no case shall any secondary sign be permitted if any sign on the lot is non-conforming. In no case shall any freestanding sign be located closer than one hundred (100) feet to any other freestanding sign in the same complex lot, whether the sign is a main or secondary sign. In addition, the area of all freestanding signs combined shall not exceed the total area allowed by § 163-9C(2), calculated on the basis of one half (1/2) square foot for each horizontal linear foot of the facade of all applicable buildings on the lot.

[5] Landscaping and other site features. Secondary freestanding signs are considered a bonus provision which shall require certain improvements on site in return for receiving the bonus. Accordingly, no secondary freestanding signs described above shall be permitted unless the site meets landscaping and screening requirements of Chapter 200 Zoning to the maximum practical extent, specifically including the following:

[a] Provision of a fifteen (15) foot wide landscape strip along the street frontage, outside of the street right-of-way. This may be reduced to a minimum of ten (10) feet if there are serious practical difficulties on site.

[b] Landscaping shall be protected by six (6) inch vertical curbing in heavily travelled areas, and the landscaping and curbing shall be properly maintained thereafter.

[c] Curb openings to the street are to be a maximum of thirty (30) feet wide.

[d] All junk/storage areas must be screened.

(4) Minimum Frontage. No sign larger than twenty-five (25) square feet in area shall be placed along any public street frontage of less than sixty (60) feet.

D. COMMERCIAL CENTERS - In Commercial Centers, as defined in this chapter, all the provisions of § 163-9 shall apply, except that:

(1) Bonus freestanding sign area for Commercial Centers.

(a) Main sign. The basic area of the main freestanding sign (including the area for all tenant panels on the

main sign), allowed under § 163-9C(2)(a), may be increased up to a maximum of one hundred (100) square feet in a Commercial Center or two hundred (200) square feet in a Large Commercial Center, plus any bonus area allowed under § 163-9C(2)(b) and (c) for including the street number and message board.

(b) Secondary signs. The freestanding signs at secondary entrances allowed under § 163-9C(3)(b)[1] may be increased in area up to a maximum of fifty (50) square feet per sign in a Commercial Center and one hundred (100) square feet per sign in a Large Commercial Center. The total surface area of all freestanding signs (including the main sign and all secondary signs) shall be calculated on the same basis as provided in § 163-9C(2), which is one-half (1/2) square feet for each horizontal linear foot of the facade of all establishments at the ground level. It is not the intention of this chapter that every tenant in Large Commercial Centers be identified on the freestanding signs permitted.

(2) Reserved.

(3) Flat Wall Signs. See § 163-9B for special provisions for larger buildings.

(4) Canopy Signs. Signs in addition to the above listed signs may be suspended under a pedestrian canopy or arcade located entirely over private property and attached to the front of a Commercial Center, provided the sign face is perpendicular to the facade of the building under the canopy is setback at least six (6) feet from the front of the canopy, and also provided the surface area of each sign shall be no greater than six (6) square feet and there shall be no more than one (1) sign per business establishment fronting on the canopy. The minimum clearance between such sign and the sidewalk below shall be eight (8) feet.

(5) Alterations to Non-Conforming Freestanding Signs. When a freestanding sign in a Commercial Center or any parcel with multiple tenants does not conform to this chapter, any sign alteration for a tenant who has a sign on part of the freestanding sign shall be handled in the following manner: Either the entire freestanding sign, including all tenant's signs, shall be made to comply immediately, according to § 163-3G(3) of this chapter, or a replacement may be made for only one (1) tenant's sign, as provided below, except that the new tenant's sign shall not be larger than its pro rata share of the total allowable sign area for the entire Commercial Center. The pro rata share shall be determined on the basis of the total ground floor area of the one (1) tenant establishment in the center as a percentage of the total ground floor area of all establishments in the center. No more than one (1) tenant's sign shall be replaced in the

mentioned manner after June 23, 1986, after which any further alteration shall require the entire sign to be brought into conformity in accordance with § 163-3G(3).

E. INDUSTRIAL AND LIMITED INDUSTRIAL PARKS

(1) Name of Industrial Park. In an industrial or limited industrial park of more than ten (10) acres the same restrictions on freestanding signs shall apply except that a park sign not to exceed one hundred (100) square feet in area may be placed at each public street entrance to such park, provided that such sign area may be increased by one (1) square foot for each additional acre the park exceeds ten (10) acres in size, up to a maximum of one hundred fifty (150) square feet per sign. An additional park sign fifty percent (50%) larger than the aforementioned maximum allowable dimensions shall be permitted within the park adjacent to interstate highways, provided the interstate highway abuts the park, the sign is more than two hundred (200) feet from any local street or highway, and the sign is placed to be viewed solely from the interstate highway. These provisions are intended solely for the industrial park and not for individual industries in a park.

(2) Directory Sign. A directory sign for businesses located within an industrial park, subject to approval as provided below, may be located at suitable points within the industrial park and may provide a sign area of up to five (5) square feet for the name of each business having its own premises within the park, plus additional twenty-five (25) square foot area for a map showing the layout of the park, up to a maximum total area of two hundred (200) square feet on the sign. For purposes of approval, such sign shall be treated as an off-premise directional sign under § 163-6B, requiring special approval.

F. UNIMPROVED PROPERTY - One (1) freestanding sign shall be allowed for legally permissible business conducted on an unimproved lot, where the lot has no driveway entrance off the street into the lot and where there are no buildings on the lot, provided the sign shall not exceed one (1) square foot per linear foot of frontage, up to a maximum of fifty (50) square feet, per lot.

G. TEMPORARY REAL ESTATE SIGNS FOR NON-RESIDENTIAL - Signs pertaining to the lease or sale of a lot or building, or space within a building, shall be allowed as follows:

(1) Freestanding Sign. No more than one (1) of the following may be used at any one time:

(a) Either, one (1) temporary freestanding sign, of no more than twenty-five (25) square feet, provided that the sign may be displayed only until such time as the lot or building has been rented or sold, but in no event more than one (1) year after any permanent freestanding sign

for the lot or building has been installed on site, unless the entire property is to be sold or is available for lease, or unless a variance for an extension of time is granted. (Other types of temporary real estate signs may continue to be used, as provided below). Or:

(b) Alternatively, one (1) temporary banner on the permanent freestanding sign (if one exists), provided the banner meets all requirements of § 163-10D(7). Or:

(c) Alternatively, one (1) changeable panel on the permanent freestanding sign (if one exists) as follows:

[1] Location of panel on face of main freestanding sign. Where a business rental unit is vacant and one (1) or more sign panels for each tenant exist on a permanent freestanding sign on the lot, then a temporary panel (with the words "for rent", "vacancy", "available" or similar) may be placed so that it covers a tenant panel, provided the temporary panel shall not be larger than the tenant panel behind.

[2] Location of panel underneath main freestanding sign. No more than one (1) changeable panel shall be temporarily attached below the permanent freestanding sign, such that the panel can be independently removed (e.g. on hooks). The panel may have an area no larger than four (4) square feet, or alternatively a larger area equal to no more than two (2) feet multiplied by the width in feet of the permanent sign. No permit or fee is required to install or alter a changeable panel.

(2) Flatwall Sign or Wall Banner. No more than one (1) of the following may be used at any one time:

(a) Either, one (1) temporary flatwall (rigid) sign of no more than twenty-five (25) square feet. The temporary flatwall sign may continue to be used for an indefinite period provided it is fixed to the exterior wall enclosing vacant space intended for rental or sale. Or:

(b) Alternatively, one (1) temporary wall banner as allowed by § 163-10D(6).

H. TEMPORARY CONSTRUCTION SIGNS

(1) New Construction. One contractor's sign, not exceeding thirty-two (32) square feet in area (except as otherwise required by law) maintained on the property while construction is in progress and containing information relevant to the project. Such sign shall be removed promptly after completion of construction. Such sign may be a freestanding or a flat wall sign.

(2) Remodeling. One (1) sign of fifteen (15) square feet, with the same restrictions as for paragraph (1) above.

I. DIRECTIONAL SIGNS - Directional signs are permitted by this chapter in § 163-6.

J. BUILDING OCCUPANT INDEX SIGNS - One (1) sign (freestanding or flat wall) shall be permitted at each common doorway entrance to a building containing several business establishments which do not have separate entrances for their own exclusive use. Such sign shall not exceed an area determined on the basis of one (1) square foot for each establishment occupying the building and shall be located within ten (10) feet of the doorway entrance.

K. GASOLINE STATION SIGNS

(1) Applicability. The following special provisions shall be applicable solely to lots where the primary use is the retail sale of gasoline.

(2) Freestanding Sign. (For gasoline stations only.)

(a) Number. No more than one (1) freestanding sign shall be permitted on the lot. No additional sign shall be allowed for multiple frontage or driveways or buildings on the lot.

(b) Area.

[1] Base Area: Except as provided below, the maximum base area for a freestanding sign shall be one (1) square foot for each foot of facade length, for all panels on the sign, provided certain landscape and other site features are provided on site as specified in paragraph (5) "Landscaping and Other Site Features", below. The length of the "facade" for purposes of calculating allowable sign area for gasoline stations only shall be measured as follows: If a roof canopy is provided over the pumps, measure either two-thirds the canopy length as the "facade" length, or the full length of the enclosed building as the facade length, but not both.

[2] Bonus area: Additional sign area may be used if the following additional services are provided on the same lot, provided that the total sign area, including bonus areas, shall not exceed one hundred (100) square feet, for all panels on the one (1) freestanding sign.

[a] Ten (10) square feet for "auto care" or "maintenance" or "repairs" or "mechanic".

[b] Ten (10) square feet for "diesel" fuel.

[c] Ten (10) square feet for "car wash".

[d] Ten (10) square feet for "Food Mart" or equivalent convenience store, if a minimum of three hundred (300) square feet is allocated solely to this use.

[e] Five (5) square feet for "Mass. Inspection" sign (standard sign).

[3] Allocation of Sign Area to Price and Brand: At least one-third (1/3) of the total allowable sign area must be used for gas prices and one-third (1/3) for brand name or symbol. If the sign area is not so used, then the area shall be reduced accordingly by one-third (1/3).

[4] Measurement of Sign Area: The area of freestanding signs for gas stations shall be measured as the smallest rectangle covering all panels on the one (1) sign pole, as is required for all other freestanding signs by § 163-2.

(d) Height of Freestanding Sign: See § 163-9C(1).

(3) Flatwall Signs. (For gasoline stations only).

(a) Number: Any number of flatwall signs can be placed on the building walls, as provided for by § 163-9B(1), or on the canopy face.

(b) Area: The maximum sign area shall be one and a half (1 1/2) square feet for each linear foot of facade, up to a maximum of one hundred (100) square feet total for all flatwall signs. The facade length shall be measured in the same manner as for the freestanding signs in paragraph (2) above.

(4) Other Signs for Gas Stations only. The following signs may be installed in addition to the freestanding and flatwall signs allowed in gas stations by paragraphs (a) and (b) above.

(a) Official Massachusetts Inspection Station Sign. The official Mass. Inspection sign can be attached to a freestanding sign pole provided the sign is no larger than four (4) square feet, or it can be placed in a window, or door, or on a wall of the station building or near the pumps under a canopy. (No sign permit is needed.)

(b) Official Warning Signs under four (4) square feet. (No sign permit is needed.)

(c) Traffic Directional Signs (in, out, etc.) if under four (4) square feet and they contain no advertising and

no name or symbol of station or gasoline. (A sign permit is required. See § 163-6.)

(d) Instructions for Car Wash, if placed flat on wall of building and if under four (4) square feet. (No sign permit is needed.)

(e) Advertising Signs under four (4) square feet placed on or directly above the gasoline pumps, provided there is no more than one (1) sign per pump. (No sign permit is needed.)

(f) Temporary Promotional Signs. See § 163-10 for additional signs permitted at gasoline stations, including open-for-business signs, window signs, message boards, changeable wall panel signs, and banners.

(5) Landscaping and Other Site Features. The special formula in paragraph (1) (b) [1] above for calculating freestanding sign area, which results in a larger sign area for gasoline stations than permitted for other commercial uses, shall not be applicable to a gasoline station site unless it meets landscaping and screening requirements of Ch. 200 Zoning to the maximum practical extent, specifically including the following:

(a) Provision of a fifteen (15) foot wide landscape strip along the street frontage, outside of the street right-of-way. This may be reduced to a minimum of ten (10) feet if there are serious practical difficulties on site.

(b) Landscaping shall be protected by six (6) inch vertical curbing, and the landscaping and curbing shall be properly maintained thereafter.

(c) Curb openings to the street shall be a maximum of thirty (30) feet wide.

(d) All junk/storage areas must be screened.

(6) Prohibited Signs. All signs prohibited by this chapter under § 163-7 shall also be prohibited at gas stations.

L. DOWNTOWN MAIN STREET DISTRICT

(1) Applicability. The special provisions in this section shall be applicable solely to the following: Buildings having frontage on Main Street between Maple Street and Mechanic Street. This block has unique conditions, with most buildings located at the sidewalk edge.

(2) General Regulations. All provisions in other sections of this chapter applicable to Non-Residence Districts shall also be applicable in the Downtown Main Street District.

(3) Special Regulations. Within the Downtown Main Street District the following special regulations shall apply:

(a) Projecting Signs.

[1] Buildings Where Permitted. A projecting sign shall not be permitted if the building facade is setback more than ten (10) feet from the front lot line (edge of the right-of-way), or if there is a freestanding sign on the lot, or if there is a flatwall sign on both sides of the building.

[2] Number. No more than one (1) projecting sign shall be permitted for each business establishment located at the ground floor level, provided that in cases where there are several businesses occupying the same building or otherwise abutting one another, there shall be no more than one (1) projecting sign for each twenty (20) linear feet of building facade length.

[3] Area. The area of a projecting sign shall not exceed a half (1/2) square foot for each horizontal linear foot of the facade of the establishment, up to a maximum of twenty-five (25) square feet.

[4] Projection. A projecting sign shall not project more than four (4) feet from the face of the wall.

[5] Height. A projecting sign may only be located on the wall of the ground floor and up to three (3) feet above the ceiling of the ground floor but not above the window sills of the story above the ground floor.

[6] Clearance. A projecting sign shall maintain a minimum clearance of ten (10) feet above a walkway or sidewalk, or fourteen (14) feet above a vehicular driveway.

[7] Obstructions over a Public Way. Special requirements apply to signs or other obstructions projecting over a public way. Refer to § 163-3B(3).

[8] Construction. No exposed turnbuckles or guy wires are allowed on a projecting sign.

§ 163-10 TEMPORARY PROMOTIONAL SIGNS

A. PURPOSE. The purpose of this Section shall be to allow businesses to use exterior signs to advertize occasional promotions, events, activities or celebrations which last for a

temporary period of time. Such events shall include but not be limited to the following: the grand opening of a business, sale of merchandize, or special promotion activity.

B. APPLICABILITY.

(1) On-Premises Activity. Temporary promotional signs must be associated with an activity conducted on the same lot. For off-premises signs, refer to § 163-6D.

(2) Temporary Activity. Temporary signs are signs that indicate occasional events. They shall be removed upon the conclusion of the event, unless a different removal time limit is specified for a particular sign. Temporary signs shall not be used by a particular business so frequently, in the opinion of the Building Inspector, that they can be considered to be in a "permanent" sign category.

(3) Use and Zoning Districts. Temporary promotional signs shall be restricted to use by those business establishments defined in the paragraph below which are located in non-residential zoning districts, and to legally non-conforming business establishments located in residential districts.

(a) Business Uses. Retail businesses, services, restaurants and hotels, but not manufacturing, wholesale or other industrial type businesses. Temporary promotional signs may be used to advertise the sale or rental of commercial real estate, provided he sign is located on the same lot.

(b) Residential Uses. Refer to § 163-8. Temporary promotional signs shall not be permitted for home occupations (as defined by Chapter 200, Zoning) within residential districts.

C. SIZE OF TEMPORARY PROMOTIONAL SIGNS - Except as otherwise provided below, the areas provided for temporary promotional signs in this Section shall be in addition to the sign areas allowed by § 163-9.

D. TYPES OF TEMPORARY PROMOTIONAL SIGNS - A business establishment shall have the option of using several types of temporary promotional signs as described below. These options have been selected with the intention of allowing only those types of temporary promotional signs which will serve the purpose intended, without causing a cluttered and unsightly appearance to public streets. Accordingly, additional freestanding signs or portable signs placed on or in the ground near the street (such as sandwich board signs or A-frame signs or similar), shall not be allowed. Such signs if used in excess would be counter-productive to commercial advertising, make it more difficult to see traffic safety and directional signs, and reduce property values. The allowable types of temporary promotional signs shall be limited to the following:

(1) Open for business signs.

(a) "Open" Signs on the Exterior. One (1) sign per business, specifying "open", hung on the exterior of the facade, provided the sign is no larger than two (2) square feet in area.

(b) "Open" Signs on the Interior. Any number of signs provided their combined area meets the requirements for "Window Signs" specified in paragraph (3) below.

(c) "Open" Flags. One flag of any design intended to signify that the establishment is open for business, provided the flag is no larger than six (6) square feet in area, is hung from a pole attached to and projecting from the side of the building facade, is located within six (6) feet of the entry door leading solely to that business, but not above the roof, and is removed at the close of business.

(d) Permit and Fee. None required.

(2) Promotional Flags and Similar Devices.

(a) Flag on Conventional Flag Pole permanently installed on site.

[1] Number. One (1) promotional flag for each freestanding sign allowed on a lot by § 163-9C. (Any number of national or governmental flags may be displayed on any premises. Any number of promotional flags of any design may be displayed on a lot provided however the display is not visible from any public street or from any other lot).

[2] Area. The maximum area of the flag shall be thirty (30) square feet.

[3] Height. The flag shall be hung from a pole not more than twenty (20) feet high.

[4] Location. The flag pole must be located within a landscaped and planted area no smaller than one hundred (100) square feet. The pole shall be at least five (5) feet from the lot line and from any driveway, and at least fifty (50) feet from the nearest freestanding sign serving the same lot.

[5] Permit and Fee. None required.

(b) Flags on Cars which are for sale.

[1] Flags on Car Antenna. One U.S. flag no larger than one (1) square foot in area and two (2) feet

in height, may be attached to the antenna of each car which is currently for-sale and located on the premises, of a properly licensed dealer. No wind operated moving devices or balloons shall be used in addition to or in place of the flag or pennant authorized herein, nor shall any string of pennants be displayed.

[2] Sign on Car Windows. Any message may be displayed flat over a window of a car for-sale, provided the message is painted, sprayed or otherwise affixed evenly flat over the surface of the glass, inside or outside. The sign may cover one hundred percent (100%) of the window. Portable signs shall not be placed on the cars.

(c) Pennants, Balloons and Similar Devices. Pennants, balloons and similar devices may be used solely for temporary holiday decorations customarily associated with any national, local or religious holiday, and not for advertising purposes or to attract attention to a business.

(3) Window signs.

(a) Use. A window sign, defined as a sign placed inside a window or transparent door of a building so as to be viewed from the exterior, may be used either for permanent signage (such as the name of the establishment), or for advertising temporary events or promotions.

(b) Number. Any number of window signs are allowed.

(c) Area. The total area of all window signs shall cover no more than seventy-five per cent (75%) of the window or transparent door on which they are placed. (Signs in a car window may cover one hundred percent (100%) of the window.)

(d) Illumination: Window signs may be illuminated, provided they are not in violation of the provisions in § 163-7 prohibited signs, where flashing or moving lights are prohibited.

(e) Permit and Fee. None required.

(4) Message board signs.

(a) Use of Message Boards. Temporary promotions may be advertised on message boards which allow for changing the individual lettering on the sign, either mechanically or electronically. Message boards are intended to provide a business which constantly needs to change its advertising or pricing with the means necessary. An

example is the changeable price panel on a gas station sign. The use of changeable message boards shall be restricted to advertising special or temporary offers or events, except that public service messages may be allowed. A message board shall not be used to increase the area of permanent signage, as allowed by § 163-9, which is intended for the name of the business.

(b) Location and Number of Message Boards. Message boards may be used provided they are installed as an integral part of either the permanent freestanding sign allowed by § 163-9C, or the changeable wall panel sign allowed by § 163-10D(5). No other separate or portable message board of any kind shall be permitted.

(c) Area of Message Boards.

[1] Base Area. The area of message boards shall be included within the total allowable sign area provided for either freestanding signs in § 163-9(c)(2), or changeable wall panel signs in § 163-10D(5).

[2] Bonus Area. As a incentive to encourage integration of message boards into other signs as noted above, a bonus area shall be provided as follows:

[a] Freestanding Signs: Refer to § 163-9C(2).

[b] Changeable Wall Panel Sign. A bonus of thirty-three percent (33%) of any one panel permitted on a building by § 163-10D(5).

(d) Frequency of Changes to Lettering. The individual letters or numbers on a message board may not be changed more than once an hour. In addition, the message board shall be in compliance with § 163-7 of this chapter, "Prohibited Signs", which prohibits flashing or moving lights.

(e) Maintenance of Message Boards. Since message boards may have many individual replaceable parts, they are subject to more frequent damage or loss of parts (including letter and numbers). All message boards shall be kept in good repair or may be order removed.

(f) Permit and Fee.

[1] Permit. A permit is required only for the initial installation of the message board.

[2] Fee. Refer to § 163-3E.

(5) Changeable Wall Panel Signs.

(a) Use of Wall Panels. A changeable wall panel sign is intended to provide a business with the option of using framed advertising panels on the building facade, such that the panel inserts can be replaced or altered within the frame at any time. A typical example is the small poster or bulletin board near the entrance to a movie theater. The use of changeable wall panels shall be restricted to advertising special or temporary offers or events. Changeable wall panels shall not be used to increase the area of permanent flatwall signage, as allowed by § 163-9B, which is intended for the name of the establishment.

(b) Number of Wall Panels.

[1] Each business establishment shall be allowed one (1) changeable wall panel for each fifty (50) linear feet, or part thereof, of facade of the establishment located on the first floor of the building, but no more than two (2) panels in total.

[2] Distribution. If more than one (1) changeable wall panel sign is allowed for any one (1) business by the provisions of the paragraph above, then the panels must be kept distinct and shall not be combined into a larger panel.

(c) Area and Shape of Changeable Wall Panel.

[1] Area. A changeable wall panel shall be not more than ten (10) square feet in area.

[2] Shape. A changeable wall panel shall be rectangular, and one side shall be no more than twice the length of the other side.

(d) Location of Changeable Wall Panel.

[1] Location on Wall. A changeable wall panel sign must be attached so that it lies flat against (parallel to) an exterior wall enclosing a business establishment, and shall not be attached to a fence, pole or any other structure. The sign shall not conceal any part of a window or door (other than a window or door not in regular use), it shall not project beyond or above the top or sides of the wall to which it is attached nor more than three (3) inches from the face of the wall, and it shall be located on the wall of the first floor and at least three (3) feet away from and below any flatwall sign mounted on the same wall.

[2] Location on Same Business Establishment. The changeable wall panel for any business must be located on a wall enclosing the same establishment, except as provided in paragraph [3] below.

[3] Location on End Wall of Another Business. If a business establishment is a tenant located within a building containing several other businesses, and the facade of the particular business establishment is not visible from the street, then the changeable wall panel for the business which is not visible from the street may be located over the facade or exterior (end) wall of a business in the same building which is visible from the street, provided the following additional restrictions are met:

[a] Number. No more than one (1) changeable wall panel for any business establishment shall be displayed on the wall of another establishment. In addition, there shall be no more than two (2) panels on any wall: one (1) panel for the business enclosed by the wall, and the other panel for all other businesses in the same building.

[b] Use. The use of such a changeable wall panel shall be restricted to those businesses located within the same building. If there are several business establishments in the same building, then the landlord must determine which business can make use of the one (1) changeable panel sign, and for how long, such that the panel is shared by all businesses.

[c] Owners Permission. The landlord or property owner shall approve the placement of the changeable wall panel being displayed in this manner. Such approval shall be in writing on the permit application.

(e) Sign Structure.

[1] Frame. The sign shall have a rigid rectangular frame fixed permanently to the wall, within which panels can be inserted.

[2] Panels. The panel inserts shall be rigid and shall not be banners or similar.

(f) Illumination. The sign may be internally illuminated, but shall not flutter or flash.

(g) Time Periods. No restriction, except for use. See paragraph (a) above.

(h) Permit and Fee.

[1] Permit. A sign permit shall be required for the initial installation of the frame for the changeable wall panel sign, but thereafter the panels or advertising messages within the frame can be changed or altered at any time without permit or fee.

[2] Fee. Refer to § 163-3C.

(6) Temporary Wall Banners.

(a) Use of Banners. A temporary wall banner is intended to provide a business with the option of using a relatively large banner, as described below, when a smaller wall panel allowed under paragraph (5) above is not suitable for a special promotion. The use of temporary wall banners shall be restricted to advertising special or temporary offers or events. Temporary wall banners shall not be used to increase the area of permanent flatwall signage, as allowed by § 163-9B, which is intended for the name of the establishment.

(b) Number of Wall Banners. The maximum number of temporary wall banners displayed at any one time, for any one business establishment, shall be as described below.

[1] Select Option. No wall banner may be used if a banner on the freestanding sign is used instead. Refer to paragraph (7) below for regulations pertaining to banners on freestanding signs.

[2] Non-residential lot with Single Frontage. For buildings on a lot having frontage on only one (1) public street: one (1) wall banner.

[3] Non-residential lot with Multiple Frontage. For buildings on a lot having frontage on more than one (1) public street: one (1) wall banner facing each street, provided the aggregate area of all temporary wall banners shall not exceed the area allowed under Paragraph (c) below.

(c) Area of Wall Banners. The following sign area shall be allowed per individual business establishment for temporary wall banners:

[1] Basic Area of Wall Banners. One (1) square foot for each horizontal linear foot of the facade of the establishment, up to a maximum of fifty (50) square feet, except for the bonus area provided for in paragraphs [2] and [3] below.

[2] Bonus Area for Wall Banners on buildings with

multiple frontage. If the building has frontage on more than one (1) public street, or public entrances on more than one (1) facade, then an additional area for temporary wall banners shall be allowed equal to a half (1/2) square foot for each linear foot of such additional building frontage, with the following restrictions:

[a] The additional banner area shall appear solely on that side of the building which gives rise to the multiple frontage.

[b] The additional banner area shall be used exclusively for the business establishment having its facade or wall along that frontage.

[c] In no case shall more than two (2) facades be counted on any one (1) building for the purpose of calculating total allowable banner area on all facades, which shall not exceed one hundred (100) square feet per establishment.

[3] Bonus Area for Banners on buildings having large size or setback. If a single business establishment has over twenty thousand (20,000) square feet on one (1) floor of one (1) building, the area of temporary wall banner signs for that establishment may be increased by an additional ten (10) square feet for each one hundred (100) feet of the facade and for each one hundred (100) feet that the establishment is set back from the public street, provided that:

[a] The total area of temporary wall banner signs shall not exceed one hundred fifty (150) square feet for a single business establishment,

[b] The bonus area shall not be used on any banner located on a wall not belonging to the business served by the banner, as provided for under paragraph (d) [2] below.

(d) Location of Wall Banners.

[1] Location on Wall. A wall banner must be attached so that it lies flat against (parallel to) the face of an exterior wall enclosing a business establishment, and shall not be attached to a fence, pole or any other structure except as provided by Sub-section (7) below. The banner shall not project beyond or above the top or sides of the wall to which it is attached, and shall not extend more than twenty (20) feet from the ground

to the top of the banner. The banner may be placed over a window, or over a door which is not in regular use and which is not required for emergency exit, or within the opening of a door as described above, or between columns which are an integral part of the building such as on an arcade or portal.

[2] Location on Same Business Establishment. The banner for any business must be located on a wall enclosing the same establishment, except as provided in paragraph [3] below.

[3] Location on End Wall of Another Business. If a business establishment is a tenant located within a building containing several other businesses, and the facade of the particular business establishment is not visible from the street, then the banner for the business which is not visible from the street may be located over the facade or exterior (end) wall of a business in the same building which is visible from the street, provided the following additional restrictions are met:

[a] Number. No more than one (1) banner shall be displayed at any one (1) time on any wall.

[b] Use. The display of a banner on the wall of another business establishment shall be restricted to those businesses located within the same building. If there are several business establishments in the same building, then the landlord must determine which business can display the one (1) banner allowed and for how long, with no more display time per business than allowed by paragraph (g) below.

[c] Owner's Permission. The landlord or property owner shall approve the banner being displayed in this manner. Such approval shall be in writing on the permit application.

[d] Area. The area of a banner for any business displayed on the wall of another business shall be limited to the basic area allowed under paragraph (c) [1] above, but with no bonus area described in paragraphs (c) [2] and [3] above.

[4] Location of Banners on Freestanding Signs. Special restrictions apply. Refer to Sub-section (7) below.

(e) Construction of Banners.

[1] Materials. It is the intention of this section that temporary wall banners shall be easily distinguishable from permanent signs and from changeable wall panels. Accordingly, temporary wall banners must be constructed of flexible, lightweight, non-framed materials.

[2] Method of Attachment: The banner shall be securely attached at all corners and sides of the banner to the structure behind. A banner shall not hang loose from one (1) side only. The method of attachment to the facade shall require minimal alterations to the facade, such that when the banner has been removed there shall be minimal indication of supports when viewed from the street.

[3] Compliance with § 163-4. The banners shall be in compliance with § 163-4 of this chapter governing construction and maintenance.

(f) Illumination. The banner shall have no self contained illumination but may be illuminated by light sources in compliance with § 163-7 of this chapter governing prohibited signs.

(g) Time Periods for Display of Banners. The time periods governing the display of temporary banners by or for any business establishment shall be as follows:

[1] Total Display Time. The banners used for all events shall be displayed for not more than ninety (90) days in total in any calendar year.

[2] Number of Events. The banners shall be displayed for no more than three (3) separate promotional events per business per year.

[3] Continuity of Display. Provided the banners are not displayed for more than the periods of time allowed under paragraphs [1] and [2] above, the business is free to allocate their available display time as they deem fit.

(h) Removal of Banners After Use. The banner shall be removed from public view by those responsible for its erection within forty-eight (48) hours after the activity advertised has ceased, or after the total allowable time period has ceased, or after substantial damage to the banner, whichever occurs first.

(i) Sign Permit and Fee for Banners.

[1] Permit. Every banner shall require a sign

permit and every permit issued under this section shall state the starting and ending date for the period within which the temporary promotional banner may be displayed, and shall be acknowledged by the applicant.

[2] Fee. Refer to § 163-6C.

(7) Temporary Banners on Freestanding Sign.

(a) Use of Banners on Freestanding Signs. A temporary banner on a freestanding sign is intended to provide a business with the option of using a small banner on the freestanding sign, instead of using a large banner on the wall of the building as allowed by paragraph (6), instead of using a changeable wall panel as allowed by paragraph (5) and instead of using a message board on the freestanding sign as allowed by paragraph (4). The same restrictions on use shall apply as in paragraph (6) (a), applicable to use of wall banners.

(b) Number of Banners on Freestanding Signs.

[1] Select Option. No banner shall be used on a freestanding sign if either a wall banner is in use, or if a message board is mounted on the freestanding sign, or if a changeable panel is mounted below the freestanding sign, because these signs can serve the same purpose.

[2] Only one (1) Temporary Banner may be displayed on any one (1) freestanding sign at any one (1) time. If there are several business establishments in the same building or in the complex of buildings on the same lot, then the landlord must determine which business can display the one (1) banner allowed, with no more display time per business than allowed by paragraph (g) below. The banner may be used to advertise a temporary promotion, or it may be used as a temporary real estate sign, but not both.

(c) Location of Banner or Freestanding Sign. The banner must be attached at all corners either flat against and over the face of the sign, or between the two (2) poles supporting a sign. No banner shall be attached below a sign which does not have two (2) supporting poles.

(d) Area of Banner or Freestanding Sign.

[1] Banner over Face of Sign. The banner may cover any amount of the existing sign face, but may not extend beyond any edges of the sign or frame, or

[2] Banner Below Sign. The banner may be supported below a sign only in cases where the sign has two (2) poles such that a banner can be attached between the poles. If this is the case, then the banner shall be no larger than six (6) square feet, or two (2) feet multiplied by the width in feet of the permanent sign frame.

(e) Construction of Banner. Same as for wall banners. Refer to § 163-(6)(e).

(f) Illumination. Same as for wall banners. Refer to § 163-(6)(f).

(g) Time Periods for Display. Same as for wall banners. Refer to § 163-(6)(g).

(h) Removal. Same as for wall banners. Refer to § 163-(6)(h).

(i) Sign Permit and Fee. Same as for wall banners. Refer to § 163-(6)(i).

E. SEASONAL SIGNS

(1) Applicability. Signs for activities occurring only during a certain season of the year shall comply with all provisions of this chapter. The following signs shall be permitted:

(a) Signs for Christmas Tree Sales. One (1) additional freestanding sign of no more than thirty-two (32) square feet displayed during the month of December.

(b) Agricultural Produce. One (1) freestanding sign of up to thirty-two (32) square feet, located on the premises where the produce is grown, displayed only during the harvest season.

F. SIGNS ON VEHICLES - For the purposes of this Sign Ordinance, a "trailer" or a "vehicle" shall be considered and regulated as a sign when such trailer or vehicle is not engaged in the usual business or work of the owner or lessee but is used merely or mainly for advertising purposes.

G. MAJOR PUBLIC SPECIAL EVENTS - Refer to § 163-6A.

H. OTHER PROVISIONS - Unless provided for specifically otherwise, all provisions of other sections of this chapter shall apply to Temporary Promotional Signs.

163-11 POLITICAL OR CAMPAIGN SIGNS

Political or campaign signs on behalf of candidates for public

office or issues or measure on election ballots are exempt from this chapter, provided that said signs comply with the following regulations:

- A. A candidate in an election may place a sign or have a sign placed in his or her behalf no earlier than sixty (60) days prior to the first election in which said candidate's name will appear on the ballot. Signs shall be removed within five (5) days following said election. Signs for a candidate in a preliminary or primary election are not required to be removed if said preliminary or primary candidate will also be a candidate in the General Election.
- B. No sign shall be located within or over a public way or a private way to which the public has a right of access.
- C. No sign shall be larger than ten (10) square feet.
- D. No sign shall be erected on any public utility pole, public right-of-way, or public property.

163-12 ADMINISTRATION AND PENALTIES

- A. ENFORCEMENT - The Building Inspector is hereby authorized and directed to enforce all of the provisions of this chapter.
- B. FAILURE TO ACT ON PERMIT - If no sign permit has been issued within thirty (30) days after application therefore has been made, it shall be deemed to be refused.
- C. RIGHTS TO APPEAL

(1) Any applicant for a permit, any person who has been ordered by the Building Inspector to incur expense in connection with a sign and any person dissatisfied with any refusal, order, or decision of the Building Inspector may appeal to the Planning Board within thirty (30) days from the date of such refusal, order or decision. The fee for the filing of said appeal shall be twenty-five dollars (\$25.00) payable to the City of Marlborough upon the filing of said appeal. After written notice given to such parties as the Planning Board shall order, the Planning Board shall address the appeal at a regularly scheduled meeting of the board. Applying the standards described in Sub-section C(2) below, where applicable, and interpreting this chapter, the Planning Board shall affirm, annul or modify such refusal, order, or decision within forty-five (45) days after hearing the appeal. The action of the Building Inspector may be annulled or modified only by a two thirds (2/3) vote of the Planning Board. If the action of the Building Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Planning Board.

(2) Variances - The Planning Board may vary the provisions of this chapter in specific cases which appear to it not to

have been contemplated by this chapter, and in cases wherein its enforcement would involve practical difficulties if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this chapter but not otherwise. Any decision to vary the provisions of this chapter shall be by two thirds (2/3) majority and shall specify any variance allowed and the reason therefore. Each decision of the Planning Board shall be filed in the office of the City Clerk within thirty (30) days after the decision and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty (30) days after the hearing shall not be deemed to be approval of any variance sought.

(3) Conditions and Safeguards - The Planning Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

D. PENALTIES - Any sign owner or owner of property on which a sign is located who violated or permits a violation of this chapter shall be subject to a fine of fifty dollars (\$50.00) per day, said fine to be assessed each and every day the violation continues after issuance of a Violation Notice by the Building Inspector upon the identified violator. All fines shall be payable to the City of Marlborough, through the City Clerk's office. The Building Inspector may, as an alternative to initiating criminal proceedings, treat violations of this chapter in a non-criminal manner pursuant to the provisions of M.G.L. Ch. 40, Section 21D.

163-12 SEVERABILITY

The invalidity of any section or provision of this chapter or its application to any sign shall not invalidate any other section or provision or application of this chapter.

APPENDIX I – DRIVEWAYS AND SIDEWALK BY-LAWS AND REGULATIONS

I-1 Driveway Ordinance, Rockford Township, Minnesota

ROCKFORD TOWNSHIP
COUNTY OF WRIGHT
STATE OF MINNESOTA

AN ORDINANCE REQUIRING A PERMIT FOR CONSTRUCTION OF DRIVEWAYS TO TOWNSHIP STANDARDS; REQUIRING DRIVEWAY INSPECTIONS AND SETTING THE PERMIT AND INSPECTION FEE
ORDINANCE # 2000-2

WHEREAS, The Rockford Town Board has approved standards for the construction, installation, improvement and upgrade of private driveways; and

WHEREAS, The Rockford Town Board finds that the aforementioned driveway standards are designed to promote the general health, safety and welfare of its citizens.

NOW THEREFORE, it is hereby ordained by the Rockford Town Board as follows:

Section1. Construction and Installation to Township Standards. All driveways, whether for commercial, industrial, residential or other use, shall be installed, constructed improved and upgraded in conformance with the driveway standards by the Township by Town Board Resolution. Said standards shall address, among other things, width, drainage issues, culvert requirements, visibility from public right-of-ways, design and possible interference with the traveled portion of any public right-of-way.

Section2. Permit Required. Prior to commencing construction, installation, upgrade or improvement of a new or existing driveway, a permit must be obtained from the Town Clerk. The Clerk shall supply all permit applicants with one (1) copy of the Township driveway standards at the time the application is made or as soon thereafter as is reasonably possible. The applicant shall, at the time the application is made, pay a \$25.00 inspection/permit fee. Said fee may be changed by resolution of the Town Board. All permits are subject to and conditioned upon an inspection as provided in Section Three (3) below.

Section 3. Inspection. Within (3) days of completing construction, installation, upgrade or improvement to any new or existing driveway, the Permittee shall contact the Town Clerk and schedule an inspection. All inspections shall be conducted by an inspector designated by the Town Board. The purpose of the inspection is to determine whether or not the driveway conforms to the Township standards. If the driveway conforms to the standard, then the inspector shall issue the Permittee a Certificate of Completion. If the driveway does not conform, then the inspector shall: (1) inform the Permittee of such nonconformance, (2) provide a reasonable time for the Permittee to come into compliance and (3) schedule a reinspection. This process shall continue until either the

driveway conforms to the adopted standards or the inspector determines that the Permittee has refused to comply with the provisions of this ordinance. A reinspection fee of \$25.00 shall be charged by the inspector for each reinspection due to the nonconformance with Township driveway standards. Said fee may be changed by resolution of the Town Board.

Section 4. Maintenance of Driveways. Routine maintenance of driveways may be performed without a permit, provided said maintenance does not significantly alter the location, size, shape, or type of materials used in the driveway, and provided the routine maintenance work is performed in a manner which will not adversely impact any portion of the abutting right of way.

Section 5. Amendment. The Town Board reserves the right to amend this ordinance, as it deems necessary in the future.

Section 6. Penalty. Failure of any owner, occupant, lessee or contract vendee of land to comply with this ordinance shall be a misdemeanor punishable by fine in an amount up to \$700 and/or jail sentence up to 90 days.

I-2 Driveways and Sidewalks By-law, Town of Hopkinton, Massachusetts

TOWN OF HOPKINTON, MA

GENERAL BY-LAW

Revised ATM 5-2-2005

ARTICLE VI

Temporary Repairs on Private Ways

[Adopted 10-3-2001 STM, Art. 23]

~ 174-10. Authorization to make repairs.

The Town of Hopkinton may make temporary repairs on private ways when such repairs are deemed necessary or appropriate by the Director of the Department of Public Works (the Director) and are approved by the Board of Selectmen. The Director shall make such determination based on the public convenience and necessity, the protection of the health and safety of the general public using such ways, and the protection of the environment adjacent to the way and in the surrounding area.

~ 174-11. Type and extent of repairs.

The repairs may include the patching and filling of holes; oiling and treatment of road surfaces; the repair of specific portions of the way; cleaning of catch basins and drainage structures; installation of guardrails or other infrastructure; and the reconstruction of a way, including the removal of roadway surface and the regrading and installation of fill and roadway surface materials, including asphalt and concrete.

~ 174-12. Drainage improvements.

As part of the repair of any private way, the Town may make such drainage repairs and improvements to the private way as are deemed necessary or appropriate by the Director. The Town shall not perform any such drainage repairs or improvements on a private way unless the Director has indicated that such repairs or improvements are required by public necessity or for the protection of the environment.

~ 174-13. Abutters.

The Town may only perform such repairs, reconstruction, or improvements on a private way upon the occurrence of any of the following events: the request of the Planning Board to the Board of Selectmen; the request of the Director to the Board of Selectmen; or at least 80% of the owners of properties which abut the way to be repaired have signed a petition to the Board of Selectmen requesting that such repairs to the way be performed. Such petition must state that the public convenience and necessity require such repairs, reconstruction and improvements and shall request that the Director make an investigation of the condition of the way and report the findings to the Board of Selectmen.

~ 174-14. Easements.

If any easements are necessary for the completion of such repairs, reconstruction or improvements, the owners of the properties abutting the way and the owners of any land or interest in land upon which such easement would be required, shall be

responsible for the cost of the preparation and the grant of such easements to the Town. Such easement shall include the grant of the right to the Town, its agents, contractors and employees, to enter upon the way for the performance of the work.

~ 175-15. Approval and method of payment.

Upon receipt of a request from the Director, or from the Planning Board, or upon receipt of a petition from the owners of abutting properties, the Board of Selectmen shall review the report of the Director, and determine whether such repairs, reconstruction or improvements are required for the public health or safety, the protection of the environment, and the public convenience and necessity, and, if it so determines, the Board of Selectmen may approve the project and determine whether such repairs, reconstruction or improvements shall be paid by the abutters by a cash deposit; shall be paid by the abutters by betterment charges which shall be assessed to the abutters; shall be paid partly by the abutters and partly by the Town by the assessment of betterment charges for a portion of the work; or shall be paid by the Town. In the event the Board of Selectmen determines that the project should be funded in whole or in part by the assessment of betterments or by a cash deposit from the abutters, the Board of Selectmen shall hold a public hearing on such determination within 30 days thereof. The Board of Selectmen shall notify the owners of the properties abutting the way by regular mail at least seven days prior to the date of the hearing, and shall cause notice of such hearing to be published in a newspaper of general circulation in the Town at least seven days prior to the date of the hearing. Such notices shall indicate that the Board of Selectmen is considering the assessment of betterments or a cash deposit to fund the project. The Board of Selectmen shall make the decision on the request and the method of payment therefor, within 60 days of the close of the public hearing. If the appropriation of funds or the assessment of betterments is necessary, the Selectmen shall thereupon submit an article to the next ensuing Town Meeting for approval by the Town of the repairs, reconstruction or improvements to the way and the method of payment therefor.

~ 174-16. Board of Selectmen action.

If the appropriation of funds, the assessment of betterments or a cash deposit is not to be required in conjunction with the project, the Board of Selectmen shall review the request at a public meeting within 21 days of receipt of the request, and shall make a decision on the request within 45 days of its receipt.

~ 174-17. Liability of town.

To the fullest extent permitted by law, the Town shall not be liable for any claim, damage, loss, cost, liability, or expense, of any name, nature or description, including attorney's fees and costs, arising out of or as a result of the repairs, reconstruction or improvements performed on any private way by the Town or any damage resulting therefrom, including that to third parties. The Board of Selectmen may in relation to any such project as it deems appropriate, require the owners of the properties abutting the way to execute an agreement pursuant to which all such owners agree to save, indemnify and hold harmless the Town from any and all such claims, damages, losses,

costs, liabilities or expenses, including attorney's fees, arising out of or as a result of such repairs, reconstruction or improvements.

~ 174-18. Ways to be open to public use.

The ways upon which the Town may perform any such repair, reconstruction or improvement, must have been open to public use for no less than one year prior to the date of the vote of the Board of Selectmen which approves such project or which authorizes the submission of the article relating thereto to the Town Meeting.

~ 174-19. Standard of work.

All work to be performed by the Town on any such way pursuant hereto must be to the standards established by the Department of Public Works of the Town.

~ 174-20. Basis for assessment of betterments.

In the event the Town Meeting authorizes such repair, reconstruction or improvement to such way, and authorizes the assessment of betterments for all or a portion of the cost of such work, it shall determine the percentage of project cost to be assessed, and such assessments shall be made based upon either the fixed uniform rate method using the linear frontage of each lot on the street as the standard for computation, or the uniform unit method, pursuant to which each existing or potential lot abutting the way shall constitute a unit.

~ 174-21. Town Meeting appropriation of funds.

No repair, reconstruction or improvement requiring an appropriation of funds shall be made to any way pursuant hereto unless and until the Town Meeting has appropriated any funds necessary for the project.

~ 174-22. Minor repairs.

Upon the request of the Director, the Planning Board or the owners of properties abutting a way, the Board of Selectmen, based on the recommendation and report and the certification of the Director that the funds necessary for the project are available, may authorize the Town to make minor repairs to private ways to a sum not to exceed \$1,000 in total on any way in any one fiscal year.

~ 174-23. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PRIVATE WAY -- Shall not include driveways, common driveways, roadways and driveways within condominium projects, private access roads, and ways to which the public does not have access.

~ 174-24. Severability.

The invalidity of any provision of this chapter shall not invalidate any other section or provision thereof, which shall remain in full force and effect.

ARTICLE VII

Driveways

[Added 5-2-2005 ATM, Art. 33

§ 174-25. Construction of Driveways.

This Article shall apply to all driveway permits issued after the adoption of this Article. No driveway permit shall be issued unless the requirements of this Article shall have been complied with. The provisions of this Article shall not apply to roadways or driveways in Garden Apartment, Senior Housing, or Village Housing developments.

§ 174-26. Permits.

Any person, organization, public agency or other entity proposing the construction of a driveway shall first obtain a driveway permit from the Department of Public Works. The Department may require the submission of an application, fee, and other materials containing such information which it determines to be necessary prior to issuing a permit.

§ 174-27. Regulations

A. The slope of a driveway within 20 feet of the edge of the pavement of a public or private way shall not exceed 10%.

B. No driveway which has been permitted under this Article shall discharge stormwater runoff into a public or private way so as to cause flooding, icing, erosion or sedimentation, accumulation of debris, or other negative effects which impair the use and function of the way for the general public. If, in the opinion of the Director of Public Works (the "Director"), the use and function of a way has been so impaired, the property owner shall be responsible for mitigating the condition by implementing such measures as are necessary to prevent the discharge into the way. Prior to the implementation of mitigation measures, the owner may consult the Director to review those measures which would be implemented outside the way. The Director must approve any measures which would be implemented within the layout of the way.

§ 174-28. Enforcement

The Director and the Public Works Highway Manager (the "Manager") shall have the authority to enforce this Article. Any person who violates any provision of this Article shall be notified as soon as practicable by the Director or Manager. Such notice shall advise such person that if the violation is not corrected and impacts mitigated within a specified period of time, such person shall be punished by a fine of not more than \$100.00. Each day or portion thereof during which a violation continues after the expiration of the specified time period contained in the notice shall constitute a separate offense. As an alternative to criminal prosecution in a specific case, the Director or Manager may issue a citation under the noncriminal disposition procedure set forth in Chapter 1, Article II of the Town of Hopkinton By-laws.