

TOWN OF STOW PLANNING BOARD

Minutes of the March 7, 2007, Planning Board Meeting.

Present: Planning Board Members: Ernest E. Dodd, Kathleen Willis and Leonard Golder

Associate Member: Bruce E. Fletcher (Voting Associate)

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 11:00 AM.

Members reviewed the draft Zoning Bylaw Amendments to Section 6.3 (Signs), dated February 22, 2007 and further proposed amendments drafted by Ernie Dodd, and agreed to the following changes:

Underline = addition ~~Strike through~~ = Delete

6.3 SIGNS

The following SIGN requirements are considered sufficient to identify, direct and advertise properties, businesses and activities within the Town of Stow. These requirements can only be waived by the Planning Board.

SUMMARY TABLE OF PERMITS REQUIRED – Karen Kelleher to Draft a new table

6.3.1 The following general regulations shall apply to all SIGNS in all districts:

6.3.1.1 No SIGN shall be ERECTED except as provided in this Bylaw;

6.3.1.2 No SIGN shall be ERECTED to in any way create a traffic hazard or confuse traffic control;

6.3.1.3 Only continuous white lights shall be used for illumination of a SIGN. The illumination for any SIGN shall be shielded, directed and maintained so as to cast no direct beam up into the sky, on a public or private way, pedestrian way, or adjacent property, and shall be of sufficiently low intensity that it shall not cause a glare or reflection that may constitute a traffic hazard or a nuisance. SIGNS shall ~~not~~ only be illuminated ~~between 9:00 p.m. and 5:00 a.m., except during business hours.~~ A person being able to see DIRECT LIGHT from a sign light from any point either above the sign or not on the property containing the sign shall be conclusive evidence of a violation of this section.

Signs, if lit, shall be lit only from above the sign. No DIRECT LIGHT shall shine into the sky or above horizontal, onto a STREET, or onto any other LOT.

6.3.1.4 Any SIGN, including pre-existing signs, not properly maintained so as to pose a safety hazard or which applies to products or activities, which are no longer offered, shall be removed;

6.3.1.5 SIGNS, which are oscillating, ~~internally illuminated~~, flashing or operating with moving parts are not permitted. An internally illuminated SIGN may only be permitted with the approval of the Planning Board;

6.3.1.6 Each PERMANENT SIGN shall display its permit number at a location readily visible to the inspector;

6.3.1.7 ~~TEMPORARY SIGNS - TEMPORARY SIGNS up to three (3) square feet in area may be placed on private or public land with the approval of the owner/town. Each SIGN shall include the name, address and telephone number of the person responsible for the SIGN and date of posting. Any SIGN without this information is in violation of this Bylaw and shall be removed at the owner's expense. Failure of the owner to remove any SIGN within twenty-one (21) days of posting is a violation of this Bylaw.~~ TEMPORARY SIGNS in some cases require a permit and a returnable deposit.

~~Each event shall be allowed up to ten (10) TEMPORARY SIGNS. Similar events which occur at the same location and on consecutive days shall be deemed to be one event.~~

~~6.3.1.8 An internally illuminated SIGN may be permitted with the approval of the Planning Board.~~

6.3.2 Pre-existing SIGNS - Any SIGN legally ERECTED prior to the adoption of this Bylaw may continue to be maintained, provided, however, that no such SIGN shall be enlarged or altered except in conformance with a permit issued in accordance with the provisions of this Bylaw.

6.3.3 On Site - Permanent ~~PERMANENT SIGNS~~ ON-SITE SIGNS are to relate shall pertain to the parcel on which it is erected. ON-SITE signs are may be permitted subject to the General Regulations of the following subsections:

6.3.3.1 Residential and Recreation-Conservation Districts:

1. One (1) ON-SITE SIGN is permitted not exceeding five (5) square feet in area on State numbered highways and three (3) square feet in area elsewhere. This is a PERMANENT SIGN and a permit is required.
2. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding three (3) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING. This is a TEMPORARY SIGN and a permit is not required. These SIGNS are not permitted at other locations.
3. One (1) ON-SITE SIGN pertaining to Seasonal Agriculture-Agricultural –One (1) SIGN for uses as permitted/allowed in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5, and Section 3.2.1.1, each not exceeding four (4) ten (10) square feet in area, may be ERECTED. This is a PERMANENT SIGN and a permit is required.
4. Contractor SIGNS – SIGNS which advertise the presence or work performed by an individual or business, contracted to perform a particular effort ON-SITE, are considered TEMPORARY SIGNS.
 - a. Construction with a Building Permit – One (1) ON-SITE SIGN of not more than two (2) square feet is permitted during the period of construction or ON-SITE activities. The SIGN is permitted starting seven (7) days before the activity starts until the last inspection by the Building Inspector. A deposit of \$50.00 is required for the SIGN with the issue of a Building Permit and is to be refunded

when the SIGN is removed. Failure to comply within (7) days of the final inspection will result in the forfeiture of the deposit.

b. Service SIGNS – One (1) ON-SITE SIGN is permitted only during the period of activity on the site. The SIGN shall be removed at the completion of the service or the end of the day, whichever is the shortest. Failure to comply will result in a \$50.00 fine as provided for in section 6.3.7.8.

6.3.3.2 Business, Compact Business, Commercial, Industrial and Refuse Disposal Districts:

1. For each establishment, one (1) ON-SITE SIGN attached to the facade of the BUILDING not exceeding the lesser of one square foot for each one linear foot of business, commercial or industrial BUILDING frontage or eighty (80) square feet in area. This is a PERMANENT SIGN and a permit is required.
2. Window SIGNS in total may be the larger of 30% of the window or three (3) square feet.
3. One (1) primary free-standing SIGN visible from the main public way not exceeding ~~twenty (20) ten (10)~~ four (4) square feet in area per business. This sign can advertise more than one business. This is a PERMANENT SIGN and a permit is required.
4. In the case of multiple businesses in the same BUILDING or sharing the same access and/or parking facilities, only one (1) PERMANENT SIGN is permitted per a single principal access.
5. If the business is on a corner LOT and the primary SIGN is not visible from the intersecting road, a secondary PERMANENT SIGN not larger than 50% of the primary SIGN is permitted.
6. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding six (6) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING. This is a TEMPORARY SIGN for a period of up to three (3) months. After three months, the sign is considered a PERMANENT SIGN, requiring a permit which is renewable every three (3) Months.

6.3.3.3 All Districts – Contractor SIGNS – A SIGN which advertises the presence or work performed by an individual or business, contracted to perform a particular task ON-SITE, is considered to be a TEMPORARY SIGN. This type of TEMPORARY SIGN may require a permit and a refundable deposit.

1. Work performed on property, which requires more than one (1) day on site – One (1) ON-SITE SIGN of not more than two (2) square feet is permitted during the period of construction or ON-SITE activities. The SIGN is permitted starting seven (7) days before the activity starts until the last inspection by the Building Inspector. A permit and deposit of \$50.00 is required for a SIGN (whether or not a SIGN is erected) with the issue of a Building Permit and is to be refunded when the SIGN is removed. Failure to remove the SIGN within (7) days of the final inspection will result in the forfeiture of the deposit. The SIGN shall display the permit number.
2. Work performed on property, which requires no more than one (1) day on site – One (1) ON-SITE SIGN of not more than two (2) square feet is permitted for a

period of not more than seven (7) days for construction, which does not require a Building Permit. Prior to the start of construction, the contractor shall obtain a permit and provide a deposit of \$50.00 to the Building Department. The deposit will be returned when the SIGN is removed at the end of the seven day period. Failure to remove the SIGN within (7) days of the final inspection will result in the forfeiture of the deposit. The SIGN shall display the permit number.

6.3.4 Off-site SIGNS - The following off-site SIGNS are permitted subject to any required approvals of the State Department of Public Works or the Massachusetts Highway Department Outdoor Advertising Board.

6.3.4.1 ~~Seasonal Agriculture: Two (2) SIGNS for uses permitted/allowed in sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and section 3.2.1.1, each not exceeding six (6) square feet in area, may be ERECTED outside of the right of way. Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed; These are TEMPORARY SIGNS and a permit is not required. (Agricultural Commission to comment)~~

1) One (1) SIGN for uses permitted/allowed in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and Section 3.2.1.1, each not to exceed sixteen (16) square feet in area, and other such SIGNS not to exceed twelve (12) square feet, with a total square footage of all such SIGNSs not to exceed seventy five (75) square feet.

2) One (1) slot on each community agricultural ladder SIGN posted at Town entrances, subject to dimension and format requirements of the Planning Board and written approval of the Stow Agricultural Commission.

3) PERMANENT seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed. These are TEMPORARY SIGNS and a permit is not required.

4. A seasonal agricultural entity posting signs under this Bylaw may petition the Planning Board in specific cases wherein its enforcement would create unnecessary hardship or involve practical difficulties.

6.3.4.2 Directional SIGNS for Town businesses: A free-standing pole may be ERECTED at intersections of Town roads, located not to obstruct vision on the right of way and affixed with directional SIGNS, with the approval of the Board of Selectmen; These are PERMANENT SIGNS but do not require a permit other than the approval of the Board of Selectmen.

1. The non-agricultural directional SIGNS shall be no larger than 6" x 24" and have a dark green background. Lettering shall be yellow and no more than 4" in height.

2. A directional SIGN may bear only the name of a business, logotype, distance and directional arrow.

3. Directional SIGNS shall not be illuminated.

4. The maximum number of SIGNS per non-agricultural business shall not exceed three (3) located at different intersections.

5. Maximum of two (2) direction SIGN poles per intersection. excluding agricultural directional SIGNS.

6. The maximum height of a direction SIGN pole is eight (8) feet above the road surface.
7. Direction SIGN poles and locations will be subject to the approval of the BUILDING INSPECTOR and Superintendent of Streets.
8. A maximum of eight (8) businesses may share a pole for direction SIGNS.
9. The cost of the SIGNS, pole and maintenance shall be the sole responsibility of the SIGN owners.
10. The agricultural directional SIGNS shall be no larger than 6" x 36". The colors for the background and lettering and logs may be consistent with the advertising colors and logo used by the business. There is no restriction to lettering or logo size.

6.3.4.3 Directional SIGNS for the rent, lease or sale of land or BUILDING(s) – Directional SIGNS for the rent, lease or sale of land or BUILDING(s) are TEMPORARY SIGNS and include the standard real estate directional signs.

1. The directional SIGNS shall be no larger than one (1) square foot.
- ~~2. The content of the sign shall be approved by the Sign Officer.~~
3. Directional SIGNS shall not be illuminated.
4. The maximum number of SIGNS per business shall not exceed three (3) located at different intersections.
5. Directional SIGN may be located at intersections with the approval of the land owner or the Sign Officer in the case of Town-owned land.
6. The Directional SIGN ~~must~~ shall be removed if requested by the Sign Officer deems such sign to be in violation of the Bylaw.
7. The Directional SIGN shall identify the owner of the SIGN, their address and telephone number.

6.3.4.4 Informational SIGNS

Informational SIGNS may be erected along public ways within the Town to advertise events or activities occurring within the Town of Stow. Informational SIGNS shall ~~not~~ be ~~no~~ greater than two (2) square feet in area. Approval of the parcel owner(s) or the Sign Officer in the case of Town Property is required before a SIGN is erected. These SIGNS are TEMPORARY SIGNS and are only to be displayed for no more than twenty-one (21) days and not replaced by a SIGN of a similar intent within sixty (60) days. The number of SIGNS to be erected shall be approved by the Sign Officer. Similar events which occur at the same location and on consecutive days shall be deemed to be one event. Larger informational SIGNS such as banners and sandwich boards may be displayed with the approval of the Sign Officer, if deemed not to be a public hazard.

~~6.3.5 TEMPORARY SIGNS – TEMPORARY SIGNS up to three (3) square feet in area may be placed on private or public land. Each SIGN shall include the name, address and telephone number of the person responsible for the SIGN and date of posting. Any SIGN without this information is in violation of this Bylaw and shall be removed at the~~

~~owner's expense. Failure of the owner to remove any SIGN within twenty-one (21) days of posting is a violation of this Bylaw.~~

~~Each event shall be allowed up to ten (10) TEMPORARY SIGNS. Similar events which occur at the same location and on consecutive days shall be deemed to be one event.~~

6.3.6 Exceptions - In all districts, the following exceptions shall apply, but these SIGNS should reasonably comply with Town bylaws where possible. No permit is required unless otherwise specified: Nevertheless, lighting for any sign, even if the sign is exempt, must still comply with 6.3.1.3.

6.3.6.1 Federal, state and Town of Stow SIGNS are exempt from the provisions of this section;

6.3.6.2 Religious and charitable organizations are permitted up to three (3) SIGNS with a combined area not exceeding forty (40) square feet, but require a permit;

6.3.6.3 Historical markers or tablets, if approved by the Stow Historical Commission, are exempt;

6.3.6.4 Window SIGNS stating hours of business operation, affiliations, credit cards and emergency information are exempt, provided each such SIGN does not exceed one half (1/2) square foot;

6.3.6.5 SIGNS regulating the use of or access to land are exempt if less than one (1) square foot in area;

6.3.6.6 SIGNS endorsing political campaigns or issues are exempt, provided such SIGNS are no larger than six (6) square feet and are removed within seven (7) days after the election to which they pertain; and

6.3.6.7 SIGNS showing the name only of the resident for identification are ~~not exempt, but shall not require a permit.~~ *SET SIZE LIMITATION??*

6.3.7 Administration and Enforcement

6.3.7.1 Administration - There is hereby created a Sign Officer who shall be appointed annually by the Board of Selectmen.

6.3.7.2 Permits - No PERMANENT SIGN shall be ERECTED unless a permit has been issued by the Sign Officer. ~~TEMPORARY SIGNS do not require a permit.~~ The permit fee shall be ~~\$2.00~~ \$10.00 per square foot payable to the Town of Stow when the permit application is submitted. There shall be no charge for ~~seasonal~~ agricultural SIGNS.

6.3.7.3 Application - Permit applications shall be submitted to the Building Department 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 of the owner of the premises where the SIGN is to be located;
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. all existing SIGNS maintained on the premises;

5. such other pertinent information as the BUILDING INSPECTOR and/or Sign Officer may require to ensure compliance with this Bylaw and any other applicable law; and
6. the signature of the owner of the SIGN and the owner of the premises where the SIGN is to be located.

The Sign Officer shall have the authority to reject any SIGN permit application which is not complete when submitted.

6.3.7.4 Approval - The Sign Officer or his designee shall approve or disapprove any application for a SIGN permit within ~~thirty (30)~~ five (5) days of receipt of the application by the Building Department. If the Sign Officer should fail to approve or disapprove an application for a SIGN permit within such ~~thirty (30)~~ five (5) day period, the application shall be deemed to be approved. The Sign Officer shall issue a permit number with each approval or deemed approval.

6.3.7.5 Enforcement -

1. The BUILDING INSPECTOR and/or Sign Officer shall, at reasonable times, have the power to enter upon the premises on which any SIGN is ERECTED or maintained in order to inspect said SIGN.
2. If the BUILDING INSPECTOR determines that a SIGN is in violation of this Bylaw, he shall give written notice to the owner of such SIGN, and to the owner of the premises on which such SIGN is located, to remove or modify the SIGN within thirty (30) days to be in accordance with the provisions of this Bylaw. Failure to comply with the notice or appeal the decision, constitutes a violation of this Bylaw. Immediate removal may be ordered for any SIGN requiring a permit which is ERECTED without first obtaining such permit, ~~or which is a safety hazard.~~ Any sign, which is considered by the Sign Officer to be a safety hazard, shall be removed or corrected within 48 hours of the notification. This decision shall remain in tact during the appeal process.
3. All SIGNS ~~without a permit number displayed~~ not in compliance with this Bylaw will be removed at the owner's expense, except any SIGN legally ERECTED prior to the adoption of this Bylaw.

6.3.7.6 Right of Appeal - Except with regard to Section 6.3.7.5, Subsection 2 above, ~~Any~~ person who is dissatisfied with the decision of the BUILDING INSPECTOR or Sign Officer may appeal to the Board of Appeals within thirty (30) days from the date of such refusal, order or decision. 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.

6.3.7.7 ~~Variance~~ Waivers in Specific Cases - ~~The Board of Appeals~~ Planning Board, by a 2/3 majority vote of the Board, may ~~vary~~ waive the provisions of this Bylaw in specific cases which appear to them not to have been contemplated by this Bylaw, and in cases where ~~in its enforcement would involve practical difficulties or unnecessary hardship, if, in each instance, desirable relief may be granted without substantially derogating from the intent of this bylaw but not otherwise.~~ Any decision to vary waive the provisions of this Bylaw shall be by at least a 4/5 vote of the Board and shall specify any variance waiver allowed and the reasons therefor. the proposed SIGN:

- a. Will not be detrimental to the abutting properties, the neighborhood or the Town of Stow.
- b. Is appropriate for the site for which the permit is submitted and related harmoniously to the use, scale and proportions of the existing and proposed Buildings in the immediate vicinity.
- C. Does not substantially derogate from the intent of this Bylaw.

6.3.7.8 Penalties - Any SIGN owner or property owner who violates this Bylaw shall be subject to a fine of ~~not more than \$50.00 per day~~. Each day that a violation continues shall constitute a separate offense.

Annual Town Meeting

Members agreed to bring forth changes to Sections 6.3.4.1 and 6.3.4.2 relative to agricultural signs.

Respectfully submitted,

Karen Kelleher
Planning Coordinator