



Office of the Town Clerk

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Onorina Z. Maloney, CMMC, CMC
Town Clerk

CERTIFICATE OF VOTE
ARTICLE 12– Amend Ch. 195 Signs and Outdoor Lighting
2014 Fall Annual Town Meeting
First Session – Monday, October 20, 2014

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 12 at the first session of the October 20, 2014 Fall Annual Town Meeting held at the Chelmsford Senior Center 75 Groton Road, North Chelmsford. The meeting was called to order at 7:30 pm by Moderator Jon H. Kurland. There were 130 Town Meeting Representatives in attendance which satisfied the quorum of 82.

ARTICLE 12. To see if the Town will vote to amend the Town Code, Chapter 195, “Zoning Bylaw”, Article VII, :Signs and Outdoor Lighting”, for purposes of amending Section 195-25-32 by deleting the language shown in strikethrough and adding the language shown as underlining, with the text not being changed shown in regular type for informational purposes only, and certain existing text omitted for brevity, as follows:

Article VII. Signs and Outdoor Lighting

§ 195-25. Objectives.

The following sign regulations are intended to serve these objectives: to facilitate efficient communication to ensure that people receive the messages they need or want; to promote good relationships between signs and the visual qualities of their environs and the buildings to which they relate; to maintain visual diversity within commercial areas by avoiding requirement of uniformity; and to support business vitality within nonresidential zones by accomplishing the above objectives without burdensome procedures and restrictions.

§ 195-25.1. Definitions.

A. DAYTIME OPERATION — The time interval beginning 30 minutes before sunrise and ending 30 minutes after sunset.

B. NIGHTTIME OPERATION — The time interval beginning 30 minutes after sunset and ending 30 minutes before sunrise.

C. LUMINANCE — The surface brightness of internally or externally illuminated sign elements, measured in nits (candela per square meter).

D. NIT (Nit) — a unit of apparent surface brightness equal to 1 candela per square meter. Nits are measured using methods and equipment commonly employed by lighting professionals.

E. CORRELATED COLOR TEMPERATURE (CCT) — a specification of the apparent color of the light emitted by a lamp, as measured in kelvins (K). A CCT of 3000K provides a slightly yellowish hue and a CCT of 5000K provides a slightly bluish hue.

[Added 10-21-2013 ATM by Art. 14]

F. SIGN — See § 195-108, Word usage and definitions. For purposes of legal notices or informational devices erected or required by public agencies, it is the Town's preference that signage for public agencies comply to the maximum extent practicable.

G. SIGN AREA

See § 195-108, Word usage and definitions.

H. SIGN TYPES

i. ~~A.~~ **INTERNALLY ILLUMINATED SIGN** — A sign whose light source is located in the interior of the sign so that the light becomes visible by shining through a translucent surface, but not including changing-image signs. The luminance of sign elements shall not exceed 2,000 nits during daytime operation nor 200 nits during nighttime operation. Internally illuminated signs on the premise shall collectively total no more than 15,000 lumens.

ii. ~~B.~~ **EXTERNALLY ILLUMINATED SIGN** — A sign that is illuminated from an external source such as a floodlight directed toward or across or by backlighting from a source not within the sign. The luminance of sign elements shall not exceed 200 nits during nighttime operation. The correlated color temperature of the illumination source shall not exceed 3000K, except that an illumination source with a CCT not exceeding 4000K may be granted by special permit.

~~C.~~ **LIGHT EMITTING DIODE (LED) SIGN** — A sign using LED and laser projector lights as a direct source of light. ~~Such sign may be an electronic message/image board as further defined and regulated.~~

iii. ~~C.~~ **NEON SIGN** — An illuminated sign containing neon, argon or any other similar gas to illuminate transparent or translucent tubing or other materials to create a colored light.

iv. ~~D.~~ **BULLETIN-BOARD SIGN** — A freestanding, wall or window sign with letters, words or numerals that are manually moveable, indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained. Such sign is permitted in all zoning districts as applicable.

v. ~~E.~~ **ELECTRONIC MESSAGE/IMAGE BOARD** — A sign or portion thereof using digital, electronic or other methods to create characters, letters, illustrations or images that can be changed, altered or rearranged without altering the face or the surface of the sign. Such signs shall not be changed, altered or rearranged more than once per day. A digital display of time, temperature, or fuel prices shall not be considered a changing message/image sign. The luminance of sign elements shall not exceed 2,000 nits during daytime operation nor 200 nits during nighttime operation.

vi. ~~F.~~ **TEMPORARY SIGN** — A sign which is not permanently affixed to a building or mounted in the ground, or placed on the ground, which is designed to be movable and/or portable. Temporary signs may include small ground signs such as A-frame, H-frame, T-frame (also known as sandwich signs), small wall signs (also known as banner signs) and special signs. Portable temporary signs shall not include trailers or motorized vehicles. Such a sign shall not be lit, erected on a sidewalk, walkway or driveway, or within 5 feet from the sideline of a street or right-of-way customarily used by the general public. Such signs shall not block vision of vehicles entering or exiting driveways, and the Building Commissioner has the discretion to request portable signs be moved when there is a safety issue.

vii. ~~H.~~ **SPECIAL SIGN** — A temporary sign used for advertising, identification or promotion such as an opening, reopening, under new management, sale or service, product, commodity, entertainment or activity. Such sign is not intended to advertise a continuing or regularly reoccurring operation.

§ 195-26. Permit required.

No sign shall be erected, enlarged or structurally altered without a sign permit issued by the Inspector of Buildings, with the exception of unlighted signs 1 square foot or smaller in area and temporary construction signs less than 12 square feet in area. Temporary unlighted real estate signs require no sign permit if the erecting agent has obtained a one-year permit from the Inspector of Buildings for erecting such signs.

§ 195-27. Maintenance.

All signs shall be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings and in accordance with Sections 1404.0 and 1405.0 of the Massachusetts State Building Code.

§ 195-28. Nonconforming signs.

Any sign legally erected may be continued and maintained despite being made nonconforming through change in this chapter, except that no off-premises signs may be maintained after June 1, 1980. Any sign rendered nonconforming through erection of additional signs on the premises or through change or termination of activities on the premises shall be removed within 30 days of order of the Inspector of Buildings. No existing sign shall be enlarged, reworded (unless equipped with movable letters), redesigned or altered in any way except in conformity with the provisions contained herein. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 1/3 of the replacement value as of the date of the destruction shall not be repaired, rebuilt, restored or altered unless in conformity with this chapter.

§ 195-29. Identification number.

All signs approved by the Inspector of Buildings will have an identifying number affixed to the face of the sign in the lower right-hand corner, said number to be at least one inch in height.

§ 195-30. Prohibited signs.

A. No moving, animated, revolving, moving-light, blinking, or flashing sign or sign elements are permitted, except for traditional illuminated barbershop poles with revolving pillars. Only registered and licensed barbershops are allowed to display a barber pole, and the barber pole shall not exceed 18 inches in height. No pennants, streamers, advertising flags, spinners or similar devices shall be permitted.

B. No sign shall be located within 25 feet of the intersection of side lines of intersecting streets unless entirely less than 3½ feet or more than 8 feet above grade.

C. No part of any sign shall be more than 20 feet in height above ground level or exceed the height of the building to which it relates, whichever is less, unless granted a special permit for an exception by the Board of Appeals.

D. No part of any sign shall overhang a public way by more than 12 inches, except that on special permit from the Board of Appeals such overhang may be increased up to 4 feet.

E. No ~~billboard or other~~ sign shall be erected or maintained unless its subject matter relates exclusively to the premises on which it is located or to products, accommodations, services or activities on those premises.

F. Laser-projected signs are not permitted. ~~LED and neon and laser projector lights signs are not allowed, except as permitted in § 195-32E.~~

~~[Added 10-21-2013 ATM by Art. 14]~~

§ 195-31. Signs permitted in residential districts.

[Amended 10-21-2013 ATM by Art. 14]

The following signs are permitted in Residential Districts RA, RB, RC and RM:

- A. One non-internally-illuminated sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no such sign shall exceed 1 square foot in area.
- B. One non-internally-illuminated sign not exceeding 9 square feet in area pertaining to a permitted use or building other than dwellings or their accessory uses.
- C. One unlighted temporary sign not exceeding 6 square feet in area pertaining to the sale, rent or lease of the premises, provided that it shall be removed within seven days after the sale, rent or lease thereof. Such signs may be externally illuminated only if granted a special permit by the Board of Appeals upon its determination that such illumination serves public safety and convenience without damage to neighborhood character. These signs require no sign permit if the erecting agent has obtained a one-year permit from the Inspector of Buildings for erecting such signs.
- D. Unlighted directional signs not exceeding 1 square foot in area each and pertaining to permitted building, uses of the premises other than dwellings and their accessory uses or prohibiting use of the premises or certain portions of it.
- E. One temporary unlighted sign not larger than 25 square feet in an area indicating the name and address of the parties involved in construction on the premises. This sign requires no permit if it is not more than 12 square feet in area and is removed within 30 days of erection.
- F. Internally illuminated signs and electronic message/image boards are not permitted. ~~shall be prohibited.~~
- G. ~~LED and laser projector lights signs are prohibited.~~

§ 195-32. Signs permitted in business districts.

[Amended 10-21-2013 ATM by Art. 14]

The following internally or externally illuminated signs are permitted in Business Districts CA, CB, CC, and CD:

- A. Attached signs. One sign may be attached to any one wall of a building, not to exceed an area equivalent to 15% of the front wall area of said building or 60 square feet, whichever is greater.
 - (1) Allowable sign area may be divided between two signs, each sign to be attached to a different wall of the building, and the total allowable sign area shall not exceed an area equivalent to 20% of the front wall area of said building or 80 square feet, whichever is smaller.
 - (2) In the case of buildings with multiple occupants, each occupant is allowed one sign, with the above total allowable sign area divided among them in proportion to their share of total floor area.
 - (3) No attached sign shall extend above the wall to which it is attached. No sign shall be attached to a roof, real or simulated.
 - (4) A building located at an intersection fronting on two public ways may divide the allowable sign area between two signs, each sign to be attached to a different wall of the building, and the total allowable sign area shall not exceed an area equivalent to 20% of the front wall area of said building or 80 square feet, whichever is smaller.

B. Freestanding signs.

- (1) One freestanding sign located within the front yard area of the lot and not exceeding 5% of the front wall of the building or 40 square feet, whichever is smaller, provided that the building has a minimum setback of 30 feet and the sign is so located as to be set back 15 feet from the street line and 20 feet from

any side lot line. On special permit from the Board of Appeals the allowable sign area may be increased to 60 square feet.

(2) Directory signs. A freestanding directory sign, ~~a sign~~ representing multi-tenants, must have uniformity of size and color, and the overall sign must meet the criteria for freestanding signs.

C. Directional signs. No more than two directional signs per driveway. Said signs shall contain no advertising and shall not exceed an area of five square feet each.

D. Window signs. One unlighted window sign for each window of the building not to exceed in area 20% of the area of any window upon which located.

E. Lighted window signs. One ~~lighted internally or externally illuminated~~ window sign, including a neon sign, including all types of internally illuminated signs, whether or not neon and LED and laser projector lights, conforming to the following standards:

(1) Such signs shall not exceed 5 square feet in area or cover more than 20% of the window in which they are situated, whichever is less, and shall only be allowed in ground-floor windows.

(2) Such signs shall be equipped with a timer which shall permit illumination no longer than 30 minutes before opening or after closing of the business.

(3) Such signs shall not flash or blink or use lights changing in intensity.

~~(4) Such signs shall not contain more than three different colors.~~

~~(4 5)~~ Such signs illuminated by a neon source shall be composed of primarily single-strand glass tubing with a maximum outside diameter of 1 inch.

~~(5 6)~~ Such signs within 3 feet of a window shall be considered to be a window sign for purposes of these standards.

~~(6 7)~~ Such signs shall not have a lit background.

F. Bulletin boards and electronic message/image boards are permitted. Such signs may not exceed 1 square foot in area.

§ 195-32.1. Signs permitted in Center Village District.

[Added 10-21-2013 ATM by Art. 14] Any sign permitted in a business district is permitted in the Center Village District (CV), with the exception of electronic message/image boards. All signage located within the Historic District shall receive approval from the Historic District Commission, and the applicable Commission regulations shall prevail.

§ 195-32.2. Signs permitted in the Public Districts.

[Added 10-21-2013 ATM by Art. 14]

Although signs for public agencies are exempt, per § 195-108, definition of a "sign," it is the Town's preference that the signage complies to the maximum extent practicable and shall take into consideration the surrounding area, public need and public benefit.

§ 195-33. Signs permitted in industrial districts.

Any sign permitted in a business district is permitted in an industrial district (IA or IS), excepting window signs. However, a freestanding sign oriented parallel to the street line and not more than 30 square feet in area need

be set back only 5 feet from the street line. [1]

[1]: Editor's Note: Former § 195-33.5, Billboard Overlay District, added 4-27-2009 ATM by Art. 19, which immediately followed this section, was repealed 4-29-2013 ATM by Art. 26.

Remainder of Article not included for brevity.

; or act in relation thereto.

**SUBMITTED BY: Planning Board
Two-Thirds Vote**

Finance Committee has no recommendation on Article 12
Board of Selectmen unanimously recommends approval of Article 12
Planning Board unanimously recommends approval of Article 12

The
YES: 126
NO: 3
ABST: 0

Article 12 carries by 2/3 vote



Onorina Z. Maloney