

**MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE CITY OF WORCESTER**

**December 15, 2010**

**WORCESTER CITY HALL – ESTHER HOWLAND CHAMBER**

**Planning Board Members Present:** Anne O'Connor, Chair  
Scott Cashman, Vice-Chair  
Stephen Rolle, Clerk  
Satya Mitra  
Andrew Truman

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Lara Bold, Division of Planning & Regulatory Services  
Luba Zhaurova, Division of Planning & Regulatory Services  
John Kelly, Department of Inspectional Services  
Kathleen Donovan, Department of Inspectional Services  
Michael Traynor, Law Department  
Jennifer Beaton, Law Department

**BOARD SITE VISITS**

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Anne O'Connor called the meeting to order at 5:45 PM.

**APPROVAL OF THE MINUTES**

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to approve October 6, 2010 & November 17, 2010 minutes.

**OTHER BUSINESS**

1. **Scott Cashman's last meeting.** Chair O'Connor announced that this was Mr. Cashman's last meeting and she wished him the best in his future endeavors.
2. **Albany Street: To make public the private portion:** Ms. Bold stated that DPW&P recommends priority level recommendation #1 (Exhibit A). Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to recommend a Priority Level #1 designation based on a recommendation from the Department of Public Works and Parks.

Exhibit A: Memorandum from the Department of Public Works & Parks to Division of Planning & Regulatory Services. Re: Albany Street – Private Street Conversion. Dated December 9, 2010.

3. **Avery Estates Subdivision – Bond Reduction Request:** Ms. Bold stated that DPW&P had recommended the Board to continue the item to January 5, 2011 prior to the meeting in order to provide the owner with sufficient time to provide requested information by the DPW&P. Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted 5-0 to continue the item to January 5, 2011.

4. **Olean Estates – Bond Reduction Request:** Ms. Bold stated that DPW&P recommended releasing a portion of the existing performance bond in the amount of \$ 125,000 bond from the existing \$ 175,000 bond for a remaining recommended performance bond in the amount of \$ 50,000 for Olean Circle – Sta. 0 + 00 to Sta. 3 + 05 because the work has been completed to DPW&P's satisfaction (Exhibit B). Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to release a portion of the existing performance bond in the amount of \$ 125,000 bond from the existing \$ 175,000 bond for a remaining recommended performance bond in the amount of \$ 50,000 based on a recommendation from the Department of Public Works and Parks.

Exhibit A: Letter from Mahmoud Soheili to Worcester Planning Board; re: Olean Estates. Dated November 10, 2010.

Exhibit B: Memorandum from the Department of Public Works & Parks to Division of Planning & Regulatory Services. Re: Olean Estates. Dated December 3, 2010.

5. **Arboretum – Phase IV – Covenant:** Ms. Bold stated that the applicant is requesting that the Board approves a covenant as the security for Phase IV in accordance with Subdivision Regulations Section VII. Ms. Beaton stated that the applicant is proposing a restrictive covenant and that each phase of the subdivision requires a different security. She stated that the restrictive covenant will be recorded at Registry of Deeds and that no lots could be sold until necessary infrastructure work is completed. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to accept a covenant for Phase IV pursuant to M.G.L. c.41, s.81U to obtain the Planning Board's endorsement of its approval of the Definitive Subdivision Plan.

Exhibit A: Letter from Attorney At Law Melia & Osol to Worcester Planning Board; re: Arboretum Estates Subdivision. Dated December 3, 2010.

#### 6. **ANR Plans:**

- **AN-2010-067, 29 & 33 Wrentham Road:** Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to endorse ANR Plan AN-2010-067.
- **AN-2010-068, Outlook Drive:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 5-0 to deny endorsement of ANR Plan AN-2010-068 – 2 Outlook Drive because the parcel has 25.25 feet of frontage on Outlook Drive, and the minimum requirement is 65 feet for a single-family detached dwelling. Therefore, the way does not provide sufficient width for the needs of vehicular traffic in relation to proposed use of the land.
- **AN-2010-069, Washburn Street & Prescott Street:** Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted 5-0 to endorse ANR Plan AN-2010-069.

## **UNFINISHED BUSINESS**

### **Public Hearing**

**7. Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would**

- Delete Article IV, Section 6 - Signs in its entirety and insert a new Article IV, Section 6 - Signs.
- Amend Section 2 of Article I - Definitions of the Worcester Zoning Ordinance by deleting all definitions relating to signs and incorporating new and/or revised definitions into Article IV, Section 6. - Signs.
- Amend Section 1 of Article III - Districts by inserting the following designations at the end of the list:
  - Union Station View Corridor Sign Overlay District
  - Blackstone River Parkway Sign Overlay District
  - Blackstone Canal Sign Overlay District
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Union Station View Corridor Sign Overlay District in the area of I-290, Grafton St., Summer St. and Shrewsbury St.
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone River Parkway Sign Overlay District in the area of Blackstone River Road and I-146.
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone Canal Sign Overlay District in the area of Millbury, Grafton, Water and Washington Streets.

Items #7 and #8 were taken contemporaneously.

**8. Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would:**

- Amend Section 1 of Article III – Districts by inserting the following designations:
  - Downtown/Blackstone Canal Sign Overlay District (DSOD)
  - Blackstone River Parkway Sign Overlay District (BSOD)
  - Union Station View Corridor Sign Overlay District (USOD)
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries herein described as the Downtown/Blackstone Canal Sign Overlay District generally bordered by the area of Prescott, Goldsberry, Summer, Prospect, I-290, Grafton, Harding Washington,

Items #8 and #7 were taken contemporaneously.

### **Temporary Signs.**

Mr. Fontane stated that the intent of the administration at this meeting is to provide the Board with the final recommendation for temporary signs. He indicated that the recommendation is essentially a hybrid of the previous recommendations. He stated that political signs are a type of temporary non-commercial speech and that while staff recommends regulating permanent commercial and non-commercial speech the same, it recommends the exception for temporary freestanding and temporary wall signs with non-commercial speech. He stated that this provides flexibility to address the need for non-commercial signs while maintaining consistency with the ordinance's intents and purposes for regulating signs. He stated that this proposed modification would allow temporary freestanding and temporary wall signs with non-commercial speech in addition to sign area allowance for temporary signs with a commercial message. This way businesses and residents do not have to choose between displaying temporary non-commercial messages (e.g. political or ideological signs) and commercial messages (e.g. announcement of sales related to the on-site business use or a real estate signs) for these two sign types.

Mr. Fontane stated that for temporary signs in residential districts, the proposed language would permit:

- Any number of temporary freestanding signs and temporary wall signs with a non-commercial message would be permitted – up to 64 SF with no one individual sign face in excess of 32 SF for residential lots (single-family, duplex, three-family, etc).
- For permitted non-residential uses / multi-family uses in residential districts, 64 SF or 2% of building face would be permitted for any number of temporary wall signs, and 64 SF (any number) for temporary freestanding signs with non-commercial message per lot.
- Said area allowances are permitted in addition to allowances for temporary signs with commercial speech in non-residential districts.

Mr. Fontane stated that for temporary signs in non-residential districts it would mean that all signs with commercial or non-commercial speech would be regulated the same with the exception of temporary freestanding and temporary wall signs as follows:

- Any number of temporary freestanding signs and temporary wall signs with a non-commercial message shall be permitted per building unit length provided that the total area of temporary freestanding signs is not greater than 64SF and that the total area of temporary wall signs is not greater than 64SF or 2% of the building face, whichever is larger.
- Said area allowances are permitted in addition to allowances for temporary signs with commercial speech in non-residential districts.

Mr. Fontane stated that the only type of a temporary sign requiring a special permit would be a roof sign and that commercial or non-commercial speech roof signs have a time limit of 90 days, while other temporary signs do not have an explicit time limit in the proposal. He stated that the amendment removes time limits and references to special categories of signs, and regulates temporary signs, including temporary window signs, the same, regardless of content.

Mr. Cashman stated that he believed the revised proposal is a reasonable compromise between different needs – the needs of the City for regulations, lessening restrictions that would affect political sign regulations, and the business needs. He stated that he believed it was reasonable to have some

regulations in place. Mr. Mitra, referencing the Law Department's memo (Exhibit J), stated that he was pleased that a compromise was achieved.

Ronald Madnick of 12 Pine Tree Drive, spoke against proposed window sign regulations as he believed they would negatively affect small businesses. He stated that he believed some small business are struggling financially and might not be able to afford to advertise elsewhere (newspaper advertisements or TV) except for their windows. He stated that he believed they should be allowed to cover 100% of their windows with signs. Mr. Cashman stated that at the previous meetings residents and the Hope Coalition youth spoke in favor of restrictions on sign coverage of windows.

Michael Lanava, on behalf of the Worcester Regional Chamber of Commerce, stated his support for the latest amendment and thanked the Board and administration for their hard work on reaching the compromise.

Jo Hart, resident, stated her opposition to the complete coverage of windows, and stated that she wants to maintain visibility. She stated that business owners need to learn how to diversify their advertisement and recommended that the City provide resources for training business owners in more effective marketing. She recommended that the City has a phone number residents could call to report the presence of non-conforming signs.

Reynold Ormo of 105 Grand View Avenue asked if the ordinance will be retroactive. Mr. Fontane stated that legally pre-existing permanent window signs will be grandfathered, and that temporary window signs will have to comply with the amended ordinance within 90 days of the ordination.

Nancy Saal of Pioneering Healthier Communities stated her support of the maximum 25% window signs coverage as previously proposed by administration, and not maximum 50% window signs coverage, as proposed currently.

Mr. Truman asked for clarification on how temporary signs will be enforced if no time period is stated in the ordinance. Mr. Fontane stated that temporary sign definition reflects the intent of the ordinance: "A non-motion sign that is neither permanently attached nor affixed to a building nor permanently anchored in the ground, *intended to be displayed for a seasonal or brief activity*, including, but not limited to: sales, specials, promotions, grand openings, political signs and lease or vacancy of rental units. It includes temporary banner signs, temporary freestanding signs, portable signs, temporary wall signs, temporary roof signs, balloon signs and temporary window signs." He stated that a person putting up a sign would have to decide whether it is a permanent or temporary sign and then abide with the law accordingly.

Mr. Fontane stated that based on testimony and after further consideration, staff also recommends removing the prohibition of window signs above second floor. He stated that most likely those signs will be difficult to see, and, therefore, there is no reason to have a limitation on types of signs that probably will not be used much by business community.

### **Non-Accessory Signs & Signs with Digital Display.**

Mr. Fontane stated that based on the testimony by several billboard companies, staff developed a recommendation for brightness standards. He stated that staff recommends that the maximum luminance level for all accessory and non-accessory signs with digital display shall not exceed 350 (cd/m<sup>2</sup>) nits at night and 5,000 (cd/m<sup>2</sup>) nits during the daytime. He stated that this measure was based on how the light is perceived, was based on the well-accepted unit of measure, and that a methodology of how to measure light is also included in case there is an enforcement issue. Mr. Fontane stated that he believed the proposed standard with respect to luminance balances well quality of life considerations with safety on

the road. For reference, Mr. Fontane stated that an externally illuminated billboard on a highway is typically 280 nits. Mr. Fontane stated that with a now developed luminance standard, staff believes the initially proposed positive contrast orientation standard is not as critical and should not be in the amendment, though it is still a good standard to follow. He added that the positive contrast orientation standard could prohibit certain logos from being displayed correctly.

Mr. Truman asked how one could measure luminance levels of a billboard. Ms. Bold stated that the most affordable option involves a standard light meter, though it does not differentiate easily between the ambient light and the light reflected from the digital sign. She stated that an applicant for a sign permit for a digital billboard would have to demonstrate that the billboard would have a photocell and light adjustment capabilities, but that a light measure in a field would not take a place, unless there is an enforcement issue. She referred to the reports from Queensland, Australia and New York Department of Transportation that she consulted (Exhibits H).

Joseph Murray of Murray Outdoor Communications, 418 Boston Turnpike, Shrewsbury, MA, stated that he had a constructive conversation with Mr. Fontane and Ms. Bold and that he was in favor of the proposed maximum 350 nits of luminance at night, but that the industry standard during the day is 7,500 nits, and asked that the Board compromises by increasing its maximum from staff's proposed 5,000 to 6,000 nits. He stated that during the day, the billboards are effectively competing with the sun's light. Mr. Fontane stated that staff's primary concern was brightness at night, and that daytime conditions vary widely. He stated that while 5,000 nits was derived from research, staff does not feel as strongly as about this number as about 280 nits and would be amenable to 6,000 nits.

### **Size of Non-Accessory Signs.**

Mr. Fontane stated that staff obtained data from the Outdoor Advertising Board listing sizes and locations of free-standing non-accessory signs in the City. He stated that 1,200 SF billboard size is rather large, and that 672 SF billboard are more common in the City. He stated that many billboard along non-limited access highways, such as I-290, I-190, and Route 146, are 300 SF.

Mr. Fontane stated the following rationale for reducing area of billboard (non-accessory) signs:

- Currently permitted 1,200 SF sign area per face can overwhelm streets, particularly local streets (Rt. 9, Rt. 20, Rt. 122), etc.
- The majority of existing non-accessory signs are not 1,200 SF per face. Most are less than or equal to 825 SF along limited access highways (I-190, I-290 and Rt. 146).

Mr. Fontane stated that staff recommends 300 SF for local highways so as not to overwhelm the context and character along local roads, and 825 SF along limited access highways. He stated that staff feels stronger about its 300 SF recommendation, as compared to the 825 SF recommendation.

He stated that 660 ft distance from the following proposed regulation comes from the Outdoor Advertising Board: "In determining whether a non-accessory freestanding billboard sign is located along I-290, I-190, and Rt. 146, said sign shall be substantially visible from and shall be located no further than 660 feet from the edge of the right of way of at least one (1) of the above referenced highways."

Referring to Mr. Finkelstein's comment, on behalf of Murray Outdoor Communications, at the previous hearings, Mr. Fontane stated that staff does not recommend a specific height for free-standing billboards, but instead includes this dimensional consideration as part of the Board's consideration of the Special Permit. He stated that highway elevation varies widely throughout the City and therefore a one-size-fits-all approach would not be productive.

Mr. Mitra asked if there are any 1,200 SF billboard along highway I-290. Mr. Fontane stated that according to the OAB data, the majority of billboards are not 1,200 SF – only 7%, or 13 sign faces, are 1,200 SF and all are located along I-290, while 54% of 191 billboard sign faces in the City are 300 SF in size.

Michael Morello of Clear Channel Outdoor asked if he would need a special permit if he wanted to rebuild an 800 SF free-standing billboard sign on West Boylston Street. Mr. Fontane stated that Mr. Morello could maintain the sign, but if he was going to take it down, the newly erected sign would have to comply with the most current sign ordinance and would have to be maximum 300 SF in size if the Board and the City Council approve staff's recommendation.

Mr. Fontane stated that staff's recommendation with respect to conversion of static billboard to digital did not change from the previous meeting.

Mr. Fontane stated that after internal staff discussion, staff is proposing to allow signage on fences surrounding ball fields: "Signs recognizing sponsors providing contributions of money, goods or services may be erected and maintained on athletic fields at schools and amateur athletic association fields (whether located on public or private property). Signs shall be erected so as to face and be oriented towards the interior of the field and attached to the perimeter fencing of the field's boundaries, but shall not extend above the top of the fencing."

### **Discussion & Voting.**

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted to close the Public Hearing for Agenda Item #7: "Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts."

The Board discussed certain proposed changes from Exhibit C: Updated Proposed Changes to the 4/27/2010 advertised Sign Ordinance Amendment.

### ***"Group 1 -Substantial Proposed Modifications already presented to the Board, discussed at public hearings, and presented in this format"***

With respect to #3 - Maintenance, Mr. Cashman asked whose responsibility it is to maintain a sign. Mr. Traynor stated that a person who applies for a sign would have the primary obligation. He stated that the maintenance section of the proposed ordinance does not differ substantially from the existing one, but coordinates better with other enforcement portions of the Zoning Ordinance in Article 2.

With respect to #4 – Definition of Mural, Mr. Rolle asked if mural is referenced anywhere else in the ordinance. Ms. Bold stated that there is a reference to murals in the notes to the Permanent Accessory Signs Table 4.3.1.

With respect to #18 – "Signs with digital display where the digital display portion of the sign is twelve (12) square feet in area or less are exempt from the operational standards required herein for signs with digital display," Mr. Rolle asked if operational standards include brightness. Ms. Bold stated yes and stated that flashing signs are prohibited. Mr. Rolle recommended that digital signs less than 12 SF in size are not exempted from the brightness standard, because many are located close to residential dwellings and therefore might have a negative impact on residents. Mr. Cashman asked if Mr. Rolle suggestion is a response to an existing problem in the City with too-bright small digital signs, or if it is more of a preventative measure. Mr. Cashman stated that he does not like to create unnecessary regulations, and posed a question as to whether the proposal is needed. Mr. Rolle said that he is not sure

if there is a problem, but that he believes it is prudent to have the measure. Chair O'Connor concurred with Mr. Rolle. Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 5-0 to recommend modification to the proposed ordinance as follows: "Signs with digital display where the digital display portion of the sign is twelve (12) square feet in area or less are exempt from operational standards for signs with digital displays with the exception of §6 E (6)(G)(1)(f) above relative to brightness and dimming control."

With respect to #21 – "Sign Overlay Districts," Mr. Truman and Mr. Cashman stated that they were not convinced by the presented evidence that Blackstone River Parkway Sign Overlay District is necessary and would protect significant resources given the nature of uses of abutting properties. Chair O'Connor and Mr. Rolle also did not feel strongly about protecting this proposed district. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to delete section K-1 "Purpose of the Blackstone River Parkway Sign Overlay District" and all references to this district elsewhere in the proposed amendment to the Zoning Ordinance.

With respect to the Union Station Sign Overlay District, Mr. Truman suggested exempting a swath of the overlay closest to I-290 from the regulations, given that the height of the non-accessory free-standing signs has to be much elevated to be seen from the elevated highway. Mr. Rolle stated his opposition to this amendment, saying that this would defeat the purpose of the overlay district. The rest of the Board concurred with Mr. Rolle and no motion was made.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to approve, as amended, "Group 1 -Substantial Proposed Modifications already presented to the Board, discussed at public hearings, and presented in this format" (Exhibit C).

The Board discussed certain proposed changes from Exhibit C: Updated Proposed Changes to the 4/27/2010 advertised Sign Ordinance Amendment.

***"Group 2 - Substantial Modifications not presented in this format to the Board as of 12/15/2010."***

With respect to #1 – "Construction Signs and Signs on Fences/Walls not Attached to a Building," Mr. Truman asked if one could place a sign on a fence belonging to someone else. Ms. Bold stated that such a sign would then be considered a non-accessory sign and would need a special permit. She stated that most signs on fences are found in parking lot areas.

With respect to #2 related to 50% maximum window coverage by signs, Mr. Rolle stated his support for the proposed amendment, but was wondering if 50% above the second floor might seem like sign clutter on taller buildings. He stated that he would prefer an originally proposed 25% coverage. Mr. Truman stated that less than 50% might not be legible on higher stories of a building. Chair O'Connor and Mr. Mitra stated that they were in favor of the staff's proposal and that it was a good compromise.

Mr. Traynor handed out proposed amended to the Temporary Signs regulations (Exhibit K) which would be in lieu of Group 2, #3 (Exhibit C). Mr. Fontane pointed out that the changes are minor, mainly consisting of the reference to Table 4.3.2 and re-numbering. Mr. Truman pointed out that one can designate a temporary sign permanent and leave it on for a long time. He suggested having a stated time limit for temporary signs. Mr. Traynor stated that it is mainly an enforcement issue and that while some signs are associated with an event, by and large it is easy to interpret which signs are temporary. If a sign stays on too long, then the Code Enforcement Director would ask the owner to come in compliance with permanent signs regulations. Ms. Bold stated that a person could designate a sign permanent or temporary, but that they are regulated differently. She gave an example of temporary signs in residential



districts (Exhibit F). She stated that a single-family residential dwelling would be allowed a 6 SF commercial temporary wall sign and 12 SF commercial temporary freestanding sign. Alternatively, the temporary non-commercial signs could be located on the building walls or be aggregated into larger signs up to 32 SF per sign face with a maximum of 64 SF per lot.

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to replace in its entirety item #3 with Exhibit K.

With respect to #4 related to maximum allowed area for non-accessory billboard signs, Ms. Bold stated that staff is proposing a maximum permitted 825 SF area for non-accessory freestanding billboard signs along I-290, I-190, and Rt. 146; and maximum 300 SF for non-accessory freestanding billboard signs that are not located along I-290, I-190, or Rt. 146.

Mr. Rolle asked how 660 ft setback from the highway was derived (in reference to “In determining whether a non-accessory freestanding billboard sign is located along I-290, I-190, and Rt. 146, said sign shall be substantially visible from and shall be located no further than 660 feet from the edge of the right of way of at least one (1) of the above referenced highways”) and expressed concern that the distance seemed to be overly large. Mr. Fontane stated that the distance was derived from the Outdoor Advertising Board. Mr. Rolle conceded that for consistency sake, he was amenable to this change.

With respect to #6 related to Brightness / Dimming Control, Ms. Bold stated that staff is amenable to recommending maximum 6,000 nits of brightness for billboards at night. Mr. Rolle asked if “night” is defined by the Ordinance. Ms. Bold stated that a previous section referred to sunset, which is an independently verifiable time, therefore assisting with enforcement. Mr. Fontane suggested that night is defined as a period of time between a sunrise and a sunset. Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 5-0 to amend item #6 to increase the permitted luminance level during the daytime from 5,000 to 6,000 nits and to define daytime and nighttime using sunset and sunrise.

With respect to #8 related to Pre-existing Non Conforming Signs, Mr. Rolle asked if one can do structural repairs without needing a special permit. Ms. Bold clarified that changing of sign faces/panels is permitted, but taking down and then rebuilding a structure would trigger review by a special permit. Mr. Kelly stated that if a sign is not regularly maintained and becomes a public nuisance, the Director of Code Enforcement might order to take the sign down. Mr. Fontane stated that in this case the new sign would have to comply with the current Zoning Ordinance.

Mr. Rolle stated with respect to (L)(2)(a) (item #8): “If a digital sign is authorized in the underlying district, either as of right or by special permit, a pre-existing, nonconforming accessory static sign may be converted to a digital sign, by right or upon receipt of a special permit, whichever is applicable. As converted, the sign must comply with the dimensional, spacing and setback requirements of this ordinance and the provisions of Section- 6(G)(1)(d)-(k), inclusive,” that he is opposed to conversion of billboard to digital in sign overlay districts, because in his opinion this would be incompatible with the Ordinance’s intent to protect the area’s historical architecture and with plans for economic redevelopment in the area, especially after the Board earlier voted to remove the Blackstone River Parkway sign overlay district from recommendation. Mr. Cashman stated that 3 months ago he would concur, but after hearing the testimony, he believes the issue has to do with operations of digital signs, and not digital signs per se. Chair O’Connor and Mr. Mitra concurred with Mr. Cashman and stated that they are in favor of staff’s proposed amendment. Chair O’Connor stated that provision of spacing

between digital billboards would provide further “protection”. Mr. Cashman asked how Mr. Rolle feels about the existing static billboards. Mr. Rolle stated that he hopes in time, as more signs come into compliance, the number of billboards in the overlays will decrease. Chair O’Connor stated that due to the larger required spacing between digital signs, if allowed for conversion, the number of billboards would decrease over time. Mr. Fontane stated that a Special Permit would be required in order for a static billboard to be converted to digital. Mr. Rolle agreed. No motion was made.

Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 5-0 to approve, as amended, and change the numbering correspondingly, “Group 2 - Substantial Modifications not presented in this format to the Board as of 12/15/2010” (Exhibit C).

***“Group 3-Proposed Minor Modifications to Correct Typos, Provide Clarification / Re-organization and Copy Editing”***

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to approve “Group 3-Proposed Minor Modifications to Correct Typos, Provide Clarification / Re-organization and Copy Editing” (Exhibit C).

***Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts.***

Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted 5-0 to close the Public Hearing for Agenda Item #8: “Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts.”

**Voting.**

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to respectfully recommend to the City Council as follows:

Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would:

- Delete Worcester Zoning Ordinance’s Article IV, Section 6 - Signs in its entirety and insert a new Article IV, Section 6 – Signs. ***The Planning Board voted 5-0 to recommend approval of the attached Section 6 as amended by the Board.***
- Amend Worcester Zoning Ordinance’s Section 2 of Article I - Definitions by deleting all definitions relating to signs and incorporating new and/or revised definitions into Article IV, Section 6 - Signs. ***The Planning Board voted 5-0 to recommend approval of this amendment.***
- Amend Worcester Zoning Ordinance’s Section 1 of Article III - Districts by inserting the following designations at the end of the list: Union Station View Corridor Sign Overlay

District, Blackstone River Parkway Sign Overlay District, & Blackstone Canal Sign Overlay District. ***The Planning Board voted 5-0 not to recommend approval of this amendment (see Exhibit L - Planning Board's September 1, 2010 petition).***

- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Union Station View Corridor Sign Overlay District in the area of I-290, Grafton St., Summer St. and Shrewsbury St. ***The Planning Board voted 5-0 to recommend approval of this amendment.***
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone River Parkway Sign Overlay District in the area of Blackstone River Road and I-146. ***The Planning Board voted 5-0 not to recommend approval of this amendment (see Exhibit L - Planning Board's September 1, 2010 petition).***
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone Canal Sign Overlay District in the area of Millbury, Grafton, Water and Washington Streets. ***The Planning Board voted 5-0 not to recommend approval of this amendment (see Exhibit L - Planning Board's September 1, 2010 petition).***

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to respectfully recommend to the City Council as follows:

Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would:

- Amend Worcester Zoning Ordinance's Section 1 of Article III – Districts, by inserting the following designations:
  - Downtown/Blackstone Canal Sign Overlay District (DSOD)
  - Blackstone River Parkway Sign Overlay District (BSOD)
  - Union Station View Corridor Sign Overlay District (USOD)

***The Planning Board voted 5-0 to recommend approval of the amendment as amended by the Board to exclude the Blackstone River Parkway Sign Overlay District (BSOD).***

- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries herein described as the Downtown/Blackstone Canal Sign Overlay District generally bordered by the area of Prescott, Goldsberry, Summer, Prospect, I-290, Grafton, Harding Washington, Francis J. McGrath Blvd., Southbridge, Chandler, Linden, Harvard and Lancaster Streets and Rural Drive.

***The Planning Board voted 5-0 to recommend approval of this amendment.***

Exhibit A: DPRS Staff Presentation at the Planning Board's December 15, 2010 Public Hearing

Exhibit B: Overarching Policy Consideration Summary Documents; dated December, 2010:

- Summary – Signage Opportunities for Business
- Digital Display Policy Consideration
- Temporary Signs (Commercial) Policy Consideration
- Non-Accessory Signs Policy Consideration
- Permanent Accessory Signs Policy Consideration
- Signs with Non-Commercial Speech

Exhibit C: Updated Proposed Changes to the 4/27/2010 advertised Sign Ordinance Amendment

Exhibit D: Updated Sign Ordinance 12/14/2010 with Track Changes

Exhibit E: Updated Sign Ordinance 12/14/2010 with Track Changes and Proposed Sign Tables

Exhibit F: Visual Comparison: Permanent & Temporary, Commercial & Non-Commercial, Accessory Signage; dated April 27, 2010.

Exhibit G: Memorandum from Division of Planning & Regulatory Services to the Planning Board; re: Proposed Changes to Non-Accessory Sign Regulations; dated December 10, 2010.

Exhibit H: Digital Billboard Recommendations and Comparisons to Conventional Billboards. Prepared by Ian Lewin, PHD, FIES, L.C.. Lighting Sciences Inc., 2009. [www.lightingsciences.com](http://www.lightingsciences.com)

Exhibit I: Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs – Final Report. Prepared by Jerry Wachtel, CPE for the National Cooperative Highway Research Project (NCHRP) Project 20-7 (256) April 2009. (See Pages 151-158 regarding Luminance/Brightness Controls )

Exhibit J: Memorandum to Planning Board from Michael E. Traynor, Deputy City Solicitor and Jennifer Beaton, Assistant City Solicitor, dated December 8, 2010. Re: Political Sign Regulations.

Exhibit K: Proposed Amended Regarding Temporary Signs. Handed out by Michael Traynor to the Planning Board. December 15, 2010.

Exhibit L: Planning Board's September 1, 2010 Zoning Map change petition with respect to Sign overlay Districts.

## **OTHER BUSINESS**

- 9. Scott Cashman's Last Meeting:** Mr. Cashman stated that he has learned a lot while serving on the Board for the last 6 years, and thanked staff. He wished the remaining members good luck and thanked them for their time commitment to the Board.

## **ADJOURNMENT**

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to adjourn at 8:51 pm.