

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

**June 23, 2010  
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

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

**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  
Michael Traynor, Law Department  
Jennifer Beaton, Law Department

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

**CALL TO ORDER:**

Chair Anne O’Connor called the meeting to order at 5:35 PM.

**NEW BUSINESS:**

**Public Hearing**

**1. To 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, Summer and Shrewsbury Streets.

- 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.

Chair O'Connor opened the hearing and informed the audience that this is the first hearing of at least two public hearings to be held on the matter – at the Planning Board and the City Council's Subcommittee levels.

Mr. Fontane presented the proposed ordinance amendment. He thanked Lara Bold, Luba Zhaurova and Ruth Gentile, his staff, for working on research, development, and graphics for the amendment. Mr. Fontane stated that staff's goal was to create a sign ordinance that effectively addressed the community's needs and values by recognizing the importance of signs to businesses and proposing a reasonable regulatory framework informed by sign industry's best practices and sound planning principles related to form and aesthetics. Furthermore, the goal was to create a legally defensible, content-neutral sign ordinance; to provide clear regulations for the development community and enforcement staff; and to provide opportunities for business community to effectively communicate goods and services. Mr. Fontane stated that the purpose of the proposed sign ordinance was to:

- Encourage appropriate scale and placement of signs including appropriate operation of signs with digital display
- Provide regulations for signs that are compatible with the City's built environment
- Provide adequate opportunities for signage while minimizing potential for unsightliness or confusion
- Recognize business needs / provide balance with residential neighborhoods
- Respect view corridors, public investment, historical, architectural and cultural resources
- Encourage innovative design
- Promote public safety

Mr. Fontane stated that staff attended sign industry conferences, and consulted research papers, best practices, and other municipalities' sign ordinance to draft a customize sign ordinance for the City. He stated that the City consists of a wide stock of commercial and adaptive re-use buildings, such as old mill buildings. He stated that there are approximately 315 historic buildings in the downtown and that the proposed ordinance proposes to treat differently downtown and canal district.

Mr. Fontane described the public notification process indicating that staff had exceeded legal notice requirements in State law. He stated that the legal advertisement ran in the Telegram and Gazette every week since the first day of advertisement in late May. Additionally, notifications were mailed to local sign companies, community groups, neighborhood associations, and merchant and business associations and e-mailed to over 400 contacts.

Mr. Fontane summarized overarching changes proposed for the ordinance. First, the proposed ordinance recommends 21 new definitions in such general categories of signs as accessory, non-accessory, permanent and temporary. He added that not all non-accessory signs are billboards. Secondly, the proposed ordinance amendment establishes a form-based measurement system based on the

characteristics of a building and its site rather than the one size fits all approach of the current ordinance and removes the current geometric penalty for measuring signs by using more than one geometric shape.

Mr. Fontane then stated that he has numerous slides addressing different aspect of the proposed ordinance amendment and he will talk about them as needed or requested during the hearing.

**Michael Lanava of the Worcester Chamber of Commerce** expressed concern with existing business signage that he believed the proposed ordinance would ban. He also stated that staff provided more changes to the ordinance than what the City Council specifically asked for. He stated that the goal of the ordinance was to reduce clutter, and that the proposed amendment is trying to achieve a lot more than that. He stated his opposition to all window regulations and was specifically opposed to setting a limit of 25% window coverage as proposed and not proposing to grandfather window signs. He stated that window signs attract business and improve revenue. He was also opposed to the proposed banner sign regulations. Mr. Lanava was concerned with how vehicles used to store and transport materials but containing advertising messages would be treated in the ordinance amendment passes. He stated that there was a land court law suit dealing with a similar issue and that it was won. With respect to proposed digital display regulations, Mr. Lanava was opposed to the proposed 10-second minimum duration of time for each image, stating that it would make the billboard non-functional. He asked how staff derived this number. Mr. Lanava was concerned with operational language related to digital signs stating that local Channel 13 (Worcester Community Cable Access) on Main Street would not be able to comply with the proposed regulations. He asked why the proposed ordinance is banning flashing, scrolling and moving signs, as the City Council did not specifically request this change. He also asked if DPRS staff talked to businesses when developing the ordinance amendment.

Mr. Lanava showed photographs (Exhibit A) of some of the various City businesses and their signs, which, he claimed, would not comply with the proposed sign ordinance. He asked if the Massachusetts College of Pharmacy's banner signs would be banned. Ms. Bold stated that she cannot definitively answer this question because she does not have the dimensions of the building or signs. She stated that the current ordinance allows banners by Special Permit from the Zoning Board of Appeals. She stated that the banners are defined as "a piece of cloth or similar material hung and/or projecting, the purpose of which is primarily decorative and aesthetic" and stated that the proposed ordinance is proposing to treat banners as a type of projecting signs and that their dimensions are proposed to be limited 16 square feet for each and their number would not be limited when they are projecting banners. She also stated that the staff is not recommending amortization of accessory signs, except for temporary window and portable signs, and operational standards of digital signs. She also stated that staff proposes a Special Permit, instead of a Variance, if an increase in sign area is sought thus allowing for more flexibility and special consideration. Mr. Lanava stated that the Massachusetts College of Pharmacy's banners are more than 16 square feet in size. He asked if the new development at the Crown Hill Plaza will require a Special Permit for the banners. Chair O'Connor said yes.

Mr. Lanava asked if the Board had objections to the looks of the signs for the following businesses: Sclamos, Blue Jeans Pizza's wall sign between the 2<sup>nd</sup> and the 3<sup>rd</sup> floors, Oscar's neon sign, Santiago's Market with 100% window coverage, McDonald's wall signage, The Corner Grille's wall sign, Emerald Isle Restaurant, St. Cyr's Salon Spa wall-scape, Sun City Tanning salon window signs and others. He submitted copies of the photographs to the Board. Mr. Lanava stated that many of these signs bring character to the City, such as Emerald Isle Restaurant's roof sign visible from Interstate-290, and that there are many fun summer displays in the window and that the proposed regulations are too

burdensome. He stated that banning A & R Fruit Company store's large portable temporary signs would have a negative impact on the business.

Mr. Lanava asked if it is possible to appeal a Special Permit or a Variance that was denied by the Zoning Board of Appeals to the City Council. Mr. Traynor responded that per MGL Chapter 40A, a denied Special Permit or a Variance can be appealed to the superior court.

Mr. Fontane stated that staff cannot be expected to determine compliance of signs at the meeting as not enough information is provided. He stated that Mr. Lanava made an assertion that all of the presented signs would not be allowed if the proposed amendment is ordained. He stated that he would like to report back to the Board after researching each site's existing and proposed compliance. He also added that many of the signs shown by Mr. Lanava do not comply with the current ordinance also; therefore, it would be a more accurate characterization to say that the proposed ordinance would continue to prohibit certain signs and dimensions, not newly ban them. He confirmed that 25% of windows would be allowed to be covered with signs if the ordinance passes and that A&R would be allowed temporary portable signs, but their height and form would be changed. He noted that grand-fathering is not proposed for window signs, which would have not come in compliance. Mr. Lanava stated that the Board should take this ordinance amendment personally.

Mr. Lanava asked how staff derived the 25% sign coverage for windows. Mr. Fontane responded that the goal was to balance the need of businesses to advertise and to improve visual access and quality of life. He stated that he would argue that businesses can and are conducted without 100% coverage of windows. Ms. Bold stated that one of the key documents used in the research for the ordinance amendment was "The Model Sign Code" by the Sign Foundation in Washington, D.C. which defined windows' main purpose as visibility and recommended 25%-50% sign coverage of windows. Ms. Bold stated that different communities require different window coverage, but that there needs to be a balance between advertising and using windows to display products. Mr. Fontane added that staff developed its proposed ordinance based on consultation of sign and planning best practices, visual surveys of the City which is the best way to judge the needs of businesses and to see how signs manifest themselves given the current ordinance, studying relief sought for signs in the past years, information gathered at a sign conference, and conversations with people who install and maintain digital signs. He also noted that the Blue Jeans Pizza wall sign is not allowed under the current ordinance, and that the proposed ordinance does not tie number and size of signs to public entrances thus providing more flexibility to small businesses with only one public entrance.

**Nancy Saal of YMCA's Pioneering Healthier Communities** stated her support for the proposed ordinance amendment. She stated that Pioneering Healthier Communities' strategy is to support healthy living and eating and that many temporary signs promote unhealthy foods and tobacco. She stated that the proposed ordinance would reduce number of temporary signs allowed for each business.

**Paul Hernandez, representing HOPE (The Healthy Options for Prevention and Education) Coalition** stated his support for the proposed ordinance. He stated that young people who formed this coalition feel that there is an over-exposure of signs in windows in urban areas where they live and that there is a safety problem as well with respect to visibility. He stated in response to Mr. Lanava's argument that signs bring revenue to businesses, that based on the visual and pictorial assessment of business signs by the Coalition, many signs appear to be repetitive advertisements of the same product, and many are outdated not representing a product carried on premises. He stated that he is offended when he sees ugly signs scattered over the stores which create clutter. He stated that there is a lot more

clutter in the more urban area of Worcester where more of the Coalition's members live as compared to the west side of the City.

**Robyn Johnston, representing HOPE (The Healthy Options for Prevention and Education) Coalition**, stated that sign clutter appears to be a safety issue. For example, she stated, Santiago Market's 100% window coverage means that if there is something dangerous happening inside, people on the outside will not be able to see it, prevent it, or call for help. She also stated that blinking and neon lights are distracting and might present safety issues to drivers, especially at night.

**Attorney Jonathan Finkelstein**, representing Murray Outdoor Communications, thanked staff for their work and asked if staff responded to the questions and comments submitted. Ms. Bold handed the responses to Mr. Finkelstein. Mr. Finkelstein recommended to change the proposed dimensional requirement that two sided "vee" configured signs should be no wider than 30 degrees to "width of the "vee" should be such that both sides cannot be viewed from one direction of travel. Ms. Bold stated that staff is in agreement with this proposal and recommends accepting this revision. Mr. Finkelstein asked if the digital billboards sign can be 100% digital. Mr. Bold said yes, and stated that 33% limiter on digital displays only apply to accessory signs. Mr. Finkelstein stated that prohibiting billboards in BG-6 zoning district is more restrictive than the intent of the amendment, including areas along Interstate-290. He also stated that he believes the ordinance has too much technical information and that technology might outpace the regulations. He recommended treating technical operations of digital billboards as Planning Board subdivision regulations which the Board can change from time to time without having to go through the City Council. Mr. Finkelstein also stated that the deal-breaker for his client is the new Special Permit criteria for non-accessory signs where impact on and safety to vehicles has to be demonstrated. He stated that this provision is a short-hand for denying a Special Permit. He stated that scientific evidence is needed before adopting the ordinance. He stated that he is in favor of making the ordinance amendment more narrow and specific, so that people would not have to depend on subjective interpretation of the Boards. He expressed hope that the Board continues this hearing to consider the issues that were raised. Mr. Fontane stated that there are jurisdictions that chose to ban billboards and that while there is no definitive causal relationship between billboards and vehicular safety, at the same time most local, state and federal regulations don't rely on causal relationship to make safety regulations (e.g. for texting when driving). Mr. Finkelstein stated that no new digital or static billboards were approved by the City in the past 6 years and that it is important to make clear that with respect to billboards, one needs to look into *highway* traffic safety, not just any traffic safety. Mr. Fontane responded that the current ordinance requires the Zoning Board of Appeals to make findings of fact about traffic flow and safety as one of the Special Permit criteria.

**Attorney Robert Longden**, representing Lamar Outdoor Advertising, stated that his client operates 9 billboards in City of Worcester. He recognized the hard work staff did by creating the sweeping and detailed proposal. He listed his client's concerns:

- 1) With respect to proposing to make non-conforming existing billboards and prohibiting new billboard in the sign overlay districts, he asked whether staff performed an assessment of how many current billboards currently exist in the proposed sign overlay districts thus potentially rendering them non-conforming.
- 2) With respect to proposed spacing requirements for non-accessory signs where 300-feet are proposed to be required for minimum spacing of static billboards and 1,000-feet are proposed to be required for digital billboards (E(7)(b)(iv)(bb)), Mr. Longden asked for a reconsideration of

spacing for digital billboards. He stated that a 1,000-foot spacing is unnecessary and will have a deleterious effect on someone who wants to convert a static billboard to a digital one.

- 3) With respect to digital sign transition time (G(1)(f)) - *“the change sequence shall be accomplished by means of nearly instantaneous re-pixelization (less than one second),”* Mr. Longden stated that a pilot program on digital signs by the Massachusetts Highway Department suggest no more than a 2-second delay. He asked to consider changing the proposed ordinance accordingly to be consistent with the MHD recommendation.
- 4) With respect to proposed billboard dimming regulations (G(1)(f)) – *“All displays should adjust brightness intensity according to ambient light conditions to ensure optimum legibility. No digital display shall be erected without an automatic light sensing device such as a light detector or photocell by which the sign’s brightness can be dimmed when ambient light conditions darken. Applicants shall demonstrate to the satisfaction of the Building Commissioner that the proposed digital display sign has the most up-to-date technology with respect to dimming. No digital display may be so bright as to interfere with traffic control devices or impair the vision of a driver or promote driver distraction,”* Mr. Longden stated that he believes the language lacks clear articulation of clear standards and might lead to subjective determination by the Board as to what too bright is and what would constitute driver distraction.
- 5) Mr. Longden suggested minor edit re-labeling section E(7)(b)(iv) to E(7)(b)(iii).
- 6) With respect to the proposed Special Permit Approval Criteria, section J(2), Mr. Longden stated that the following criteria is too subjective: *“b) The proposed sign in addition to other signs on site does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood and street.”* He stated that there is no definition of signage overload in the proposed ordinance and that this criterion would appeal to the Board members’ tastes and biases.
- 7) With respect to the proposed Special Permit Approval Criteria, section J(2), Mr. Longden stated that the following criteria lacks a standard and that it is not clear what is considered appropriate: *“e) The proposed lighting is appropriate to the site and is appropriately located with respect to the surrounding neighborhood.”*
- 8) Mr. Longden stated that he believes the proposed sign overlay districts are too extensive.
- 9) Mr. Longden stated that the pre-existing non-conforming section of the proposed ordinance in effect prohibits converting static billboards to digital billboards and that he is opposed to that.
- 10) Mr. Longden stated that while section K: Sign Overlay District states that it is created for the purpose of protecting view corridors in the City of Worcester from visual clutter, ‘view corridors’ are not defined.
- 11) Mr. Longden stated that the ordinance contains an assumption that digital signs create distraction and therefore are dangerous. At the same time, standards are put in place in the proposed ordinance for billboard spacing, digital display transition time, and more, which make one to believe that meeting these standards would make them acceptable and safe. Therefore, he did not agree that a petitioner would need to provide evidence of the requested criteria if the operational standards were met.

Chair O’Connor was not clear on how spacing between billboards with digital display would be measured. Mr. Fontane clarified that the intent of the proposed ordinance was to have a minimum 1,000-foot spacing between billboard signs facing the same direction regardless of which side of the street it is on. He added that he will work on clarifying this language.

In response to Mr. Longden’s statement, Mr. Fontane stated that other companies already operate digital billboards with 10-second transition time and nearly instantaneous image change such as CVS. He stated

that he needs additional time to think about Mr. Longden's last proposal regarding not requiring petitioners to provide more evidence about safety of digital billboards if they would meet required technical standards.

Mr. Cashman asked how a digital sign with mortgage message on Grafton Street would be affected by the proposed ordinance amendment and added that he found it to be very distracting. Mr. Fontane responded that it is a video sign with sequential messaging with less than 10 seconds image duration. He stated that the sign structure would be grandfathered, but that its digital display would have to comply with new digital display regulations if the Board adopted the proposed modification to the amendment package to not grandfather digital signs with respect to operational standards. He stated that video display signs are prohibited by the proposed ordinance because they are intended to draw in attention and are of much higher level of distraction. He stated that the current Channel 13 digital sign has a 6-8 seconds per frame transition time.

Mr. Truman asked if mechanical motion signs would be allowed. Ms. Bold stated that staff considered motion signs, and is proposing to prohibit them.

Mr. Mitra asked if the City has statistical research on how many accidents have been caused by distracting signs. Mr. Fontane responded that there were traffic studies done by a pilot conducted by the Outdoor Advertisement Board which collects crash data along highways. He stated that these studies have a lot of shortcomings and do not seem to be accurately reflecting actual levels of distraction caused by signs.

**Damien Jacob of Worcester Sign Company** stated that the code can be content-based and content-neutral and then asked if the proposed ordinance raised red flags for the Board. Mr. Cashman asked Mr. Jacob to state his position and to ask specific questions. Mr. Jacob asked what the largest allowable commercial sign is allowed by the proposed ordinance. Mr. Fontane responded that the proposed code is form-based and, therefore, the sign size depends on the context such as the size of the building and its setback from the street. Thus, a larger building would be allowed larger-size signs. He stated that Saint Vincent Hospital was granted a sign variance in the past because it made a good argument for proportionality. He added that such large buildings as Wal-Mart, Sam's Club and PriceRite would be allowed signs over 1,000 SF. He further stated that maximum allowed area for non-accessory freestanding signs (i.e. billboards) is proposed to be 1,200 SF. Mr. Jacob clarified his question – what is the maximum allowed size for accessory freestanding sign as compared to non-accessory freestanding sign. Ms. Bold responded that there is a sliding range of proposed dimensions for accessory freestanding signs depending on the number of tenants on the site, the zoning district, and the use of the site with a range of 64-140 square feet for freestanding pole signs and 48-160 square feet for freestanding monument signs in non-residential districts. She added that these dimensions can be modified by a Special Permit.

Mr. Jacob stated that per section, "*hh) Murals which contain no commercial message are allowed by-right. Murals, which are determined by the Building Commissioner to be of a commercial nature shall be considered a wall sign and shall comply with all requirements for walls signs,*" he believes the proposed ordinance gives power to the enforcement officer to determine content of the sign and then determine what kind of sign it is. Mr. Fontane stated that the proposed ordinance's intent is not to regulate speech, but to regulate signs. He stated that staff is open to discussing non-commercial speech regulations. Mr. Traynor stated that this section is proper because the ordinance is not trying to regulate content, but sign categories, and that a mural is a sign category. Mr. Traynor stated that an enforcement

agent would identify a wall sign with non-commercial content as a mural, and wall sign with commercial content as a wall sign.

Mr. Jacob referred to the Town of Webster's proposed sign ordinance which, in his words, proposed signs grandfathering but was actually signs amortization. He asked if it is possible to have the proposed ordinance have regulations about sign amortization and to adopt this fact as a finding. Mr. Fontane responded that staff consulted numerous codes by other municipalities and was not clear why Mr. Jacob singled out this particular code. He also stated that this is a zoning ordinance amendment public hearing, not a Special Permit hearing, and, therefore, there are no findings of fact. Mr. Fontane stated that the ordinance amendment is proposing amortization of temporary windows signs, digital operational standards and portable signs and grandfathering of any other existing legal signs that do not comply with the proposed ordinance. He stated that Sign Model Code proposed amortization period of 7-10 years which was found to be sufficient to amortize costs associated with installing and operating signs. Mr. Jacob stated that he is agreeable to amortization and to prohibiting all billboards in the City if the goal of the ordinance is to advance aesthetics because he believes they are not aesthetically pleasing. He stated that the Town of Concord and Town of Brookline banned billboards altogether. He stated that he is against grandfathering because it would scar the landscape. He stated that he liked wall banners and projecting signs because they were part of the environment and the human nature.

Mr. Lanava asked if it is possible to create a new category of digital signs to accommodate such digital scrolling signs as the one WCCA Channel 13 has on Main Street targeted to the pedestrian traffic on the sidewalks. Mr. Fontane stated that if Board would like to, his staff can look into this possibility. He stated that he does not believe the proposed ordinance would make the WCCA Channel 13 sign 100% unusable, because the Owl Shop digital sign operates without scrolling. Mr. Lanava stated that the WCCA Channel 13 sign only operates in a scrolling manner. Mr. Lanava stated that the sign painted on a side wall of Corner Grill looks like a mural and looks good, and that this type of signage should be promoted in the City, not prohibited.

Mr. Truman, referring to the Worcester Regional Transit Authority's letter to the Board, asked how the proposed ordinance would affect digital signs on the bus stations. Mr. Fontane stated that WRTA bus signs do not have to be operated in a scrolling fashion, but that he is not sure if a 10-second interval is needed. He stated that he believes the proposed regulations are reasonable in accommodating the WRTA needs but that his staff can look more into that.

**Jo Hart**, Worcester resident, stated that there are many iconic landmark signs in the City such as Oscar Point and that with proposed regulations there is a danger that nothing will become an icon going forward as such signs would not be allowed. Mr. Fontane stated that the proposed ordinance takes away the geometric penalty that the current ordinance has when measuring the sign size thus promoting creative embellishment in sign designs. He stated that he is not sure if the Oscar's Co-Op's sign is allowed by the current ordinance as well. Ms. Hart stated that she would like to have another public hearing to allow opportunity for responding to comments by staff and more give and take. She stated that there is a big difference between advertising to pedestrians versus drivers. She also stated that she believes some signs, such as roof signs on large buildings, should be mandated to have a certain minimum size because if they are not clearly visible they might be dangerous to drivers. She spoke against many portable signs that block public sidewalks. Ms. Hart stated that there is a big need to take down old signage for businesses that were not longer there, such as Santiago Market referred to earlier that does not exist any more, and that the enforcement should be equally strong for old and new signs. She stated that there are photographs of the City during its economic peak in the 19<sup>th</sup> century that show a

lot of signs in the City. She stated that a mural on the bridge crossing the Green Street is an example of bad art. Ms. Hart spoke in favor of cooperative advertising. She stated that there is a need for accessory and non-accessory directional signs in the City. Chair O'Connor stated that the current ordinance does not address directional signs, but that the proposed ordinance has a small allowance for non-accessory directional signs. Ms. Hart suggested having kiosks used for temporary signs in order to reduce clutter spread out over large areas. Ms. Bold stated that the proposed ordinance allows for more creativity in sign designs and that temporary sidewalk signs are required to provide a 4-foot clearance on the sidewalks. She stated that both current and proposed sign ordinance require that abandoned signs be removed.

**Michael Hannigan of KayGee Signs** spoke in support of changing from the variance to a special permit provisions when seeking to increase sign size. He stated that, in his opinion, the proposed ordinance is written for large businesses and organizations, but is too restrictive for small businesses. He asked whether he might be prevented from installing a sign that would become an icon in 50 years. Mr. Fontane responded that Mr. Hannigan is insinuating that to become an icon, a sign has to be large. He stated that the proposed Special Permit is a discretionary permit with several criteria as listed in section J. He reiterated that many of the signs presented today are not allowed by the existing sign ordinance either, and, therefore, it is not accurate characterization to state that proposed ordinance would ban, prohibit, or restrict signs. He added that the proposed ordinance is providing more flexibility for wall signs, as their number is no longer tied to a public entrance, which should help small businesses. Mr. Fontane also stated that the proposed regulations depend a lot on the site context and were designed with principles of proportionality, good planning, and aesthetics in mind.

Mr. Hannigan stated that while he understands the intent of the proposed ordinance, he is concerned that the ordinance will translate into new signs lock-down in practice. Ms. Bold offered to focus more on examples of how small businesses would be affected at the next meeting, such as businesses along June Street, Hamilton Street, and in small commercial nodes. She noted that under the current sign ordinance, only 1 sign, maximum 100 square feet in a Business, Limited zoning district, is allowed for a single tenant, unless there is more than one public entrance. In comparison, the new ordinance would allow multiple signs, and wall signs on small buildings can extend above the roof to the reasonable extent. Mr. Hannigan stated that there is a big difference between a 150 square foot sign presently allowed in Business, General zoning districts and proposed 64 square foot signs with one third of it taken up by digital signs. Ms. Bold asked Mr. Hannigan to submit examples of sites he is referring to and suggested alternatives for staff's review.

Mr. Truman asked who the Special Permit Granting Authority (SPGA) would be. Mr. Fontane stated that there was a typo in the proposed ordinance and that the intent is to have Planning Board as the SPGA for the Comprehensive Sign Plan Approval and Zoning Board of Appeals as a SPGA for all other sign Special Permits.

**Andy Serrato of Serrato Signs** expressed concern regarding proposed maximum dimensions of 16 square feet for projecting signs. He stated that signs that are too small are distracting in their own way. He suggested changing the proposed maximum dimensions to 30-34 square feet, which, he claimed, is the size of 90% of all projecting signs in the City. Mr. Serrato also asked for clarification on whether the setback of the freestanding pole sign is measured from the leading edge of the sign or the pole. He stated that there is often a problem when abutting lots having different front yard setbacks resulting in situations, such as Auto Zone business on Park Avenue, where an abutting building is blocking from the view a freestanding pole sign. He suggested a 4-5-foot setback as measured from the pole, and not the

edge, of the freestanding signs. Mr. Serrato stated that any sign can be distracting, and it does not have to be flashing or digital. He stated that technology already exists for auto dimming of digital signs and that the regulations can focus on lessening the animation and flashing, but that in his opinion a 10-second interval is too long.

Mr. Serrato stated that he was concerned with the current temporary sign proliferation in the City and that in his opinion 25% window sign coverage can be still very effective and that it would make storefronts look more welcoming and allow more natural light entering the stores.

With respect to advertising on vehicles, Mr. Serrato stated that the proposed regulations need to be fine-tuned to reflect the difference between trucks that advertise a product not sold on premises. Mr. Fontane stated that the proposed regulation allows parking of vehicles with advertisement on them that are used primarily for the business, and not for the sole purpose of advertising. Mr. Serrato identified permitting and enforcement as the key issues. He stated that in Framingham, a part-time person is hired to do enforcement of the sign ordinance. He also stated that the City's current sign permitting application does not ask about the existing signs on site and suggested that all sign applications are accompanied by a picture of the existing conditions. Mr. Kelly stated that his department has been working on developing a new sign application. He also stated that if funding becomes available, he will look into hiring a sign enforcement officer. Mr. Serrato thanked staff for their work and opportunity to speak.

Jo Hart stated that some old signs show history of the site or building, and are worth preserving, which is done in some municipalities, such as New York City. She also suggested considering different signage criteria for corner stores. Mr. Fontane stated that the proposed ordinance already reflects this consideration.

Mr. Truman asked if the number of banner signs is limited for such buildings as Massachusetts College of Pharmacy. Ms. Bold stated that the number is unlimited. Mr. Truman stated that he likes these banners.

Mr. Jacob stated that signs painted on sidewalks were not addressed in the proposed ordinance. Ms. Bold stated that such sidewalk signs would be off-site and that staff is not proposing any regulations for them. Mr. Jacob asked about regulations of the proposed street-furniture signs. Ms. Bold stated that Mr. Jacob was referring to the letter with comments he submitted to the Board where he recommended modification to proposed ordinance to clarify that any pedestrian bonus sign area is only permitted on site and cannot be located off-site including on public streets. Ms. Bold stated that she agrees with this comment as it was not the intention of the pedestrian friendly bonus sign area to permit additional small non-accessory signs or to provide them off-site but to provide additional area for signs as pedestrian friendly elements. She stated that she will clarify that these signs are proposed to be located on-site.

Mr. Jacob showed a historic picture of a downtown building with large projecting signs (the Hadleys and the Royal) that are no longer there. He asked the Board if these signs would be considered marquee or projecting signs. Mr. Fontane stated they would be considered projecting signs. Mr. Jacob asked if these signs would be allowed by a proposed sign ordinance. Mr. Fontane stated that these signs would be allowed, but that the allowed area might be different, and that he is not sure if the signs would be compliant with the current sign ordinance. Mr. Jacob asked if the Board likes these signs. Chair O'Connor stated that the Board does not consider whether or not they like the signs, but whether or not they are appropriate. Mr. Fontane asked Mr. Jacob to state his questions or comments more clearly. Mr. Jacob stated that he likes projecting signs.

Mr. Traynor stated that he has some recommended changes on maintenance and enforcement section of the proposed ordinance and that he will provide a memo to the Board with these changes along with responses to the issues raised at the meeting. Mr. Fontane recommended that the Board hold another hearing to give sufficient time for staff to provide clarification related to digital signs and rationale for regulating them, and respond to other comments and the testimony. Chair O'Connor stated that she would like to have all of the information for the Board ahead of time in order to make the decision and would like to have minutes from the this meeting as soon as possible as they would serve as a summary of the testimony. Mr. Truman stated that he would like to have all the information at least a week before the meeting in order to have sufficient time to read it all. Mr. Mitra asked to have the materials 10 days before the meeting.

The Board discussed potential dates of the next hearing. Chair O'Connor was not sure if a new special meeting is necessary and stated that the hearing could be held at an upcoming regularly scheduled meeting or at the July 14<sup>th</sup>, 2010's another special meeting. Mr. Truman stated that he believes a special meeting is warranted for this hearing. Mr. Cashman was opposed to having a separate special meeting because there are already 2 meetings scheduled in July and stated that if necessary, a special meeting might be scheduled for September. Chair O'Connor noted that the Board is having fewer meetings this year than last year and that there is only one scheduled meeting in August and one in September. Mr. Rolle expressed concern that this hearing can fit into a regularly scheduled meeting. Mr. Fontane recommended continuing the hearing to a separate special meeting date. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-1 (with Chair O'Connor, Stephen Rolle, Andrew Truman, and Satya Mitra voting yes and Scott Cashman voting no) to continue the hearing to August 4, 2010.

#### **OTHER BUSINESS:**

Mr. Truman asked how yard sale signs are regulated. Ms. Bold responded that they are currently not regulated as they are considered to be non-accessory signs, but that some other communities chose to regulate them. Mr. Kelly stated that City inspectors remove signs like these from the poles when they drive by.

#### **ADJOURNMENT:**

Upon a motion by Stephen Rolle and seconded by Andrew Truman, the Board voted 5-0 to adjourn the meeting at 8:25 pm.