

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

**August 4, 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
Ruth Gentile, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair O’Connor called the meeting to order at 5:40 PM.

APPROVAL OF MINUTES:

Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 5-0 to approve the June 23, 2010 meeting minutes as amended.

UNFINISHED 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 second special meeting held on the matter. Mr. Fontane stated that the hearing is part of a public process and that many comments have been received by the Board for review and consideration including comments and pictures from the Chamber of Commerce of City's businesses that are a good example of what is and is not currently allowed. He pointed out that certain existing signs shown on these photographs (Exhibit E) are already not allowed under the current ordinance and would be allowed under the proposed ordinance. He said that staff presentation will focus on staff responses (Exhibit H) to the comments received before and after the last meeting. Mr. Fontane stated that the packet to the Board (Exhibits A-J) included the summary and rationale for proposing overlay maps with historic properties shown in the Union Station Sign Overlay District.

With respect to the Comment 1 (Exhibit H) that that the proposed ordinance is making more changes than what has been requested by the City Council, Mr. Fontane stated the Council has made several requests to staff in the past year, the most recent ones relating to digital signs and temporary signs. He stated the administration took a proactive approach and developed the ordinance in a holistic manner. He stated that the proposed ordinance addressed certain inconsistencies in the current ordinance and provides more flexibility in certain instances.

Ms. Bold presented staff responses to Michael Lanava's photographs submitted at the June 23, 2010 meeting (Exhibit A-v). With respect to a photograph of Sclamos (574 Southbridge Street), she stated that the existing wall signs are a good example of a site where the proposed zoning ordinance will allow more signage than what is currently permitted. Currently in the BL-1.0 zoning district, one 100 SF wall sign is permitted when there is only one public entrance to the building and only one business establishment. She stated that under the proposed draft sign ordinance, which uses the form-based approach, the number of wall signs would not be limited and the sign area permitted would be based on the length of the building. In this case, the building is ~ 137' long so 205 SF (137x1.5) of wall signage would be permitted. Ms. Bold stated that based on visual estimates, it appears as if the building has ~ 140 SF of wall signage. Therefore, it appears if adopted, the proposed ordinance would bring this nonconforming site into compliance both in terms of number of and area of the signs. She stated that the window sign area appears to meet the 25% permanent/temporary limitations of the proposed ordinance.

With respect to a photograph of Massachusetts College of Pharmacy at 19 Foster Street, Ms. Bold stated that under the current ordinance, there is some ambiguity as to whether these signs would be classified as banner signs or projecting signs. Banner signs are defined as being mainly decorative and require a Special Permit from the Zoning Board of Appeals. No special permit was applied for or granted for these signs according to staff records. Projecting signs may not exceed 6 SF or 2/3 the width of the sidewalk whichever is less and may be up to 150 SF in area. It is unclear in the current ordinance if that is total projecting sign area or per sign. She stated that each of the existing projecting signs are ~45 SF. With four (4) signs, the total area of the projecting signs appears to exceed the 150 SF maximum for

projecting signs. Ms. Bold stated that staff sought to differentiate between projecting and banner signs in the proposed regulations in order to align with the City's existing design guidelines and best practices. She stated that banner signs, which are more decorative lighter signs, are proposed to be allowed a height bonus for taller buildings, thus responding to Mr. Serrato's comment at the last meeting. She stated that staff proposed to increase the maximum allowed projecting sign area to 32 SF for buildings that only use these types of signs.

With respect to a photograph of Blue Jeans Pizza at 266 Park Avenue (BG-3.0 zoning district), Ms. Bold stated that the current ordinance limits the number of wall signs to one wall sign per establishment with additional wall signage allowed if there is more than one public entrance to the building and on walls viewable from a different traveled way. Blue Jeans Pizza has one public entrance on Park Avenue and would, therefore, be limited to one permanent wall sign at a maximum of 150 SF. She stated that based on site visits by Inspectional Services, the sign at the top of the building (Chicago-style pizza sign) appears to be ~150 SF and the Blue Jeans Pizza sign appears to be ~20 SF. Therefore, she stated, the signage on this site is currently out of compliance with the current Zoning Ordinance with respect to number of signs. Under the proposed ordinance, Ms. Bold stated, a total of 132 SF of signage would be permitted on the Park Avenue side of the building. If the existing permanent sign (Blue Jeans Pizza) remained, the wall sign above would be permitted 112 SF of signage or roughly 11' x 10'; a foot shorter on the width and two feet shorter on the length. The estimated outline in red on the photographs showed approximately that the wall sign area allowance would be under the proposed sign ordinance. Ms. Bold stated that under the proposed ordinance, there would be no limitation on the number of wall signs permitted.

With respect to a photograph of Emerald Isle Restaurant at 49 Millbury Street, located in BG-3 zoning district and Blackstone Canal District, Ms. Bold stated that the non-accessory billboard roof sign (McDonalds) would not be permitted in the proposed Blackstone Canal Overlay District but a roof sign with channel letters would be allowed by Special Permit. She stated that it is difficult to legislate good design, and that the staff attempted to set an area limitation that would balance the business needs yet not be overly large.

With respect to a photograph of Oscar's Coin-Op Laundry at 85 Millbury Street located in the BG-3.0 and proposed Blackstone Canal Sign Overlay District, Ms. Bold stated that under the current ordinance, the permitted freestanding sign area for a business use with two business establishments is 150 SF. The proposed ordinance would permit 80 SF using the form-based formula given that it is a dense urban pedestrian-oriented network unlike suburban style developments where large freestanding signs are designed to gain attention of the fast-passing vehicular traffic. Based on Inspectional Services staff site visit, the existing sign is ~96 SF. If this freestanding pole sign were to be constructed today, she stated, it would require a Special Permit and would be permitted less area. The height of the sign appears to be 20 feet, maximum allowed under the proposed ordinance. The current ordinance allows 30-ft tall signs. She stated that the sign's height could be increased by grant of a Special Permit.

With respect to a photograph of Gulf Express, Ms. Bold stated that the site appears to be in compliance with current and proposed permanent wall sign allowances. The freestanding temporary sign is not explicitly described under the current ordinance and therefore would be limited to one 6 SF temporary sign. She stated that the temporary banner sign between the two poles would not be permitted under the current ordinance since only one temporary sign is permitted per lot. She stated that the temporary window signs appear to be in compliance with current regulations and proposed regulations of maximum 25% coverage.

With respect to a photograph of a residential building at 660 Main Street located in the BG-3.0 zoning district, Ms. Bold stated that under the current ordinance, the permitted sign area for this building is 150

SF. Under the proposed ordinance, the permitted accessory signage on this side of the building, which is considered secondary building unit length, with no roof, or freestanding signs on site, would be 2 SF per linear foot of secondary building unit length plus a height bonus for a total of 314 of permitted sign area. Therefore, this sign allowance is more than double what is permitted under the current ordinance. She stated that the sign appears to meet both proposed and existing sign ordinance regulations.

With respect to a photograph of a Compare Foods business at 664 Main Street located in the BG-3.0 zoning district, Ms. Bold stated that building unit length along Main Street is ~ 160-feet. She stated that the maximum allowed wall sign under the current ordinance is 150 SF; under the proposed ordinance it would be 320 SF. The wall sign is in compliance with existing and proposed regulations. With respect to window signs, currently temporary window signs are exempt from ordinance regulations; permanent window signs are limited to 150 SF. Per Inspectional Services staff site visit, Ms. Bold stated that the total window sign area, which is 312 SF, does not meet current regulations (maximum 150 SF for permanent window signs) or proposed regulations (maximum 25% of the total window area for permanent and temporary window signs).

With respect to a photograph of Santiago's Market at 1000 Main Street located in the BL-1.0 zoning district, Ms. Bold stated that the current zoning ordinance allows up to 100 SF of window sign area for permanent window signs and that temporary window signs are exempt from regulations. The proposed ordinance allows a maximum 25% of the total available window area, including glass doors to be covered by signs. Existing permanent window signs do not conform with either the current ordinance (150 SF permitted; 217 SF shown) or the proposed ordinance (max 25% permitted) unless an official determination was made that the window signs are noncommercial speech. She stated that the reasons behind proposing a limiter on window signs include improved visibility into retail establishment and active façades at the pedestrian level. Ms. Bold stated that there are no recommendations for regulating window displays but that 100% window coverage by signs would not be allowed under the proposed ordinance. She referred to Exhibit A (Survey of Permitted Window Sign Area in Select Medium Sized Cities) and stated that Denver, CO regulates maximum window coverage by limiting anything that could block windows, including but not limited to signs, to 35%. Ms. Bold stated that staff only proposes regulations of signs and not displays. She stated that temporary portable signs are not allowed under the current sign ordinance in this zoning district, but would be allowed under the proposed ordinance. The reason for this, she stated, was the result of visual surveys which identified a business need for sidewalk signs in the BL-1.0 zoning districts. Ms. Bold stated that the projecting sign at 1000 Main Street, which was measured to be about 15 SF by site inspectors, meets existing and proposed sign regulations – maximum 100 SF permitted currently and maximum 16 SF permitted under the proposed ordinance. She stated that a projecting sign would be permitted to extend above the roofline only by grant of a Special Permit of the Zoning Board of Appeals where the Board would review opportunities on site for signage, the proposed structural supports, how the projecting sign fits in with other signage on site and more.

With respect to a photograph of Colony Farms at 1127 Main Street located in the BG-2.0 zoning district, Ms. Bold stated that the number and sign area of temporary signs on the building appears to exceed current temporary wall sign allowances, limited to one sign at 6 SF, and proposed temporary wall sign allowances, which would be limited to a ~ 84 SF temporary wall sign (24 SF or 2% of building face). She stated that the existing wall and window signs appear to comply with the current and proposed sign ordinance.

With respect to a photograph of Hess Gas Station on Park Avenue, Ms. Bold stated that under the current ordinance, a 150 SF freestanding sign is permitted in the BG zones. She stated that the City inspectors found the existing sign to be 280 SF, which is not permitted under the current ordinance but would be grandfathered. She stated that under the proposed ordinance, in a BG zoning district for a

business use with one establishment, a 64 SF sign would be permitted and a new freestanding sign of its size would only be permitted by grant of a Special Permit. She stated that the ordinance would prohibit placement of temporary signs on utility poles, but that a freestanding temporary sign in the corner of the property would be allowed.

With respect to a photograph of TD Banknorth sign, Ms. Bold stated that staff is unsure of the location of this sign and did not receive a response to staff inquiry sent by email to Michael Lanava. She stated that the "Enter" sign would be considered an instructional sign and would be permitted as of right both by current and proposed ordinance. Ms. Bold stated that the sign in the background would be considered a non-accessory sign and would be allowed by a Special Permit both under the current and proposed ordinance. She stated that she was not sure if staff would recommend approval of a Special Permit for a sign of that size blocking a building behind it.

With respect to a photograph of Webster Square Tire and Auto business at 616 Park Avenue, located in the BG-2.0 zoning district, Ms. Bold stated that the current ordinance allows one wall sign per public entrance for a total of 150 SF. The proposed ordinance does not limit the number of wall signs and allows an unlimited number of wall signs totaling a maximum of ~ 190 SF. She stated that the proposed ordinance would bring the wall signs on the building into compliance.

With respect to a photograph of Edgemere Mini Mart at 288 Mill Street located in the BL-1.0/RS-7 zoning districts, Ms. Bold stated that the existing wall sign meets current and proposed regulations, but that the window signs do not appear to meet the proposed sign ordinance's 25% limit of window area coverage. She stated that many signs in the window of this building are obstructed by others and are not visible by passing vehicles.

With respect to a photograph of McDonalds restaurant, Ms. Bold stated that the address was not provided by Mr. Lanava for this location. She commented that the wall signage and temporary window signage appears to be compliant with proposed ordinance regulations. She stated that the existing temporary roof sign and temporary banner signs do not meet the current ordinance's 6SF limit on the area and number of such signs. Under the proposed ordinance, temporary banner signs would be permitted 24 SF or 2% of the building area but cannot be located on fences. She stated that based on best practices, staff is recommending prohibiting temporary sign placements on utility poles, fences, natural features, and more.

With respect to a photograph of 638 Chandler Street, a commercial strip, located in the BL-1 / RS - 7 zoning districts, Ms. Bold stated that the existing wall and roof sign areas are in compliance with the current ordinance. She stated that each business has its own roof sign, and that under the proposed ordinance, roof signs are limited to one per lot; therefore the increased number of roof signs would only be allowed by a Special Permit. She stated that it appears as if the existing low facade limits area for wall signs, therefore, under the proposed ordinance, each side could have a wall sign that extends up to three (3) feet above the roof by-right. Ms. Bold stated that this example is more of an exception, and that the proposed sign ordinance gives preference to wall signs over roof signs, but allows increases in area and number of roof signs by a Special Permit. She stated that most new commercial construction of this type now incorporates area for signage, such as parapets for increased wall sign area.

With respect to a photograph of The Corner Grille business at 806 Pleasant Street located in the BL-1.0 zoning district, Ms. Bold stated that the staff graphic shows the existing v. proposed measurement standards. She stated that the existing measurement standard allows for only one geometric shape to measure the sign size, while the proposed ordinance allows for multiple shapes thus promoting creative sign designs and reducing the measured area by 40-60% according to research. She stated that the existing sign area, if measured by single geometric shape, is 220 SF, with maximum 100 SF allowed.

The new method of measuring sign area would reduce the measured sign area by 72% and would measure at 63 SF with maximum 75 SF allowed under the proposed ordinance. Ms. Bold stated that the projecting sign appears to meet current and proposed sign area requirements. An audience member asked whether or not the tomato on the sign would be considered an art, i.e. non-commercial speech. Ms. Bold responded that it would be considered part of the commercial sign, as shown on the graphic. She stated that the sunshine beams in the background would not be considered part of the signage.

With respect to a photograph of That's Entertainment business at 244 Park Avenue located in the BG-3.0 zoning district, Ms. Bold stated that the wall signs appear to be in compliance with existing and proposed sign regulations and that the existing window signs do not appear to comply with the proposed sign ordinance.

With respect to a photograph of St. Cyr Salon and Spa business at 235 Park Avenue located in the BG-3.0 zoning district, Ms. Bold stated that the proposed ordinance would allow smaller area for a wall sign than the current ordinance allowance. She stated that the proposed ordinance would allow ~ 80 SF (delineated in red on the photograph in the Exhibit E) and that the current ordinance allows one wall sign per public entrance on each side of the building viewable from a different traveled way - max 150 SF.

With respect to a photograph of Halloween Outlet business at 540 West Boylston Street, Ms. Bold stated that the window sign area appears to comply with the current (up to 100 SF) and proposed (max 25% coverage) ordinance. She stated that total wall sign area permitted under the current ordinance is one 100 SF sign for each of the three businesses. Under the proposed ordinance, each tenant space would be permitted 1.5 SF of wall signage for each linear foot of building unit length or the length of the tenant space. She stated that based on estimates using GIS and Pictometry tools, it appears as if the Halloween Outlet portion of the building consists of at least 50% of the available tenant space; if this is the case, the total sign area permitted for the Halloween Outlet would be 100-120 SF. She stated that the smaller tenant spaces would be permitted less than 100 SF but that in staff's opinion the sign area would still be proportional to the available building area. With respect to the temporary freestanding sign, she stated, under the current ordinance, portable signs are not allowed in the BL-1 zoning district, so the existing "For Rent" sign is non-compliant. She stated that real estate signs are currently limited to 32 SF for business uses and must be located one half the setback distance from the property line or 5 feet. Based on the area inspectors' visit, this sign is 64 SF and may be encroaching across the property line. Ms. Bold stated that under the proposed ordinance, a 12 SF sidewalk sign could encroach in the sidewalk area if four (4) feet minimum of sidewalk area is retained for free passage; otherwise, the sign may be 24 SF and must also be located 5 ft from the property line. Ms. Bold stated that if visible from the public right-of-way, signs attached to or painted on a parked motor vehicle or parked trailer are prohibited unless the vehicle or trailer is used in the regular transport operations of the business. She stated that the applicant could seek a Special Permit for an increase in permitted sign area to allow for the seasonal display of a temporary portable sign unique to its business.

With respect to a photograph of Sun City Tanning business at 846 West Boylston Street located in the BL-1.0 zoning district, Ms. Bold stated that the area inspectors confirmed with her on Monday that the projecting sign is 16 SF, thus meeting both current and proposed sign ordinance. She stated that staff further explored context-sensitive allowance for projecting signs allowing larger signs for tall buildings and buildings limited in other types of signs. She stated that the window signs on the building appear to be somewhat bigger than the regulations under the proposed ordinance (maximum 25% of the total available window area, including glass doors).

With respect to a photograph of Moroney Body Works Inc. business at 20 Eskow Road located in the MG-2.0 zoning district, Ms. Bold stated that the current ordinance allows 200 SF wall sign on the

building sides with a public entrance. Under the proposed ordinance, 160 SF wall sign area would be allowed on the short side of the building visible from Eskow Rd, 40 SF less than the size of the existing wall sign, and 560 SF wall sign area would be allowed on the side of the building along Eskow Road. She stated that Special Permit provisions in the proposed ordinance would allow the applicant to petition to increase the wall sign area on the short side of the building, which is more visible from the Southwest Cutoff. She stated that this is a good example of where allowing the proposed non-accessory instructional signs might benefit particular types of business, such as this one, by providing directions at the key decision-making point. She stated that the current ordinance does not have specific provisions for non-accessory instructional signs.

Ms. Bold summarized the benefits of the proposed ordinance by stating that the limiter on number of wall signs has been removed, that the area calculations were made more flexible, that the proposed ordinance brings to compliance many existing signs, that the sign area increase can now be sought through a Special Permit and not a Variance, and that the form-based approach allows for signs more proportional to the buildings.

Mr. Fontane stated that from a policy perspective the focus of the proposed ordinance was on a context sensitive formula instead of a one-size fits all approach. He stated that the proposed ordinance took into account building sizes so that signs do not overwhelm or clutter buildings. He stated that the metrics used, such as 1.5 or 2 times the building length as well as area bonuses, were derived from extensive research as well as a Model Sign Code by Signage Foundation. With respect to window signs, Mr. Fontane stated that the goal was to promote more visual access along business corridors, to enhance streetscape environments and to attract attention to the stores, as opposed to situations where people might ignore stores with sign clutter altogether. He said that the 25% of window coverage is derived from the need for visual access for storefronts. He suggested that if the Board considers increasing the maximum allowed window area coverage, as encouraged by Mr. Lanava, staff recommends that no more than 33% window coverage is allowed as it would interfere with the visual access goals.

Mr. Cashman posed a question whether the ordinance might be considered over-regulating to the business community. Mr. Fontane stated he believed Ms. Bold's presentation demonstrated that the proposed ordinance is more lenient in some cases than the current ordinance and that many current signs have violations under the current ordinance. Mr. Fontane disagreed that the form-based context-sensitive approach is stricter than the current ordinance. He stated that one might have a position that signs should not be regulated at all, but that given that signs are regulated by the City already, the proposed ordinance simply proposes a different set of regulations, not more regulations. Mr. Fontane stated that staff examined sign variance applications from the past to see proportionality of proposed signs to the building used as well as model sign code that recommended this context-sensitive approach. He stated that staff sought to create set of regulations that is not based on the exceptions. Mr. Fontane stated that the only example he sees of regulating "more" has to do with temporary window signs, which are not regulated by the current ordinance. Mr. Cashman mentioned that the current sign ordinance is not strictly enforced as there are many non-compliant signs, and asked how the City will ensure that the new ordinance is enforced. Mr. Fontane stated that the City does not have a designated sign enforcement officer, but that the proposed sign ordinance explicitly requires sign permits. He stated that many existing signs are proposed to be grandfathered and argued that breaking of the sign law is not the standard business practice of majority of businesses in the City and that he expects a high rate of compliance. He stated that staff will develop handouts and other resources to help with informing the people of the new ordinance and assisting with its implementation.

Ms. Bold stated that a survey of window sign area for middle sizes cities (Exhibit A) showed that many medium-sized cities use the percentage of window coverage to regulate window signs instead of fixed

square footage and that most have similar percentage requirements to what staff is proposing. She stated that Denver, CO's new sign ordinance requires 65% of the windows on the first floor to not be blocked. She stated that while not exhaustive, the municipalities selected were described as good cities for business and creativity. Ms. Bold referred to Exhibit B that had photographs of many existing businesses that already comply with the proposed regulations and said that for every case that does not seem to comply, there is one that does.

Chair O'Connor clarified that the Model Sign Code recommended window area coverage of signs to be 25%–50%, and therefore stated that staff appears to be recommending the low end of the recommended range. Mr. Fontane confirmed that and stated that staff is not recommending exceeding a third of the window coverage for the reasons of improving visual access. He stated that 25%, 33% and 75% coverage are percentages that are easy to visualize and therefore enforce and comply with. Mr. Fontane stated that the vote of the Board is not expected at this time recognizing the amount of material that needs to be read and vetted is large.

With respect to Comment #5 (Exhibit H) stating opposition to the proposed 10-second minimum duration of time for digital billboards and stating that this regulation would make the billboards non-functional, Mr. Fontane respectfully disagreed. He stated that most of the existing billboards are static and functional, and that imposing a 10-second minimum duration limit on digital billboards would not make them non-functional. He stated that based on the Chamber of Commerce's suggestion, and after considering differentiating rates of changes for digital billboards along highways as opposed to digital signs on the local roads, staff maintains its recommendation of 10 second duration for all digital signs. Mr. Fontane stated that the formula was based on estimating how many images can be absorbed by someone in their field of view and that 10-seconds interval is based on the 1,000 ft spacing of the billboards when driving on average at 50 mph and seeing 2-3 changes per billboard. He stated that the goal of the ordinance is to minimize undue distraction such as long gazes away from the road that are dangerous. He acknowledged that signs are meant to distract passer-bys and are a valuable business tool. He stated that the goal of the ordinance was to minimize television-like operation of the digital billboards which attracts longer gazes and makes people expect the next images within the next 6-8 seconds. 10-second delay, on the other hand, is longer and less like TV, thus reducing an expectation and anticipation that the next message will relate to the previous one. Mr. Fontane stated that staff sought to strike the balance between the needs for advertising and safety on the road. He stated that the consensus is emerging that the image change should be nearly instantaneous and less than 2 seconds. He stated that the digital sign on Grafton Street that many people complain about and find distracting operates like a television, and that the proposed ordinance attempts to avoid such undue distraction. He stated that there are businesses in the City that operate digital signs that seem to strike balance between advertising and not being unduly distracting, such as CVS on Park Avenue, with a 8-10 second duration speed, an example of a digital accessory sign. Responding to Comment #13 (Exhibit H) as to whether an entire face of a static billboard can be converted to digital, Mr. Fontane responded yes.

With respect to the proposal to place the operational standards, such image duration and transition times, into the Board's rules and regulations as opposed to the Zoning Ordinance (Comment #15, Exhibit H), Mr. Fontane stated that staff maintains its recommendation to keep these standards in the proposed ordinance. He stated that if significant changes emerge with respect to such standards, they can be petitioned separately at a later date to the City Council. Mr. Fontane stated that he believed it is important to have the standards as part of the ordinance and that he did not believe they are overly technical. With respect to dimming regulations, Mr. Fontane stated that staff needs additional time to research and propose specific luminance/brightness/lighting standards.

Chair O'Connor asked for a clarification on what would be shown on a digital display sign screen during the 2 second transition delay. Mr. Fontane stated that it could be blank, or 2 messages might overlap. He stated that the State regulations have set a maximum 2 seconds transition time, as the research shows that longer than 2 second transition are dangerous, but based on research and staff's judgment, a maximum 1 second transition time is proposed to the Board. Mr. Cashman stated that he believes digital signs, such as the one on Grafton Street, need to be regulated.

Mr. Fontane, in response to Mr. Finkelstein's comment (Comment #14, Exhibit H) stating that prohibiting billboards in BG-6 zoning district is more restrictive than the intent of the amendment, including areas along Interstate-290, stated that staff agrees and suggests that a separate downtown district, smaller in scope than the BG-6 district, be proposed which would exclude some areas along the highway and areas not considered part of downtown character area. He said that staff is amenable to the change, but that it requires a petition to City Council.

Mr. Fontane, in response to Mr. Longden's question (Comment #17, Exhibit H), stated that approximately 28 freestanding and/or roof billboards currently exist in the Union Station sign overlay district thus potentially rendering them non-conforming and that nonconforming billboards would be permitted to remain but would not be permitted to change from static to digital.

Mr. Fontane stated that the Board had in their packets the memos about the Blackstone Parkway and Blackstone Canal Sign Overlay Districts (Exhibits I & J).

With respect to projecting signs, Ms. Bold stated that the proposed regulations were modeled on the City's own design guidelines and Model Sign Code where staff chose to treat those as pedestrian-oriented signs or secondary signage for businesses. Many smaller projecting signs in Worcester such as the one at Corner Grille pizza on Pleasant Street, Santiago's Market on Chandler Street, and Sun Tan City on West Boylston Street meet the 16 SF limit set by the proposed ordinance. She stated staff has explored increasing the base amount and form-based alternatives to increase that projecting signs' area in certain cases, such as where there is a lack of wall area or land area. She stated that additional projecting sign area could be considered under a Special Permit from the Zoning Board of Appeals. Ms. Bold stated that other banner signs in the ordinance that comply with wall sign regulations no longer require a Special Permit. She proposed the following specific changes related to projecting sign regulations:

- Where a projecting sign is located on a lot with no freestanding signs and where the wall signage is 50% or less than what would otherwise be permitted, the projecting sign area may be increased by right to 36 SF.
- Where a projecting sign is located on a multi-story building, an additional 0.5 SF of projecting sign signage may be added to the base projecting sign area allowance for each lineal foot of building height. For example, if a building is 50' tall, an additional 25 SF projecting sign area may be added to the base 16 SF for a total of 41 SF.

Ms. Bold noted that while the allowance for projecting signs in many zones is 100 or 150 SF under the current ordinance, very few signs of this size have actually be erected. She stated that most projecting signs in the City seem to be in the range of 16-36 SF. She stated that the proposed ordinance allows for area increase of projecting signs under a Special Permit criteria and that a building can have more than one projecting banner per tenant, but no more than one solid projecting sign per tenant.

Ms. Bold referenced Comment #36 (Exhibit H) from Michael Hannigan of KayGee Signs that stated that the proposed ordinance is written for large businesses and organizations, but is too restrictive for small businesses. She stated that Mr. Hannigan asked whether he might be prevented from installing a sign

that would become an icon in 50 years and that there is a big difference between a 64 SF sign and a 150 SF sign. Ms. Bold disagreed with the statement and stated that staff believes that signage does not have to be overly large to become an icon (Exhibit G) and that by allowing modifications to accessory signs by Special Permit instead of a Variance, both the Board and applicants can focus on specific findings of fact that relate to signage. She listed a number of regulations that were created or modified with small businesses specifically in mind:

- Increased flexibility to place more than one wall sign on a wall without wall sign allowances being tied to number of public entrances.
- Allowing additional wall signage when no freestanding signs exist on site which is the case for many smaller storefronts
- Allowing wall signs and projecting signs to extend over the roofline when limited signage opportunity exists on the building façade and for short storefronts.
- Specifically allowing digital signs in all business districts.
- Removal of geometric penalty in measurement standards allowing for combination of geometric shapes in calculating total sign area.
- Allowing more than one 6 SF temporary sign on buildings (more specifically two wall or banner signs per tenant, up to 2% of building face in some cases).
- Allowing sidewalk signs in BL-1 zoning districts.
- Removing large leap from business strips with three tenants to four tenants which in many cases double permitted freestanding signs, effectively dwarfing nearby business strips with less than four tenants along certain commercial corridors.
- Pedestrian friendly sign bonus area for bike racks, planter boxes and street furniture (benches), inexpensive features that small businesses may want to incorporate on site to improve facades.
- Staff also notes that not all “small businesses” necessarily occupy extremely small buildings and many buildings will be permitted more signage under the proposed regulations. Smaller buildings will be permitted less sign area than the currently permitted 100 and 150 SF allowance but for many buildings that size sign area is not feasible on the building anyway.
- Staff notes that the 64 SF sign area is typical sign area permitted for Dunkin Donuts signs such as the recently permitted Dunkin Donuts at 666 Lincoln Street. Staff does recognize that Dunkin Donuts is a national brand that relies on brand recognition for its buildings and design; however based on staff research on freestanding signs (See Exhibit H), staff believes that 64 SF is legible, well within the range of permitted freestanding sign area in many municipalities and that over time as older signs are abandoned that the size difference between sites will become less pronounced. Staff also notes that monument signs are permitted a slightly larger area – 80 SF.

Ms. Bold stated that while staff maintains its recommendation to keep the maximum allowed digital area of a freestanding sign at 33%, it is a policy question that the Board and Council can further deliberate on.

Attorney Finkelstein asked if the proposed amended Blackstone Canal/Downtown Sign Overlay District map will require a new petition to the City Council. Mr. Traynor said yes, because it would be considered an extension of the overlay, but stated that it is within the Board’s purview to propose a modification to the proposed ordinance text. Mr. Fontane stated that per Attn. Finkelstein’s comment,

staff is amenable to removing a portion of the BG-6 zoning district along the highway because it does not appear to be in line with the intent of the overlay.

Attorney Longden stated that since staff is proposing such safeguards for the digital billboards as duration of the image, transition time, dimming, and more, then the existing static billboard sign, even if non-conforming, should be allowed to convert to digital. He stated that the regulation as proposed would not allow conversion of static to digital billboard unless it is conforming with all dimensional regulations of the ordinance. He proposed that given the intent of the ordinance, the non-conforming static billboards are allowed to be converted to digital billboards as long as they comply with the operational requirements and the 1,000 ft spacing dimensional requirement and as long as dimensional non-conformity is not increased. Mr. Fontane stated that the operational standards while modeled on best practices, have not been statistically proven to be "safe." He stated that he believes the proposed operational standards would make digital billboards safer, but not necessarily safe. He stated that the safety of the digital billboard is also determined by its placement and context, and therefore the Special Permit consideration is necessary for allowing billboards. Chair O'Connor asked if there are static billboards currently in the City that can be converted to digital. Mr. Fontane said yes.

Michael Lanava of the Worcester Regional Chamber of Commerce thanked the City staff for commenting on the photographs he submitted at the previous hearing which clarified certain misconceptions and eased some concerns. He distributed a Santiago's Market photograph before and after a sign was installed and stated that while the new signage looks better, it might not comply with the proposed ordinance. Mr. Lanava stated that Worcester on a whole is not a business friendly City, that it imposes very high tax rates and fees, and that sign regulations are perceived as another unwanted regulatory imposition on businesses and, therefore, represent a political problem. He spoke against Special Permit requirements and stated that businesses should not be expected and required to hire a legal counsel to go through the Special Permit process and that a lot more use and dimensional regulations should be allowed by right and not through a Special Permits. He stated that many businesses are owned by minorities who are afraid of the government and that there are cultural differences that prevent them from complying with or following the process. Mr. Lanava stated that he has not found a business owner or a resident who would support a maximum 25% window coverage by window signs and stated his opposition against this proposed regulation. He opposed the 10-second minimum duration speed for digital signs and stated that Mr. Fontane himself acknowledged that there is no scientific data statistically linking occurrence of accidents with digital sign displays. He stated that if Channel 13 digital sign could not scroll it would become obsolete. Mr. Lanava asked for clarification that temporary wall signs cannot exceed 24 SF. Ms. Bold stated that the proposed regulations increase temporary wall signs allowances from 6SF to 24SF or 2% of the building face, whichever is greater. She stated that up to 2 temporary wall signs would be allowed per each building face visible from a different street and that time limits have been removed, which should aid the enforcement. Mr. Lanava stated that there was little enforcement on 6SF temporary wall signs, and expressed doubt that the enforcement would be different for 24 SF signs, which he felt would still be too small for the needs of the businesses and would make it even more difficult to enforce. He stated that the proposed ordinance over-regulates businesses, does not benefit them, and does not project a good image of the City to the business community. Mr. Fontane asked Mr. Lanava to clarify why he felt that quadrupling the temporary wall sign allowance to what is permitted right now would not benefit businesses and why he felt it would be more difficult to enforce. He also welcomed Mr. Lanava's alternative proposals, if he had any. He suggested that Mr. Lanava shares information the proposed ordinance and supporting documentation (available online) with his constituents. Mr. Lanava stated that the reality is that because of lax enforcement, most of the signs are effectively by-right in the City, and that the temporary sign ordinance in particular has not been enforced in a very long time. He asked how 24SF was derived and why it was

not increased to 100 SF, for example, which, in his opinion, was more in line with the existing signage in the City and can be more easily enforced. Mr. Cashman asked if the Chamber would be amenable to the ordinance if the revenue from the enforcement fees would be used to fund a sign enforcement officer position. Mr. Lanava asked what the fees and penalties will be. Mr. Fontane that those provisions are already in the General Revised Ordinance and have been there for decades. Mr. Lanava stated that the Chamber's Board of Directors, consisting of 40 members mainly representing CEOs of big corporations and some small businesses, is not favorable to the proposed ordinance. He stated that he will bring Mr. Cashman's questions to the Board. Mr. Cashman noted that while Mr. Lanava's spoke of the small business owners, it appears that the Chamber's Board of Directors consists mainly of the representatives of large corporations. Mr. Lanava stated that the Chamber also has working groups consisting of small business owners, and that both large and small businesses will be affected by the proposed ordinance. Mr. Cashman noted that none of the small business representatives have been present at this or previous hearing, even though the hearings were extensively advertised. Mr. Lanava stated that he believed more business owners will come to the City Council hearing.

Damien Jacob stated that the proposed sign ordinance process is overwhelming for the businesses. He pointed to the Moroney Truck Bodies signage and stated that if the owners needed to get a Special Permit for the accessory wall sign and it would be denied, they might place a 1,200 SF digital billboard sign instead on the property. He stated that the ordinance should not differentiate between accessory and non-accessory signs. Mr. Jacob stated that the City of Dallas has been sued by the Institute of Justice over their window signs regulations and encouraged the City to wait and see how that lawsuit pans out. Mr. Jacob stated that the proposed sign ordinance favors billboard industry by allowing them next to accessory signs and thus overwhelming them. He stated that many billboard companies, including Clear Channel, act notoriously badly toward their landlords. He stated that he felt projecting signs are more appropriate and aesthetically pleasing for the City than freestanding billboards. He spoke against regulating window signs because he believed most windows are not overwhelmed with signs. He stated that billboard companies can be pitted against small businesses as happened in Los Angeles. Mr. Jacob stated that he believed all speaker are created equally and regulations should be content neutral and that dimensional regulations for accessory and non-accessory signs (wall, roof or freestanding) should be the same.

Jo Hart stated that the proposed 12SF dimensional requirement for a sidewalk sign does not take into account the context, as some sidewalks are so narrow, one cannot pass by them. She spoke in favor of sign police to take down outdated signage on utility poles. She asked how the signs are proposed to be enforced. Chair O'Connor reminded that the Board does not have a purview over enforcement regulations. Ms. Hart offered an example of the Halloween Outlet and its multiple types of signs on site and asked if the square footage of all these signs will be added together and suggested this is clarified in the ordinance. With respect to Blue Jeans Pizza, she raised a point of whether or not the wall sign is accessory as it appears to be attached to residential dwellings, and not the pizzeria. She stated that the Board should consider the ownership of different stories and therefore allowance for placing signs. Ms. Hart asked what the difference between a projecting and a banner sign was. Ms. Bold stated that the ordinance defines banners as the signs placed against the wall and that there are two types of projecting signs – solid signs and projecting banner signs that are perpendicular to the building wall with their vertical side longer than the horizontal side. Ms. Bold stated that the projecting banner signs would be regulated as projecting signs in terms of dimensional requirements but would have fewer restrictions on them, such as allowing higher number of them per building side. Ms. Hart stated that as long as the signage is tastefully done and spread out, she is in favor in it, and was not sure that the ordinance achieves this goal. She stated that the ordinance should distinguish between different types of businesses when regulating signs, such as gas stations, auto repair shops, etc. She stated that there is a class of signs

that are meant to be seen by vehicular traffic, and another by pedestrian, and that there should be a distinction in regulating these different types of signs. With respect to Emerald Isle business, she stated that two different businesses – Polish Delicatessen and the Emerald Isle restaurant - have the same visual view. She asked that there should be a differentiation between business signage on one lot as it is often confusing to know which signs are accessory to which lot. She stated that she likes the signage better on the Santiago's Market than when it became Compare Foods because Santiago's Market had tables and chairs next to the windows which were not obstructed, as they are now. Ms. Hart spoke in favor of display advertisement which display wares for sale, as opposed to what she called "sign advertisement". Ms. Bold stated that window displays are not regulated by the proposed sign ordinance. Ms. Hart spoke in favor of preserving iconic signs such as Oscar's Coin-Op sign, but stated that not every business can or should have one like it. Ms. Hart asked if there is a prohibition on signs on fences. Ms. Bold stated that permanent signs are allowed on fences, but not temporary signs. Ms. Hart spoke against elongated rectangular monopole signs that started appearing in the City. She requested that a differentiation is made between digital signs where one image replaces another sequentially and TV-like digital signs with moving images. Ms. Hart asked what the proposed spacing between a digital billboard and static billboard sign is. Ms. Bold stated it is 300 feet.

Michael Hannigan of KayGee Signs asked what is involved in obtaining a Special Permits. Mr. Fontane stated that the proposed ordinance is more flexible in replacing Variances with Special Permit considerations. He stated that a Special Permit would involve an application to the Special Permit Granting Authority, hearing and a determination made by the Board whether or not the petition is appropriate for the particular site. He stated that the sign specific Special Permit criteria are listed in the back of the proposed ordinance. Mr. Hannigan asked if the design is part of the consideration. Ms. Bold stated that the SPGA are not a Design Review Board, and that criteria include consideration of compliance of the rest of the signs on site, whether or not any sign blocks other signs or windows, special circumstances with respect to position of the site, topography, whether the storefront has limited space of signage, and more. In response to Mr. Lanava's earlier comment, Ms. Bold stated that staff has worked on making the process more accessible to small business owners and residents of the City, and that she did not feel the process necessarily required legal counsel. Mr. Hannigan mentioned such restaurants as Worcester Restaurant Group, Via, Sole Proprietor, and Chop House. He stated that Chop House signage will probably comply with the proposed sign ordinance, but not the projecting signs on Via which is ~60SF. He stated that the above-mentioned businesses are well-kept and attractive. He expressed concern that the Zoning Board of Appeals would have too much latitude in deciding which signs to allow or not and stated that he was advocating for his customers. Mr. Fontane stated that Special Permits allow for flexibility on different sites, as opposed to one size fits all approach of the current ordinance, and that criteria relate to how well the proposed sign fits the particular building and site. Mr. Hannigan asked if a Special Permit is required for temporary large building banners such as the one that wraps around a building. Ms. Bold said yes and stated that the SPGA would look at whether or not the applicant met all the criteria and possibly have a condition of approval relating to time limitations to ensure that the proposed sign is temporary in nature.

Mr. Cashman stated that he would like to continue the meeting in order to provide the Board time to review all the material provided by staff.

Mr. Hart stated that people do not realize the value of display signage and that sometimes less signage is more. She pointed her comments to the Worcester Chamber of Commerce.

Mr. Fontane stated that staff will provide the Board with a binder that will contain all the information provided so far to the Board. He stated that staff is working on summarization of the key policy issues considerations that have come out of the hearings and tabularization of some parts of the ordinance for

better accessibility. He suggested that the meeting is continued to the next regularly scheduled meeting but that another Special Meeting is also scheduled.

Upon a motion by Scott Cashman and seconded by Stephen Rolle, the Board voted 5-0 to continue the hearing to August 18, 2010.

OTHER BUSINESS:

2. ANR Plans:

- **AN-2010-041 Norton Drive/West Boylston Drive:** Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted 5-0 to endorse ANR Plan AN-2010-041.

ADJOURNMENT:

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to adjourn the meeting at 8:35 pm.

Exhibit A: Survey of Permitted Window Sign Area in Select Medium Sized Cities

Exhibit B: Photographs of Window Signs taken between 2008-2010 that appear to comply with 25% window coverage regulations

Exhibit C: Photographs of Projecting Signs that Meet Proposed Ordinance Regulations

Exhibit D: Outdoor Media Association Inc. Table 1: Summary of US states' standards for digital billboards. www.oma.org.au

Exhibit E: Staff analysis of pictures submitted by the Worcester Chamber of Commerce at 6/23/2010 Planning Board public hearing

Exhibit F: Rosenholtz, R., Li, Y., Mansfield, J., and Jin Z. "Feature Congestion: A Measure of Display Clutter. MIT Department of Brain & Cognitive Sciences." 2005

Exhibit G: Photographs: "Creative/Iconic Signage does not necessarily have to be extremely large"

Exhibit H: Memorandum. August 4, 2010. From Lara Bold, Chief Planner to the Planning Board re: Response to Comment on Proposed Sign Ordinance Presented at June 23, 2010 Public Hearing with the following Exhibits:

Exhibit I:

- i. Memorandum. July 29, 2010. Re: Blackstone River Parkway Sign Overlay District; from Joel Fontane to the Planning Board.
- ii. The Map of the Blackstone River Parkway Overlay District

Exhibit J:

- i. Memorandum. August 4, 2010. Re: Blackstone Canal Sign Overlay District & BG-6 District; from Joel Fontane to the Planning Board.
- ii. The Map of the Blackstone Canal Sign Overlay District & BG-6 District