



Town of Hamilton
Select Board
Monday, February 6, 2023

- Shawn Farrell, Chair
- Jamie Knudsen
- Caroline Beaulieu
- Tom Myers
- Bill Olson

7:00 PM
Hamilton Town Hall, Memorial Room
577 Bay Road, Hamilton, MA

AGENDA

The Select Board will continue to utilize Zoom to allow for a hybrid meeting environment, to make the meetings more accessible:

Join Zoom Meeting

<https://us02web.zoom.us/j/89921063159?pwd=MkdFN295MlZnUW9qK2wxMnFGV3VUUT09>

Meeting ID: 899 2106 3159

Passcode: 639861

One tap mobile

+13052241968,,89921063159#,,,,*639861# US

+13092053325,,89921063159#,,,,*639861# US

Dial by your location

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

7:00 p.m.	Call to order - Memorial Room Pledge of Allegiance
BOARD AND COMMITTEE OPENINGS	
	Board and Committee openings: <ul style="list-style-type: none"> • Historic District Commission – 2 openings (Board of Realtor and At-Large) • Conservation Commission – 2 openings • Hamilton Housing Authority – 1 opening • Human Rights Commission - 1 opening (Housing Authority) • Hamilton Environmental Impact Committee – 1 opening • Hamilton Council on Aging – 1 Associate member opening
	Public Comment (3 minutes on topics not already on the agenda)
CONSENT AGENDA	
	<ul style="list-style-type: none"> • Approve Yukan Run Fast Half Marathon Road Race on May 7, 2023 • Approve appointment of Kathy St. Pierre to the Conservation Commission • Approve appointment of Lindsey Peabody to the Cultural Council

Items may be heard out of the listed order. The agenda items listed are those items which were reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed on the agenda may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

AGENDA

7:15 p.m.

- National Grid Pole Hearing for new pole on Essex St. at Chebacco Road – Discuss and Vote
- Board of Health Chair David Smith – Provide update to Select Board on proposal for Green Burials
- Amendment to Conservation Restriction on land on Bay Road – Discuss and Vote
- Proposed Water Rate adjustment – Presentation by DPW Director Tim Olson
- Request for Flag Raisings for Juneteenth and Pride Month by Jamie Knudsen - Discuss and Vote
- Update on Town Meeting preparation and Vote to close the Warrant – Town Manager Joseph Domelowicz
- Review Town Banner policy – Discussion
- New Business

Cemetery Deed # 1248

Joe Domelowicz

From: Carin Kale
Sent: Tuesday, January 31, 2023 1:58 PM
To: Joe Domelowicz
Subject: Local Election update
Attachments: 2023 Election Dates & Open Positions.docx

Hi Joe! Here is a recap and update regarding the April 6 Local Election:

Nomination papers were available starting Tuesday, January 10. Deadline for submission is February 16.

The following incumbents have pulled papers:

Jamie Knudsen
Carin Kale
Bill Bowler
Joe Shaktman (Assessors)
Mary Jane Brown (Library Trustees)
Marnie Crouch (Planning Bd)

Pat Norton, current Planning Bd Associate, has pulled papers.

Fred Mills has pulled papers for Housing Authority (1 year unexpired term of Mimi Fanning)

Dana Allara is running. Per the regional agreement, SC incumbents do not have to pull papers. They can request that their name be on the ballot.

Carin

Carin A. Kale
Town Clerk
Notary

Town of Hamilton
577 Bay Road
P.O. Box 429
Hamilton, MA 01936-0429
978-468-5570 ext. 3

www.hamiltonma.gov; Register to Vote www.registertovotema.com

Town Hall hours: M, W, Th 8 – 4:30; Tues 8 – 6:30; and Fri 8 – 12:30.



TOWN OF HAMILTON
577 Bay Road/PO Box 429
HAMILTON, MASSACHUSETTS 01936
978-468-5570 x 3
Carin A. Kale, Town Clerk

2023 ANNUAL TOWN ELECTION
OPEN POSITIONS

ELECTED BODY	TERM	# POSITIONS AVAILABLE	CURRENTLY HELD BY
SELECT BOARD	3 YEAR	1	James R. Knudsen
TOWN CLERK	3 YEAR	1	Carin A. Kale
TOWN MODERATOR	1 YEAR	1	William F. Bowler
BOARD OF ASSESSORS	3 YEAR	1	Joseph S. Shaktman
PLANNING BOARD	3 YEAR	2	Margaret M. Crouch Richard L. Boroff
HOUSING AUTHORITY	1 YEAR (UNEXPIRED TERM)	1	<i>Vacant due to resignation</i>
H-W LIBRARY TRUSTEE	3 YEAR	1	Mary Jane Brown
H-W REGIONAL SCHOOL COMMITTEE	3 YEAR	2	Dana E. Allara Anna I. Siedzik

NOMINATION PAPER DEADLINES

Nomination papers available	Tuesday, January 10, 2023*
Last day to submit and file papers	Thursday, February 16, 2023 – 5:00 p.m.
Last day to object or withdraw	Monday, March 6, 2023 – 5:00 p.m.

** Nomination papers for town positions and for School Committee are available and to be filed at the Town Clerk's Office. Hamilton nomination papers require 37 signatures; School Committee nomination papers require 40 voter signatures from either town.*

2023 ELECTION DATES

Annual Town Meeting	Saturday, April 1, 2023 - 9:00 a.m.
Last day to register to VOTE	Wednesday, March 22, 2023 - 5:00 p.m.
Annual Town Election	Thursday, April 6, 2023 - 7:00 a.m. – 8:00 p.m.
Last day to register to VOTE	Wednesday, March 11, 2023 - 5:00 p.m.
Last day to apply for Vote by Mail	Thursday, March 30, 2023 – 5:00 p.m.

Joe Domelowicz

From: rmorrell@yukanrun.com
Sent: Monday, January 30, 2023 12:32 PM
To: Christine Larcom
Cc: Scott Janes; Christine Larcom; Joe Domelowicz; Laurie Wilson; Bill Olson; Ray Brunet
Subject: External Email Warning Annual Road Race 5/7/23
Attachments: Fast Half Marathon USATF Certified Map.pdf; Hamilton_FH23_usatfInsuranceCertificate27456.pdf

Importance: High

Good Afternoon -

I hope all is well and everyone enjoyed this weekend's mild winter weather!

We're planning our annual road races and I always like to provide as much advanced notice as possible.

The Fast Half Marathon is being planned for 5/7/23.

I wanted to be sure we had approval to move forward again this year.

I've attached copies of the race map and Certificate of Insurance for your review.

We done the race for many years and the route is the same.

We start at the high school and the runners follow a single loop through Ipswich and Essex and return to the high school.

If you have any questions, please feel free to contact me via email or directly at 978-879-9007.

When you have a moment, please confirm approval.

Thanks for your help!

- Rich Morrell

YuKanRun.com

Fast Half Marathon

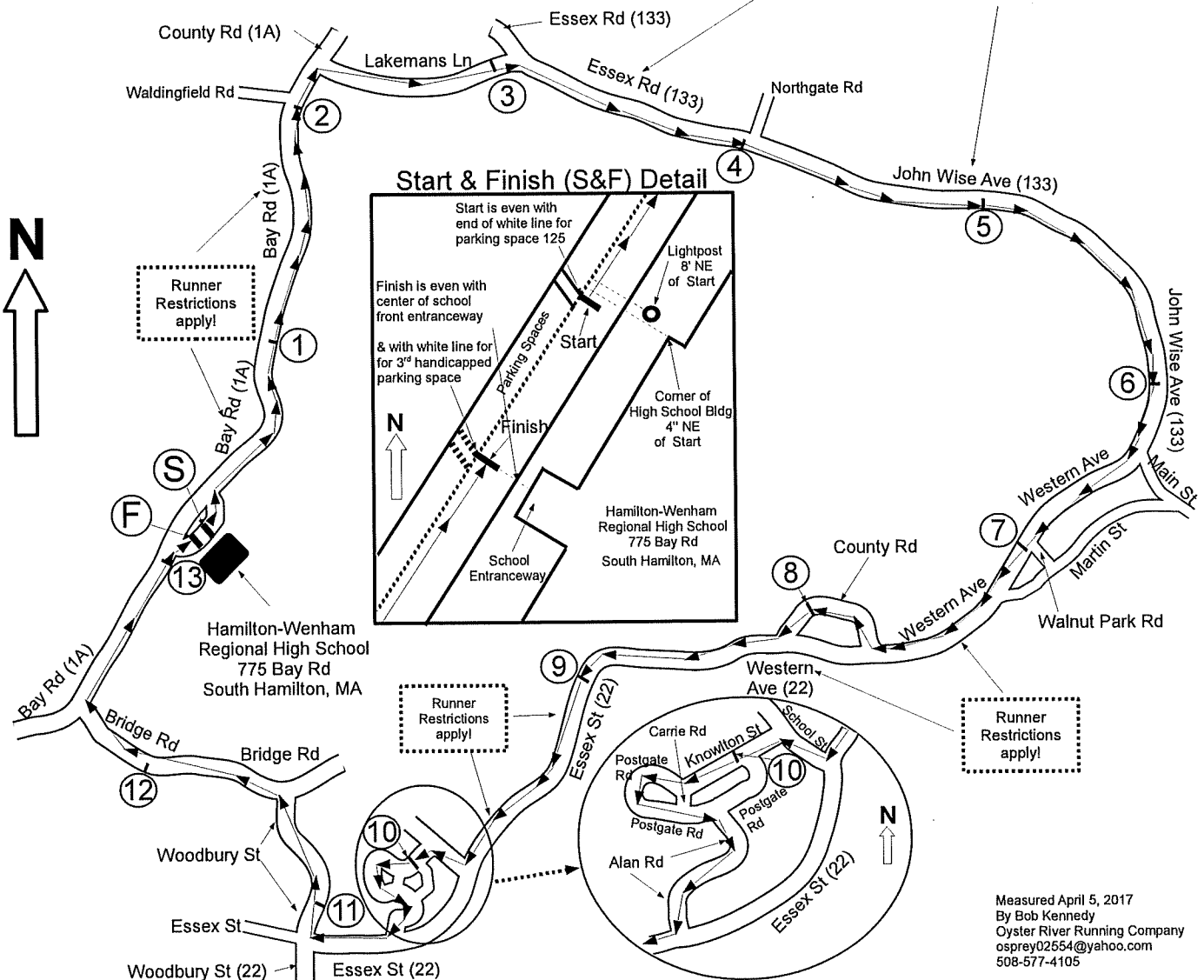
South Hamilton, Massachusetts

USATF Certificate MA17002BK
Effective April 10, 2017 to December 31, 2027



Restrictions: Runners are restricted to the right side of the road to the right of the double yellow lines on Bay Rd (1A), Essex Rd (133), John Wise Rd (133), Western Ave (22) & Essex St (22).

Start, Finish, & Miles 3, 7, 10 & 13 are not marked. Miles 1, 2, 4, 5, 6, 8, 9, 11 & 12 are marked with a yellow spot of paint and a P-K nail. (UP = Utility Pole).
Start: On northwest side of Hamilton-Wenham Regional High School front driveway even with the end of the white diagonal parking line on the north side of space 125, & 29' NE of a storm drain in the driveway. It is about 4 S of the corner of the high school bldg, in the middle of the school and 8' S of a light pole on opposite side of driveway.
Mile 1: On east side of Bay Rd (1A) 28' N of storm drain on north side of driveway for 1031 Bay Rd.
Mile 2: On east side of County Rd (1A) 38'8" N of storm drain on same side, & just S of intersection with Waldingfield Rd.
Mile 3: On north side of Lakemans Ln about 3' W of west side of driveway for 56/64 Lakemans which is opposite UP 24 34.
Mile 4: On south side of Essex Rd/John Wise Ave (Rt 133) 26' E of driveway for 119 Essex Rd & opposite west side of intersection with Northgate Rd.
Mile 5: On south side of John Wise Ave (Rt 133) about 12' E of UP 990 Bell Atlantic 68 on opposite side, & west of 143 John Wise Ave on opposite side.
Mile 6: On west side of John Wise Ave (Rt 133) about 51' N of driveway for 41 John Wise Ave on opposite side, & 74 N of "Welcome to Essex" sign on same side.
Mile 7: On northwest side of Western Ave 22' SW of front door to 67 Western Ave, & just south of intersection with Walnut Park Rd
Mile 8: On south side of County Rd even with center of Sewer manhole cover which is east of driveway for 9 County Rd on opposite side.
Mile 9: On west side of Essex St (Rt 22) about 14' S of north driveway for 598 Essex on same side.
Mile 10: On northwest side of Knowlton St in front of 21 Knowlton, & about 17' SW of south corner of Postgate Rd.
Mile 11: On east side of Woodbury St 20' S of old yellow "School Bus Stop Ahead" sign on same side.
Mile 12: On southwest side of Bridge St about 50' SE of driveway for 76 Bridge on opposite side, & 55'6" SE of UP 306 on same side
Mile 13: On southeast side of Bay Rd (1A) just south of the center of driveway for 743 Bay Rd, & 33'6" SW of large yellow sign post with "Your Speed" and other signs.
Finish: On northwest side of high school front driveway even with center of front entranceway & even with the end of the north diagonal white parking line for the 3rd handicapped parking spot from the south.



Measured April 5, 2017
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

Joe Domelowicz

From: Laurie Wilson
Sent: Monday, January 30, 2023 3:52 PM
To: Joe Domelowicz
Subject: RE: upcoming appointments

I received an email from Lauren, it is in the folder now with the application. Cultural Council is a reappointment that was missed last June.

-Laurie

From: Joe Domelowicz <jdomelowicz@hamiltonma.gov>
Sent: Monday, January 30, 2023 1:13 PM
To: Laurie Wilson <lwilson@hamiltonma.gov>
Subject: upcoming appointments

Can we make sure that we have email or letters form Lauren Lynch (ConCom appointment) and Charlotte for the Cultural Council appointment, the chair are supposed to recommend or request the appointment.

Thanks,
Joe

Joseph J. Domelowicz Jr.

Town Manager
jdomelowicz@hamiltonma.gov
(o)978-626-5202
(m)617-290-7060

Laurie Wilson

From: Laurie Wilson
Sent: Monday, January 30, 2023 3:37 PM
To: Laurie Wilson
Subject: FW: External Email Warning Re: recommendation for Kathy StPierre

Dear members of the Hamilton Selectboard:

I would like to recommend Kathy St. Pierre for appointment to the Hamilton Conservation Commission. I met with her last week and after our short discussion I believe she is a thoughtful, open-minded, critical thinker and would be a great addition to our Commission. She has a lifelong interest in environmental conservation and a background in science (health sciences) which I think would be a useful addition to our current group. She has been a resident of Hamilton for more than 20 years and is passionate about protecting the important natural resources that make our community special.

Please consider her application for appointment at your next meeting on February 6th.

Thank you,
Lauren Lynch

On Mon, Jan 30, 2023 at 2:10 PM Laurie Wilson <lwilson@hamiltonma.gov> wrote:

Hi,

Have you met with Kathy, and do you want to recommend her to the ConCom?

The Select Board is meeting next Monday, February 6, and her appointment could be on the agenda. We just need a letter recommending her to the ConCom.

Thank you,

Laurie

Laurie Wilson

Assistant to the Town Manager/

Community Preservation Coordinator

Town of Hamilton

Kathy StPierre
743 Bay Road
South Hamilton, MA 01982
978-473-2898

January 21, 2023

Brian Colleran, PWS, CERP, AFB
Conservation Administrator
577 Bay Road
Hamilton, MA 01936

Conservation Commission and Selectboard Members,

I am writing to express my interest in joining the Hamilton Conservation Commission by filling one of the two vacant positions.

I have a lifelong interest in conservation and protecting our environment for future generations to enjoy. Much of the beauty and wonder that makes Hamilton and the surrounding communities so special can be attributed to the past efforts to conserve and protect wetlands resources and I seek to contribute my time and effort to support this cause.

In addition to the conservation groups that I support, MACC has afforded programs and classes that are proving to be a great resource in preparing to hopefully be a part of this group.

Best regards,

Kathy StPierre

**APPLICATION FOR APPOINTMENT
FOR BOARD/COMMITTEE MEMBERSHIP**

Board/Committee of Interest:

1. Conservation Commission 2. _____
3. _____ 4. _____

Would you consider another Committee:

_____ N/A _____ Text _____

For how long should we keep your application on file?

_____ Until position is filled _____

Full Name: Kathy StPierre

Nickname: _____

Preferred Title (please circle) Mr./Ms./Mrs./Other: _____

Home Address: 743 Bay Road, South Hamilton

Length of Residence in Hamilton: 23 years

Occupation: Registered Nurse

Work Address: Beverly Hospital

Phone: Home _____ Work _____ Fax _____

Cell 978-473-2898

E-mail: Work: _____ Home: klsjack@yahoo.com

If you currently serve on a Board or Committee, please identify:

Special Training, Interests, Qualifications:

_____ Resume attached _____

Have you been asked by a Committee to become a member?

_____ No _____

How did you hear about the Committee?

_____ Through personal interest in conservation _____

Please attach a current resume, if possible. Add any comments below or on a separate page.

Signature: _____ Date: January 21, 2023

Kathleen StPierre, RN, CNOR, CST

743 Bay Road Hamilton, MA 01982 978-473-2898 klsjack@yahoo.com

EDUCATION

Lawrence Memorial/Regis College, Medford, MA Perioperative Nursing	December 2012
North Shore Community College, Danvers, MA Associate in Science in Nurse Education, with Honors Certificate in Surgical Technology, with Honors	May 2012 May 2007
University of Massachusetts, Amherst, MA Bachelor of Science in Pre-Veterinary Studies	May 1982

PROFESSIONAL EXPERIENCE

Beverly Hospital, 2008-present

Evening Charge Nurse/Operating Room Nurse

- Provide nursing care to patients undergoing various procedures and operations
- Responsible for planning, coordinating and managing the staff and OR department
- Administer prescribed medications, apply dressings, responsible for assessing, planning, implementing and coordinating patient care for routine and emergent procedures

Anna Jaques Hospital, 2007-2008

Certified Surgical Technologist

- Prepare the operating room for surgery, work closely with the surgeons during the procedure and with the staff throughout the surgery to provide optimum patient care
- Experience in operating and trouble-shooting equipment and instrumentation utilized in various surgical disciplines
- Ability to multitask in a challenging environment and problem solve in difficult situations
- Well versed in collaborating as part of a team and in integrating critical thinking with sound judgment

OTHER HEALTHCARE EXPERIENCE

Perioperative Nursing Advanced Certification CNOR

- Curriculum integrates theory, principles and skills necessary to provide comprehensive care to patients during the intraoperative period
- Program is comprised of 42 hours of classroom, 16 hours of skills lab and 240 hours of mentored clinical experience at Beverly Hospital

CERTIFICATION AND LICENSURE

Registered Nurse, Massachusetts License Number RN2279941

Advanced Specialty Certification, CNOR

Certified Surgical Technologist 108599

ACTIVITIES/INTERESTS

Native Plant Trust, Appalachian Mountain Club, ECTA, Greenbelt, The Trustees of Reservations, MACC, The Nature Conservancy, NRDC

APPLICATION FOR APPOINTMENT
FOR BOARD/COMMITTEE MEMBERSHIP

TOWN CLERK
HAMILTON, MA
2023 JAN 30 AM 9:23

Board/Committee of Interest:

1. Cultural Council 2. _____
3. _____ 4. _____

Would you consider another Committee:

NO

For how long should we keep your application on file?

3 years

Full Name: Lindsey Peabody

Nickname: _____

Preferred Title (please circle) Mr./Ms./Mrs./Other: _____

Home Address: 5 Old Cart Rd, South Hamilton

Length of Residence in Hamilton: 6 years

Occupation: Teacher

Work Address: Francis Wyman Elementary School
41 Terrace Hall Ave, Burlington, MA

Phone: Home _____ Work _____ Fax _____

Cell 978-836-6135

E-mail: Work: _____ Home: _____

lindseypeabs@yahoo.com

If you currently serve on a Board or Committee, please identify:

Cultural Council

Special Training, Interests, Qualifications:

Have you been asked by a Committee to become a member?

Yes

How did you hear about the Committee?

Committee member

Please attach a current resume, if possible. Add any comments below or on a separate page.

Signature: _____ Date: _____

Lindsey Peabody

1/28/23

nationalgrid

January 16, 2023

Town of Hamilton

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID, covering NATIONAL GRID pole location(s)

If you have any questions regarding this permit please contact:

Please notify National Grid's Vincent LoGuidice of the hearing date / time at 978-725-1392 or Vincent.LoGuidice@NationalGrid.com

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Vincent LoGuidice; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

Name: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

Questions contact – Michael Kazadi 781-632-8611

PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Hamilton, Massachusetts

Massachusetts Electric Company d/b/a National Grid requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Essex St - Massachusetts Electric Company d/b/a National Grid to install 1 SO Pole on Essex St beginning at a point approximately 35 ft west of the centerline of the intersection of Essex St and Chebacco Rd and continuing approximately 20 feet in a south direction. Install Pole # 393 in front of the property of 133 Essex St.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Essex St - Hamilton - Massachusetts.

Plan # 30604563 January 16, 2023

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Bob Coulter*

BY _____
Engineering Department

ORDER FOR POLE AND WIRE LOCATIONS

In the Town of Hamilton, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 16th day of January, 2023.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Essex St - Hamilton - Massachusetts.

No. 30604563 Dated: January 16, 2023. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Essex St - Massachusetts Electric Company d/b/a National Grid to install 1 SO Pole on Essex St beginning at a point approximately 35 ft west of the centerline of the intersection of Essex St and Chebacco Rd and continuing approximately 20 feet in a south direction. Install Pole # 393 in front of the property of 133 Essex St.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts

City/Town Clerk.

20 _____

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on
at

20 , at o'clock, M
a public hearing was held on the petition of

Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 , and recorded with the records of location orders of the said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk

ORDER FOR POLE AND WIRE LOCATIONS

In the Town of Hamilton, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 16th day of January, 2023.

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Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Essex St - Hamilton - Massachusetts.

No. 30604563 Dated: January 16, 2023. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of _____, Massachusetts held on the _____ day of _____ 20__.

Massachusetts City/Town Clerk.
20__

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on
at

20 , at o'clock, M
a public hearing was held on the petition of

Massachusetts Electric Company d/b/a National Grid

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 , and recorded with the records of location orders of the said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk



100 feet Abutters List Report

Hamilton, MA
January 16, 2023

Subject Property:

Parcel Number:
CAMA Number:
Property Address: TOWN OF HAMMILTON

Contact: TIM OLSON-(978) 879-3420

Abutters:

Parcel Number: 65-0001 CAMA Number: 65-000-0001 Property Address: 133 ESSEX ST	Mailing Address: COUNTRY SQUIRE REALTY INC C/O CATHERINE RICH-DUVAL 103 RIVER ROAD TOPSFIELD, MA 01983
Parcel Number: 65-0087 CAMA Number: 65-000-0087 Property Address: 296 ESSEX ST	Mailing Address: BROWN LOUIS R ANDREA M TE 296 ESSEX ST SOUTH HAMILTON, MA 01982
Parcel Number: 65-0088 CAMA Number: 65-000-0088 Property Address: 300 ESSEX ST	Mailing Address: SHIELDS JOHN SHIELDS GAIL 300 ESSEX ST SOUTH HAMILTON, MA 01982
Parcel Number: 65-0089 CAMA Number: 65-000-0089 Property Address: 310 ESSEX ST	Mailing Address: ZAGARRI ANDREW P HIRSCHFELD BROOKE A. 310 ESSEX ST SOUTH HAMILTON, MA 01982
Parcel Number: 65-0125 CAMA Number: 65-000-0125 Property Address: 315 ESSEX ST	Mailing Address: MOCHE ISAAC RILEY EMILY 315 ESSEX ST SOUTH HAMILTON, MA 01982
Parcel Number: 65-0127 CAMA Number: 65-000-0127 Property Address: 16 CHEBACCO RD	Mailing Address: SARKISIAN ROBERT D & LINDA 16 CHEBACCO RD SOUTH HAMILTON, MA 01982
Parcel Number: 65-0128 CAMA Number: 65-000-0128 Property Address: 313 ESSEX ST	Mailing Address: JANES JONATHAN E 221 WESTERN AVE ESSEX, MA 01929
Parcel Number: 65-0135 CAMA Number: 65-000-0135 Property Address: 318 ESSEX ST	Mailing Address: JOHNSON MARY J LT 318 ESSEX ST SOUTH HAMILTON, MA 01982
Parcel Number: 65-0126 CAMA Number: 65-000-0126 Property Address: 307 ESSEX ST	Mailing Address: SARKISIAN ROBERT D & LINDA F T 307 ESSEX ST SOUTH HAMILTON, MA 01982

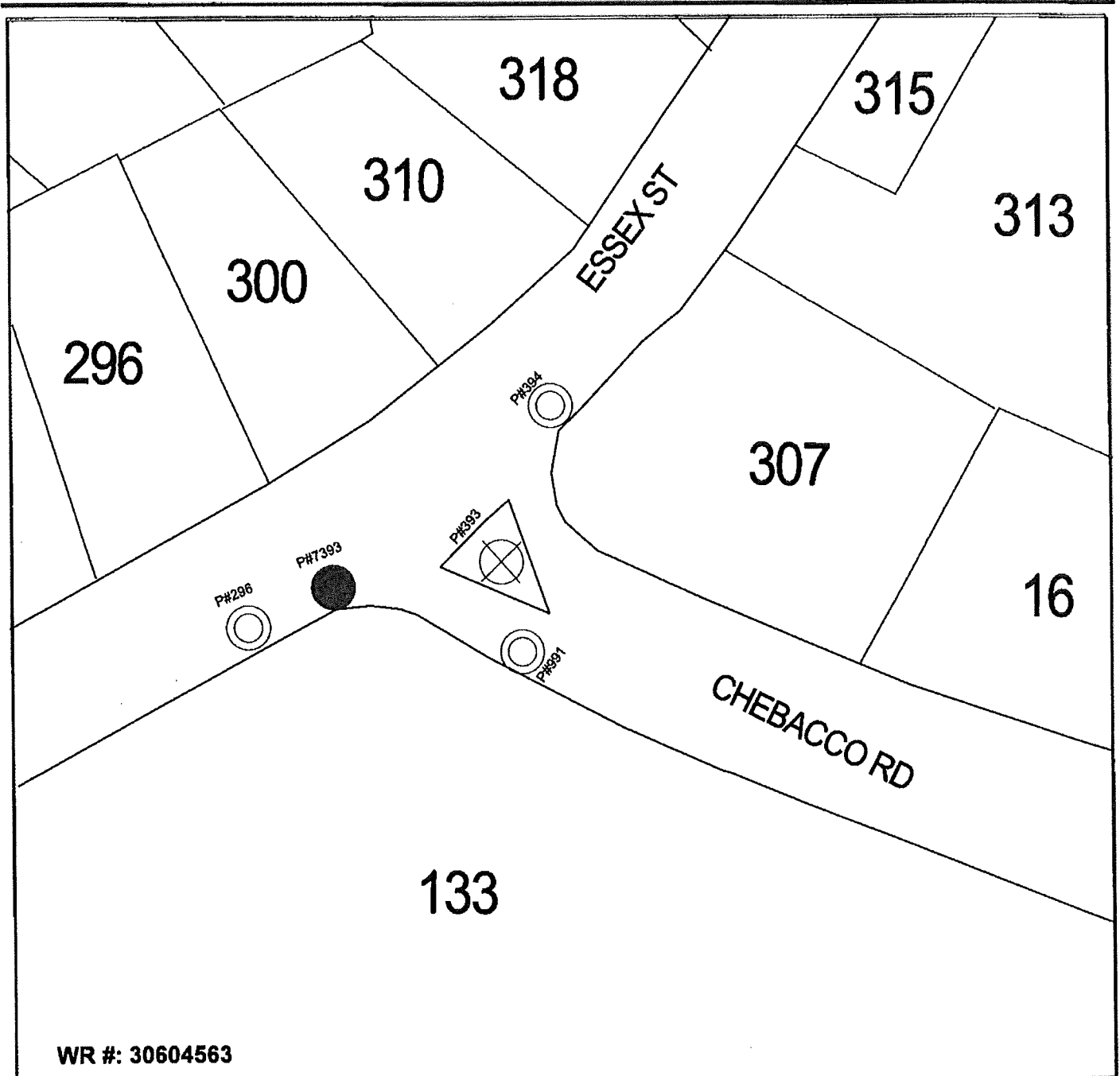


www.cai-tech.com




1/16/2023

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WR #: 30604563

PETITION SKETCH		nationalgrid	
 POLE (EXISTING)	 PROPOSED POLE	Date: 01-16-2023 WORK REQUEST: 30604563 To The: City Of Hamilton For Proposed: Pole Location: P.393 Essex St Drawn By: Michael Kazadi	
 REMOVING POLE			
Job description - Ngrid is Petitioning to install pole# 393 in front of the property 133 on Essex St.			
DISTANCES ARE APPROXIMATE			

HANDOUT for BOARD of HEALTH PRESENTATION CONCERNING GREEN BURIALS to the HAMILTON SELECT BOARD at their MEETING on 6 FEBRUARY 2023

Background:

The Hamilton Board of Health's research on the topic of green burials was facilitated by the information on the Massachusetts Department of Environmental Protection (MA DEP) web site: <https://www.mass.gov/info-details/information-for-local-boards-of-health-on-home-burials-and-green-burials>. This site provides detailed information for Massachusetts Local Boards of Health whose municipalities may be considering green burials. Information was also sought on those Massachusetts towns that have approved green burials in their municipal cemeteries. Detailed information was obtained about the green burial rules and guidelines in each municipality, as available. Information was also gathered from funeral directors and others involved with green burials.

What is a green burial?

According to the MA DEP web site: *"A green burial or natural burial is a method of final disposition of a body with fewer environmental impacts than traditional burial. Generally a green burial means that the body is not embalmed, no metal or hardwood are used to make the casket, no gravel liner or vault are used, and a low profile grave marker is used... or no marker at all."*

There are a number of different guidelines to consider when establishing green burials and these rules need to be determined by the town. As noted on the Casper Funeral Home web site: <https://www.casperfuneralservices.com/casper-funeral-cremation-services-blog/go-green-natural-burial-movement>. *"State laws do not require the use of a casket, grave liner or vault. Each town and cemetery develops their own rules and regulations about the kind of burial that is allowed in their cemetery."* Green Burial Council (GBC), an independent environmental certification organization, reports that graves are typically marked by GPS coordinates, plat diagrams and/or some type of physical marker: <https://www.greenburialcouncil.org>.

What are the different kinds of local rules for green burials?

Local City and Town Policies differ:

- (1) As to whether the body should be placed in a casket, a coffin, or a shroud (a cloth garment that envelops the deceased for burial).
- (2) As to whether the family can transport the remains to the cemetery or whether it is required that a Funeral Home do this task.
- (3) As to the type and size of the required grave marker
- (4) As to the burial depth
- (5) As to whether there is a dedicated area for green burials in the cemetery or whether green burials are integrated within the current cemetery burial plots.

An important unifying theme is that all green burials require that materials be biodegradable.

Why is there an increased interest in green burials?

The MA DEP web site did note the increased interest in green burials in recent years. The GBC noted that there had been a 20% increase in GBC certified cemeteries, funeral homes, and products in their 2021 Annual Report. Casper Funeral Home notes several reasons for the increased interest in green burials: *"Lower costs, conservation of natural resources, elimination of hazardous chemicals, and preservation of natural areas."* Casper Funeral Home reports the

following data that relates to green burials and the conservation of natural resources:” *Each year U.S. cemeteries bury over 30 million board feet of hardwood and 90,000 tons of steel in caskets, 17,000 tons of steel and copper in vaults, and 1.6 million tons of reinforced concrete in vaults. Additionally, green burials eliminate the use of hazardous chemicals typically used in traditional burial.*”

In discussion with Anthony O’Donnell, owner of O’Donnell Funeral Homes in Danvers and Salem, and a member of the Cemetery Commission in Salem, he noted that there is a large and increasing demand for a green burial type of funeral service. He reports that efforts to establish a green burial section in Salem Cemeteries (Harmony Grove and Puritan Lawn) have been thwarted by proximity to the water table and drinking water, highlighting some of the important issues to be evaluated in a town’s consideration of green burials.

What towns allow green burials and what rules have they developed?

A relatively small number of towns/cities in MA allow green burials in municipal cemeteries. A few of these towns are listed below, along with the applicable rules:

Wenham: Green burial is only allowed at Iron Rail Cemetery. Bill Wilson, the Wenham Cemetery Commissioner, was uncertain as to why it was only allowed at Iron Rail. He also reported that during the past three years when he has been Cemetery Commissioner there has not been a green burial. He provided a copy of the Wenham green burial regulations: *“Green Burials, defined as a burial without embalming and not utilizing permanent vaults and/or caskets, SHALL be available only at Iron Rail Cemetery and SHALL be conducted only in accordance with any Massachusetts state regulations. Green burials SHALL use a shroud or biodegradable container. The burial SHALL be at a minimum depth of four feet. A flat marker of at least one foot square centered at the head of the burial SHALL be required if no permanent gravestone is being emplaced.”*

Lexington, MA: Westview Cemetery: Performed in designated sections of a specific cemetery. Refrigeration before arrival. Funeral Home is required to handle transportation of remains. Requires an approved type of decomposing wood coffin, one body per grave. No vault liners, etc. Grave markers should be 2 feet by one foot flush markers of granite or bronze.

Chilmark MA: Martha’s Vineyard, Abel’s Hill Cemetery: Casket made of soft wood or other biodegradable materials like cardboard or wicker or a shroud made of natural fabric. Rests at a depth of 3.5 to 4 feet. No chemicals, cement vault, grave liner, hardwoods, metals, plastics or non-biodegradable items are allowed.

Brewster, MA: Brewster Memorial Cemetery: Contains a dedicated area for green burials. Deceased not embalmed. A burial container is not required, but if used it should be biodegradable and nontoxic/nonhazardous. It is okay to use a shroud made of natural fibers. The deceased may be transported to the grave site by the deceased family and friends or a funeral director. Burial depth three and ½ feet to the bottom of container or shroud. Flat site marker of natural fieldstone or quarried stone, 2 feet by one foot.

Cambridge, MA: Mount Auburn Cemetery: Allows shrouded body without a container but a wooden shrouding board must be used for transporting and lowering body into grave in order to stabilize the body. Body must be free of any visible body fluids. A non-paid family member is allowed to provide the transportation to the grave site. Natural burial graves are added to

selected locations of the cemetery. Offers a variety of ways for memorialization (\$9000 to \$25,000+)

What concerns have been expressed about green burials?

Concern about burials without a casket:

Concerns have been raised about the difficulty cemetery workers may face when digging a grave next to a green burial site without a casket. **Tim Olson, Director of Hamilton Department of Public Works**, has expressed his concern to us in this area and emphasized the need to protect the cemetery workers. We thank Mr. Olson for sharing this concern. Anthony O'Donnell from O'Donnell Funeral Homes expressed a similar concern and noted that it is more difficult for cemetery workers if there is no green burial casket. He reported that the casket is easy to locate making it is easier and safer to open space for the next burial. Because of these concerns it was Anthony O'Donnell's recommendation that biodegradable caskets/coffins be required for green burials. It is also his opinion that a casket brings dignity to the deceased.

Concern about individuals who succumbed to highly infectious diseases:

There is also concern for highly infectious bacterial and viral diseases and diseases transmitted by prions, such as Mad Cow Disease. (A prion is a type of protein that can trigger proteins in the brain to fold abnormally. It is sometimes spread to humans by infected meat products.) According to the MA DEP: "Additional consideration should be taken with the remains of individuals that were known to have been killed by a serious pathogenic disease... Green burial of these infectious cases should not be allowed pending a decision of the local BOH." In my discussion with Funeral Director Anthony O'Donnell he reported that oftentimes cremation is recommended in these situations.

Concern about microorganisms leaching into groundwater:

According to the MA DEP web site: "*The potential for bacteria, viruses, and other microorganisms from human remains to reach groundwater and infect other people appears to be the greatest source of public health concern associated with green burials. Research indicates though microorganisms can remain viable and transportable for many years following a burial, they are eventually attenuated by soils and lose viability. However, the fact that these organisms can remain viable for some time highlights the importance of siting burials in hydrogeologically appropriate areas.*"

Mr. Olson also expressed this same concern in his communication: "Decomposing human remains can lead to concerns in groundwater and well sources." Further he noted that Hamilton Cemetery is upland and adjacent to the Miles River and that there also may be a few neighboring private wells in the area. "Not encapsulating remains may lead to a public health concern with these items migrating in the groundwater."

Even though, as MA DEP notes, these microorganisms from decaying human remains are eventually attenuated by soils and are no longer infectious, we are told by that they can remain viable and transportable for many years following a burial. Because of this, it is important that green burials only be allowed in hydrogeological appropriate areas.

"However, the fact that these organisms can remain viable for some time highlights the importance of siting burials in hydrogeologically appropriate areas." MA DEP

Current State Burial Requirements

- [Massachusetts General Law \(MGL\) Chapter 114, Section 35](#) states, unless the property was approved for burial prior to 1908, if Cemetery surface water or ground drainage enters a pond, stream, well, public water supply, or tributary source, it cannot be used for burial purposes unless MassDEP has given written approval to the plan.
- [MGL Chapter 258, Massachusetts Rivers Protection Act](#) and [310 CMR 10.58](#) limits the allowed activities within 200 feet of rivers, which would apply to siting burial plots.
- Massachusetts Drinking Water Regulations [310 CMR 22.21](#): Burial plots should be prohibited from Zone I's of all Public Water Supplies (PWS).
- Massachusetts Drinking Water Regulations [310 CMR 22.20B](#) requires that burials be excluded 100 feet of the high water mark of a public water source or tributary, unless allowed in writing by the PWS.
- Massachusetts Drinking Water Regulations [310 CMR 22.21\(2\)\(b\)\(6\)](#) prohibits the removal of overburden soils within 4 feet of the historical high groundwater table elevation, unless certain conditions are met.

What a Local BOH should consider when reviewing a green burial?

Massachusetts DEP recommends that local BOHs consider developing guidance information and an approval process for these types of burials. Several towns in MA are already permitting green burials. Local BOHs should consider including the following in their **local guidance/approval process**:

1. Evaluation of local bylaws and regulations. There may be more restrictive conditions on burials in other local bylaws or regulations besides Board of Health regulations. **The cemetery proponent should also have the proposed location reviewed by the local Conservation Commission** so that the setbacks from surface waters required by the [Wetlands Protection Act](#) are met.
2. Inclusion of state burial requirements.
3. Site Plan submission. Requiring a site plan that indicates the burial plot in relation to the property boundaries with Setback Distances to all regulated waters in the immediate areas should also be shown on the site plan.
4. Hydrogeological evaluation. A hydrogeologic evaluation should be done within the burial plot dimensions to determine if additional criteria should be considered:
 1. the estimated seasonal high groundwater level (ESHWT)
 2. soil variability and profile description to a depth of 4 feet
 3. depth to bedrock; it is recommended that a [Certified Soil Evaluator](#) be used in order to ensure consistency in making site determination.
 4. the body should be covered by at least 3 feet of soil.
 5. the plot should not be within a FEMA Velocity Zone or a 100/500-year flood zone.

6. the slope should not exceed 3:1.
5. Consideration for serious pathogenic disease. Additional consideration should be taken with the remains of individuals that were known to have been killed by a serious pathogenic disease, including highly infectious bacterial and viral diseases and diseases transmitted by prions. Green burial of these infectious cases should not be allowed pending a decision of the local BOH.
6. Setback requirements. The [MassDEP Office of Research/Standards](#) recommends specific setbacks between green burial sites and private wells. These setback distances are intended to apply to a wide range of hydrogeological conditions in Massachusetts. The BOH could allow for a variance from these setbacks, if a detailed hydrogeological study is conducted that demonstrates that the burial site does not pose a threat to the drinking water source.
8. Number of burials per burial plot. The guidance should define the minimum and maximum number of individual burials that will be allowed in the burial plot. A more detailed hydrogeological study and a long-term monitoring plan should be considered for sites which are proposed to accept a large number of green burials.
9. Variance Provisions. Because extenuating circumstances relating to a death may necessitate deviating from the local approval procedure, the guidelines should allow for the granting of variances (or waivers). The situations that could justify a variance should be outlined in the variance section.

When the Board has received the necessary information, the approval process should be as follows:

- The board will review the submission and make a determination.
- If approved, the owner will file a copy of the site plan as an addendum to the deed for the property and have it recorded at the Registry of Deeds.

Joe Domelowicz

From: Chris LaPointe <chris@ecga.org>
Sent: Tuesday, January 17, 2023 10:52 AM
To: Joe Domelowicz; Shawn Farrell
Cc: Maggie Brown
Subject: External Email Warning Request to be included in upcoming Board Agenda
Attachments: Hamilton CR 33-A-1 ref 17123 EEA Approved for Signatures.pdf; 14 HAM-R Amendment 2021 map.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Joe and Shawn,

I am writing to request time on an upcoming Select Board agenda to present for review and approval, an Amendment to Conservation Restriction on part of Peter and Gretel Clark's land on Bay Road (Marguerite T. Clark 1990 Revocable Trust).

Greenbelt has held a CR on the Clark's property since 2007 on 20.5 acres of their land. This Amendment would add an additional 1.204 acres of land to that CR, protecting, among other things, prime agricultural soils and the scenic corridor along Bay Road. All other terms of the CR remain in place.

This CR has been reviewed and approved by the state Division of Conservation Services and is ready for local signatures. Please let me know if you have any questions or concerns.

Thank you,
Chris

Christopher B. LaPointe
Vice President, Conservation Operations
Greenbelt | Essex County's Land Trust
82 Eastern Avenue
P.O. Box 1026
Essex, MA 01929
chris@ecga.org
(978) 768-7241 x18
ecga.org



GRANTOR: Marguerite T. Clark, Trustee of the Marguerite T. Clark 1990 Revocable Trust

GRANTEE: Essex County Greenbelt Association, Inc.

ADDRESS OF PREMISES: Bay Road, Hamilton, MA

FOR GRANTOR'S TITLE SEE: Essex South District Registry of Deeds Book 12155, Page 83, Book 12155, Page 86

FOR ORIGINAL CONSERVATION RESTRICTION SEE: Essex South District Registry of Deeds Book 27414, Page 307

AMENDMENT TO CONSERVATION RESTRICTION

This AMENDMENT TO CONSERVATION RESTRICTION (the "Amendment") is made and entered into as of the _____ day of _____ 2023, by and among Marguerite T. Clark, Trustee of the Marguerite T. Clark 1990 Revocable Trust, u/d/t dated June 28, 1990, as amended, with a mailing address of 823 Bay Road, Hamilton, Massachusetts 01936, its successors and assigns ("Grantor") and Essex County Greenbelt Association, Inc., a Massachusetts not for profit corporation having its principal office at 82 Eastern Avenue, Essex, Massachusetts 01929, its permitted successors and assigns ("Grantee").

WITNESSETH:

Reference is made to the following facts, which constitute the background to this Amendment:

- A. WHEREAS, Grantor is the owner of a certain land (the "Premises"), located in the Town of Hamilton, Essex County, Massachusetts, which is encumbered by a perpetual conservation restriction ("the Restriction") granted pursuant to M.G.L. Ch. 184, Sections 31-33 to Grantee, which Restriction was recorded in the Essex South District Registry of Deeds on December 24, 2008, at Book 27414, Page 307; and
- B. WHEREAS, Grantor's title to the Premises is derived from the deeds of Peter B. Clark and Marguerite T. Clark to the Grantor, recorded in said Registry on October 1, 1993, at Book 12155, Page 83, and Book 12155, Page 86, consisting of an approximately ±24.4-acre parcel of land situated off Bay Road in Hamilton, Essex County, Massachusetts; and

- C. WHEREAS, The Premises encumbered by the Restriction consists of an approximately ± 20.5 -acre portion of the ± 24.4 -acre parcel of land (“Original Acreage”); and
- D. WHEREAS, Grantor acquired a certain parcel of land (“New Acreage”) located at 821 Bay Road, Hamilton, Essex County, Massachusetts, consisting of ± 1.204 acres more or less, shown as “Lot 1A-2” on a plan of land entitled “Plan of Land, #821 Bay Road, Hamilton, MA”, prepared by Donohoe Survey, Inc., dated June 2, 2021, recorded in the Essex South District Registry of Deeds in Plan Book 40021, Page 391, and attached hereto in reduced form as Exhibit A1 (hereinafter the “Plan”), and Grantor’s title to the New Acreage was recorded in said Registry on April 21, 2022 at Book 40879, Page 442; and
- E. WHEREAS, Grantee is the present holder of the Restriction; and
- F. WHEREAS, Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the New Acreage; and
- G. WHEREAS, Grantor hereby agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

NOW, THEREFORE, in consideration of the mutual undertakings herein, Grantor voluntarily grants and conveys to Grantee, and Grantee voluntarily accepts, in perpetuity and exclusively for conservation purposes, this Amendment to Conservation Restriction, an immediately vested interest in real property defined in M.G.L. Ch. 184, Sections 31-33, and of the nature and character described in the Restriction, as amended in this Amendment. The parties agree to amend the Restriction as follows:

1. The Restriction is hereby amended to add the New Acreage to the Restriction so that the Restriction shall encompass ± 21.704 acres more or less and shall be comprised of the Original Acreage and the New Acreage.
2. The Restriction is hereby amended to define “Premises” to include the Original Acreage and the New Acreage.
3. Exhibit A1 hereto is hereby incorporated by reference into the Restriction.
4. Except as amended hereby, all terms and conditions of the Restriction remain in full force and effect and apply to the Premises as redefined herein. Capitalized terms used herein, but not

defined herein shall have the meanings ascribed to them in the Restriction. In the event of a conflict between the terms of the Restriction and this Amendment, the terms of this Amendment shall prevail.

Attached hereto and incorporated herein by reference are the following:

Signature Pages

- a. Grantor: Marguerite T. Clark, Trustee of the Marguerite T. Clark 1990 Revocable Trust
- b. Grantee Approval and Acceptance: Essex County Greenbelt Association, Inc.
- c. Approval of the Select Board of the Town of Hamilton
- d. Approval of the Secretary of Energy and Environmental Affairs

Exhibit A1: Reduced Copy of Plan of New Acreage

WITNESS my hand and seal this ____ day of _____, 2023,

_____, duly authorized
Marguerite T. Clark, Trustee
The Marguerite T. Clark 1990 Revocable Trust

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss:

On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared Marguerite T. Clark, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

GRANTEE APPROVAL AND ACCEPTANCE

Essex County Greenbelt Association, Inc. hereby approves and accepts this Amendment to Conservation Restriction from Marguerite T. Clark, Trustee of the Marguerite T. Clark 1990 Revocable Trust this ____ day of _____, 2023, and agrees to be bound by its terms.

Essex County Greenbelt Association, Inc.

By: _____
Katherine Bowditch
President

By: _____
Timothy Fritzinger
Treasurer

COMMONWEALTH OF MASSACHUSETTS

Essex , ss.

On this _____ day of _____, 2023, before me, the undersigned notary public personally appeared Katherine Bowditch, proved to me through satisfactory evidence of identification, which consisted of _____, to be the person whose name is signed on the preceding or attached document.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Essex , ss.

On this _____ day of _____, 202__, before me, the undersigned notary public personally appeared Timothy Fritzinger, proved to me through satisfactory evidence of identification, which consisted of _____, to be the person whose name is signed on the preceding or attached document.

Notary Public
My Commission Expires:

APPROVAL OF THE TOWN OF HAMILTON SELECT BOARD

We the undersigned, being a majority of the Select Board of the Town of Hamilton, hereby certify that at a public meeting duly held on _____, 2023, the Select Board voted to approve the foregoing Amendment to Conservation Restriction from the Marguerite T. Clark 1990 Revocable Trust to Essex County Greenbelt Association, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF HAMILTON SELECT BOARD

Shawn M. Farrell

James R. Knudsen

William A. Olson

Caroline Q. Beaulieu

Thomas B. Myers

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss:

On this _____ day of _____, 2023, before me, the undersigned notary public, personally appeared the above members of the Town of Hamilton Select Board, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Select Board Members.

Notary Public

My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Amendment to Conservation Restriction made by and between Marguerite T. Clark, Trustee of the Marguerite T. Clark 1990 Revocable Trust and Essex County Greenbelt Association, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2023

Rebecca L. Tepper
Secretary of Energy and Environmental Affairs

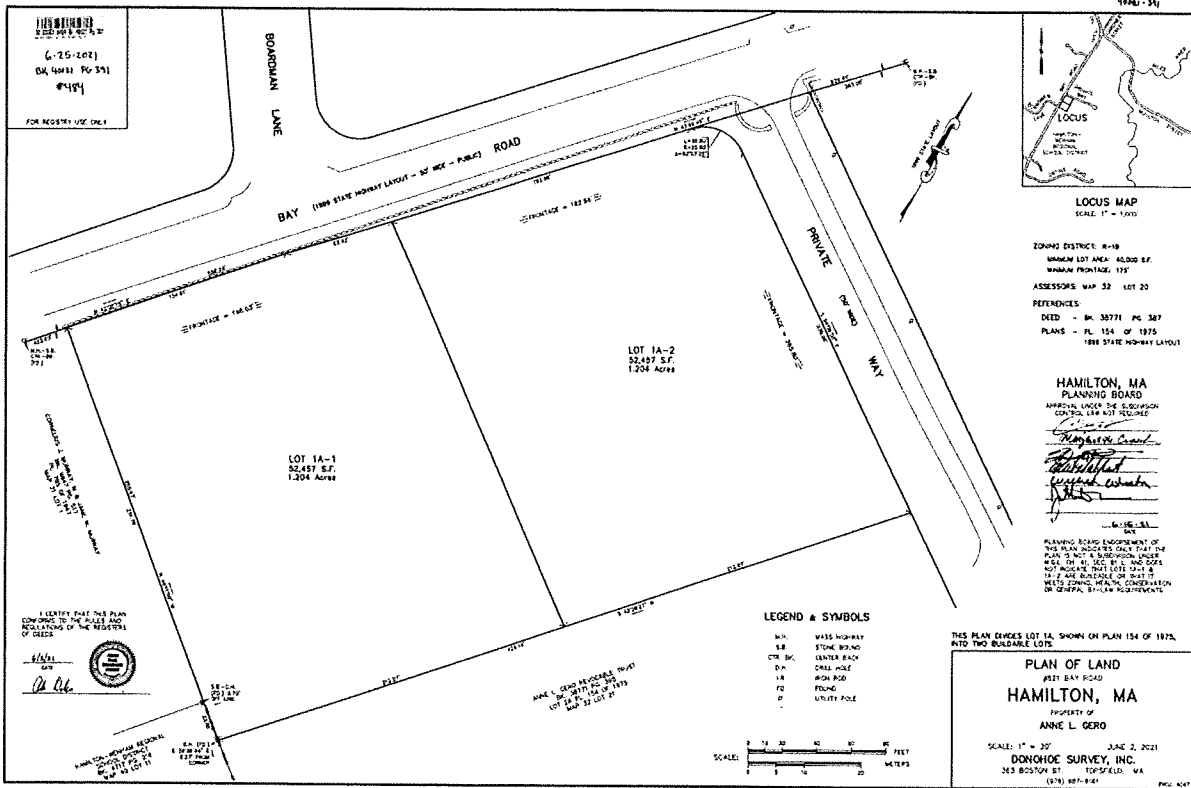
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

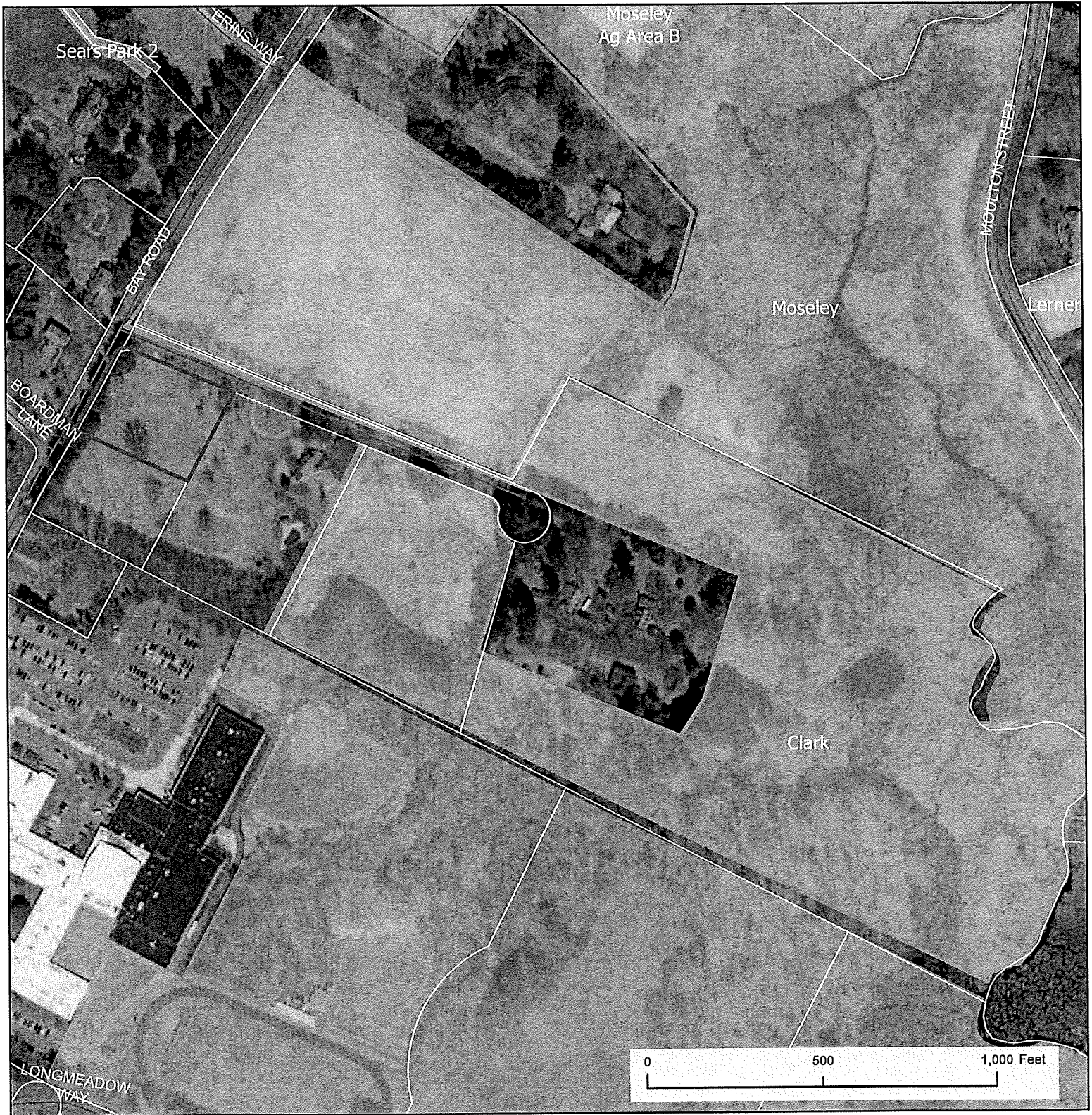
On this ____ day of _____, 2023, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.





Notary Public
My Commission Expires:

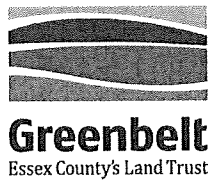
Exhibit A1
Reduced Copy of Plan of New Acreage



Clark CR Amendment



-  Expanded CR Area
-  Greenbelt CRs
-  Other Protected
-  Parcels



Source data obtained from survey plans, Mass GIS and Global Positioning Systems (GPS). Orthophoto 2019. Boundary lines are approximate and are to be used for informational purposes only.

Town By-Laws

CHAPTER II

RULES AND PROCEDURE OF TOWN MEETINGS

SECTION 1. All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise decided by a two-thirds vote, except that unanimous consent shall be required for inclusion of an Article in a "Consent Motion" group of Articles that will be taken up by the meeting for voting on the group.

SECTION 2. In case of motions to amend, or to fill out blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

SECTION 3. The report of a committee shall be deemed properly before a meeting if a request for its acceptance is included in an article of the warrant and a copy is published in the Special Report or is filed with the Town Clerk fifteen days prior to the meeting. A vote to accept a final report shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations. A vote on recommendations included in a committee report shall only be in order under an article to that effect in the warrant. A vote to accept a report of progress shall continue the committee under its original authority unless otherwise specified.

SECTION 4. If an article of the Warrant has once been acted upon and disposed of, it shall not be again considered at the meeting except by a two-thirds vote.

SECTION 5. No money shall be appropriated from the Stabilization Fund except by a 2/3 vote at a Town Meeting.

SECTION 6. Only registered voters of the Town shall be admitted and entitled to vote at any Annual or Special meeting provided that upon prior request the Moderator may admit to the meeting persons who are not registered voters and in his discretion may permit them to speak on a subject. Any person so permitted to speak at a meeting shall announce his full name and address to the meeting.

SECTION 7. Motions at Town Meeting shall be made orally, but the Moderator may require any motion also to be submitted in writing. Unless otherwise directed thereby the Moderator shall appoint all committees created by the vote of the Town.

SECTION 8. The conduct of all Town Meetings not prescribed by law or by the foregoing rules shall be determined by the rules of practice contained in the most current edition of Town Meeting Time, A Handbook of Parliamentary Law.

SECTION 9. On matters requiring a two-thirds vote, either by statute or these By-Laws, a count need not be taken and the vote need not be recorded unless the vote declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

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ESSEX, SS

TO THE CONSTABLE OF THE TOWN OF HAMILTON:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hamilton qualified to vote in election and town affairs, to meet at the Hamilton-Wenham Regional High School Auditorium, 775 Bay Road in said town, on Saturday, the first day of April, in the year Two Thousand Twenty-three (April 1, 2023) at nine o'clock in the morning (9:00 a.m.), then and there to act on the following articles.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2023/4 1-1	To elect the following Town and School District Officers at the Annual Town Election on Thursday, April 6, 2023 from 7:00 a.m. to 8:00 p.m. at the Hamilton-Wenham Recreation Gymnasium, located at 16 Union Street, Hamilton, Massachusetts.
<i>Election of Officers</i>	<ul style="list-style-type: none"> <input type="checkbox"/> Town Moderator for one year <input type="checkbox"/> Town Clerk for three years <input type="checkbox"/> One member of the Select Board for three years <input type="checkbox"/> One member of the Board of Assessors for three years <input type="checkbox"/> Two members of the Planning Board for three years <input type="checkbox"/> One member of the Housing Authority for one year (unexpired term) <input type="checkbox"/> One Hamilton-Wenham Public Library Trustee for three years <input type="checkbox"/> Two members of the Hamilton-Wenham Regional School Committee for three years
Ballot Question:	<p>Shall the Town of Hamilton be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay the Town's allocable share of the bond issued by the Hamilton-Wenham Regional School District for the purpose of paying costs of the athletic and recreational facilities project for the Hamilton-Wenham Regional High School, 775 Bay Road, South Hamilton, MA, including th payment of all costs incidental or related thereto?</p>
ARTICLE 2023/4 1-2	To hear reports of Town Officers and selected committees and to take action thereon or relative thereto. Reports will appear in the Town Report for Fiscal Year 2022 and be posted to the Town of Hamilton website.
<i>Reports</i>	
ARTICLE 2023/4 1-3	To see if the Town will consolidate in one consent motion containing the

Commented [TME1]: Please confirm with Town Clerk.

Commented [TME2]: I recommend that you forward a copy of the ballot question to bond counsel and School District counsel for review. Also, the Select Board will need to vote by 2/3 to approve the question, and must forward a copy to the Town Clerk at least 35 days prior to the election in order for it to be included on the ballot.

<i>Article for Consent Motion</i>	<p>motions for those articles that, in the opinion of the Moderator, are not controversial and can be passed without debate, or take any action thereon or relative thereto.</p> <p>Expected Consent Motion to include articles: ARTICLE _____.</p>
-----------------------------------	---

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2023/4 2-1 <i>Compensation/ Classification Table</i>	<p>To see if the Town will amend the Personnel Bylaw by adopting changes to the classification and compensation table as set forth in Appendix A, or take any action thereon or relative thereto.</p> <p>[The Proposed Compensation/Classification Table appears as Appendix A to the 2023 Appendix Book.]</p> <p>Brief Summary: <i>The Classification/Compensation table reflects a cost of living increase for settled contracts and non-union employees. Collective Bargaining Agreements under negotiation are identified as such and do not reflect any cost of living increases. Anticipated increases are currently budgeted in a salary reserve account to accommodate for prospective increases for unsettled union contracts.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>The tax rate impact of this article is reflected in Article 2-3, the Town budget article, as the Classification/Compensation Table is only one part of a formula used to determine the various wages and salaries contained within the Town budget.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
ARTICLE 2023/4 2-2 <i>Prior Year Bills</i>	<p>To see if the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money to pay any unpaid bills incurred in prior years, or take any action thereon or relative thereto. (Expected request \$_____)</p> <p>A 4/5 vote is required to approve this article.</p> <p>Brief Summary: <i>This article provides for payment of prior year bills which were not submitted or processed prior to the fiscal year ending on June 30, 2022. _____. It is anticipated that Free Cash will be utilized for these appropriations.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>Payment of these bills will have a negligible effect on the tax rate.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and</p>

	<i>Advisory Committee (____) recommends favorable action.</i>
ARTICLE 2023/4 2-3 <i>General Town Departmental Appropriations</i>	<p>To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to defray the expenses of schools and all other Town expenses for the Fiscal Year beginning July 1, 2023, or take any action thereon or relative thereto. (<i>Expected requests Town - \$_____ and all educational expenses, including HWRSD and ENSATSD - \$_____</i>)</p> <p>[The proposed budget appears as Appendix B to the 2023 Appendix Book.] [The approved school budget appears as Appendix C to the 2023 Appendix Book.]</p> <p>Brief Summary: <i>This article is to approve the general operating budget for the Town and Schools, which totals \$_____. The total FY24 budget represents an increase of ___% over FY23. This article does not include the portions of the Town or School budgets that are funded in separate warrant articles.</i></p> <p><i>The HWRSD budget request represents an increase of total school spending by over \$_____ -- an increase of ___% or \$_____ for Hamilton. The Hamilton increase includes the adjustment for the enrollment shift.</i></p> <p><i>The ENSATSD budget represents an increase in total school spending of over \$_____ – an increase of ___% or \$_____ for Hamilton.</i></p> <p>The Select Board recommends (____) favorable action. The Finance and Advisory Committee (____) recommends favorable action.</p>
ARTICLE 2023/4 2-4 <i>Capital Expenditures</i>	<p>To see if the Town will raise and appropriate or transfer from available funds a sum of money for the purpose of funding capital expenditures and further, to authorize the Town Manager to administer and expend funds from said accounts, or take any action thereon or relative thereto. (<i>Expected request \$_____</i>)</p> <p>Brief Summary: <i>This article would provide funds for various projects contained within the Fiscal Year 2024 Capital Projects Plan.</i></p> <p>[Please refer to Appendix D to the 2023 Appendix Book.]</p> <p>Fiscal Year 2024 Tax Rate Impact: <i>The request if funded by taxation would represent approximately \$___ per \$1,000 assessed valuation, or \$___ tax assessment on the average home valued at \$_____. However, it is expected that Free Cash will be utilized for these appropriations.</i></p> <p>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</p>
ARTICLE 2023/4 2-5	To see if the Town will appropriate a sum of money to purchase and equip a new fire truck, and to determine whether this amount shall be raised by

Commented [TME3]: I recommend that you forward a copy of this Article to bond counsel for review and approval.

Commented [TME4]: Do you want to specify the type of truck--e.g. pumper, ladder, etc.?

<p><i>Fire Engine Purchase</i></p>	<p>transfer from available funds, including but not limited to reserved bond sale premiums, or otherwise provided; or take any action thereon or relative thereto. (Expected request \$_____)</p> <p>A 2/3 vote will be required to approve this article if funds are appropriated from the Stabilization Fund.</p> <p>Brief Summary: This article seeks to appropriate funds to purchase and equip a new fire truck. _____.</p> <p>Fiscal Year 2024 Tax Rate Impact: _____.</p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-6 <i>School Capital Projects</i></p>	<p>To see if the Town will approve the \$_____ borrowing authorized by the Hamilton-Wenham Regional School District (the "District") for _____ [for the purpose of funding District capital expenditures], including the payment of all costs incidental and related thereto; or take any other action thereon or relative thereto. (Expected request \$_____)</p> <p>[Please refer to Appendix E to the 2023 Appendix Book.]</p> <p>Fiscal Year 2024 Tax Rate Impact: _____.</p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-7 <i>Water Enterprise Budget</i></p>	<p>To see if the Town will approve the FY2024 Water Enterprise Budget, as set forth in Appendix F, or take any action thereon or relative thereto. (Expected request \$_____)</p> <p>[The proposed budget appears as Appendix F to the 2023 Appendix Book.]</p> <p>Brief Summary: The FY24 operating budget for the Water Enterprise represents an increase of \$_____ or ___%. Retained earnings in the amount of \$_____ were used to balance the budget. There is no anticipated rate change at this time.</p> <p>Fiscal Year 2024 Tax Rate Impact: The Water Department is supported by water fees; adoption of the budget will not impact the tax rate.</p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-8</p>	<p>To see if the Town will authorize the following financial actions, or take any action thereon or relative thereto.</p>

Commented [TME5]: The District should provide the Town with the exact warrant article that it wants the Board to include on the Warrant. The language included here is merely a placeholder although I expect it will be similar to what the District provides.

Commented [TME6]: I note that only a majority vote is required by Town Meeting to authorize a school district borrowing. See G.L. c.71, §16(d).

<p><i>Annual Financial Actions</i></p>	<p>A. To transfer \$_____ from the Cemetery Sale of Lots and Graves Fund to the General Fund to be used for cemetery purposes;</p> <p>B. To transfer \$_____ from the Water Enterprise Fund to the General Fund to be used for indirect expenses;</p> <p>C. To transfer \$_____ from the Clark Fund to the Conservation Trust fund for conservation related expenses.</p> <p>Brief Summary: <i>This article occurs annually as part of the budget process.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>The proposed transfers will reduce the estimated tax rate by approximately \$_____ per \$1,000 assessed valuation, or \$_____ tax assessment on the average home valued at \$_____.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-9</p> <p><i>Hamilton Development Corporation</i></p>	<p>To see if the Town will raise and appropriate the sum of \$_____ to the Hamilton Development Corporation, or take any action thereon or relative thereto. (Expected request is \$_____)</p> <p>Brief Summary: <i>At the 2010 Annual Town Meeting, the Town accepted the provisions of M.G.L. c.64L, Section 2(a) to impose a local meals excise tax. At the same meeting, the Town approved that such funds were to be used for the purpose of supporting economic development in the downtown commercially zoned district.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>The proposed transfer means that funds generated by the meals tax cannot be applied to other projects or programs in the Town's annual budget. As a result, the estimated tax rate will increase by approximately \$_____ per \$1,000 assessed valuation, or \$_____ tax assessment on the average home valued at \$_____.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-10</p> <p><i>OPEB Trust Fund</i></p>	<p>To see if the Town will raise and appropriate the sum of \$_____ for the purpose of funding the Other Post-Employment Benefits (OPEB) Liability Trust Fund, or take any action thereon or relative thereto.</p> <p>Brief Summary: <i>This article proposes to appropriate \$_____ towards the Town's unfunded liability for health and life insurance benefits of both current and future retired employees. Appropriations for this liability were first made at the 2010 Annual Town Meeting. Governmental Accounting Standards requires all local governments to account for other post-employment benefits (OPEB) using an accrual methodology over participants' active working career. The Town's most recent actuarial study (as of July 1, 2019) indicated that the Town had an actuarially determined unfunded liability of approximately \$8.4 million. The Town has already set aside approximately \$_____ for this long-term liability.</i></p>

	<p>Fiscal Year 2024 Tax Rate Impact: <i>The allocation of these funds to the OPEB Trust Fund will increase the estimated tax rate by approximately \$_____ per \$1,000 assessed valuation, or \$_____ tax assessment on the average home valued at \$_____.</i></p> <p>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-11</p> <p>Patton Homestead Operating Budget</p>	<p>To see if the Town will approve the FY2024 Patton Homestead Operating Budget, as set forth in Appendix G, or take any action thereon or relative. (Expected request \$_____)</p> <p>[The budget appears as Appendix G to the 2023 Appendix Book.]</p> <p>Brief Summary: <i>This is a request to approve the Patton Homestead's operating budget for FY2024. Projected revenues in FY24 are \$_____. In previous years, the Town has appropriated funds to cover operating deficits and provide a small cushion for unforeseen repairs if/when they occur. However, this year, the Town is pleased to report that the Patton Homestead projected revenues are anticipated to cover all anticipated expenditures, and as a result, an additional appropriation is not required.</i></p> <p><i>A Special Fund was created in 2018 in response to a Citizens' Petition to provide increased transparency on Patton Homestead spending, which is the reason for this action. In February 2019, a Director was hired for the Patton Homestead, and a three (3) year Business Plan was created to guide revenue generation. A new Director was hired in November 2021 following the departure of the first Director.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-12</p> <p>Stabilization Fund</p>	<p>To see if the Town will transfer \$_____ from Free Cash to the General Stabilization Fund, or take any action thereon or relative thereto. (Expected request is \$_____)</p> <p>Brief Summary: <i>This article requests an appropriation to be added to the Stabilization Fund. This fund may be used for any purpose in the future, but requires a vote of Town Meeting in order to transfer and spend any of these funds. The Town has approved a policy to maintain a minimum balance of 5% of the current general fund operating budget in its general stabilization fund and to annually appropriate a minimum of 5% of general fund operating revenues to this fund until the target minimum balance is met. The requested amount represents _____% of the general fund operating revenues. The Town has already set aside approximately \$_____ to this fund, representing ____% of general fund operating revenues.</i></p>

Commented [TME7]: This article is a placeholder. I need to do some additional research to determine whether it is necessary for Town Meeting to approve the budget.

	<p>A 2/3 vote is required to approve this Article pursuant to Chapter II, Section 5 of the Town's General Bylaws.</p> <p>Fiscal Year 2024 Tax Rate Impact: None, as it is anticipated that the funds will come from Free Cash.</p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-13</p> <p><i>Regional School District Stabilization Fund</i></p>	<p>To see if the Town will transfer \$ _____ from Free Cash to the Stabilization Fund for the Hamilton-Wenham Regional School District created pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws General, or take any action thereon or relative thereto. (Expected request is \$ _____)</p> <p>A 2/3 vote is required to approve this Article pursuant to Chapter II, Section 5 of the Town's General Bylaws.</p> <p>Brief Summary: This article seeks to appropriate funds to the Stabilization Fund for the Hamilton Wenham Regional School District, which was created pursuant to G.L. c.41, §16G½ following authorization by the October 1, 2022 Special Town Meeting.</p> <p>Fiscal Year 2023 Tax Rate Impact: None, as it is anticipated that the funds will come from Free Cash.</p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-14</p> <p><i>Community Preservation Budget</i></p>	<p>To see if the Town will act on the Report of the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget and specified other projects and appropriate or reserve for later appropriation monies from community preservation fund annual revenues, specific reserves or other available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year, as set forth in Appendix H, or take any action thereon or relative thereto.</p> <p>[The Budget appears in Appendix H of the 2023 Appendix Book.]</p> <p>Brief Summary: The Community Preservation Budget supports many requests made by different groups and organizations each year. Please refer to Warrant Appendices for list of projects.</p> <p>Fiscal Year 2024 Tax Rate Impact: The Community Preservation Budget is funded from a 2% surcharge on to the property tax plus State matching funds. This is noted as a separate line item on your tax bill.</p>

Commented [TME8]: The School District should provide the Board with the exact article that it wants to include on the Warrant. This is merely a placeholder, although I expect that the article will be substantially similar.

Commented [TME9]: This needs to be confirmed.

	<p><i>The Select Board recommends favorable action (___). The CPC recommends favorable action (___). The Finance and Advisory Committee (___) recommends favorable action.</i></p>
<p>ARTICLE 2023/4 2-15</p> <p><i>Community Preservation – School Athletic Fields</i></p>	<p>To see if the Town will vote, pursuant to G.L. c.44B, to appropriate \$_____ from the Community Preservation Fund _____ Account for the purpose of funding a portion of the design, construction, reconstruction, and improvement of the athletic and recreational facilities located at the Hamilton-Wenham Regional High School, 775 Bay Road, South Hamilton, MA, including all incidental and related costs, as set forth in an application on file with the Town Clerk dated _____ approved by the Community Preservation Committee; provided, however, that the expenditure of said funds shall not be authorized if Town Meeting fails to approve Articles ____; the Town of Wenham fails to appropriate its share of the costs for said project; or construction of the project fails to commence by _____, 2025, or take any action thereon or relative thereto.</p> <p>[This project appears in Appendix H of the 2023 Appendix Book.]</p> <p>Brief Summary: <i>This article seeks to allocate funds set aside in the Community Preservation Fund _____ Account for the purpose of funding a portion of the costs of the new school athletic fields project. The CPC funds would only be used for the purposes of funding a portion of the site preparation and drainage work and would not be used by the purchase or installation of any artificial turf, as set forth the application approved by the CPC.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>The Community Preservation Budget is allocated from a 2% surcharge on to the property tax plus State matching funds. This is noted as a separate line item on your tax bill.</i></p> <p>The Select Board (___) recommends favorable action. The CPC (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-16</p> <p><i>School Athletic Fields Project – Field Turf Stabilization Fund Transfer</i></p>	<p>To see if the Town will transfer sum of \$_____ from the Field Turf Stabilization Fund for the purpose of funding a portion of the costs to design, construct, reconstruct, make improvements to and equip the athletic and recreational facilities located at the Hamilton-Wenham Regional High School, 775 Bay Road, South Hamilton, MA, including all incidental and related costs; provided, however, that the expenditure of said funds shall not be authorized if Town Meeting fails to approve Articles ____; or the Town of Wenham fails to appropriate its share of the costs for said project; or take any other action thereon or relative thereto. (<i>Expected request \$_____</i>)</p> <p><i>A 2/3 vote is required to approve this Article.</i></p>

	<p>Brief Summary: This article seeks to allocate funds set aside in the Turf Field Stabilization Fund for the purpose of funding a portion of the costs of the new school athletic fields. The Turf Field Stabilization Fund was created by vote of the _____ Town Meeting and consists of _____.</p> <p>Fiscal Year 2024 Tax Rate Impact: _____.</p> <p>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</p>
<p>ARTICLE 2023/4 2-17</p> <p><i>School Athletic Fields Project – Approval of Borrowing</i></p>	<p>To see if the Town will approve the debt authorized by the Hamilton-Wenham Regional School Committee in the amount of Fifteen Million Dollars (\$15,000,000) for the purpose of designing, constructing, reconstructing, making improvements to and equipping the athletic and recreational facilities located at the Hamilton-Wenham Regional High School, 775 Bay Road, South Hamilton, MA, including all incidental and related costs; provided, however, that the vote taken hereunder shall be subject to and contingent upon an affirmative vote of the Town at an election to exempt from the limitations on taxes imposed by G.L.59, §21C, so-called Proposition 2 ½, the Town’s allocable share of the amounts required for the payment of interest and principal on said borrowing; or take any other action thereon or relative thereto. (Expected request \$_____)</p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p>Brief Summary: This article seeks to approve a borrowing voted by the Hamilton Wenham Regional School District Committee for the purpose of funding the High School athletic fields project. The borrowing is contingent upon the passage of a Proposition 2 ½ debt exclusion question on the ballot.</p> <p>Fiscal Year 2024 Tax Rate Impact: _____.</p> <p>The Select Board (____) recommends favorable action. The Finance and Advisory Committee (____) recommends favorable action.</p>

Commented [TME10]: I recommend that you forward a copy of this Article to bond counsel for review and approval. I also recommend that you confirm the form of the Article with the School District.

Commented [TME11]: This needs to be confirmed. I note that bond counsel has indicated that a 2/3 vote is required. However, G.L. c.71, §16(d) suggests otherwise.

SECTION 3: OTHER APPROPRIATIONS AND ACTIONS

<p>ARTICLE 2023/4 3-1</p> <p><i>General Bylaws – Amendment to Conservation Bylaw</i></p>	<p>To see if the Town will vote to amend the Chapter XVII of the Town’s General Bylaws, Conservation, by deleting the language shown in strike-through and inserting the language shown in bold, as set forth in Appendix I, or take any action thereon or relative thereto.</p> <p>[The Proposed Conservation Bylaw amendments appear as Appendix I to the 2023 Appendix Book.]</p>
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	<p>Brief Summary: <i>This article seeks to amend the Chapter XVII of the Town’s General Bylaws as set forth in Appendix I.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 3-2</p> <p><i>General Bylaws – Amendment to Hamilton Historic District Bylaw</i></p>	<p>To see if the Town will vote to amend the Chapter XXXI of the Town’s General Bylaws, Hamilton Historic District, by deleting the language shown in strike-through and inserting the language shown in bold, as set forth in Appendix J, or take any action thereon or relative thereto.</p> <p>[The Proposed Hamilton Historic Bylaw amendments appear as Appendix J to the 2023 Appendix Book.]</p> <p>Brief Summary: <i>This article seeks to amend Chapter XXXI of the Town’s General Bylaws as set forth in Appendix J.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 3-3</p> <p><i>General Bylaws – Amendment to Zoning Bylaw</i></p>	<p>To see if the Town will vote to amend the Town’s Zoning Bylaw by deleting the language shown in strike-through and inserting the language shown in bold, as set forth in Appendix K, or take any action thereon or relative thereto.</p> <p>[The Proposed Zoning Bylaw amendments appear as Appendix K to the 2023 Appendix Book.]</p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p>Brief Summary: <i>This article seeks to amend the Town’s Zoning Bylaw as set forth in Appendix K.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (___) recommends favorable action. The Planning Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>

<p>ARTICLE 2023/4 3-4</p> <p><i>Senior Property Tax Work-Off Program – Increase Amount of Allowable Reduction</i></p>	<p>To see if the Town will vote pursuant to the last paragraph of G.L. c.59, §5K to allow the maximum reduction of real property taxes for the Senior Tax Work-off Program to be based on 125 volunteer service hours in a given tax year, rather than \$1,500.00, or take any action thereon or relative thereto.</p> <p>Brief Summary: <i>This article seeks to authorization to increase the maximum reduction of real property taxes allowable under the Senior Property Tax Work-Off Program so that the amount of the reduction would be based on 125 volunteer hours, rather than \$1,500.00.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>
<p>ARTICLE 2023/4 3-5</p> <p><i>Citizens’ Petition – Conservation Restriction on Parcels, South Area of Patton Gift</i></p>	<p>To see if the Town will vote to ask the Select Board to create a Conservation Restriction (CR) on 19 acres total, more or less, on three adjacent Town-owned parcels at the southern end of the Patton gift of 2012: the Conservancy, parcel number 27-0006 (632 Asbury Street, 9.09 acres), Patton Wells, parcel number 27-0001 (0 Asbury Street, 3.9 acres), and the southern/westernmost portion of what is commonly referred to as Patton Homestead, parcel 19-0001 (650 Asbury Street, approximately 6.0 acres, the northern boundary of which to be determined by survey, see Map in Appendix), or take any action thereon or relative thereto.</p> <p>[The Map referenced above and included with the petitioned article appears as Appendix L to the 2023 Appendix Book.]</p> <p>Brief Summary: <i>This Conservation Restriction (“CR”) will secure the remaining open space of forest, meadow, and wetland contiguous with conserved properties on the east, south, and west, for conservation, education and passive recreation. The CR will not compromise the Great Lawn or the operation of Patton Homestead.</i></p> <p>Fiscal Year 2024 Tax Rate Impact: <i>None.</i></p> <p>The Select Board (___) recommends favorable action. The Finance and Advisory Committee (___) recommends favorable action.</p>

ADJOURNMENT

Given under our hands this _____ day of _____, 2023.

HAMILTON BOARD OF SELECTMEN

Shawn M. Farrell, Chair

James R. Knudsen

Caroline Q. Beaulieu

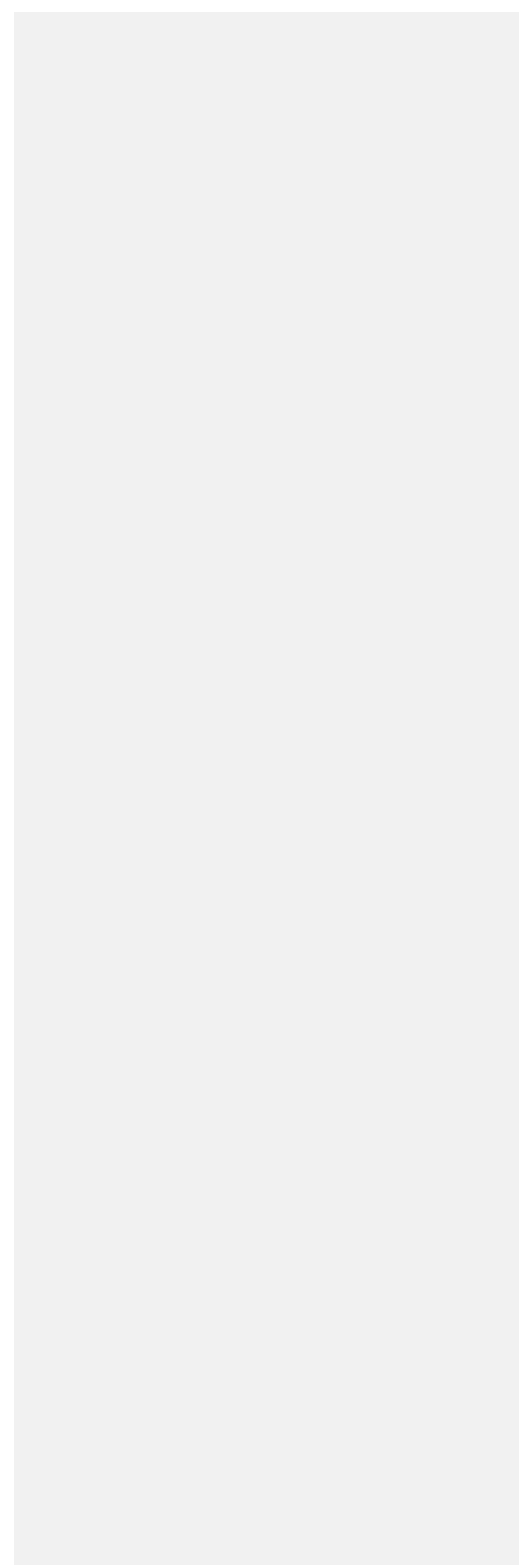
William A. Olson

Thomas B. Myers *Hamilton, Massachusetts*

I have this day served this warrant as directed by Chapter 1, Section 1b of the Town By-laws.

847834/HAML/0001

DRAFT



**BULK RATE
U.S. POSTAGE PAID
PERMIT #24
HAMILTON, MA
01936**

POSTAL PATRON

Visit our website at www.hamiltonma.gov

Please join us

Saturday, April 1, 2023

ANNUAL TOWN MEETING

*Hamilton-Wenham Regional High School
Auditorium*

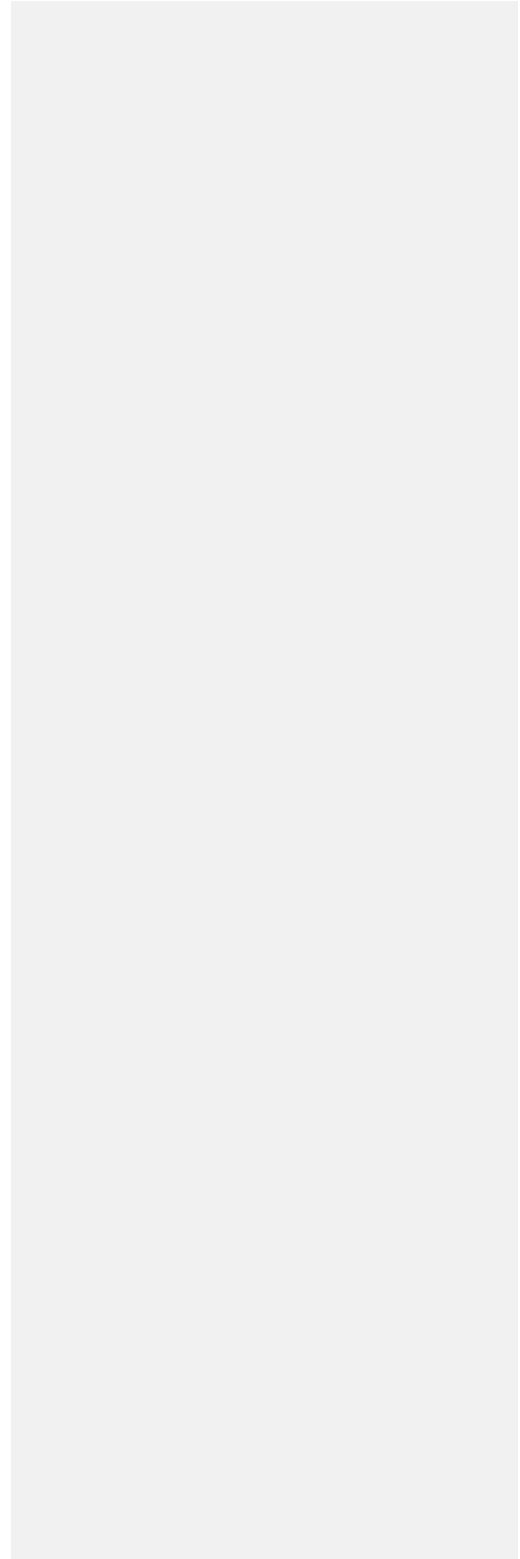
9:00 a.m.

DEMOCRACY IS NOT A SPECTATOR SPORT

Please bring this warrant with you to the Town Meeting. Thank you.

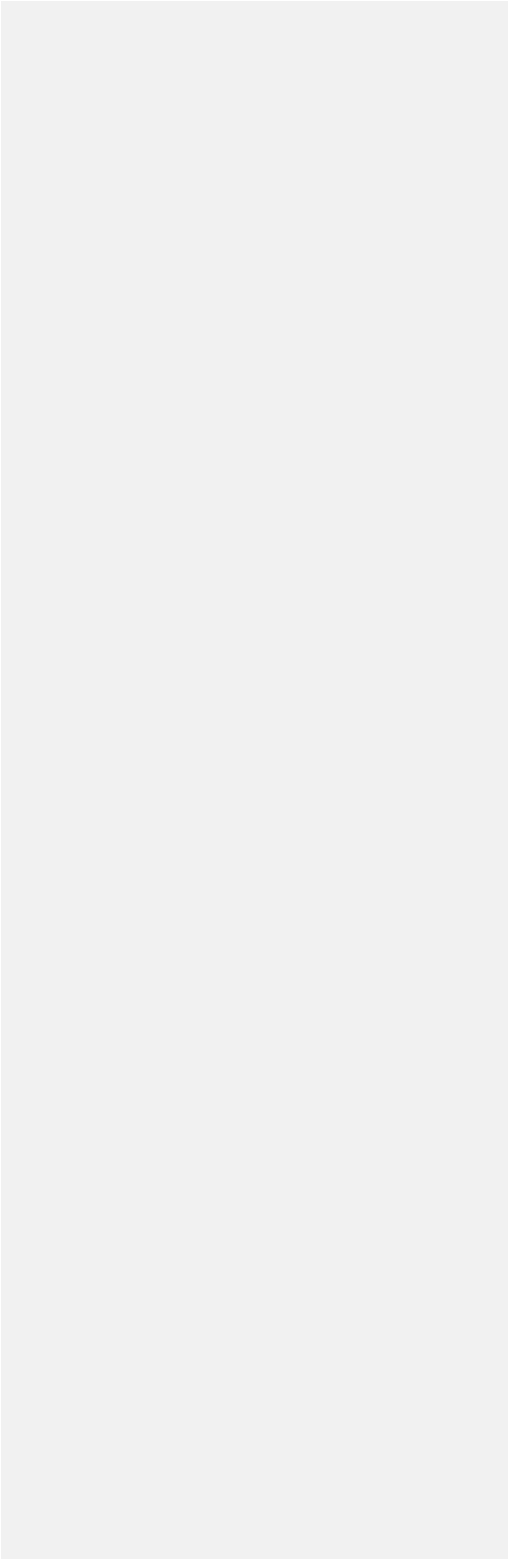
Appendix A
COMPENSATION/CLASSIFICATION TABLE

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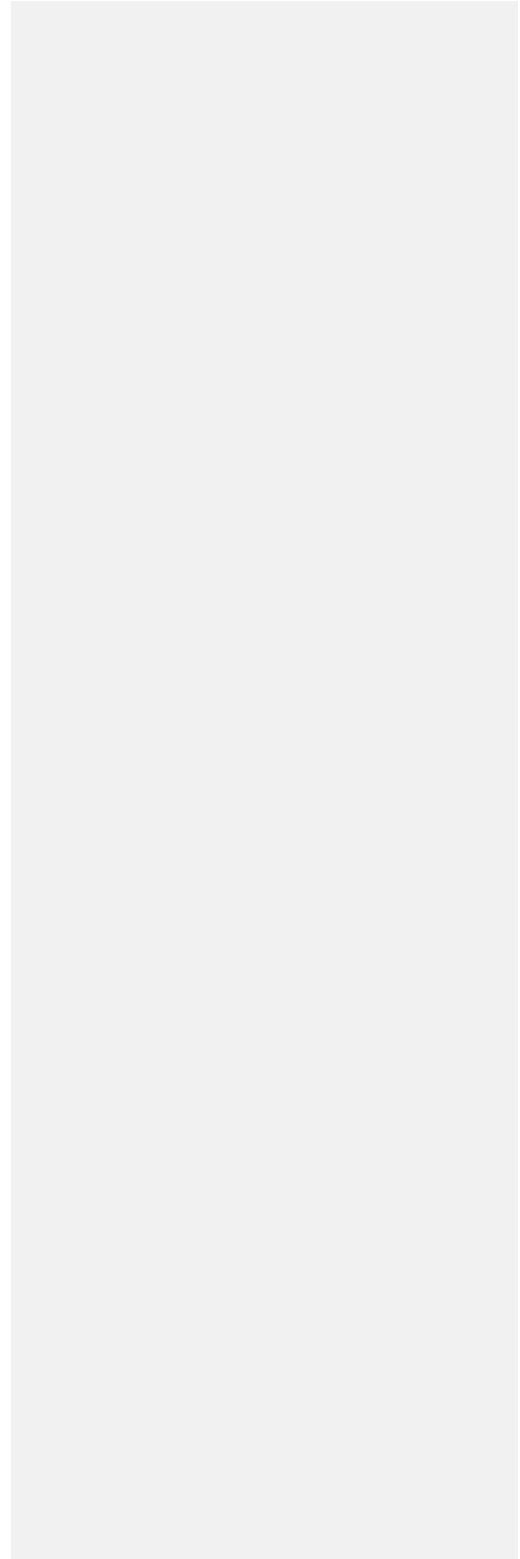
Appendix B
TOWN BUDGET

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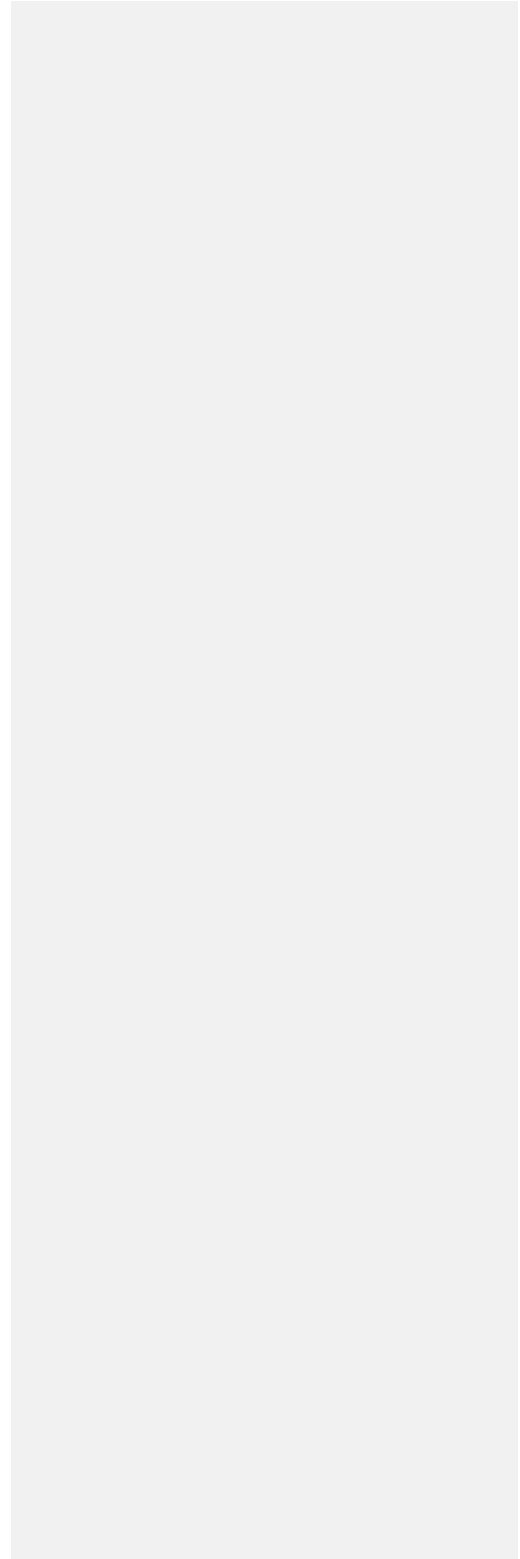
Appendix C
SCHOOL BUDGET

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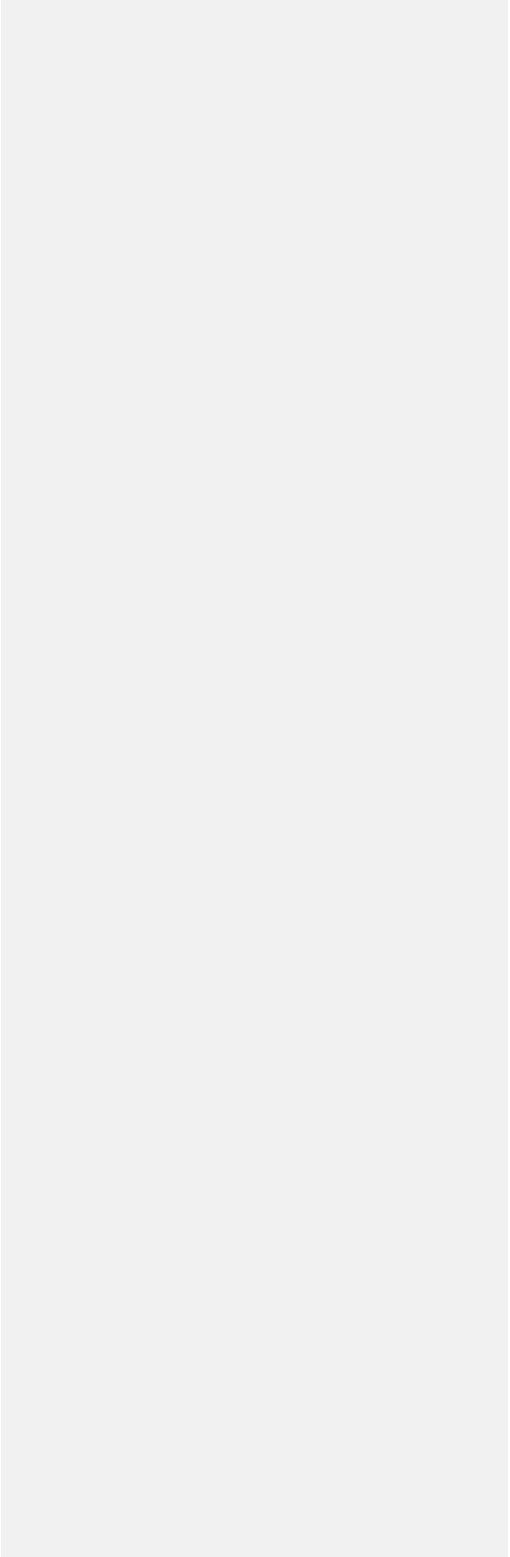
Appendix D
CAPITAL BUDGET

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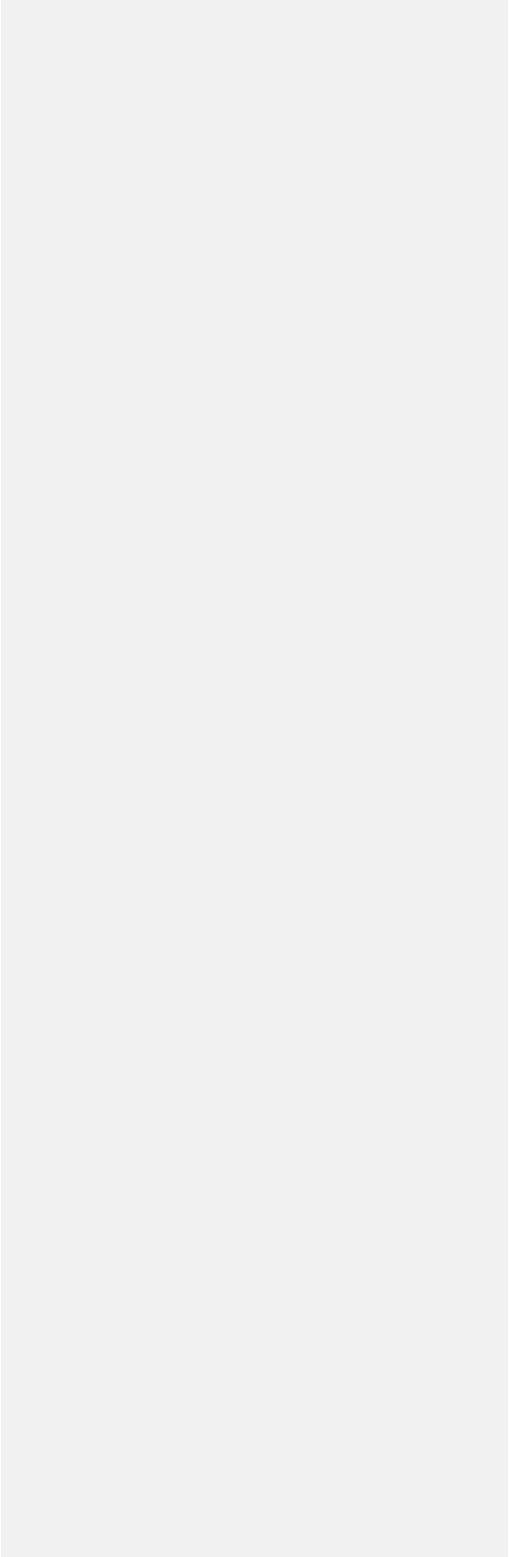
Appendix E
SCHOOL CAPITAL BUDGET

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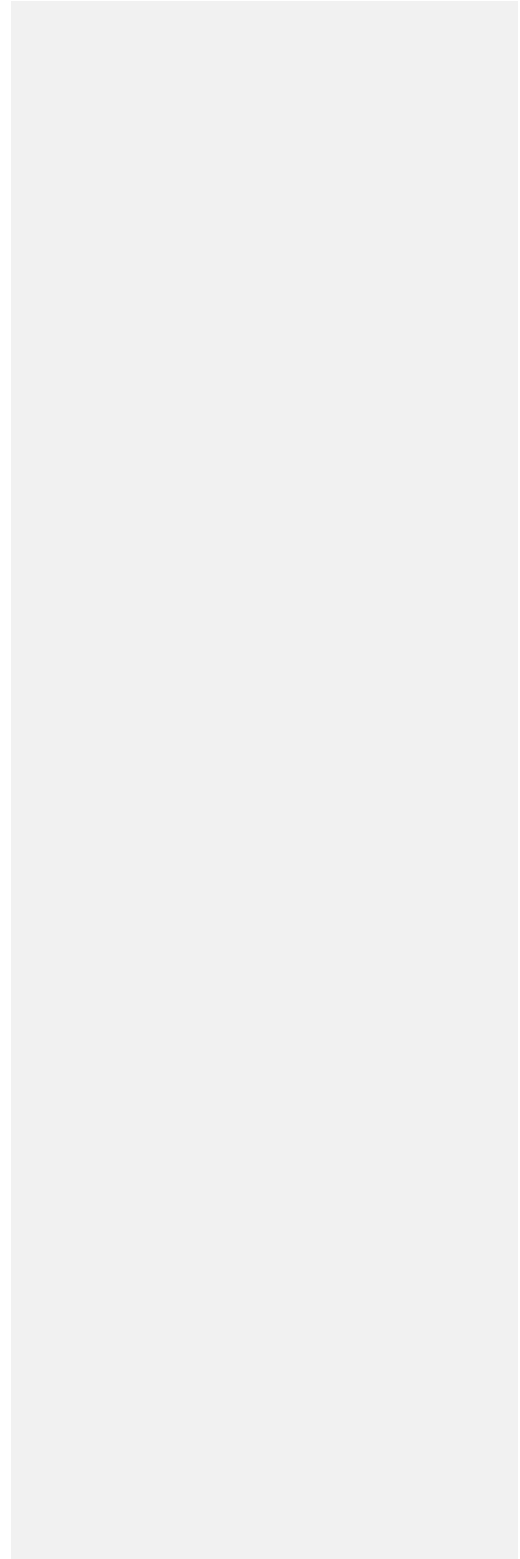
Appendix F
WATER ENTERPRISE BUDGET

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Appendix G
PATTON HOMESTEAD BUDGET

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Appendix H
COMMUNITY PRESERVATION COMMITTEE BUDGET

Article 2023/4 2-14

1) Administration - Expense

To appropriate \$31,710 of FY23 Community Preservation Fund Revenues for administration costs including, but not limited to, annual Community Preservation Coalition membership fees, signs publicizing CPA projects and salary for part-time Community Preservation Coordinator.

2) Open Space and Recreation – Project

To appropriate \$107,200 from the Community Preservation Fund Balance to fund the debt service for the Sagamore Hill conservation project. This bond will be paid in full in FY2032.

3) Community Housing - Reserve

To reserve \$65,000 from the Community Preservation Fund Balance to the Community Housing Reserve.

4) Historic Preservation - Reserve

To reserve \$65,000 from the Community Preservation Fund Balance to the Historic Preservation Reserve.

5) Open Space and Recreation - Reserve

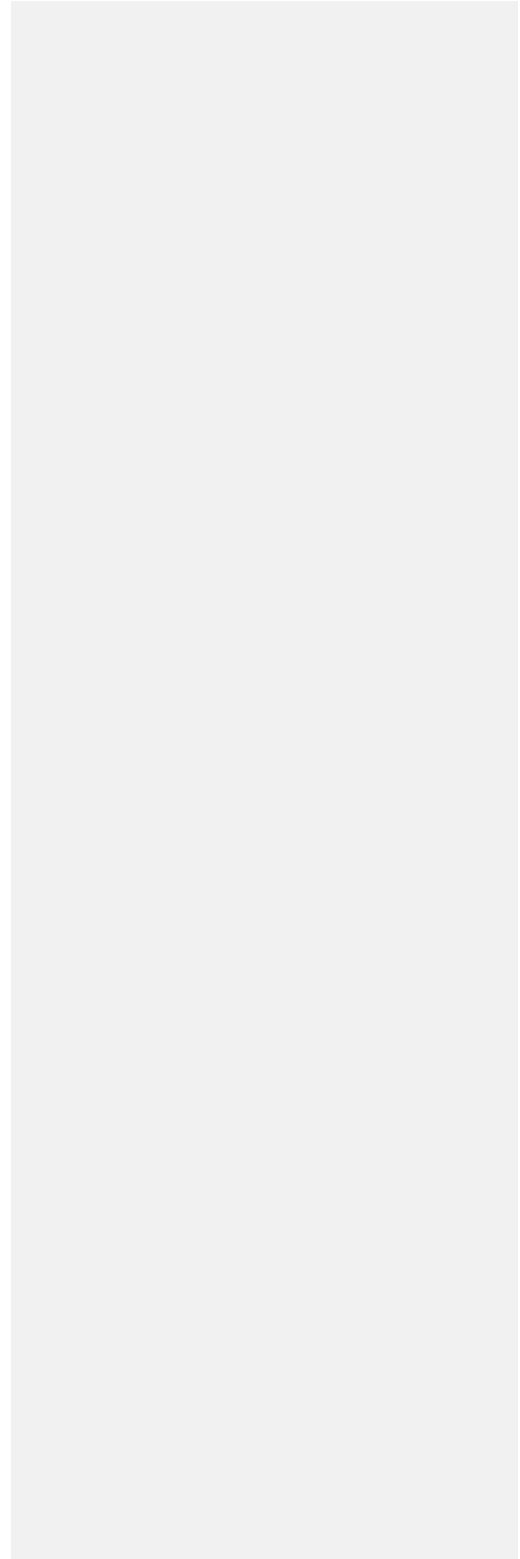
To reserve \$65,000 from the Community Preservation Fund Balance to the Open Space and Recreation Reserve.

Article 2023/4 2-15

Commented [TME12]: This will need to be revised with the current year information.

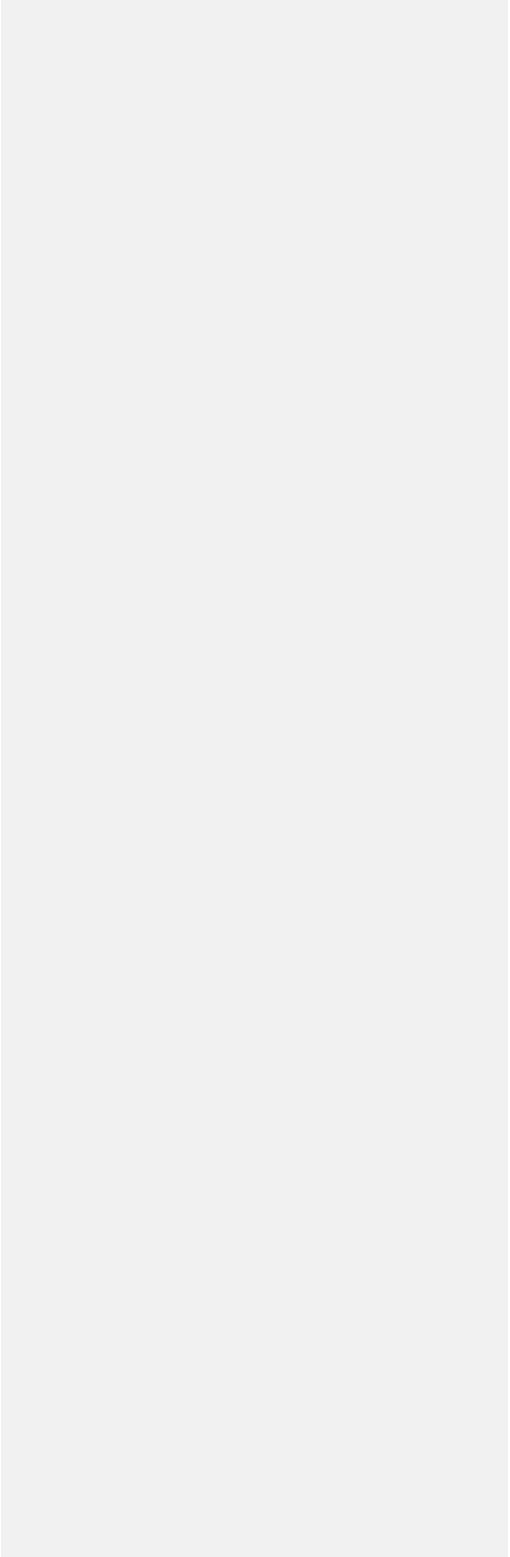
Appendix I
CONSERVATION BYLAW AMENDMENTS

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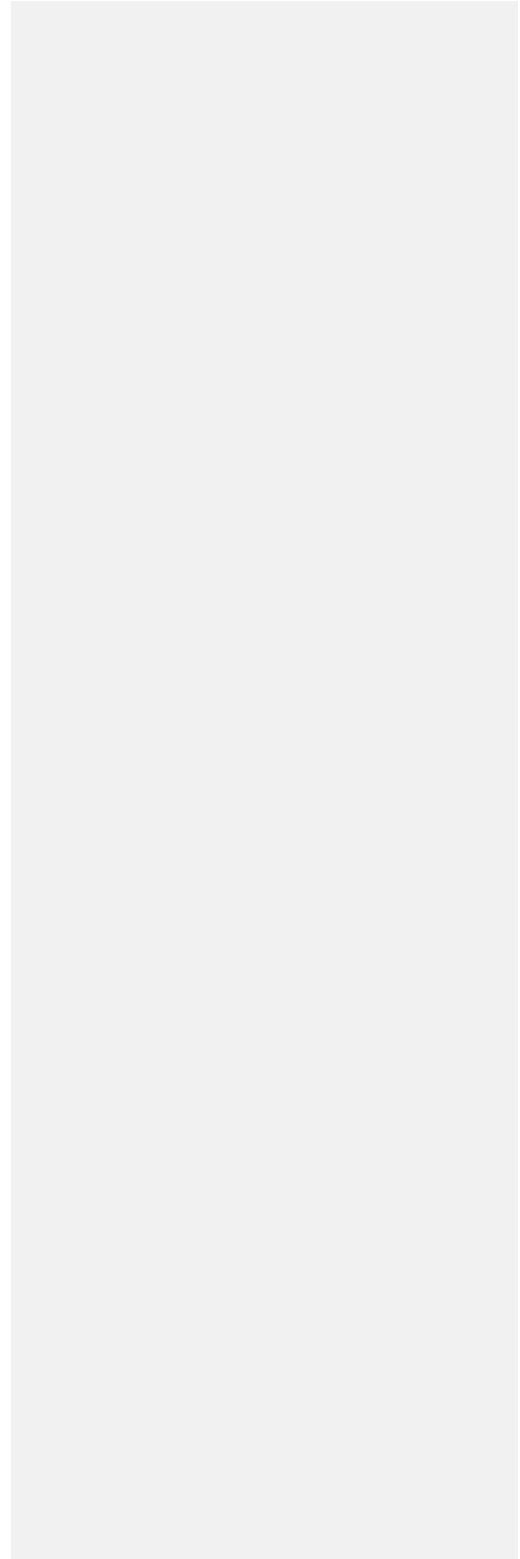
Appendix J
HAMILTON HISTORIC DISTRICT BYLAW AMENDMENTS

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Appendix K
ZONING BYLAW AMENDMENTS

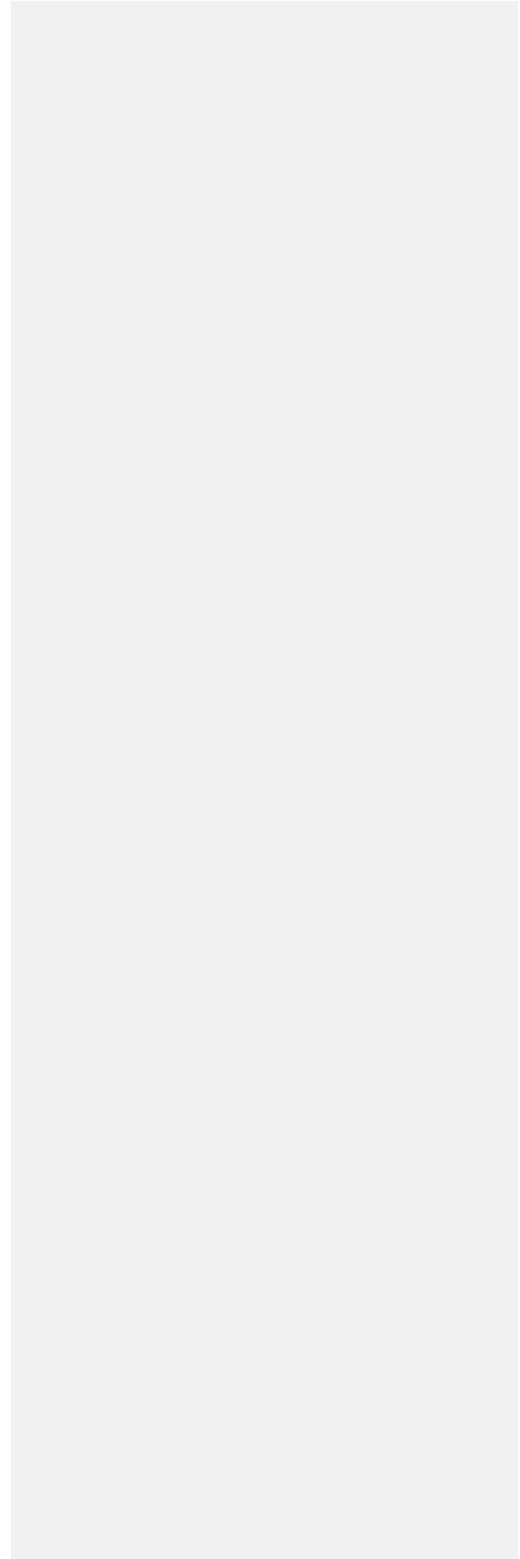
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Appendix L
CITIZENS' PETITION
MAP OF PROPOSED CONSERVATION RESTRICTION

847834/HAML/0001

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Notes on Current Hamilton Bylaws and Policies for temporary banners or signs

Currently signage regulation can be found in 3 documents

1. Hamilton Zoning Bylaw – Chapter 6.3 Signs – page 20
2. Hamilton General Bylaw – Chapter XI Section 2 – page 24
3. Selectboard Policy – Temporary Banners and Poster Boards / Sandwich Signs

General Themes

Hamilton Zoning Bylaw – Chapter 6.3 Signs – page 20

- The majority of language addresses Permanent signage
- Temp signage limitations are the following:
 - 2 month limit
 - 2 month before election to 1 week after election
 - 5 lawn signs per lot
 - Real estate “for sale” signs – to 15 days after sale
- Special permit granting authority is the planning board

Hamilton General Bylaw – Chapter XI Section 2 – page 24

- No billboard, sign or other advertising device, unless related to stores, real estate, professional establishments, or produce stands shall be allowed on public or private property without permit from Selectboard.

Selectboard Policy – Temporary Banners and Poster Boards / Sandwich Signs

- “application” must be submitted to SB identifying:
 - Size
 - Dates
 - Content
- Content addresses town property
- 2 weeks
- Sandwich board locations
 - Town Hall
 - Library
 - If not town property, must obtain permission from land owner
 - If event, remove after event
- Banner requirements
 - Strong to withstand weather
 - Insurance certificate
 - Non town banners may not be hung on tennis courts or above roadways
 - Can be hung in front of old library
- Temporary signage is generally enforced by the Selectboard

Item to consider if a new policy or bylaw is needed for temp signage or any kind not related to elections, real estate or retail stands.

1. Should we update Bylaw, zoning, policy?
2. Who should enforce: Planning Board, Selectboard, Police
3. Is this policy for public and private property
4. Identify locations on public property for temp signage
5. Identify allowable content for temp signage
6. Allowable types
7. Allowable sizes
8. Allowable durations
9. Insurance requirements
10. Fees

Some Samples:

1. Wenham
2. Lexington
3. Beverly
4. Essex
5. Ipswich
6. Middleton

- 6.2.4 Connection to State Highway. Plans showing special requirements for driveways connecting with state-maintained ways are available at District or State Offices of the Massachusetts Department of Public Works.
- 6.2.5 Connection with Access Street. The connection of any access way with a Town Street must be approved by the Department of Public Works in consultation with the Police Department for safety issues. In connection with said approval, the owner shall release the Town from all damages resulting from the flow of water from such way. Said approval shall be in the form of a signed Curb Cut Permit.
- 6.2.6 Common Driveway. Except by Special Permit granted by the Planning Board, no more than two lots may share an access driveway. The Town may require two (2) or more lots to share a common driveway when, in the opinion of the Police Department, it is deemed necessary for safety purposes. No Building Permit shall be granted for any lot served by a common driveway until there has been compliance with the following:
1. Curb Cut Permit. A Curb Cut Permit has been obtained pursuant to Section 6.2.5 above;
 2. Location. The common driveway shall lie entirely within the lots to which it provides access, and shall comply with all driveway regulations in this Section.
 3. Easement. An easement providing for maintenance and snow removal and running with the land in perpetuity has been executed by the owner(s) of the lots sharing the driveway and recorded at the Registry of Deeds, and evidence thereof is submitted to the Building Commissioner.
 4. Frontage. The common driveway is not being used to satisfy zoning frontage requirements.

6.3 SIGNS.

General Provisions:

- 6.3.1 Permanent and Temporary Signs. All permanent signs require a sign permit issued by the Building Inspector. Temporary signs do not require a sign permit but must comply with all other provisions of this Section 6.3
1. All permanent signs within the Historic District also require a Certificate of Appropriateness from the Historic District Commission.
 2. All signage on Town Property requires prior approval of the Board of Selectmen.
 3. All signage on School Property requires prior approval of the School Superintendent.
- 6.3.2 Residence Districts. In every residential district, signs will be permitted as follows:
1. No more than two (2) temporary signs per contiguous lots within the same ownership.
- 6.3.3 Business District.
1. No more than three (3) signs are permitted per business establishment.

- a. A-frame or sandwich board signs, whether temporary or permanent, shall only be permitted by Special Permit.
- b. Only one sign may project from the exterior wall surface of the business establishment.
- c. Any sign projecting over a pedestrian path shall have a clear space of not less than 12 feet below all parts of such signs. Projecting signs are not allowed over vehicular pathways except by Special Permit.
- d. Signs that are inside the business establishment but legible from the exterior shall be counted as one of the three permitted signs.

6.3.4 Standards.

1. No sign shall be illuminated by other than white light unless specifically approved by Zoning Decision.
2. No sign shall be internally illuminated, flashing, intermittently illuminated, or animated.
3. No sign shall have rotating or moving lights, have any visibly moving parts, or have any noise making devices.
4. All illuminated signs in residential districts are to be turned off between the hours of 11 p.m. and 6 a.m.
5. No sign shall impede pedestrian or vehicular traffic.
6. Roof signs or signs projecting above a roof line are prohibited.
7. A sign in the residence districts shall not exceed a total area of three (3) square feet.
8. A sign in the Business District shall not exceed a total area of six (6) square feet.
9. The maximum square footage of any sign is determined by the area of the sign measured from the topmost display element to underside of display element, and from exterior edge to exterior edge of display element. Support structures are not included in the area of the sign. Maximum square footage restrictions apply to a single side of any signage display. If a sign is proposed to be double-sided, both sides must be identical in appearance and content.
10. Any signage associated with any abandoned or defunct business or function must be removed.

6.3.5 Definitions:

1. A-Frame or Sandwich Board Sign: A portable sign that can stand upright without additional supports.
2. Permanent Signage: Signs other than temporary signs.
3. Sign: A name, identification, description, display, or illustration which is painted or represented directly or indirectly on a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the signboard or to an object, product, place, activity, person, institution, organization, or business and including the space enclosed within the extreme edges of the sign for each fact, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word(s). Each display surface shall be considered to be a separate sign.

4. Temporary Signage: Signs in place for no more than two months in any calendar year. For two months prior to any national, state, or local election and for one week thereafter, there may be up to five (5) lawn signs per lot. In addition, a temporary sign is one that is on a site that is for sale through a licensed real estate agent, by owner, or through advertising in a local newspaper of general circulation, but such temporary sign must be removed within fifteen (15) days of sale.

6.3.6 Special Permit Granting Authority: The Special Permit Granting Authority for this Section 6.3 is the Planning Board.

1. Other and larger signs may be allowed by Special Permit in any district provided such signage is for a specified period not to exceed one year.

6.4 STANDARDS FOR NONRESIDENTIAL BUILDINGS' CONSTRUCTION, USE AND OPERATION.

6.4.1 General. Nonresidential buildings and uses permitted in the Table of Uses shall conform to the following minimum standards for construction, use and operation as evidenced by detailed plans submitted to the Building Commissioner for review and certified as to compliance by the architects and/or engineers responsible for such plans. In the event of any reasonable doubt by the Building Commissioner as to compliance with the following minimum standards, he or she shall refer the Building Permit in such cases to the Zoning Board of Appeals for resolution.

1. Waste Disposal and Water Service. Water service, and waste and refuse disposal methods shall comply with pertinent Health Regulations and shall be in accordance with the approved site plan.
2. Storage. Equipment, including company owned or operated vehicles, shall not be stored between the street line and the front line of structures on the subject lot, or if there be no Structure within fifty (50) feet of the Street line, and in no case to be visible from the street.
3. Screening. Screening by fences, walls and/or evergreen planting, in accordance with an approved site plan, shall be provided, erected and maintained to shield the business uses of land and buildings from any adjoining residential property.

SECTION 7.0 SPECIAL REGULATIONS

7.1 ADULT ENTERTAINMENT USES

7.1.1 Purpose. It has been documented in numerous towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that Adult Entertainment Uses are distinguishable from other business uses and that Adult Entertainment Uses degrade the quality of life in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime and blight resulting from the clustering and concentration of Adult Entertainment Uses. Late night noise and traffic also increase due to the late hours of operation of many of these establishments. This Section is adopted pursuant to G.L. c. 40A, s. 9A with the purpose and intent of regulating and limiting the location of Adult Entertainment Uses (as defined herein) so as to prevent the secondary effects associated with these establishments and to protect the health, safety, and general welfare of the present and future inhabitants of the Town of Hamilton.

1. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials.

CHAPTER XI

POLICE REGULATIONS

SECTION 1. No person shall distribute or display any posters, handbills, placards, pamphlets or other advertising matter or operate any sound truck or other noisy device or make any solicitation for the sale of goods in any public street or way or place of the Town or in any public building without first obtaining a permit therefore from the Select Board.

SECTION 2. No billboard, **sign** or other advertising device except signs affixed to stores, signs offering land for sale or rent and signs of professional establishments, and no roadside stands except for the sale of produce made or raised by the vendor shall be erected or maintained on public or private property within view of a public way without obtaining a permit therefore from the Select Board.

TEMPORARY BANNERS AND POSTER BOARD/SANDWICH SIGNS

The Office of the Board of Selectmen is responsible for the issuing of permits for both banners and poster board/sandwich signs. Application for a permit to erect a banner, or poster board signs should be made in writing to the Selectmen's Office at Hamilton Town Hall, outlining:

- The size of the sandwich board and or banner
- The dates you wish to have the sandwich board and or banner on Town property
- The content of the sandwich board or banner

The Town of Hamilton would want to be assured that the sign or banners, wherever they are permitted, are firmly affixed to the ground and signpost so that they cannot blow away. The sign or banner should be in place for a minimum amount of time and generally for not more than a period of two weeks. Further, if it is intended that the sign occupy any public sidewalk area, they must be so located as to minimize any possibility of a pedestrian accidentally tripping over them.

Outlined below are some of the general requirements regarding each of these permits, please contact the Selectmen's Office for more detailed requirements.

Sandwich Board Sign Requirements

Generally the placing of sandwich board signs is limited to the following locations within the Town: In front of the Hamilton Town Hall and in front of the Old Library.

If the signs occupy a public sidewalk area, they must be so located as to minimize any possibility of a pedestrian tripping over them. If the signs should occupy a sidewalk that is not public, please obtain permission from the person who has jurisdiction over the land. We ask that you install the signs for a minimum period prior to the event and to see to it that they are taken down immediately following the event.

Banner Requirements

The Board requires assurance that the banner will be strong enough and designed well enough to withstand unseasonable weather conditions such as wind and snow.

The Board must be provided with a certificate of insurance prior to the issuing of a banner permit that complies with the required limits. Please contact the Selectmen's Office for specific requirements of the certificate.

Upon receipt of the insurance certificate, our office will notify you where you may hang the banner. Non-Town banners may not be hung on the tennis courts or above the road ways. Typically banners are allowed to be hung in front of the Old Library.

For further information regarding the sign permitting process please contact the Selectmen's Office at (978) 468-5572.

Subsection of the Hamilton Zoning By-law (dated May 6, 2008) that refers to “temporary signs”

THE GENERAL BY-LAWS OF HAMILTON are generally enforced by the Selectmen. They cover a number of subjects pertaining to land use, including: Street naming and numbering; earth, loam and gravel removal (requires Selectmen's permit); street acceptance by the Town; *temporary signs*; roadside stands; junkyards; junk cars; pool fencing. The Town Conservation By-law (Wetlands By-law, see above), is located in the General By-laws, but is enforced by the Conservation Commission.

SIGNAGE GUIDELINES

APPLICABILITY

All permanent outdoor signs and window signs must be approved by the Historic District Commission.

All signs that are fixed in place, including decals, product signs, logos and window signs shall be considered permanent signs.

Moveable signs such as sandwich board signs, "open" signs, flags and banners which are not permanently installed or fixed, but remain in place more than 4 weeks as advertising for businesses, events or services, with permanent locations, shall be considered permanent signs and must be approved by this Commission.

No existing sign shall be redesigned or altered in any way without the approval of the Commission.

Every existing sign shall be maintained in good condition so that it continues to meet all the requirements of the original approval.

Permitted Government or Special Signs

Any sign owned and installed by a governmental agency, or required by any law, governmental order or regulation is not subject to this by-law. However, the Commission would like to review all signs being installed by government agencies and work with those agencies to install signage which best conforms to the character of the district.

Signs mounted on registered motor vehicles or carried by hand are not subject to this by-law.

APPLICATION

All persons desiring to erect a sign shall apply to the Building Inspector for a building permit.

All applications for permits shall include, at least

- a. A drawing to scale of the proposed sign including size, shape, lettering, the means of suspension and the material used to build the sign.
- b. A plot plan and a sketch of the building facade indicating the location of the proposed and any existing signs.
- c. A description of any planned scheme to provide lighting for the sign.

The Building Inspector will forward all applications for signage within the Historic District to the Historic District Commission for review.

GENERAL SIGNAGE GUIDELINES

Signs **will** be considered appropriate when, in the opinion of the Commission, they conform to the character of the District and are harmonious with the District as a whole, and with their immediate surroundings.

PERMANENT SIGNS

Residential

Permanent signs in the residential part of the District shall be limited to one sign no greater than two square feet.

Business

Permanent signs in the business part of the District shall be limited to seven square feet for each business.

In the case of a business complex housing more than one business the following signage is permitted.

- A. One street side sign not to exceed seven sq. ft. to identify the complex itself.
- B. Individual businesses within the complex identified at street side with 12" x 36" signs arranged vertically in a single structure.
- C. Each business within the complex may have one 2 sq. ft. sign located at the doorway for business identification.

Exception: In the case of a hardship created by poor visibility, or a confusingly designed building or building complex, the commission may increase signage limits at their discretion on a case-by-case basis.

When any establishment either moves or goes out of business, all signage must be removed within three working days.

ILLUMINATION

No sign shall be illuminated between the hours of 12:00 midnight and 6:00 a.m., except signs on premises open for business.

Exterior illumination of signs shall be provided by a shielded, incandescent light directed solely at the sign, and be steady and stationary.

No internal illumination of a sign is permitted except upon issuance of a special permit by the Historic District Commission.

SIGNS CANNOT INTERFERE WITH TRAFFIC OR BLOCK A PUBLIC WAY

No sign, including window displays, or their illuminators shall by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view or the effectiveness of any official traffic sign, traffic signal or traffic marking. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice of the Chief of Police, such lights would create a driving hazard.

No sign shall be placed in such a way that it blocks pedestrian or auto traffic.

CONSTRUCTION

No sign shall be painted directly on the exterior surface of any wall. All exterior, attached signs, except awning signs, shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to the wall of the building.

RELIGIOUS INSTITUTIONS

Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and the other of which may not exceed 10 square feet in area. One sign may be a standing glass protected sign used for notices and announcements of events at the religious institution.

SIGNS AT GASOLINE FILLING STATIONS AND GARAGES

Gasoline filling stations and garages may divide the one wall sign affixed to the front wall of the building to which they are entitled as herein above provided, into separate wall signs indicating the separate operations or departments of the business, provided however, that the total of the square feet of the separate signs shall not exceed the maximum square feet permitted under these guidelines for a single wall sign on such wall. In addition, one sign indicating the brand of gasoline being sold may be erected of such type, in such location, and in such manner as the Historic District Commission may allow by special permit. The standard type of gasoline pump bearing thereon in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be a sign within the meaning of this by-law.

PROHIBITED SIGNS

The following types of signs are prohibited.

- a. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
- b. Wind signs, including banners, pennants, spinners, streamers, and other wind actuated components.
- c. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.
- d. Signs erected so as to obstruct any door, openable window or fire escape on a building.
- e. Billboards or non-accessory signs.
- f. Internally or backlit signs

TEMPORARY SIGNS

The following signs may be erected temporarily without the approval of the Commission:

Special-Event signs: One sign may be erected four weeks before the event. It must be removed within three working days following the conclusion of the event, and will be limited to six square feet.

Real Estate For Sale signs: One sign may be erected and limited to six square feet and must be removed within three working days after the sale.

Signs to advertise or direct people to limited retail sales or private sales, such as yard sales and auctions may be erected one day prior to the sale. These signs will be limited to six square feet and must be removed the following day after the sale. Temporary business or retail signs must be located within the property on which the business is located. These signs may not be located on public or other private property.

Advertising signs for services: Signs for advertising contractor work such as builders or painters, should be limited to six square feet in area, with only one sign permitted on the property at any one time and must be removed when work is completed. If the length of time the sign will be in place is anticipated to exceed or does exceed six months, an application for a Certificate of Appropriateness must be submitted.

Political signs: Political signs cannot exceed two square feet in area and may not be placed on public property. Political signs may not be displayed longer than two months prior to an election and must be removed within three working days after the election.

Holiday Signs: Signs advertising holiday events must be removed within 3 days after the holiday.

Exception: Signs, which do not conform, to the above guidelines must be presented to and approved by the Commission on a case by case basis. Applicants must present scaled drawings of these signs to the Commission prior to fabrication as well as prior to erection. Scaled drawings must be professionally drawn and show the size, shape, finish, materials and the actual layout of the sign, including the exact words and exact lettering style to be used.

BANNERS

Banners over Main Street are currently permitted at a single location at the South Hamilton end of the street. The content of the banners is approved by the Board of Selectmen. However, If a banner over Main Street is to be erected at any location other than the South Hamilton end of the street, approval of the Historic District Commission must be obtained.

Massachusetts Avenue Street Banner Policy *Adopted 8-19-19*

Banners may be hung in Lexington over Massachusetts Avenue at the location approved by the Board of Selectmen and Historic District Commission adjacent to the Town Offices ,subject to approval of the Town Manager with notification to the Board of Selectmen , as appropriate, and under the following conditions and by priority as listed below:

1. To notify residents of elections or Town Meeting.
2. To notify residents of Town-sponsored events or programs.
3. To notify residents of Lexington-based non-profit community events that are within Lexington.

In setting precedence on how banners will be posted or removed, banners will be posted in a priority-based manner as numbered above with 1 being the highest priority. No banners related to religion, political or commercial advertisement will be permitted.

To request that a banner be hung over Massachusetts Avenue: All requests must be sent to the Town Manager's office via email (manager@lexingtonma.gov) or regular mail to the Town Office Building, 1625 Massachusetts Avenue, Lexington, MA 02420 ***no less than four weeks before the banner is requested to be hung:***

Your request must include:

- The name of the sponsoring organization
- The name of the event or program
- Date, time and place
- Contact information
- Dates that are requested for the banner to be hung/removed
- Proposed banner design to include wording, symbols and colors

Banners may be requested to hang for up to one week. The Public Works Department will make every effort to hang/remove the banner on the dates requested (though dates may vary depending on other scheduled work and/or weather conditions). The Town Manager reserves the right to approve/disapprove of specific design and content for all banners.

Should the Town Manager approve the request, it is the responsibility of the applicant to deliver the banner to the Department of Public Works, 201 Bedford Street, no less than two weeks prior to the date the banner is requested to be hung.

Banner Requirements: Banners and all related material shall be of the size and material as per the specifications of the Public Works Department. Any costs related to the Public Works Department hanging the banner shall be paid at the time the banner is delivered to the Public Works Department, the Town Manager reserves the right to waive any fees.

The Town shall not be responsible for theft, damages, etc. of any banners.

SIGNS: FREQUENTLY ASKED QUESTIONS*

1. What information should my sign have on it?

Purpose of a sign. The purpose of a sign is for the identification of a business. It is the policy of the Design Review Board not to allow telephone numbers, brand names, product lists and excessive descriptions. If the name of the business does not imply the nature of the business, a brief description of the business' primary services may be provided. Only in exceptional circumstances are more than the name of a business and its primary services allowed.

2. Are there regulations for awning signs?

Awnings. Internally illuminated awnings are not allowed. Lettering on awnings shall be a maximum of 1 line and may not exceed 6 inches in height.

3. Can I put a sandwich board sign on the sidewalk in front of my business?

Sandwich board signs. These signs are now allowed in Beverly. The process for obtaining permission is slightly different, with a business owner applying to the City Council for a one-year permit. Applications for a sandwich board sign and more information can be obtained from the City Clerk's office.

4. Are window signs permitted?

Window signs. In the CG, CC, IR, and IG Zoning Districts, one window sign is permitted per business and should not cover more than 20 percent of the window opening in which the sign is located. These signs cannot exceed 10 square feet.

In the CN, HD, or WD Zoning Districts, upper floor uses may have one sign (no greater than 3 square feet). On upper floors, window signs cannot be internally illuminated. Signs for ground floor uses should not cover more than 20 percent of the window opening in which the sign is located and cannot exceed 6 square feet.

5. Are there any restrictions on the colors that I may use?

Colors. The Design Review Board encourages the use of colors that complement the architecture, materials and colors of the building. Rich, earth tones, such as dark greens, dark reds, dark blues and cream colors work well in most instances. The Design Review Board discourages the use of loud colors such as fluorescents, bright yellows and stark whites.

6. Where should my sign be placed and what size am I allowed?

Scale and placement of signage. Try to locate your sign near the primary entrance of your business. Signs should be placed within the sign band of a storefront, if one exists. If there is no sign band, try to keep your sign proportional to the overall scale of the storefront or building. Take into consideration the sizes and locations of the doors and windows and the size and placement of the other signs near your business. Try not to obscure or cover up any architectural elements. Please refer to the Beverly Zoning Ordinance, Section 29-25 for size restrictions.

7. Are there any guidelines, other than the Zoning Ordinance, that the Design Review Board refers to for signs?

Downtown signage. The City of Beverly has Downtown Design Guidelines. Guidelines for downtown signage are one of the many focuses of this document. Please contact the Planning Department for a copy.

8. My business has already opened or is opening soon and I do not have approval for my signage yet. Can I put up temporary signs in the meantime?

Temporary signage. One temporary sign may be put up per business for up to 14 days. You should contact the Building Inspector at 8 Dane Street for permission to do this.

*These guidelines are for informational purposes only. Please refer to the Beverly Zoning Ordinance, Article XI Signs (Sections 300-66 through 300-72) for the complete regulations. The Sign Ordinance is posted online on the Design Review Board website.

6-7 Signs

6-7 SIGNS

The purpose of this bylaw is to provide for a wide range of signage by right; to encourage safe, effective, informative signage; to protect property values, and to minimize the visual impact of signage.

6-7.1 APPLICATION

A. For purposes of this bylaw, the term "SIGN" shall mean any two or three dimensional fabrication, or assembly, including its supporting structure, consisting of any letter, figure, character, symbol, emblem, mark, design, pictorial representation, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, business, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized identification or advertising purposes.

B. All permanent signs shall require a building permit and shall comply with the Massachusetts State Building Code, as amended.

C. Any sign, permanent or temporary, to be placed on the property of another, including signs on Town or State-owned property, will require the prior written approval of the property owner or the owner's representative in control thereof.

D. Signs associated with properties requiring special permit or site plan review approval shall also require approval by the Planning Board.

E. Exemptions:

1. Flags and temporary signs for any non-commercial purpose, including but not limited to political or charitable purposes, for public organizations, for states and political subdivisions thereof, and international and national flags are exempt from all provisions of this bylaw, except sections 6-7.4 (Public Safety Provisions) and 6-7.5 (Maintenance of Signs).
2. Signs displaying the street number and name or names of the occupants of the premises, not exceeding two (2) square feet in area.
3. Traffic and directional signs owned and installed by a government agency.

6-7.2 REGULATION OF PERMANENT SIGNS:

A. AREA OF SIGN:

1. The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cut outs" or extensions, but not including any supporting structure or bracing. Calculation of sign areas shall use the following formulae:

- a. For two-dimensional signs affixed to or fabricated from a mounting background or signboard: the area shall consist of the smallest rectangular plane that wholly contains the sign.
- b. For two-dimensional signs consisting of individual letters or symbols affixed directly to the building wall, window, or awning: the area shall consist of the smallest area enclosed by a series of straight lines connected at right angles which encompasses all of the letters and symbols.
- c. For two-dimensional double-faced signs less than four (4) inches thick: use the area of one face.
- d. For three-dimensional signs, double-faced signs greater than four (4) inches thick, objects used as signs, and "V" shaped signs: the area shall be determined by the largest of either the front or side projected view of the sign.

B. ILLUMINATION:

The act of supplying or brightening a sign with light. Lighted signs shall be illuminated only by a steady, stationary light without causing harmful glare for motorists, pedestrians or neighboring premises and/or internal lighting; but all flashing, changing, or intermittent illumination is prohibited, except for time/temperature signs, public safety signs and holiday decorations.

C. LINEAL FRONTAGE:

The length in feet of a building or storefront which abuts a street or public right-of-way at its first floor or entrance level.

D. PERMANENT SIGNS SHALL BE DIVIDED INTO THE FOLLOWING CATEGORIES:

1. Awning Sign: Any sign painted, sewn or attached onto an awning. The area of an awning sign(s) shall not exceed one-half (1/2) square foot per foot of lineal frontage of the storefront or building upon which the awning is attached. Awnings shall conform to the Massachusetts State Building Code.

2. Banner Sign: Any sign constructed of fabric or flexible material and intended for permanent attachment to a structure. Banner signs may also be used as temporary signs as set forth in section 6-7.7. A permanent banner sign shall not exceed fifteen (15) square feet in area.
3. Directory Sign: Any sign which contains listings of two or more commercial uses or users and/or the name and address of a commercial or residential development. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign. Maximum area for header area shall not exceed twelve (12) square feet. Listings shall not be larger than eight (8) inches by thirty (30) inches.
4. Free-standing Sign: Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Free-standing signs shall be non-moveable and permanently anchored.
5. Hanging Sign: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign.
6. Wall Sign: Any sign painted on or affixed to a building wall is a wall sign. Wall signs consist of two basic categories:
 - a. Directly applied: painted or three-dimensional letters applied directly to a building surface.
 - b. Independent Wall Sign: painted, incised or three-dimensional letters affixed to a sign board which is then attached to a building surface.
7. Window sign: Any permanent sign affixed to the surface of the glass of any part of any building (See also Poster-type sign). Window sign(s) shall not occupy, in total, more than fifty percent (50%) of the glass area and may not be attached to the exterior surface of the glass. Any interior sign which is within three (3) feet of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual products or merchandise for sale or rent on the business premises shall not be considered window signs.

6-7.3 BILLBOARDS.

- A. A Billboard is any permanent sign which advertises or otherwise directs attention to a product, service, activity, event, institution, or other business which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.
- B. Billboards shall not be permitted in the town of Essex.

6-7.4 PUBLIC SAFETY PROVISIONS.

- A. In the interest of public safety, the following signs and devices are not permitted:
 1. Signs with moving parts or flashing lights which suggest motion.
 2. Flashing illuminated signs.
 3. Noisemaking signs.
 4. Signs so located or colored or illuminated in any manner to attract attention from or obscure a traffic light or sign or to reduce in anyway its visibility and effect.
 5. Signs within view of a public street or highway so placed in such manner as to obstruct clear vision in any direction.
 6. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beams into the eyes of the oncoming motorist or pedestrians.
 7. Signs shall not project above the roof or front parapet of a building.
 8. All signs shall comply with all public safety requirements imposed by the Board of Public Works, public utilities, and/or the police and fire departments.

6-7.5 MAINTENANCE OF SIGNS.

All signs must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety; or constitute a distraction or obstruction that may contribute to traffic accidents

6-7.6 MEASUREMENT.

- A. Area limitations refer to the total sign area associated with each lot.
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- B. In computing area only one side of a double-faced sign is to be included. Signs within a building are not included.
- C. Signs shall comply with the following dimensional requirements for each land use:
Type of Use Sign Dimensions:
 1. Residential (1 to 2 family): One (1) sign not exceeding six (6) square feet in area.

2. Residential (multi-family/apartment): One (1) sign not exceeding six (6) square feet in area per dwelling unit and one directory sign for the development not to exceed twenty (20) square feet in area.
3. Non-residential (single use): Maximum permanent sign total area of thirty-two (32) square feet.
4. Non-residential (multiple uses on a common lot): shall be limited to twenty (20) square feet total area per individual use, not including a directory sign area.

D. Internally illuminated signs shall not be permitted.

E. Signs required for public safety shall not be included in the total sign area.

6-7.7 REGULATION OF TEMPORARY SIGNS:

A. A sign which is intended for a limited period of display. A temporary sign may be erected for a period not to exceed thirty (30) days in a calendar year, unless a more specific time frame is set forth below.

B. A temporary sign that does not meet the criteria in Section 6-7-7 shall be subject to the same requirements as for permanent signs.

C. All temporary signs shall comply with the provisions of Sections 6-7.4 (Public Safety Provisions) and 6-7.5 (Maintenance of Signs) of this bylaw.

D. Temporary signs shall not be counted toward the maximum sign areas allowed for permanent signs.

E. Poster-type signs, construction signs, real estate signs and banner signs are considered temporary signs provided they meet the following criteria:

1. Poster-type sign:

- a. May not occupy more than 50 percent (50%) of the window area and may not be attached to the exterior surface of the window. Any interior sign which is within three (3) feet of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual or sample products or merchandise offered for sale or rent on the business premises shall not be considered window/ poster signs.
- b. Shall be related to use conducted or goods available on the premises.
- c. May not be used for more than twenty-one (21) consecutive calendar days.

2. Construction sign:

- a. Identifies parties involved in construction on the same premises only
- b. Shall not be utilized for more than one (1) year, or for the duration of work on the lot, whichever is longer
- c. Shall be removed promptly by contractor within fourteen (14) calendar days of the completion of work.

3. Real Estate sign:

- a. Shall be related to sale, rental, or lease of same lot;
- b. Shall be removed within fourteen (14) calendar days after sale, rental, or lease.

4. Banner sign:

- a. Shall be considered a temporary sign provided it meets the following criteria:
 - i. A banner sign intended to advertise a business establishment prior to permanent signing.
 - ii. To be erected without a building permit for a maximum of thirty (30) days in a calendar year.
 - iii. Shall comply with the dimensional requirements of 6-7.6.
 - iv. Shall be attached to the building.
- b. A banner sign intended to advertise a special event:
 - i. Shall be no greater than seventy-five (75) square feet in area.
 - ii. May be erected without a building permit for a maximum of sixty (60) days in a calendar year, and
 - iii. Shall be removed within seven (7) calendar days after the event is over.

5. Sandwich board sign:

- a. A sign structurally separate from a building and being supported on itself, usually on legs; a sandwich board sign shall be moveable and without permanent anchoring. Said sign shall have no more than six (6) square feet in area on each side of a two-dimensional double-faced sign, shall be constructed of materials intended for outdoor use and shall not impair visibility or ability to use any public way or public area, and must be removed every day.
- b. Sandwich Board signs may be left in place for a maximum of thirty (30) days in a calendar year without a building permit.

6. Flags:

- a. An advertising device constructed of fabric or flexible material intended to wave in the wind.

- b. A total of three (3) flags will be permitted including one (1) "OPEN" flag and up to two (2) additional targeted message flags.
- c. Total square area shall not exceed thirty (30) square feet and shall comply with the provisions of 6-7.4 and 6-7.5.
- d. All flags shall be removed at the end of each business day.

6-8 Administration

6-8.1 Enforcement

The zoning bylaws shall be enforced by the Building Inspector.

6-8.2 Building Permit

6-8.2.1. Requirements

No building or structure shall be erected, added to, moved, or structurally altered without a permit in writing from the building inspector. No building permit shall be issued until the planning board shall have approved the site plans showing the buildings to be placed thereon and the proposed use there for, except in the case of a variance from the terms of this chapter by the board of appeals in accordance with the provisions of Chapter 40A, Massachusetts General Laws.

6-8.2.2. Application for Building Permit

All applications for building permits shall be accompanied by two copies of a site plan drawn to a suitable scale and containing the following information:

1. Names and address of owner and applicant.
2. Date.
3. Graphic scale and north arrow.
4. The actual shape, size, height, and location of the lot to be built upon and its relation to abutting streets.
5. The actual shape, size, height, and location of any buildings to be erected, altered or removed.
6. The exact size and location of yard and buildings already existing.
7. Required off street parking and loading space, existing or proposed.
8. Location of any screening required by this chapter.
9. Every application shall be signed by the owner or lessee of the land.
10. Any other information which may be required by the planning board or the building inspector in order that they may determine whether the provisions of this chapter are being complied with.

6-8.3 Certificate of Occupancy

6-8.3.1 Requirements

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof created, erected, enlarged, converted, or wholly or partly altered or enlarged in its use or structure after June 7, 1972 until a certificate of occupancy shall have been issued by the Building Inspector and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this chapter.

6-8.3.2 Temporary Certificate of Occupancy

Proper endorsement by the building inspector upon the original building permit may constitute a temporary certificate of occupancy for a period of six months during construction or alterations for partial occupancy of a

Section VIII. Signs (Adopted by STM 2016)

A. Purpose

The purpose of this bylaw is to promote the effectiveness of signs through emphasis on appropriate design, limiting sign clutter, and integrating signs with Ipswich's architectural and historic environment.

B. Definitions

For the purposes of this Section, certain terms and words are defined as follows:

AREA OF SIGN: The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cutouts" or extensions, but not including any supporting structure or bracing.

AWNING, CANOPY: Any device, fixed or retractable, of any material, which extends over a sidewalk, courtyard, walkway, eating area, driveway, or other area or space, whether that area or space is intended for pedestrians, vehicles or other purposes.

BUSINESS ESTABLISHMENT: Any non-residential use consisting of one or more buildings. In a building with more than one (1) non-residential tenant, each tenant is considered a separate business establishment.

CLEARANCE: A completely open and unobstructed space measured from the ground level to the lowest portion of a hanging sign.

FLAG: Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a governmental or institutional organization.

INSTITUTIONAL USE: Any religious, educational, philanthropic, or agricultural use.

LINEAL BUILDING FRONTAGE: The length in feet of a building or storefront, which abuts a street or public right-of-way at its first floor or entrance level, as shown in diagram #4; also referred to as a "façade".

PROJECTION: An extension forward or out from a wall of a building.

SIGN: Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information the public. Specific sign types are further described as follows:

- **ADDRESS:** A sign indicating the numeric and street location of a particular property or establishment.
- **AWNING, CANOPY:** Any sign painted, sewn or attached onto an awning or canopy.
- **BANNER:** Any sign constructed of fabric or flexible material. For regulatory purposes, banners are considered wall signs.
- **DIRECTIONAL:** Any sign limited to directing or setting out restrictions for vehicular or pedestrian traffic relative to the use of sidewalks, driveways and parking areas. A directional sign may be freestanding, wall mounted or a pavement marker.
- **DIRECTORY:** A sign which may be utilized by multiple business establishments occupying a single building with a shared public entrance.
- **FLASHING:** An illuminated sign or part thereof operated to create flashing, which is a change in light intensity, color or copy or intermittent light impulses every ten seconds or less.
- **FREESTANDING:** Any sign structurally separate from a building that is supported by itself, on a stand, or on legs.

- **HANGING:** Any sign that is attached to, and projects from, the wall or face of a building, including an arcade or marquee sign.
- **ILLUMINATED:** A sign lit by an external light source directed solely at the sign (i.e., externally illuminated, which may include a reverse lit source mounted within an opaque component of a sign so that no light passes through it) or an internal light source (i.e., internally illuminated, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through).
- **INTERMITTENT:** An illuminated sign or part thereof, which changes light, color or copy between once every eleven seconds and once every thirty minutes.
- **MOVING:** Any sign which moves or is designed to move, in whole or in part, by any means.
- **OFF-PREMISES:** A sign that draws attention to, or communicates information about, a business, service, product, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located.
- **PENNANT, STREAMER:** Any sign made of lightweight plastic, fabric, or other material, whether or not containing any writing, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
- **PLAQUE OR HISTORIC MARKER:** A sign that identifies a structure or site recognized by the Ipswich Historical Commission as being historically or architecturally significant.
- **ROOF:** Any sign erected or projecting above the lowest point of the eave or the top of a parapet wall of any building, or which is painted or otherwise affixed to a roof.
- **SANDWICH BOARD:** A mobile sign structurally separate from a building and supported by itself. For purposes of this Section, sandwich board signs are classified as standard informational signs.
- **STANDARD INFORMATIONAL:** A freestanding sign intended for non-permanent display, such as a real estate, construction or political sign, which contains no reflecting elements, flags or projections.
- **TEMPORARY SIGN:** Any sign which is intended for a limited period of display, and by design and/or use is temporary in nature and thus not permanently mounted.
- **WALL:** Any sign painted on or affixed to, but which does not project from, a building wall, including those that consist of three dimensional letters applied directly to a building surface.
- **WINDOW:** A sign either affixed to the surface of the glass on the windows of a building, or located in the building interior within three (3) feet of the window and visible from the outside of the building. Window displays of actual products or merchandise for sale or rent on the business premises are not considered window signs.

C. Sign Standards and Requirements

1. General Requirements

The following general requirements shall apply to all signs, except as otherwise noted:

a. Illumination

Sign illumination is permitted only between the hours of 7:00 a.m. and 9:00 p.m., except that signs for non-residential uses may be illuminated during any hours the establishments are open to the public. Externally or reverse lit illuminated signs are allowed by right, while internally and/or intermittently lit signs are allowed only by special permit. Exposed sources of

illumination, such as neon tubes, are not permitted, nor are signs that cause harmful glare to motorists, pedestrians or neighboring premises. All illuminated signs must be so shielded, shaded, directed or maintained at a sufficiently low level of intensity and brightness so that the illumination does not adversely affect neighboring properties or the safe and convenient use of public ways.

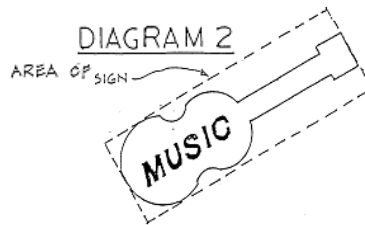
b. Sign Area Measurement

Sign area shall be calculated as follows:

- i. For two-dimensional double-faced hanging and freestanding signs, the area shall be based on one face.
- ii. For two-dimensional signs affixed to or fabricated from a mounting background or signboard, the area shall consist of the smallest rectangular area that wholly contains the sign, as shown in diagram #1.



- iii. For two-dimensional signs consisting of individual letters or symbols affixed directly to a building wall, window, freestanding sign supports, or awning, the area shall consist of the smallest area which encompasses all of the letters and symbols, as shown in diagram #2. In the case of freestanding signs, the area is exclusive of the sign supports.



- c. Projection: Signs shall project no more than five (5) feet from a building or over more than two-thirds ($2/3$) of the width of a sidewalk, whichever is less, as shown in diagram #3.



- d. Sign Location: Except for freestanding signs, all signs must be attached to the portion of the building that corresponds to the portion owned or leased by the sign permit applicant.
- e. Sign Mounting Height: The highest part of wall, window and awning signs may not exceed twenty (20) feet above grade.

2. Requirements Based on Sign Type

a. Awning Signs

Awning signs shall be painted on, or attached flat against, the surface of the awning or canopy. Attaching a sign to an awning or canopy in any other manner is prohibited.

b. Freestanding Signs

Freestanding signs shall be mounted permanently on the ground, located on the same lot as the principal building, and set back at least five (5) feet from any property line. Signs shall be situated so as to not impair visibility or restrict the ability to use any public way by impeding minimum sight distance requirements established by the American Association of State Highway Transportation Officials (AASHTO) and as interpreted by the Building Inspector. Freestanding signs shall not be mounted on trees, utility poles, light fixtures, or any other structure that is not built solely to accommodate signs.

c. Hanging Signs

Signs hanging over a public way or area accessible to the public shall provide at least ten (10) feet of clearance measured from the ground surface to the bottom of the sign, as shown in diagram #3, and shall not impair visibility or restrict the ability to use any public way or area accessible to the public.

d. Wall Signs

Wall signs must be mounted parallel to the wall of a building and shall not project more than one (1) foot beyond the face of the wall to which they are attached.

D. Sign Allowances Based on Type and District

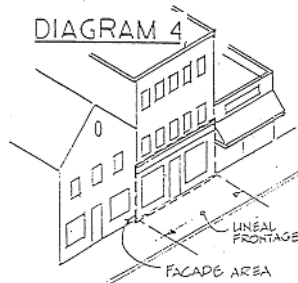
“Table A: Sign Allowances by Type and District,” “Table B: Maximum Number and Area of Signs Allowed by District,” and “Table C: Temporary Sign Allowances,” are provided on accompanying pages and are a part of this Section.

E. Sign Allowances for Institutional Uses

The following signs are permitted for institutional uses in any zoning district:

1. Directional signs, the appropriate number and placement of which shall be subject to Building Inspector approval, with a maximum area of four (4) square feet and a maximum height of six (6) feet;
2. One (1) freestanding sign, with a maximum area of thirty (30) square feet, a maximum height of six (6) feet above grade, a maximum letter height of fourteen (14) inches, and a minimum setback of ten (10) feet from property lines;
3. One (1) standard informational sign, with a maximum area of six (6) square feet per sign face, and a maximum height of six (6) feet above grade for post and arm type signs and three (3) feet for all other sign types. During periods beginning thirty (30) days before and ending five (5) days after any federal, state or local election, ballot initiative or referendum, the number of signs related to such events is not limited. Signs shall be removed no later than five days after the advertised event has ended; and
4. One (1) wall sign per building (except for a corner lot, for which one (1) sign shall be allowed facing each of the frontage streets), having a maximum area of twenty (20) square feet, a maximum height of twenty (20) feet, and a maximum letter height of fourteen (14) inches;

The total area of all signs allowed for an institutional use shall not exceed fifty (50) square feet or twenty percent (20%) of the total first floor building façade area, whichever is less. The first floor building façade area shall be calculated by multiplying the lineal frontage of a building/storefront by its total first floor or entrance level height, as shown in diagram #4.



F. Sign Permitting

No person shall install, erect, or alter any sign other than temporary signs without first obtaining a sign permit from the Building Department. Applications for sign permits shall be filed in the Building Department and must contain sufficient information to demonstrate that proposed signs comply with this Section.

G. Exempt Signs

The following are exempt from regulation under this Section:

1. Address and home occupation signs, provided that the area does not exceed two (2) square feet and the letter and number height does not exceed eight (8) inches;
2. Any public notice or warning required by applicable federal, state, or local law, regulation, or statute;
3. Flags;
4. Any sign that is posted or installed within the right-of-way or on Town-owned property, pursuant to General Bylaws, Chapter 12, Section 4;
5. Signs created or approved by the Ipswich Historical Commission that display information about historic properties;
6. Works of art that do not include a commercial message;
7. The standard type gasoline or electric charging station pump signs bearing the name or type of energy and the price in usual size and form, except that any the restrictions on illumination imposed by this Section shall apply; and
8. One (1) wall or window mounted sign, no greater than two (2) square feet in area, identifying information about public access to a building or premises, such as a sign showing hours of operation or security measures employed by the establishment.

H. Prohibited Signs

The following types of signs are prohibited in any district:

1. Any sign not specifically allowed in the table in Subsection D, or which has not obtained the appropriate approvals required by that Subsection;
2. Flashing signs;
3. Signs within rights-of-way, except for hanging signs which project over a right-of-way but otherwise comply with this Section, and those signs belonging to or approved by a government, public service agency, or railroad;

4. Signs which are considered obscene or depict obscene matter, as defined in M.G.L. Chapter 272, Section 31, or which advertise an activity that is illegal under federal, state or local laws;
5. Signs in violation of building codes, or containing or exhibiting broken panels, visible rust or rot, damaged support structures, or missing letters;
6. Signs identifying abandoned or discontinued businesses. Such signs shall be removed within thirty (30) days following the abandonment or discontinuance;
7. Pennants/streamers;
8. Roof signs;
9. Moving signs; and
10. Off-premises signs.

I. Special Permits:

1. Applicability

The following signs are allowed only by the issuance of a special permit:

- a. Signs allowed by this Section that are associated with projects requiring Site Plan Review or a Special Permit from the Planning Board;
- b. Signs allowed by this Section that exceed either the dimensional requirements for height, area, letter height, setback, projection, and illumination; or the allowed number of signs, as listed in the Tables referenced in D. above; and
- c. Internally illuminated and/or intermittent signs.

1. Special Permit Granting Authority

The Planning Board shall serve as the Special Permit Granting Authority (SPGA) for signs associated with projects requiring a Planning Board Special Permit. For signs described in I.1.b and c. above that are not associated with projects requiring a Planning Board Special Permit, the Zoning Board of Appeals (“ZBA”) shall serve as the SPGA.

2. Signs Associated with Site Plan Review

Signs associated with projects requiring Site Plan Review approval from the Planning Board are subject to the requirements of this Section. For signs associated with Site Plan Review applications described in I.1.b and c. above, the Planning Board will serve as the SPGA.

3. Required Findings

A Special Permit for a sign may be issued if the SPGA makes the following findings:

- a. Sign scale is determined to be reasonably related to building and site development, viewer distance and travel speed, and sign sizes on nearby structures;
- b. Sign size, shape, and placement serve to define or enhance architectural elements of the building such as columns, sill lines, cornices, and roof edges, and does not unreasonably interrupt, obscure, or hide them;
- c. Sign design is in reasonable continuity with the mounting location, height, proportions and materials of other signs on the same or adjacent buildings or fixtures;
- d. Sign materials, colors, lettering style, illumination and form are reasonably compatible with building design, neighborhood context and use;

- e. Sign size, location, design and illumination do not present a safety hazard to vehicular or pedestrian traffic; and
- f. For signs which exceed the quantity and dimensional requirements, the sign complies with all provisions of this Section other than those for which relief is being sought.

J. Nonconformance of Signs

Pursuant to Section II. A of this zoning bylaw, any sign legally erected before the adoption of this Section that does not conform to its provisions may continue to be maintained. Pursuant to Section II.B.2 of this zoning bylaw, any such sign may be subsequently enlarged, altered, replaced, changed, or relocated after the adoption of this Section by grant of a special permit from the Zoning Board of Appeals, provided that such enlargement, alteration, replacement, change or relocation does not increase an existing nonconformity or create a new nonconformity. Minor changes to a nonconforming sign, such as changing a panel on a directory sign, updating a sign without changing its size and dimension, or small repairs, are not considered an alteration and thus do not require a special permit from the Zoning Board of Appeals. Exemptions provided in this Section of the bylaw shall not apply to any sign that advertises a use or activity which has been discontinued.

Table A: Permanent Sign Allowances by Type and District*

SIGN TYPE	STANDARD	ZONING DISTRICT			
		Residential (IR, RRA, RRB & RRC)	Central Business (CB), General Business (GB)	Planned Commercial (PC), Limited Industrial (LI)	Highway Business (HB), Industrial (I)
Awning	Number	N/A	1 per business		
	Max. Area	N/A	1/2 square foot per linear foot of storefront or building upon which the awning is attached		
	Max. Letter Height	N/A	14 inches		
Directional	Number	N/A	Number and placement subject to Building Inspector approval		
	Max. Area	N/A	4 square feet per sign		
	Max. Height	N/A	6 feet per sign		
Directory	Number	N/A	1 per shared public entrance to a building occupied by more than one business establishment		
	Max. Area	N/A	1 square foot per business establishment occupying the building or 6 square feet, whichever is less		
Freestanding	Number	One per main entrance to subdivision, Green Space Preservation Development, or multi-family development	N/A	1 per lot	
	Max. Area	12 square feet	N/A	50 square feet	40 square feet
	Max. Height	6 feet	N/A	10 feet	10 feet
	Max. Letter Height	14 inches	N/A	18 inches	14 inches
Hanging	Number	N/A	1 per business except an additional hanging sign allowed if building fronts on more than one public street	N/A	
	Max. Area	N/A	8 square feet	N/A	
	Max. Letter Height	N/A	14 inches	N/A	
Wall	Number	N/A	1 per business; an additional wall sign allowed if building fronts on more than one public street		
	Max. Area	N/A	20 square feet	30 square feet	25 square feet
	Max. Letter Height	N/A	14 inches	18 inches	14 inches
Window	Number	N/A	1 per business		
	Max. Area	N/A	Not more than 15 % of total façade window area		

*Sign requirements for institutional uses are established in Subsection E. of this Section.

Table B: Maximum Number and Area of Permanent Signs Allowed by District

STANDARD	ZONING DISTRICT			
	Residential (IR, RRA, RRB & RRC)	Central Business (CB) and General Business (GB)	Planned Commercial (PC) Limited Industrial (LI)	Highway Business (HB) and Industrial (I)
Number of Signs	One freestanding sign per main entrance of any subdivision, Green Space Preservation Development, or multi-family residential development	Up to two permanent signs, per Table A. One additional wall sign allowed if building has second facade	One freestanding sign per lot plus up to two permanent signs per Table A. Additional sign(s) allowed if building fronts on more than one public street per Table A	
Maximum Total Area	N/A	Total area of all allowed signs shall not exceed twenty percent (20%) of first floor building area of each allowed use. First floor building area shall be calculated by multiplying lineal frontage of a building or storefront by its total first floor or entrance level height, as shown in diagram #4.		

Table C: Temporary Sign Allowances

SIGN TYPE	STANDARD	ZONING DISTRICT				
		Residential (IR, RRA, RRB & RRC)	Central Business (CB) and General Business (GB)	Planned Commercial (PC) Limited Industrial (LI)	Highway Business (HB) and Industrial (I)	Institutional Uses
Wall Signs	Number	N/A	1 per business			
	Max Area	N/A	20 square feet			
	Duration	N/A	Maximum of three 30-day periods per calendar year			
Standard Info. Sign	Number	1 per lot, except an unlimited number is allowed during periods beginning 30 days before and ending 5 days after any local, state or federal election, ballot initiative or referendum				
	Max Area	6 square feet per sign face				
	Max Height	3 feet (6 feet for post and arm type signs)				
Window Signs	Number	N/A	N/A			
	Max. Area	N/A	Not more than 15% of the façade window area			
	Duration	N/A	Maximum of three 30-day periods per calendar year			

Town of Middleton, MA
Saturday, February 4, 2023

Chapter 235. Zoning

SECTION 5.0. General Regulations

5.1. Off-street parking and loading.

5.1.1. General requirements. All off-street parking areas and loading areas, other than those provided for dwellings, but including drives and other accessways, shall be treated with bituminous or other surfacing material and shall be provided where necessary with appropriate bumper and wheel guards; illumination shall be so arranged as to deflect light away from adjoining lots and abutting streets; and screening shall be provided where required by these bylaws.

5.1.2. Table of Parking Requirements. Off-street parking spaces and loading areas shall be provided in at least the ratio specified in the Table of Parking Requirements. Off-street parking must be provided to service the net increase in parking demand created by new construction, additions or change of use.

Use	Table of Parking Requirements Requirement
Dwelling unit	2 spaces
Retail sales/service	1 space per 200 square feet gross floor area exclusive of storage area but not fewer than 5 spaces per separate enterprise
Business or professional office	1 space per 200 square feet gross area
Bank	1 space per 200 square feet gross floor area exclusive of storage area by not fewer than 5 spaces per separate enterprise
Restaurant, conventional	1 space per 250 square feet gross floor area
Restaurant, fast-food	1 space per 150 square feet gross floor area
Wholesale and industrial	1 space per 1.2 person employed on the largest shift plus 1 space for each company-owned and operated vehicle and loading space for all delivery or shipping trucks
Place of public assembly	1 space per 3 persons; capacity based on State Building Code
Hotel or motel guest unit	1.1. spaces per unit and loading space for all delivery trucks or sanitary collections vehicles
Lodging house, other accommodation	1 space per 3 beds
Nursing home	1 space per 3 beds
All other uses	1 space per 200 square feet of gross floor area or such number of spaces in accordance with anticipated needs as determined by the Board of Appeals with the advice of the Planning Board

5.1.3. Parking setback. No parking shall be located in the required front yard along the frontage of North Main Street.

- 5.1.4. Backing restrictions. Parking areas with five or more spaces or reached from a state-numbered highway shall be designed and located so that their use does not involve vehicles backing onto a public way.
- 5.1.5. Parking lot plantings. On properties located along the North Main Street frontage, parking lots containing 10 or more parking spaces shall have at least one tree per eight parking spaces, such trees to be located either within the lot or within five feet of it. At least 5% of the interior of any parking lot having 25 or more spaces shall be maintained with landscaping, including trees, in plots of at least eight feet in width; trees shall be so located as to provide visual relief and sun and wind interruption within the parking area and to assure safe patterns of internal circulation.
- 5.1.6. Special permit. The Zoning Board of Appeals may adjust any of the requirements of this section by special permit where it finds that such adjustment will not be substantially detrimental to safety. The Zoning Board of Appeals may require the establishment of a reserve area where a reduction in the number of spaces is authorized.

5.2. Signs.

[Amended 5-13-2008 ATM by Art. 32; 5-12-2009 ATM by Art. 31]

- 5.2.1. Purpose. The purpose of the regulation and restriction of signs within the Town of Middleton is as follows:
1. To protect and enhance the visual environment of the Town for purposes of safety, convenience, information, orderly development, and welfare of its residents;
 2. To eliminate signs and lights that overload the public's capacity to receive information, that violate privacy, or that increase the probability of accidents by distracting attention or obstructing vision;
 3. To encourage signs and lighting that aid communication, orientation, identify activities, express local history and character, and serve educational purposes for the public good; and
 4. To reduce visual and informational conflict among private signs and lighting and between the private and public information systems.
- 5.2.2. Definitions. The following words and terms shall, for the purposes of this section and as used elsewhere in these regulations, have the meanings shown herein:

A-FRAME SIGN

A portable, temporary sign or device capable of standing without support or attachments.

ABANDONED SIGN

A sign that has ceased to be used for more than two years or a sign that the owner or interested party no longer intends to use for the display of sign content; provided, however, this shall not relieve the owner or interested party of its obligation to remove sign content to the extent that such content is obsolete.

ACCESSORY SIGN

A sign that advertises activities, goods, products, or a specific use, owner, or tenant, available within the building or on the premises on which the sign is located, or advertises the premises as a whole or any part thereof for sale or rent.

ANIMATED SIGN

Any sign that uses movement or the illusion of movement or a change of lighting to depict action or create a special effect or scene that is activated electrically, wirelessly, environmentally (wind, thermal, and other similar changes), mechanically, manually or by some other means using either:

1. Flashing: Signs with illumination that are characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For purposes hereof, "flashing" will not be defined as occurring if the period between on/off phases of illumination exceeds 60 minutes.
2. Patterned illusionary movement: Signs with simulated movement through alternate sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion or action.
3. Revolving: Signs that revolve about an axis.

Animated signs shall not be defined to include signs that only display numeric or digital images of time/temperature.

APPLICANT/INTERESTED PARTY

Any advertiser, tenant, or other persons known to the Building Commissioner as having control of or a substantial interest in said sign.

AWNING

An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN

An awning with sign content on the surface of the fringe of an awning.

BANNER SIGN

A sign consisting of flexible substrate on which sign content may be displayed.

BUILDING FRONTAGE

The length in feet of the ground floor level of the wall of a building that faces a street from which legal frontage is derived.

CANOPY SIGN

A sign affixed to the visible surface of an attached or freestanding canopy, which is a multisided overhead structure or architectural projection supported by attachments to a building and cantilevered or supported by columns. The surface or soffit of an attached canopy may be illuminated by means of internal or external sources of light.^[1]

DIRECTIONAL SIGN

A nonaccessory sign that is located on the premises giving direction and/or orientation for pedestrian or vehicular traffic within said premises but containing no advertising material.

ELECTRIC MESSAGE BOARDS

A sign with the capability of content change by means of manual or remote input that is not defined as an animated sign under these regulations, may be used only on ground signs and with the issuance of a special permit by the Board of Appeals.

ERECT

Shall mean and include the construction, placement, relocation, enlargement, alteration, attachment, suspension, adhering, lettering, posting, and any other manner of affixing a sign at any premises.

GROUND SIGN

Any sign erected on the ground which is self-supported and anchored to the ground by a pole, columns, braces, or placed on the ground and not attached to any building. See the figures shown on Exhibit 1, attached hereto, for a depiction of permitted ground signs.^[2]

ILLUMINATED SIGN

Any sign illuminated by artificial light either projecting through its surface (internally illuminated); or reflecting off its surface (externally illuminated).

INTERIOR SIGNS

Any sign placed within a building, but not including window signs as herein defined. Interior signs, with the exception of window signs, are not regulated by this regulation.

NONACCESSORY SIGN

Any sign that is not an accessory sign.

OBSCENE

In accordance with MGL c. 272, § 1, any sign content that would be defined as "obscene" if it: appeals to the prurient interest of the average person applying the contemporary standards of the county where the offense was committed; depicts or describes sexual conduct in a potentially offensive way; and lacks serious literary, artistic, or political or scientific value.

OFF-PREMISES SIGN

Any nonaccessory sign erected to advertise or give directions to an establishment or merchandise which is not sold, produced, manufactured or furnished at the premises on which the sign is located.

OWNER

The individual, partnership, company, corporation, or other entity owning all or a portion of the premises or having a long-term ground lease for the premises on which a sign is to be erected as evidenced by a deed recorded with the Essex South District Registry of Deeds for the premises or part thereof.

PERMANENT SIGN

Any sign permitted to be erected and maintained for more than 60 days.

POLITICAL SIGN

A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PREMISES

Shall refer to an entire property, complex, park, development, plaza, or center, which may consist of one or more individual lots or tax parcels, including all buildings and improvements located thereon.

PROJECTING SIGN

Any sign which is attached or suspended from a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure.

REAL ESTATE SIGN

A temporary sign advertising the sale, lease, or rental of all or any part of the premises upon which it is located.

ROOF SIGN

Any sign erected, constructed, and maintained wholly upon, connected to, or over the roof or parapet (extension of a building façade about the line of the roof) of any building with the entire support on the roof or roof structure. See the figure shown on Exhibit 2, attached hereto, for a depiction of permitted roof signs.^[3]

SIGN

Any structure, mechanically or electrically driven, still or moving device, light, letter, figure, word, model, banner, pennant, trade flag, or representation that is designed to be seen from

outside the premises on which it is erected. It advertises activities, goods, places, persons, objects, institutions, organizations, associations, businesses or events, products, services, or facilities available either on the premises where the sign appears or in some other location. The definition includes electric signs in windows or doors, but does not include window displays or merchandise. A sign may be permanent or temporary.

SIGN AREA

The entire area of a sign within a single continuous perimeter enclosing the extreme limits of lettering, representation, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign content and the address of the premises shall not be included in determining sign area. See Exhibit 3, attached hereto, for an example of how to compute sign area.^[4]

SIGN CONTENT

The information contained on the face of any sign.

SIGN PERMIT

A permit issued by the Building Commissioner entitling an owner or applicant to erect a sign at a premises.

SPECIAL PERMIT

A special permit granted by the Board of Appeals pursuant and in accordance with Section 9.4 of the Zoning Bylaws.

TEMPORARY SIGN

A sign permitted to be used on a short-term basis for the duration of no longer than 60 days unless otherwise specifically provided herein.

WALL SIGN

Any sign affixed to, suspended from or painted on an exterior wall of a building or structure and that does not project more than 12 inches from the building or structure wall, including signs affixed to architectural projections from a building, provided the sign content remains on a parallel plane to the face of the building facade or to the face of the architectural projection to which it is affixed. See the figures shown on Exhibit 4, attached hereto, for a depiction of permitted wall signs.^[5]

WINDOW SIGNS

Any sign affixed to the surface of or inside display windows, lighted only by the general building illumination with its message intended to be visible to and readable from the public way.

[1] *Editor's Note: Exhibit 1 is included at the end of this chapter.*

[2] *Editor's Note: See Exhibit 5, included at the end of this chapter, for a depiction of permitted canopy signs.*

[3] *Editor's Note: Exhibit 2 is included at the end of this chapter.*

[4] *Editor's Note: Exhibit 3 is included at the end of this chapter.*

[5] *Editor's Note: Exhibit 4 is included at the end of this chapter.*

5.2.3. Administration and enforcement. Unless otherwise provided herein, no sign shall be erected unless it complies with the terms and provisions set forth in this regulation and the owner or applicant has submitted a sign application and paid the associated fee and the Building Commissioner has issued a sign permit.

5.2.4. Sign permits. Applications for sign permits shall be submitted by an owner or applicant to the Building Commissioner. Such applications shall be not complete unless and until accompanied by:

1. Two prints of scale drawings of the sign, supporting structure and location identifying the location of the sign within the premises and its location relative to all property lines, rights-of-

way, parking areas, all structures within the premises, all structures located within 40 feet of the premises, and any residential districts;

2. The written consent of the owner, with a copy of any deed or evidence of the long-term ground lease;
3. Two scaled drawings/architectural depictions of the sign, showing the sign content, color, materials, dimensions, and all other architectural features of the sign; any deviation from the drawing shall require the review of the Building Commissioner to confirm that the changes continue to comply with the provisions of this regulation; and
4. A copy of any relevant special permit.
5. All ground, wall or roof signs shall be registered and identified as required by Section 1407.0 of the State Building Code.
6. All temporary signs requiring a sign permit shall be registered and identified as required by the Sign Officer.
7. Signs that are exempt from the requirement to obtain a sign permit hereunder shall not relieve an owner or interested party from responsibility for erecting and maintaining all signs in a safe manner and in a manner in accordance with all the other provisions of this regulation.

5.2.5. General requirements.

1. A permit fee shall be paid at the time an application for a sign permit is submitted to the Building Commissioner.
2. All signs, unless otherwise noted, require a sign permit and the payment of a fee. Every sign permitted by this regulation shall be kept in good condition and repair.
3. Ground signs shall be set back a minimum of 10 feet from all property lines, including rights-of-way (both public and private), and a minimum of 40 feet from all residential districts and all off premises structures. Only ground signs may incorporate electronic message boards into their sign content, with the issuance of a special permit.
4. Notwithstanding any other provisions of this regulation, signs may be erected the purpose of which is to post the land as follows: "no hunting," "no trespassing," etc.
5. Any owner or interested party shall remove any sign content that is rendered obsolete, which is a sign that no longer advertises or identifies an occupant of the premises or a use conducted on the premises, through change or termination of activities on the premises within 30 days of receiving an order issued by the Building Commissioner to remove such sign content and shall continue to maintain said sign in accordance with these regulations.

5.2.6. Enforcement. The Building Commissioner is hereby charged with the enforcement of this regulation and the issuance of permits hereunder.

1. The Building Commissioner and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which any sign is erected or maintained in order to inspect said sign.
2. The Building Commissioner is further authorized, upon notice as herein provided, to order the repair or removal of any sign which in his judgment is a prohibited nonaccessory or off-premises sign, or is likely to become dangerous, unsafe, or in disrepair, or which is erected or maintained contrary to this regulation.
3. The Building Commissioner shall serve a written notice and order upon the owner and applicant directing the repair or removal of the sign within a time not to exceed 30 days after giving such notice. If such notice and order is not obeyed within such period of time, the Building Commissioner and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which said sign is

erected or maintained and repair or remove, or cause to be repaired or removed, said sign. The Building Commissioner shall be empowered to institute proceedings and to impose fines against the owner and any advertiser, tenant, or other persons known to have control of or a substantial interest in said sign for any violations in accordance herewith and with the enforcement powers set forth under Section 9.2 of the Zoning Bylaws.

4. All expenses incurred by the Building Commissioner and his duly authorized agents in repairing or removing any sign shall be assessable against any person who failed to obey said notice and order and shall be recoverable in any court of competent jurisdiction if not paid within 30 days after written notice of assessment is given by the Building Commissioner to any such person.
 5. The Building Commissioner may enforce the provisions of this section with regard to the owner of the premises or the lessee, or both.
 6. The Building Commissioner and the Board of Appeals may make reasonable rules and regulations for the implementation of this section, including the establishment of fees for permits and special permits.
- 5.2.7. Special permit. Any sign for which a special permit is required to be issued shall be issued by the Board of Appeals, unless otherwise noted, pursuant to the requirements of Section 9.4 of the Zoning Bylaw, and provided the owner or applicant can demonstrate to the Board that the sign shall be in harmony with the general purposes of this regulation.

1. The owner or applicant must submit to the Board, in addition to the items required by Section 9.4 of the Zoning Bylaw, the following:
 - a. A special permit application; and
 - b. Site plan, which complies with Section 9.5 of the Zoning Bylaws, showing all parking areas, driveways, accessways, landscaping, lighting, rights-of-way, structures, and all existing and proposed signs for the premises; and
 - c. Scaled drawings/architectural depictions of the sign, showing the sign content, color, materials, dimensions, and all other architectural features of the sign; any deviation from the drawing shall require the review of the Building Commissioner to confirm that the changes continue to comply with the provisions of this regulation.
2. Special permit criteria. The Board of Appeals may grant a special permit, provided the Board issues a finding that all of the following criteria have been satisfied and that the sign is in harmony with and does not derogate from the general purposes of this regulation.
 - a. The premises is an appropriate location for the proposed sign and that conditions affecting the premises are different from other similarly situated properties located in the district and require special relief; and
 - b. The sign will not adversely affect or be incongruous with the neighborhood or surrounding zoning district in which it is to be located; and
 - c. There will be no nuisance or serious hazard to vehicular or pedestrian traffic or safety as a result of the sign; and
 - d. The sign satisfies all of the applicable dimensional and other criteria described in this section 5.2 unless otherwise waived as provided herein; and
3. Conditions. The Board of Appeals, in approving the special permit, may attach such conditions and safeguards as are deemed necessary to protect the abutting properties and neighborhood and to safeguard the purposes of this regulation, including but not limited to the following:
 - a. Requiring increased setbacks;
 - b. Requiring additional screening;

- c. Modifications to the sign location, features and appearance;
 - d. Limiting the number of signs or duration of any temporary permit.
- 5.2.8. Nonconforming signs. Any sign legally existing at the time of the passage of this regulation that does not conform in use, location, height, or size with the regulations applicable to the zoning district in which such sign is located shall be considered a legally nonconforming use or structure, as the case may be, and shall be permitted to continue and be maintained until it is removed by its owner or interested party or constitutes an abandoned sign as follows:
1. No Increase in the nonconformity: Structural alteration, enlargement or reerection of a nonconforming sign is permissible only to the extent, in the opinion of the Building Commissioner, such alterations will not increase the degree of the nonconformity of the sign. To the extent the Building Commissioner makes a determination that a change will increase the degree of nonconformity, the owner or interested party shall be required to apply to the Board of Appeals for a special permit under Section 5.2.7 hereof to authorize structural alteration, enlargement or reerection.
 2. Abandoned signs. Any owner or interested party shall remove all abandoned signs within 30 days of receiving an order issued by the Building Commissioner to remove such sign.
 3. Destroyed or damaged signs. Any sign that has been destroyed or damaged to the extent that the cost of repair or restoration will exceed 50% of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or altered unless in conformity of this regulation. For the sake of clarity, the normal maintenance of the sign or the changing of the sign content resulting from a change in occupancy shall not be considered a repair or restoration for the purposes of this provision and shall not invalidate its status as a legally existing nonconforming sign.
- 5.2.9. Prohibited signs. The following signs, devices, and locations shall be specifically prohibited in all zoning districts:
1. Signs that are lighted by any means other than a steady, stationary light, shielded and directed solely at the sign.
 2. Signs that cast glare onto any residential premises or onto any portion of a way so as to create a traffic hazard.
 3. Signs that are illuminated in any residential district between the hours of 11:00 p.m. and 7:00 a.m. unless indicating time or temperature or an establishment open to the public during those hours.
 4. Signs having red or green lights within sight of a traffic signal unless approved in writing as nonhazardous by the Chief of Police.
 5. Animated or neon or any signs that revolve, move, give the appearance of movement, or flash.
 6. Neon signs, except as used for window signs.
 7. Portable signs except as may be allowed as temporary signs in accordance with this regulation.
 8. Off-premises signs except as may be allowed by special permit from the Board of Appeals in accordance with the provisions hereof.
 9. Electronic message boards except as may be allowed by special permit from the Board of Appeals in accordance with the provisions hereof and only to display sign content on ground signs.
 10. Pennants, streamers, advertising flags, balloons, spinners or similar devices.
 11. Corner visibility shall not be obstructed.

12. Sign that are erected, displayed, or maintained upon any rock, tree, fence, or utility pole.
13. Signs that are erected, displayed, or maintained that contain any obscene matter.
14. Signs that obstruct any means of egress from a building.
15. Signs that obstruct or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
16. Projecting signs.
17. Signs projecting onto the public right-of-way.
18. Nonaccessory signs except for directional signs.
19. Signs that are attached to motor vehicles, trailers or other movable objects regularly or recurrently located for fixed display advertising a product or service, shelter, or distribution point for commercial products or services.

5.2.10. Permitted signs — all Residential Districts.

1. Accessory signs. The following signs are allowed in all Residential Zoning Districts:
 - a. One sign, either attached or ground, indicating only the name of the owner or occupant, street number and permitted uses or occupations engaged in thereon such as accessory professional office, home occupation, or other accessory uses permitted in a residential district. Such sign shall not exceed two square feet in area.
 - b. One ground sign identifying a housing development at each public entrance to a subdivision, provided such sign shall be set back a minimum of 10 feet from the boundary lines of any adjacent streets and a minimum of 40 feet from all structures. Such sign shall not exceed 24 square feet in area and shall not extend more than six feet above ground level.
2. Nonaccessory signs. Directional signs located on private property by special permit from the Board of Appeals, limited as follows:
 - a. Two signs for each activity, not exceeding six inches by 30 inches in size.
 - b. Ground signs not exceeding eight feet in height.
3. Temporary signs. All temporary signs in a residential district must be accessory signs and shall be set back a minimum of 10 feet from all property lines and a minimum of 40 feet from all off-premises structures. Notwithstanding that the following temporary signs do not require a sign permit or the payment of a fee, an owner or interested party is not relieved from responsibility for erecting and maintaining all signs in a safe manner and in a manner in accordance with all the other provisions of this regulation.
 - a. One temporary unlighted real estate sign advertising the sale, rental or lease of the premises or subdivision on which it is erected, to be no larger than six square feet and shall not extend more than four feet above ground level. Such sign shall be removed 14 days after sale, rental or lease.
 - b. Signs advertising open houses shall be removed at the end of each day. In no event shall such signs include pennants, streamers, advertising flags, balloons, spinners or similar devices.
 - c. One unlighted identification sign at each public entrance to a subdivision not exceeding 12 square feet in area and shall not extend more than four feet above ground level; to be removed when the subdivision roadway is accepted by the Town.
 - d. One temporary unlighted sign maintained on the premises while construction is in process and containing information relevant to the project, including the name and address of the

parties involved in the construction or financing of a project on the premises. The construction sign shall not be larger than six square feet and shall not extend more than six feet above ground level. Such sign shall be removed 14 days after completion of construction or as required by the Building Commissioner if a waiver is granted.

The Building Commissioner may waive the size limitations set forth above and allow a sign larger than six square feet if: the premises fronts on a state highway, such as Route 114 or Route 62; or if the sign is advertising lots in a subdivision and a larger sign is needed for legibility purposes. The total area of the sign shall not exceed 24 square feet.

5.2.11. Permitted signs — all Business and Industrial Districts.

1. Accessory signs. A premises shall be allowed to have one ground sign and either one roof or one wall sign, subject to the provisions set forth below and unless otherwise specifically permitted hereby.
 - a. Ground signs. Only one ground sign is permitted on any premises regardless of the number of buildings on such premises.
 - b. No ground sign shall extend more than 15 feet above ground level.
 - c. For single-occupant buildings, the sign area shall not exceed 36 square feet.
 - d. For multiple-occupant buildings, the sign area shall not exceed 36 square feet plus an additional six square feet for each additional occupant up to a maximum area of 96 square feet.
 - e. Sign areas larger than 96 square feet and signs in excess of 15 feet above ground level may be allowed by special permit of the Board of Appeals in accordance with Section 5.2.7.
2. Roof signs and wall signs. Each building located at a premises shall be entitled to only one roof sign or only one wall sign.
 - a. The total sign area of any wall or roof sign shall not exceed more than one square foot for every one linear foot of the building frontage. See Exhibit 3, attached hereto, for an example of how to compute sign area.^[6]
[6] Editor's Note: Exhibit 3 is included at the end of this chapter.
 - b. A building that is situated on lot where the main public entrances of the majority of its occupants face a parking lot shall be entitled to use the linear footage of the side of the building wall that faces the parking lot in determining the permissible sign area.
 - c. The center line of any roof sign shall not exceed the midline of the roof and shall not extend above the ridge of the roof. See the figure shown on Exhibit 2, attached hereto, for a depiction of permitted roof signs.^[7]
[7] Editor's Note: Exhibit 2 is included at the end of this chapter.
 - d. All allowed wall signs and roof signs shall be limited to the designs shown on Exhibits 2 and 3, attached.
 - e. Subject to the issuance of a special permit by the Board of Appeals in accordance with Section 5.2.7, a multioccupant building may be permitted to erect multiple roof and wall signs for each occupant, provided in addition to all other criteria listed herein and in Section 9.4 of the Zoning Bylaw the owner or interested party is able to demonstrate to the Board that:
 - (1) The combined sign area shall not exceed the sign area as determined under Subsection 2.a above.
 - (2) In no event shall a building have a combination of wall and roof signs.

- (3) Wall signs on a single building, or multiple buildings within a premises, shall be consistent in size, color, and character providing for a uniform design.
- f. Subject to the issuance of a special permit by the Board of Appeals in accordance with Section 5.2.7, a building may have wall or roof signs on more than one side of a building, provided in addition to all other criteria listed herein and in Section 9.4 of the Zoning Bylaw the owner or interested party is able to demonstrate to the Board that:
[Amended 5-11-2010 ATM by Art. 31]
- (1) The building is located on a corner lot with legal frontage on both sides, as determined for the applicable zoning district; or
 - (2) The building is situated on a lot where the main public entrances for its occupants face its parking lot and a street on which the premises has legal frontage; and
 - (3) The sign is to be placed on the side of the building with legal frontage or that faces its parking lot; and
 - (4) The combined sign area of all such signs shall not exceed sign area as determined under Subsection 2.a above.
3. Canopy signs. A premises shall be permitted to have a canopy sign subject to the issuance of a special permit by the Board of Appeals in accordance with Section 5.2.7 and in Section 9.4 of the Zoning Bylaw, and provided owner or applicant meets all other requirements listed herein for wall or roof signs. Canopy signs shall take the place of any wall or roof sign that may be erected on any building. Only canopy signs as shown on Exhibit 5 shall be permitted, subject to the issuance of a special permit as mentioned herein.
4. Awning signs. A building shall be permitted to have awning signs, provided they are consistently used on a building and shall be consistent in size, color, and character providing for a uniform design. The sign area used by the awning sign shall reduce the sign area permissible for any wall or roof sign being erected on any building. The size of lettering or other copy used in the sign shall not be taller than eight inches.
5. Window signs. Signs shall be permitted in windows, provided the sign content shall not cover more than 20% of the window glass area in which it is located. The area of the sign is computed as shown on Exhibit 3, Figure 1.^[8]
[8] *Editor's Note: Exhibit 3 is included at the end of this chapter.*
6. Building directories (if located outside). Directories may be affixed to the exterior wall of a building at each public entrance. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building but in no event shall the directory sign be larger than six square feet.
7. Directional signs. Traffic control orientation, directional, and guidance signs located within the boundaries of the premises for which such signs are being employed shall be permitted up to four square feet in area, displayed for purposes of direction or convenience, including signs identifying parking, fire lanes, rest rooms, freight entrances and the like. Each premises shall be limited to no more than four directional signs per premises. The Building Commissioner may permit additional signs if the owner or occupant can demonstrate a reasonable need for public safety and convenience.
8. Service stations or garages.
- a. May divide the allowed sign area of the permitted wall sign into separate, smaller wall signs indicating separate operations or departments. A ground identification sign of 36 square feet with price sign incorporated is allowed.
 - b. For active fuel-dispensing service stations, with multiple tenants, on the same lot: one single freestanding ground identification sign of 36 square feet plus an additional six square feet for each additional occupant up to a maximum area of 96 square feet. Pricing

information, if advertised, shall be counted toward sign area for service stations. The maximum height (including pylons) of this freestanding ground sign shall be 15 feet from ground level.

- c. Sign areas larger than 96 square feet and signs in excess of 15 feet above ground level may be allowed by special permit of the Board of Appeals, in accordance with Section 5.2.7.
9. Temporary signs requiring no permit. All temporary signs must be accessory signs and shall be set back a minimum of 10 feet from all property lines and a minimum of 40 feet from all residential districts and off premises structures and shall be permitted on a short-term basis as hereinafter specified. The following temporary signs do not require a sign permit or the payment of a fee:
 - a. One unlighted real estate sign advertising the sale, rental or lease of the premises on which it is erected, to be no larger than 24 square feet and shall not extend more than six feet above ground level. Such sign requires no sign permit and shall be removed 14 days after sale, rental or lease or as required by the Building Commissioner if a waiver is granted.
 - b. Signs advertising open houses shall be removed at the end of each day. In no event shall such signs include pennants, streamers, advertising flags, balloons, spinners or similar devices.
 - c. One unlighted sign maintained on the premises while construction is in process and containing information relevant to the project, including the name and address of the parties involved in the construction or financing of a project on the premises. The construction sign shall not be larger than 24 square feet and shall not extend more than six feet above ground level. Such sign shall requires no sign permit and shall be removed 14 days after completion of construction or as required by the Building Commissioner if a waiver is granted.
 - d. The Building Commissioner may waive the size limitations set forth above and allow a sign larger than 24 square feet if: the premises fronts on a state highway, such as Route 114 or Route 62, and a larger sign is needed for legibility purposes. The total area of the sign shall not exceed 32 square feet.
 10. Temporary signs requiring a permit. All temporary signs other than as provided above in Subsection 8 shall require a permit and the payment of a fee. Such signs must be accessory signs and shall be set back a minimum of 10 feet from all property lines and a minimum of 40 feet from all residential districts and off-premises structures and shall be permitted on a short-term basis as hereinafter specified.
 11. A-frame sign. An A-frame sign shall only advertise sales, special events, a daily or weekly special (which changes each day or week) or changes in the nature of an operation, and shall not otherwise be used to advertise a continuing or regularly recurring business operation.
 - a. Each A-frame shall require the issuance of a sign permit that complies with the requirements of this regulation for a temporary sign by the Building Commissioner and the payment of a fee.
 - b. No premises shall be permitted to erect more than two such signs at any one time, and only one such A-frame sign shall be permitted for every 50 feet of legal frontage abutting a public way and available at premises.
 - c. Each permit shall contain an authorization from the owner and be signed and submitted by the applicant.
 - d. The total sign area shall not exceed 12 square feet on each side and shall not be more than 36 inches wide at its widest part.

- e. The sign shall not extend more than 48 inches above grade.
 - f. The sign shall be taken down every evening and displayed only during the hours that the advertising entity is open for business to the general public.
 - g. The sign shall not be illuminated, emit any sound, have any moving parts, flashing lights, reflectors or other devices that are likely to cause a distraction.
 - h. The sign shall be securely anchored so as to not blow over and is professional in appearance.
 - i. The sign shall not display brand names, symbols or slogans of nationally distributed products except in cases where the majority of the floor or lot on the premises is devoted to manufacture or sale or other processing of that specific product.
 - j. Signs should not contain selling slogans or other advertising which is not an integral part of the name or other identification of the enterprise.
 - k. The sign shall not obstruct a public or private walkway, or be placed on public property.
12. Banners. Banner signs may be permitted to advertise sales or special events, but shall not otherwise be used to advertise a continuing or regularly recurring business operation. Street banners may advertise a public or charitable entertainment or event. All banners shall be removed promptly when the information they display is out of date, but in any event no later than seven days after the event. Banners shall comply with the following:
- a. Shall only be erected for up to 10 consecutive days in any two-month period and for never more than 30 days in any twelve-month period on any premises.
 - b. Only one shall be permitted at a premises at any given time.
 - c. The dimensions shall be no greater than 20 feet long or four feet tall with a total sign area not to exceed 80 square feet.
 - d. Shall not be illuminated, emit any sound, have any moving parts, flashing lights, reflectors or other devices that are likely to cause a distraction.
 - e. Shall be securely anchored and properly maintained and professional in appearance.
 - f. Shall not be attached to shrubs, trees or similar items for support but rather must be professionally erected.
 - g. Shall not obstruct a public or private walkway, or be placed on public property.
- 5.2.12. Temporary signs not requiring a permit — all districts. The following temporary signs, in addition to those specifically set forth herein, shall be allowed in all districts, provided they comply with the following:
- 1. Temporary signs, of not more than 12 square feet in area, erected for a charitable or religious cause; requires no sign permit and is to be removed within 30 days of erection. The Building Inspector shall maintain placement controls.
 - 2. Identification signs or entrance markers for a church or synagogue shall not exceed a combined total of 30 square feet, and provided that there shall be no more than two signs allowed on the premises.
 - 3. Temporary signs pertaining to a candidate or ballot question appearing on the ballot of an election duly called in the Town of Middleton shall require no sign permit. Such signs permitted by this bylaw shall only be permitted on private property and in no event:
 - a. Shall be placed in any public right-of-way or obstruct traffic visibility;

- b. Shall exceed six square feet in area per sign and shall not exceed in aggregate 24 square feet in area per lot;
- c. Shall be higher than four feet above ground level; and
- d. Said signs shall be stationary and shall not be illuminated.

Unless otherwise specified in this bylaw, temporary signs pertaining to other noncommercial issues shall require no sign permit and shall be allowed in all zoning districts. Such signs shall be subject to the limitations set forth in Subsection 3.a through d, inclusive, above.

5.2.13. Off-premises signs — all districts. Only signs pertaining exclusively to the premises on which they are located or to products, accommodations, services or activities on the premises shall be allowed, except that an off-premises directional sign, designating the route to an establishment not on the street to which the sign is oriented, may be erected and maintained within the public right-of-way at any intersection if authorized by the Board of Selectmen or on private property if granted a special permit by the Board of Appeals. Such sign shall be authorized only upon the authorizing agency's determination that such sign will promote the public interest, will not endanger the public safety and will be of such size, location and design as will not be detrimental to the neighborhood. At locations where directions to more than one establishment are to be provided, all such directional information shall be incorporated into a single structure. All such directional signs shall be unlighted, and each shall be not over four square feet in area.

5.2.14. Guidelines. The following are further means by which the objectives for signs can be served. These guidelines are not mandatory, but degree of compliance with them shall be considered by the Board of Appeals in acting upon special permits authorized by the Zoning Bylaws and by the Building Commissioner in issuing a sign permit authorized under this section of the Zoning Bylaw.

1. Efficient communication.

- a. Signs should not display brand names, symbols or slogans of nationally distributed products except in cases where the majority of the floor or lot on the premises is devoted to manufacture or sale or other processing of that specific product.
- b. Premises chiefly identified by a product name (such as a gasoline or auto brand) should devote some part of their permitted sign area to also displaying the identity of the local outlet.
- c. Signs should not contain selling slogans or other advertising which is not an integral part of the name or other identification of the enterprise.
- d. Sign content normally should not occupy more than 40% of the sign background, whether a signboard or a building element.
- e. Signs should be simple, neat and avoid distracting elements, so that contents can be quickly and easily read.

2. Environmental relationship.

- a. Sign design should take into consideration the scale of the street to which the sign is oriented and the size, brightness, style, height and colors of other signs in the vicinity.
- b. Sign brightness should not be excessive in relation to background lighting levels, e.g., averaging not in excess of 100 foot lamberts in the downtown or similarly bright areas and not in excess of 20 foot lamberts in unlighted outlying areas.

3. Building relationship.

- a. Signs should be sized and located so as to not interrupt, obscure or hide the continuity of columns, cornices, roof eaves, sill lines or other elements of building structure and, where

possible, should reflect and emphasize building structural form.

- b. Sign material, colors and lettering should be reflective of the character of the building to which the sign relates, just as sign area should be related to building size.
- c. Clutter should be avoided by not using support brackets extending above the sign or guy wires and turnbuckles.

5.3. General landscaping requirements.

5.3.1. Applicability. The requirements of this section shall apply to any nonresidential use subject to a special permit or site plan approval.

5.3.2. Landscaping requirements for property lines. Property line(s) with residential districts or uses shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential purposes. No part of any building or structure or paved space intended for or used a parking area may be located within the buffer area. Planted buffer areas along property lines with residential districts or uses shall be at least 10 feet in depth.

5.3.3. Large parking areas. Parking areas containing over 20 spaces shall be suitably landscaped. The Board of Appeals may require at least one shade tree per 10 parking spaces. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic.

5.3.4. Fencing; retaining walls; and berms. Fencing, retaining walls and berms may be allowed in lieu or in conjunction with plantings. Design and height of such substitute shall be subject to the approval of the Board of Appeals.

5.3.5. Unsightly uses and areas. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

5.3.6. Planted area requirements. Planted areas shall contain an appropriate mix of plant species appropriate to proposed use, siting, soils, and other environmental conditions. Where the Board of Appeals determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

5.3.7. Coordination with site plan approval. The Board of Appeals shall require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this section.

5.3.8. Maintenance. All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

5.3.9. Special permit. By special permit, the Board of Appeals may authorize a reduction in the requirements of this section, where such reduction will not result in substantial detriment.

5.4. Performance standards for nonresidential development.

5.4.1. Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of larger nonresidential developments. The Board of Appeals shall ensure that such standards are met during the course of any special permit application or site plan review for a nonresidential use.

5.4.2. Lighting. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; conserve energy and decrease lighting cost without decreasing nighttime safety, security, and productivity; and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

1. Shielding. All outdoor light fixtures shall be shielded so as to meet the goals of this section.
2. Light trespass. Direct light from the light source is to be confined within the property boundaries.
3. Light intensity. Outdoor lighting shall be designed to provide the minimum intensity needed at any particular time.
4. Searchlights. The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than 14 days by special permit issued by the Board of Appeals.
5. Indoor lighting. Indoor light sources will not be projected outside in a manner to defeat the intent of this bylaw.
6. Flickering and flashing lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.
7. Hours of operation. Except as may be deemed appropriate for site safety or security, the Board of Appeals may require as a condition of site plan approval that all external lighting, including lighting accessory to authorized signs, shall be extinguished 1/2 hour after the facility is closed for the business day. Such lighting may be timed to resume 1/2 hour prior to the arrival of the first employee on the premises.

5.4.3. Noise. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; preserve property values; and preserve neighborhood character.

1. Hours of operation. As a condition of any special permit or site plan approval, the Board of Appeals may incorporate required specific hours of operation for the following activities:
 - a. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time;
 - b. Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work;
 - c. Operation of construction devices.
2. Ambient noise level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 10 dBA above ambient when measured at the property boundary of the receiving land use, in accordance with the standards of the Massachusetts DEP.

5.4.4. Site development standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

1. Phasing of development. The Board of Appeals may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

5.4.5. Pedestrian and vehicular access; traffic management. The proposed development and/or redevelopment shall be designed with a forecast for the next five years from the time of application to minimize hazards to public health and safety as a result of traffic; provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; provide off-site traffic mitigation, where required, to offset the impact of the development; reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and minimize the impact on scenic roads, historic districts, natural resources, and community character. The development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

1. Access via roadways abutting residential districts shall be avoided where possible.
2. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Board of Appeals.
3. Each development shall be served by an adequate driveway. The Board of Appeals may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets.
4. All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.
5. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width unless waived by the Board of Appeals. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.
6. Interior circulation. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways, and vehicular traffic.
7. The Board of Appeals may require a traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts.
8. Sight distance. Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the development.
9. Mitigation. The Board of Appeals may require as a condition of any special permit or site plan approval off-site improvements to mitigate the impact of the proposed development.

5.4.6. Exemptions. The following are exempt from these standards:

1. Emergency response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.
2. Municipal uses and structures. All municipal uses and structures, including schools.
3. Events. Parades, fairs or outdoor entertainment between the hours of 7:00 a.m. and 11:00 p.m. only, provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than 10 days.
4. Religious structures and services. Religious services conducted by an organization which qualifies under the laws of the commonwealth as a tax-exempt religious group.