

TOWN OF LAKEVILLE REMOTE MEETING NOTICE/ AGENDA

Posted in accordance with the provisions of MGL Chapter 30A, §. 18-25

Name of Board, Committee or Commission:	<u>Zoning Board of Appeals</u>
Date & Time of Meeting:	<u>Tuesday, March 18, 2021 at 7:00 p.m.</u>
Location of Meeting:	<u>REMOTE MEETING</u>
Clerk/Board Member posting notice	<u>Cathy Murray</u>

AGENDA

1. In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the March 18, 2021, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>
2. Petition hearings (Votes to be taken)
Boston Botanical, Inc. hearing, continued – 475 Kenneth W. Welch Drive – request for a Special Permit under 7.4.6 to operate an adult use marijuana establishment as both a marijuana cultivator and marijuana product manufacturer.
3. **Old Business**
4. **New Business**
 - **Informational**
 - a. KP Law-Housing Choice Act of 2020 update
 - b. Overview of Zoning Reforms
 - c. Affordable Housing & Chapter 40B
 - **Review sign bylaws**
7. **Next meeting. . . Thursday, April 15, 2021**

Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the Zoning Board of Appeals arise after the posting of this agenda, they may be addressed at this meeting.

Read the following into the record:

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, relating to the 2020 novel Coronavirus outbreak emergency, the March 18, 2021, public meeting of the **Zoning Board of Appeals** shall be physically closed to the public to avoid group congregation. **However, to view this meeting in progress, please go to facebook.com/lakecam (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**



MICHAEL O'BRIEN
FIRE CHIEF
mobrien@lakevillema.org

Lakeville Fire Department

346 Bedford Street
Lakeville, Massachusetts 02347

TEL 508-947-4121 FAX 508-946-3436

WILLIAM PURCELL
DEPUTY CHIEF
wpurcell@lakevillema.org

To: Planning Board
From: Michael P. O'Brien, Fire Chief
RE: 475 Kenneth Welch Drive
Date: February 25, 2021

Memorandum

This document has been written to provide notification to the Planning Board that the amended site plan submission (Feb. 23, 2021) for the proposed facility at 475 Kenneth Welch Drive has been reviewed.

Please be advised that all Fire Department concerns have been addressed to our satisfaction. Please contact this office if there are any concerns or question regarding this project moving forward.

We would like to express our gratitude to the applicant and the Lakeville Planning Board for the opportunity to contribute to development of this property.

March 11, 2021

Chair John Olivieri, Jr.
Zoning Board of Appeals
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

RE: Casco Botanical, Inc. – 475 Kenneth Welch Drive

Dear Chair Olivieri:

Please accept this correspondence on behalf of Boston Botanical, Inc. (“**BBI**”) in response to feedback received from the Lakeville Zoning Board of Appeals (the “**Board**”) relative to its application to operate a Marijuana Establishment for cultivation and product manufacturing at 475 Kenneth Welch Drive (the “**Site**”).

1. **Board Feedback:** Please provide an updated site plan and some detail on the proposed generator(s) to be used on the property.

BBI Response: Please see the attached updated site plan attached as **Exhibit A**, reflecting the location of an on-site generator and location of a fenced loading area. The company is working with its mechanical engineering consultants to determine the type and capacity of generator to be used on site, but generally anticipates one or two stand-by 2,000KW/2,500KV, 277/480V generators.

2. **Board Feedback:** Please clarify available parking.

BBI Response: As noted on Exhibit A, the site will have 26 parking spaces, including two (2) accessible spaces. At peak employment levels, BBI will hire 30 employees, with a maximum of 22 on site at any given time as shifts will be spread over a full 7-day week. The company will take great care to develop, implement, and refine operational shifts to avoid congestion within the parking lot or the store. Operational procedures will be continually evaluated and adjusted as necessary to ensure optimal function of the facility. The proposed use of the Property will not disturb the existing right of way or pedestrian access, and will not cause a hazard to vehicle or pedestrian traffic or a change to the neighborhood character.

3. **Board Feedback:** Please provide a brief explanation of the indoor composting process.

BBI Response: All composting processes using marijuana waste will take place indoors. Absolutely no composting using marijuana waste will be done outdoors. The composting of marijuana waste will assist with rendering all marijuana waste unusable in accordance with 310 CMR 16.02. Boston Botanical will use an aerobic method of composting which decomposes organic matter by promoting aerobic microbial activity using proper carbon to nitrogen ratios of input organic matter and turning the compost pile to ensure the organic matter is exposed to fresh oxygen on a regular basis. Odors created by aerobic composting will produce earthy, soil aromas versus that of anaerobic composting which pronounces input odors and can create more foul odors. Composting will be executed using commercial soil mixing units to allow for daily turning of compost to promote aerobic activity.

4. **Board Feedback:** Please address noise mitigation concerns regarding rooftop units.

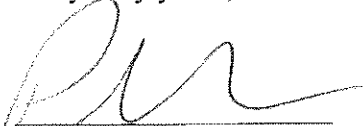
BBI Response: The company will utilize screening to mitigate noise in a form substantially similar to that shown in **Exhibit B** attached hereto.

5. **Board Feedback:** Please consider strategies to limit weekend deliveries.

BBI Response: BBI expects minimum traffic with regards to incoming and outgoing deliveries and seeks to ensure deliveries on any weekend day are avoided where possible. BBI does not expect any incoming or outgoing deliveries on weekends and will make best efforts to coordinate with shipping companies to ensure all deliveries are scheduled on a weekday. If unavoidable, weekend incoming deliveries will be limited to twice a month to account for unpredictable circumstances of a delivery service operating in accordance with its own operating hours. All outgoing deliveries from BBI will be strictly limited to weekdays.

Should you seek additional information, please do not hesitate to contact me directly via email at philsilverman@vicentesederberg.com.

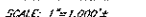
Very truly yours,



Phil Silverman, Esq.

PCS/rjr

Exhibit A: Site Plan



PARKING CALCULATIONS	
REQUIRED INDUSTRIAL:	1 space per employee on maximum shift
REQUIRED REGULAR:	25 employees \times 1/employees = 25 spaces
REQUIRED HANDICAPPED:	for 25-50 Total Spaces = 2 handicapped
TOTAL SPACES PROVIDED:	24 (9'x20') + 2 (12'x20') = 26 spaces
TOTAL HANDICAPPED PROVIDED:	2 spaces



Scale: 1" = 40'

January 18, 2021
 Rev. February 5, 2021
 February 22, 2021
 March 8, 2021

OWNER:

LOUIS S. GUTOR & VIRGINIA GUTOR
PO BOX 114
ROCHESTER, MASSACHUSETTS 02770

SITE PLAN APPROVED BY
LAKEVILLE PLANNING BOARD

APPLICANT:

BOSTON BOTANICAL, INC.
324 REEDSDALE ROAD
MILTON, MASSACHUSETTS 02186

ASSESSOR'S REFERENCE:

475 KENNETH W. WELCH DRIVE
MAR 024 BLOCK 006 LOT 008

DATE-

DEED REFERENCE:

PLYMOUTH COUNTY REGISTRY OF DEEDS BOOK 9460 PAGE 18

PLAN REFERENCE:

PLYMOUTH COUNTY REGISTRY OF DEEDS PLAN No. 1102 of 1987
PLAN OF LOTS - KENNETH W. WELCH DRIVE,
LAKEVILLE, MASSACHUSETTS DATED SEPTEMBER 4, 1987
WILLIAM L. PHINNEY, PLS

GENERAL NOTES:

1. BOUNDARY INFORMATION AND BUILDING LOCATION DEPICTED HEREON ARE THE RESULT OF AN ACTUAL FIELD SURVEY BY HAYES ENGINEERING, INC. ON JANUARY 16, 2021. THE HORIZONTAL DATUM IS THE MASSACHUSETTS STATE PLAN COORDINATE SYSTEM.
2. EXISTING UNDERGROUND UTILITIES DEPICTED HEREON TAKEN FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LIDAR TOPOGRAPHY AS PROVIDED BY MASSGIS. THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD83).
3. UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED FROM FIELD SURVEY INFORMATION AND AVAILABLE EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND VERIFYING THE LOCATIONS, SIZES, AND ELEVATIONS OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS AND SHALL NOTIFY THE ENGINEER IN WRITING OF ANY UTILITIES SHOWN OR NOT SHOWN WHICH MAY REQUIRE APPROPRIATE REMEDIAL ACTION PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTORS ARE RESPONSIBLE FOR CONTACTING DIG SAFE AT (800) 322-4684 PRIOR TO THE START OF ANY CONSTRUCTION.
5. THE PLANS WERE PREPARED FOR THE PURPOSE OF OBTAINING APPROVAL FROM PUBLIC AGENCIES AND IS NOT INTENDED AS CONSTRUCTION DOCUMENTS.

RESOURCE AREA NOTES:

1. THE SITE IS NOT LOCATED IN FLOOD ZONE A AS INDICATED ON FEMA NFP FLOOD INSURANCE RATE MAP NUMBER 25023CQ314J, DATED JULY 17, 2012
2. THE EXTENT OF THE BORDERING VEGETATED WETLANDS DEPICTED HEREON IS APPROXIMATE ONLY AND WAS NOT FLAGGED IN THE FIELD BY HAYES ENGINEERING, INC. THE ONLY WORK PROPOSED WITHIN THE APPROXIMATE BUFFER ZONE TO THE BWV IS INSTALLATION OF FENCING AND PAVEMENT STRIPING.

FIRE LANE OPERATIONS & MAINTENANCE:

1. FIRE LANE SHALL REMAIN FREE FROM BRUSH, OVERHANGING LIMBS, & OTHER OBSTRUCTIONS IN PERPETUITY.
2. FIRE LANE SHALL BE PLOWED AND KEPT FREE OF SNOW.

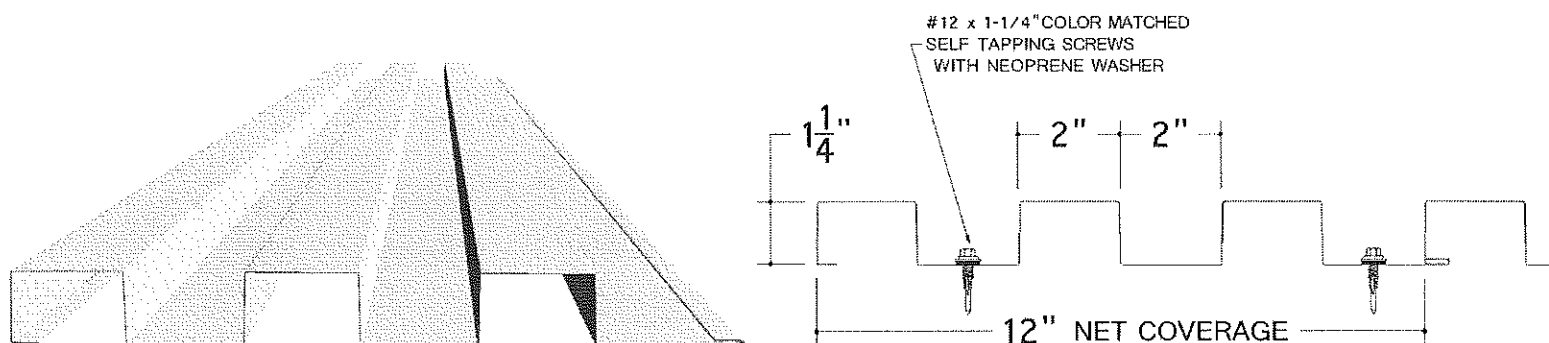
STORMWATER OPERATIONS & MAINTENANCE:

1. ALL PAVEMENT TO BE MECHANICALLY SWEEPED A MIN. OF TWO (2) TIMES PER YEAR IN THE SPRING & FALL.
2. CATCH BASINS ARE TO BE INSPECTED FOUR (4) TIMES ANNUALLY AND CLEANED ANNUALLY.

Exhibit B: Screening



Square Rib Panel Data Sheet



This square rib panel is an exposed-fastener design. With a relatively short span, it offers greater flexibility than most other panels.

Dimensions

- 12" net coverage.
- Up to 20' long panels.
- 24 gauge standard – additional gauges are available.

Finish and Warranty

- Factory Kynar finish available in standard color.
- Paint ready zinc coating also available.
- 25 year warranty

Installation Info

- Install with ribs vertical or horizontal.
- Anchor to frames with exposed fasteners, color matched to panel.

CASCADE ROOFTOP SCREENS, INC.

688 WALSH AVENUE – SANTA CLARA, CA 95050 – PHONE: (408) 827-1700

www.cascaderooftopscreens.com

Housing Choice Act of 2020 Update

February 1, 2021

On January 14, 2021, Governor Charlie Baker signed into law House Bill 5250 – “An Act Enabling Partnerships of Growth”, the so-called “Housing Choice Law”. The stated purpose of this legislation is to: “finance improvements to the commonwealth’s economic infrastructure and promote economic opportunity.” To that end, the legislation includes more than \$682,000,000 in capital authorizations. However, the Act also makes a number of substantial changes to housing and development statutes, including G.L. c.40R (Smart Growth Districts), G.L. c.40V (Housing Development Initiative Programs) and G.L. c.40A (the Zoning Act). The purpose of this Memorandum is to alert you to several important amendments to G.L. c.40A that took effect immediately upon the signing of the bill into law. Future updates will address other important provisions of the new legislation.

Among the important changes to the Zoning Act are: (1) amendments to Section 5 reducing from 2/3 to simple majority the quantum of vote required for the legislative body to approve specified categories of local zoning; (2) amendments to Section 9 reducing the quantum of vote required for issuance of specified categories of special permits; (3) the addition of a new Section 3A that mandates “as of right” multi-family housing districts in communities serviced by public transportation; and (4) the insertion in Section 1A of several new definitions. We have addressed these changes below, in turn.

As you will see, there may be value in reviewing existing zoning bylaws or ordinances to determine whether amendments will need to be made to address these revisions to state law.

Quantum of Vote Requirements Lowered for Certain Zoning Amendments

As of January 14, 2021, only a majority vote of the legislative body is required to enact the following types of local zoning:

1. A by-law or ordinance to allow any of the following as of right:
 - a. Multifamily housing or mixed-use development in an eligible location;
 - b. Accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or
 - c. Open-space residential developments.
2. A by-law or ordinance to allow by special permit:
 - a. Multi-family housing or mixed-use development in an eligible location;
 - b. An increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development;

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- c. Accessory dwelling units in a detached structure on the same lot; or
 - d. A diminution in the amount of parking required for residential or mixed-use development.
3. A by-law or ordinance that:
- a. Provides for Transfer of Development Rights (TDR) zoning or natural resource protection zoning where adoption of such zoning promotes concentration of development in areas the municipality deems “most appropriate” for such development but which will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or
 - b. Modifies zoning regulations beyond what would otherwise be permitted under the existing zoning with respect to bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units.
4. The adoption of a “smart growth” or “starter home” zoning district in accordance with G.L. c.40R, §3, subject to specific requirements.

For cities and towns with councils of fewer than 25 members, the new law creates a process to increase the quantum of vote to 2/3. If the owners of 80% or more of the land area included in the zoning change, extending 300 feet therefrom, file a written protest prior to final action, then a 2/3 vote will be required to enact that particular change.

Finally, as will be addressed in more detail below, the Act amends G.L. c.40A, §1A to define the categories of zoning amendments requiring only a majority vote, including: “accessory dwelling unit”; “as of right”; “open space development”; “multi-family housing”; “mixed-use development”; “eligible location”; and “lot”.

Quantum of Vote Reduced for Certain Special Permits

Also immediately effective are amendments to the special permit provisions of G.L. c.40A, § 9, reducing the quantum of vote required for the grant of specified types of special permits. Specifically, instead of requiring approval by a supermajority vote of all of the members of the special permit granting authority, only a simple majority vote is now required to grant a special permit allowing any of the following:

1. Multifamily housing located within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station; provided, that not less than 10 per cent of the housing shall be affordable to and occupied by households whose annual income is less than 80% of the area-wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction;
2. Mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns and rural village districts; provided, that not less than 10% of the housing shall be affordable to and occupied by households whose annual income is less than 80% of the area-wide median income as determined by the United States Department of Housing and Urban Development and affordability is assured for a period of not less than 30 years through the use of an affordable housing restriction; or

3. A reduced parking space to residential unit ratio requirement; provided, that a reduction in the parking requirement will result in the production of additional housing units.

As noted above, the terms “multifamily housing” and “mixed-use development” are now defined terms in G.L. c.40A, §1A.

New Zoning Requirements for “MBTA Communities”

The new Housing Choice Law amends the Zoning Act, G.L. c.40A, by inserting a new section 3A. Chapter 40A, §3A requires each “MBTA Community” to “have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right” An MBTA Community is now broadly defined in G.L. c.40A, §1A. A preliminary list of the MBTA Communities subject to the application of this law appears at the end of this document.

General Laws c.40A, § 3A mandates that a multi-family housing zoning district must exist in each MBTA Community and that (1) such zoning district shall not be subject to age restrictions and must be suitable for families with children; (2) such zoning district shall have a minimum gross density of at least 15 units per acre; and (3), if applicable, that such district be located not more than ½ mile from a commuter rail station, subway station, ferry terminal, or bus station.

Section 3A also creates a penalty for failure to ensure the existence or creation of such a district. MBTA Communities that fail to create a zoning district in which multi-family housing is permitted as of right will be ineligible for funds from the Housing Choice Initiative Program, the Local Capital Projects Fund, and the MassWorks Infrastructure Program. The Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation are charged with promulgating guidelines to determine if an MBTA Community is in compliance with this new section. When additional information is available concerning these regulations, we will update you.

Certain Zoning Terms Expressly Defined

Several of the amendments to G.L. c.40A introduced by this new legislation employ terms that were previously undefined. Now, the following 10 terms are specifically defined in G.L. c.40A, §1A:

- Accessory dwelling unit;
- As of right;
- Eligible locations;
- Gross density;
- Lot;
- MBTA community;
- Mixed-use development;
- Multi-family housing;
- Natural resource protection zoning; and
- Open space residential development.

Also of note, the new legislation replaces the definition of “Transfer of development rights” in G.L. c.40A, §1A, and substitutes the term “open space residential” for the word “cluster” in G.L. c.40A, § 9.

Conclusion

The above summary is intended to highlight the changes to the Zoning Act that have the most immediate and consequential impacts on the Commonwealth’s cities and towns. Notably, many of the terms now defined in G.L. c.40A, §1A have long been used and variously defined in local zoning by-laws and ordinances. While amendments to municipal zoning definitions may not be necessary immediately, municipalities should anticipate that differences between the new definitions in G.L. c.40A and those already employed in municipal zoning by-laws and ordinances may eventually lead to problems. This may be particularly important when determining the applicable quantum of vote requirements for certain zoning changes and special permits. For that reason, it will be useful to review the municipality’s current zoning bylaw or ordinance to determine if any immediate revisions are needed. In many towns, there may still be time to address these issues at the Annual or Special Town Meeting.

Should you have any questions regarding these changes or any other aspects of the new legislation, please contact your KP Law Attorney.

Preliminary List

MBTA COMMUNITIES (G.L. c. 40A, § 3A)

Abington	Acton	Amesbury	Andover	Arlington	Ashburnham
Ashby	Ashland	Attleboro	Auburn	Ayer	Bedford
Bellingham	Belmont	Berkley	Beverly	Billerica	Boston
Boxford	Boxborough	Braintree	Bridgewater	Brockton	Brookline
Burlington	Cambridge	Canton	Carlisle	Carver	Chelmsford
Chelsea	Cohasset	Concord	Danvers	Dedham	Dover
Dracut	Duxbury	East Bridgewater	Easton	Essex	Everett
Fitchburg	Foxborough	Framingham	Franklin	Freetown	Georgetown
Gloucester	Grafton	Groton	Groveland	Halifax	Hamilton
Hanover	Hanson	Harvard	Haverhill	Hingham	Holbrook
Holden	Holliston	Hopkinton	Hull	Ipswich	Kingston
Lakeville	Lancaster	Lawrence	Leicester	Leominster	Lexington
Lincoln	Littleton	Lowell	Lunenburg	Lynn	Lynnfield
Malden	Manchester-by- the-Sea	Mansfield	Marblehead	Marlborough	Marshfield
Maynard	Medfield	Medford	Medway	Melrose	Merrimac
Methuen	Middleborough	Millbury	Middleton	Millis	Milton
Nahant	Natick	Needham	Newbury	Newburyport	Newton
Norfolk	North Andover	North Attleborough	North Reading	Northborough	Northbridge
Norton	Norwell	Norwood	Paxton	Peabody	Pembroke
Plymouth	Plympton	Princeton	Quincy	Randolph	Raynham
Reading	Rehoboth	Revere	Rochester	Rockland	Rockport
Rowley	Salem	Salisbury	Saugus	Scituate	Seekonk
Sharon	Sherborn	Shirley	Shrewsbury	Somerville	Southborough
Sterling	Stoneham	Stoughton	Stow	Sudbury	Sutton
Swampscott	Taunton	Tewksbury	Topsfield	Townsend	Tyngsborough
Upton	Wakefield	Walpole	Waltham	Wareham	Watertown
Wayland	Wellesley	Wenham	West Boylston	West Bridgewater	West Newbury
Westborough	Westford	Westminster	Weston	Westwood	Weymouth
Whitman	Wilmington	Winchester	Winthrop	Woburn	Worcester
Wrentham					

**Please note that this list is preliminary, and not exhaustive. Communities may be subject to MBTA Community requirements as a result of special legislation.*

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A BRIEF OVERVIEW OF THE ZONING REFORMS IN THE ECONOMIC DEVELOPMENT LEGISLATION HOUSING CHOICE & MBTA COMMUNITIES

CHAPA 40 B CONFERENCE JANUARY 28, 2021



HOUSING CHOICE: OVERVIEW

- **Primary goal** – make it easier to approve “housing supportive” zoning.
- Provides that certain zoning ordinances or bylaws may be enacted by simple majority vote, instead of 2/3 super majority.
- This change applies to all cities and towns in Massachusetts (except Boston). **There is no “opt in”.**

HOUSING CHOICE: QUALIFYING AMENDMENTS

Zoning that allows for certain kinds of housing developments “as of right”

- Multi-family (3 or more units) and Mixed Use in an Eligible Location
- Accessory Dwelling Units
- Open Space and Residential Development (OSRD)

Zoning that allows for certain kinds of housing developments by Special Permit

- Multi-family and Mixed Use in an Eligible Location
- Accessory Dwelling Units that are not attached to the primary home
- Allows an increase in the number of units on property if the Special Permit is approved in accordance with c40A Section 9
- Reduction of parking requirements for residential or mixed-use development

HOUSING CHOICE: QUALIFYING AMENDMENTS

Zoning that allows for:

- Changes to dimensional standards that allow for additional units (e.g., FAR, height, lot area, setbacks, open space, parking).
- Amendments that adopt Smart Growth or Starter home districts per c. 40R
- Natural resource protection zoning (similar to Open Space Residential Development)
- Transfer of development rights

HOUSING CHOICE: SPECIAL PERMIT DECISIONS

The 2/3 supermajority threshold of vote is reduced to a simple majority **for the special permit board** when:

- a special permit would enable a project to reduce parking spaces to allow for the creation of additional units;

OR

- in a city or town that allows for multi-family by special permit within ½ mile of a transit station OR mixed use development within centers of commercial activity; the special permit application is for a multi-family or mixed-use project that meets these parameters includes at least 10% affordable units (80% area median income)

HOUSING CHOICE: SPECIAL PERMITS DECISIONS

One example of how this works. A Town allows for multi-family projects to be approved by Special Permit in its Town Center District which has a commuter rail station. Such projects require a Special Permit review by the 5-member Planning Board.

A developer submits a project located $\frac{1}{4}$ mile from the commuter rail station for a 100 unit building with 12 affordable units. **Instead of requiring 4 affirmative votes from the Planning Board, the project only needs 3 affirmative votes.**

HOUSING CHOICE: COMPOSITE ZONING PROPOSALS

What happens if the proposed zoning includes a mixture of measures that would qualify and would not qualify for the simple majority?

To qualify for the simple majority, the proposed amendment must not be blended with a proposal that operates under the 2/3 rule.

Hint: when crafting new zoning proposals for the simple majority vote, do not comingle the amendment with non-qualifying zoning. If this happens, then the amendment requires a 2/3 majority.

HOUSING CHOICE: ZONING “PROTESTS”

- Housing Choice modifications to c. 40A § 5 **make it more difficult for affected landowners to stop zoning amendments** that are eligible to be enacted with a simple majority.
- Prior to the enactment of the Housing Choice legislation:
 - a written protest made by the owners of **20%** of the affected land area or abutting land, would increase the required voting threshold to change the zoning, and
 - The threshold **increased from a 2/3 super majority to an even larger ¾ super majority.**
- Under the law as amended:
 - a protest will only change the voting threshold if it is made by owners of **50%** of the affected land area or abutting land, and
 - A successful protest **changes the voting threshold from a simple majority to a 2/3 super majority.**
- This provision applies only in a city or a town with a town council of fewer than 25 members.

MBTA COMMUNITIES

- New section 3A of the Zoning Act states that an MBTA community shall have at least one zoning district of reasonable size in which multi-family housing is permitted as of right and meets other criteria set forth in the statute:
 - Minimum gross density of 15 units per acre
 - Not more than ½ miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
 - No age restrictions
 - Suitable for families with children.
- The statute requires DHCD to issue guidelines that define compliance with this new section of the Zoning Act.

MBTA COMMUNITIES

- Compliance criteria will be developed in consultation with affected MBTA communities and other stakeholders.
- For purposes of EOHED and DHCD grant programs, MBTA communities will be deemed to be in compliance with this new section until more detailed compliance criteria have been established.
- **All communities are eligible to apply for MassWorks or the Housing Choice Capital Grants Program in the upcoming 2021 grant cycle.**

CONTACTS

Roberta Rubin, Chief Counsel, DHCD roberta.rubin@mass.gov

Chris Kluchman, Deputy Director, Community Services
Division, DHCD chris.kluchman@mass.gov

Web resources: [Housing Choice Initiative | Mass.gov](#) (in
development)

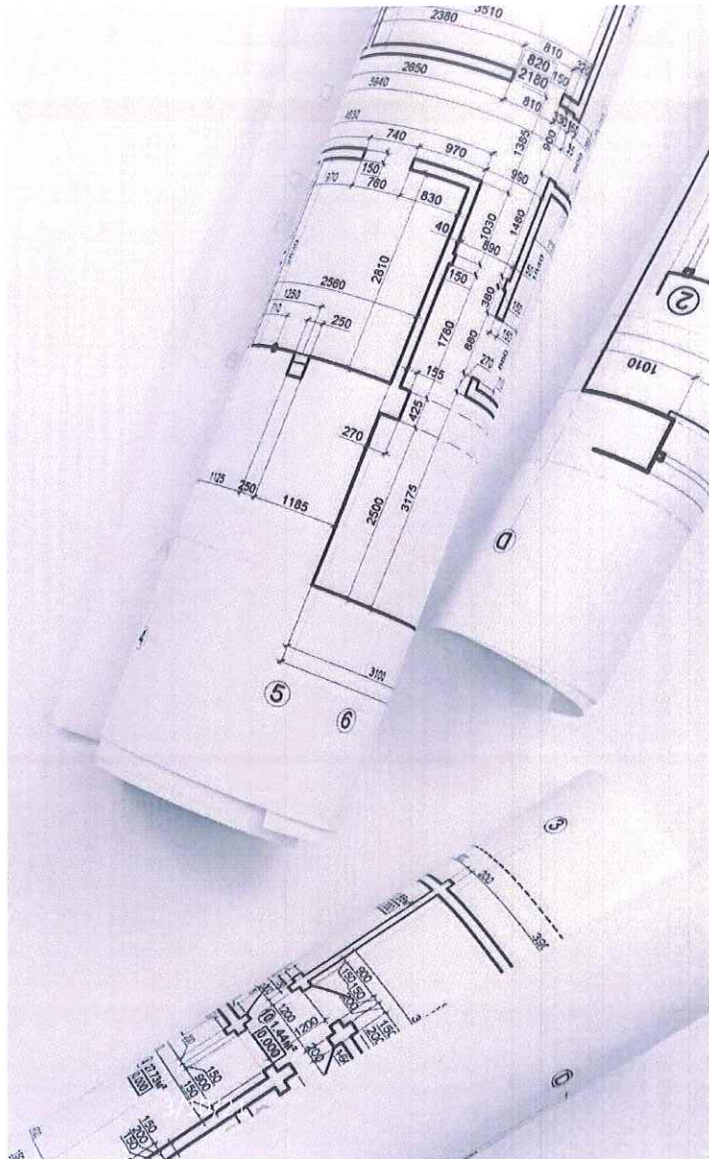
Affordable Housing & Chapter 40B



March 10, 2021

Judi Barrett
Owner and Managing Director
Barrett Planning Group LLC





Overview

- What is affordable housing?
- What is Chapter 40B? How does it work?
- In addition to Chapter 40B, how can communities create affordable housing?

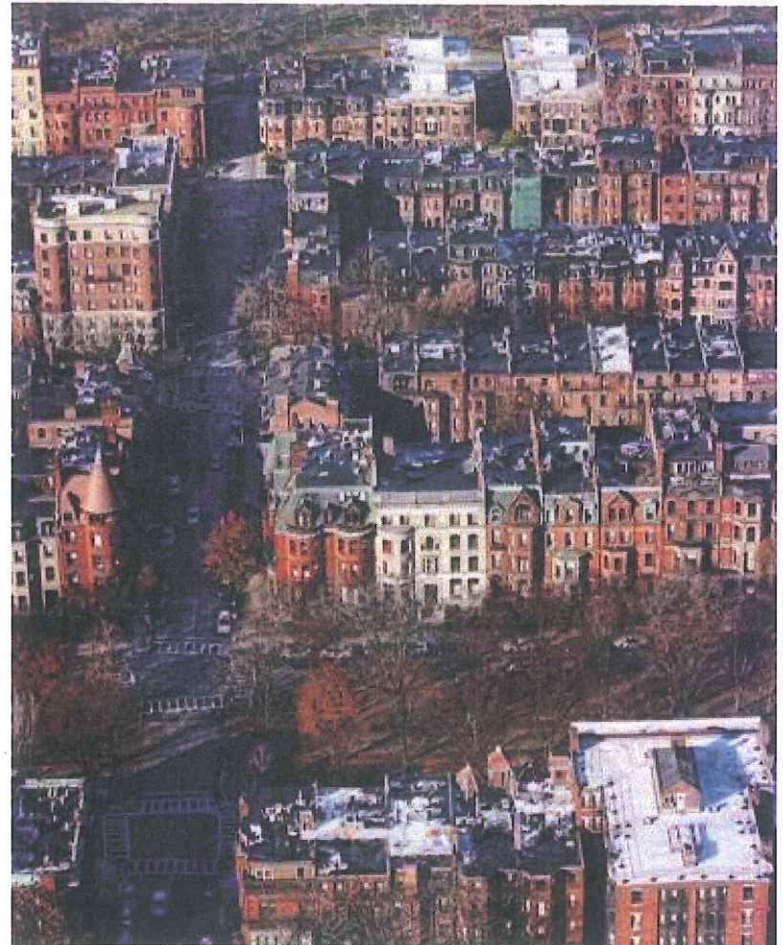
We don't see things as they are. We see them as we are.
-anais nin

What is Affordable Housing? The Basics

The Commonwealth's Housing Crisis

- “There are not enough homes to go around for everyone; homelessness is on the rise; and modern zoning practices continue to perpetuate racial and economic segregation ...”
- “It’s not just the very low-income or even the working class now; it’s the middle class that’s being affected by how expensive it is to live here.”
- “... home rule has hampered the development of much-needed multi-family and affordable housing units”

Boston Real Estate Times, July 2019, citing Greater Boston Housing Report Card





Affordable Housing

Housing that does not require low- or moderate-income households to spend more than 30 percent of their monthly gross income on housing costs:

- Rent and basic utilities, or
- Mortgage principal & interest, taxes, insurance

Example: \$60,000 household income

$\times 30\% = 18,000/12 \text{ months} = \$1,500 \text{ per month}$

$(\$15/\text{hour} \times 2,080 \text{ hours} = \$31,200 \text{ pre-tax})$

Average 2BR apartment in Greater Boston is about \$3,000/month, requiring \$120,000 income (+/-)

Over 30% = “rent-burdened”

Over 50% = “severely rent-burdened”

Affordable Housing

- Is protected from conversion to market-rate housing by an enforceable deed restriction that keeps units affordable upon resale or re-lease
- Is made available to income-eligible people on a fair and open basis (affirmative fair housing marketing plan)
- Is appropriately sized for the number of people living in the unit
- Is safe, decent, and sanitary
- Counts toward the community's 10% minimum under Chapter 40B (more about this shortly)



Affordable Housing

- Is usually created through the issuance of comprehensive permits under Chapter 40B
- May be (and often is) created through other means, such as:
 - Zoning with incentives for affordability
 - Community Preservation Act (CPA) funds
 - Disposition of surplus municipal property
 - Federal CDBG, HOME funds
- Is essential for:
 - Supporting the economic development and social equity needs of cities and towns
 - Providing for basic social fairness

Types of Affordable Housing

Public Housing—Federal and State programs

Rental Assistance—Federal (Section 8) and State (Massachusetts Rental Voucher Program)

Private and Nonprofit owned housing using federal and state subsidies

Low Income Housing Tax Credits

HOME, CDBG, Community Preservation Act

What Does Low or Moderate Income Mean?

(FY20 HUD Income Limits – Providence/Fall River HMFA)

Household Size	Very Low Income (50%)	Extremely Low Income (30%)	Low Income (80%)
1	\$30,450	\$18,300	\$48,750
2	\$34,800	\$20,900	\$55,700
3	\$39,150	\$23,500	\$62,650
4	\$43,500	\$26,200	\$69,600
5	\$47,000	\$30,680	\$75,200
6	\$50,500	\$35,160	\$80,750

Entry-Level
Occupations

Restaurant
Cook,
Custodian,
Security Guard

Fast-Food
Worker,
Coffee Shop
Server

Painter,
Machine Shop
Operator,
Payroll Clerk

Who Sets the Affordable Housing Income Limits?

Each year, the U.S. Department of Housing & Urban Development (HUD) computes the Area Median Family Income (AMFI or AMI) for every metro and non-metro area in the country

Three tiers:

- Extremely low: $\leq 30\%$ of area median family income (AMI)
- Very low income: 31-50% AMI
- Low income: 51-80% AMI*
 *("Moderate income" for Chapter 40B)
- Adjusted for household size

Purpose of Income Limits

- Determine eligibility to purchase or rent affordable housing
- Ensure that affordable units are actually available to people who need them
- Some housing programs have different requirements
- The Chapter 40B “standard” is HUD income limits

What is Affordable?

(FY20 HUD Income Limits – Providence/Fall River HMFA)

Household Size	Very Low Income (50%)	Extremely Low Income (30%)	Low Income (80%)
1	\$761	\$458	\$1,219
2	\$870	\$523	\$1,393
3	\$979	\$588	\$1,566
4	\$1,088	\$655	\$1,740
5	\$1,175	\$767	\$1,880
6	\$1,263	\$879	\$2,019

Restaurant Cook,
Custodian,
Security Guard

Fast-Food Worker,
Coffee Shop Server

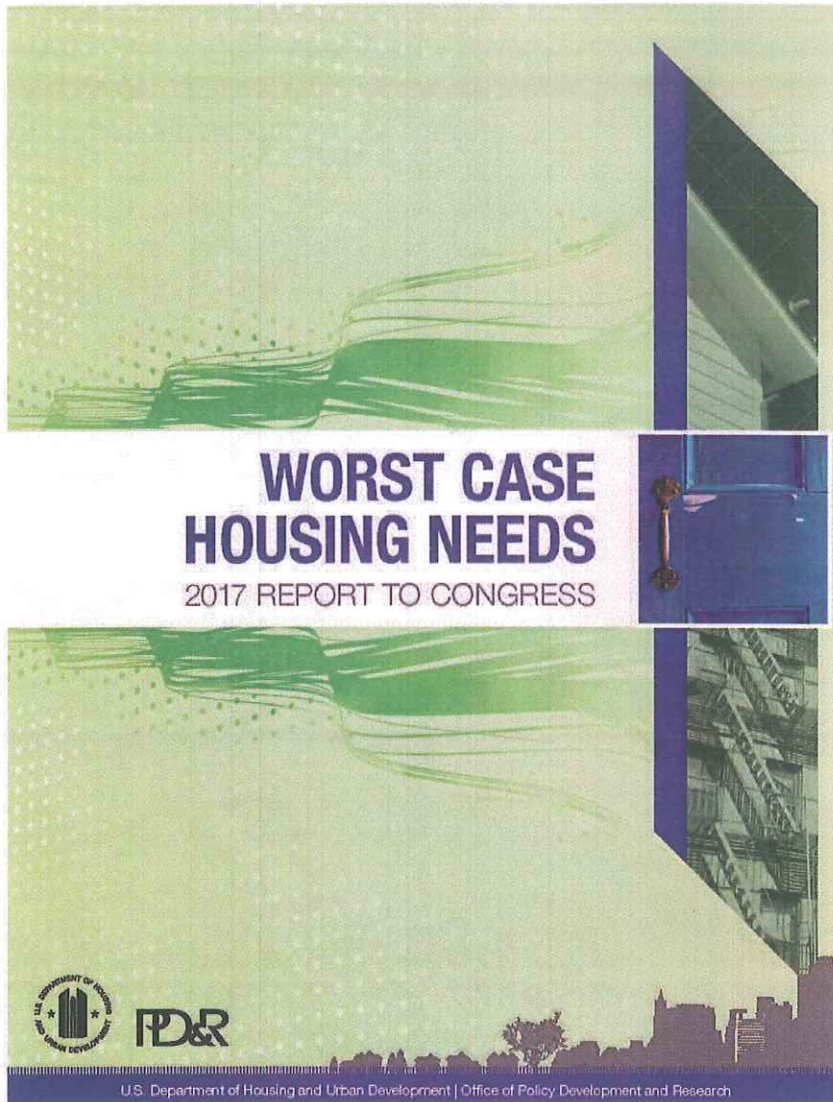
Painter,
Machine Shop Operator,
Payroll Clerk



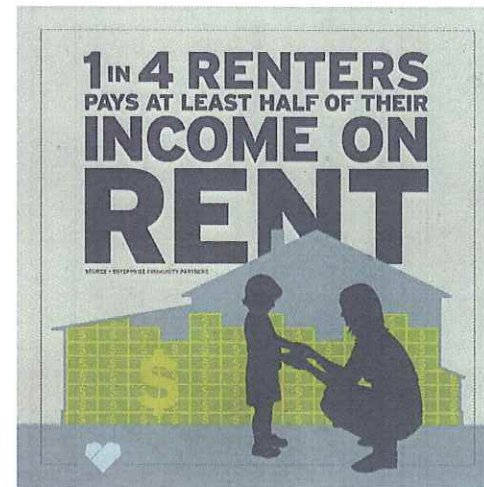
Affordability Gap

The difference between the market price of housing and what a low- or moderate-income person can afford to pay for housing.

Example: Median single-family home value in Mansfield, \$510,969, is **\$245,669** more than the price a low-income family of four can afford (\$256,300).



3/10/21





Looking at Chapter 40B




3/10/21

SRPEDD 2021

Chapter 40B: Regional planning, regional need

- Chapter 40B: regional planning law
- Sections 20-23: **comprehensive permits** for low- or moderate-income housing
- Statutory purpose: to ensure that low- or moderate-income housing is available in all market areas in every region by overriding regulatory barriers that make housing expensive to build
- The point of the law is that every community will provide a share of the region's needs for affordable housing

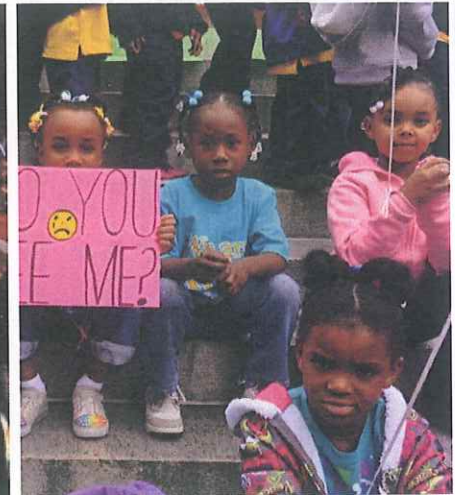


What is a Comprehensive Permit?

- A single “one-stop” permitting process for affordable housing that encompasses all local regulations, such as:
 - Zoning
 - Subdivision Control
 - Local wetlands, health, historic, other local bylaws and regulations
 - Does not include state-governed permits
- Administered by the Zoning Board of Appeals
- Gives aggrieved applicants access to an expedited appeal process if the town does not meet at least one Chapter 40B minimum threshold

Why Chapter 40B?

- Local, state, and federal policies affect the cost of housing
- Limitations on (and response to) Home Rule
- Overcome barriers to housing choices in suburbs and small towns
- Protect and strengthen the economic health of the Commonwealth's cities
- Recognition that housing supply, mix, and cost affect the structure and composition of the region's and town's economy
- Enacted in 1969 as "The Anti-Snob Zoning Act"
- Fair Housing Act of 1968



Why Fair Housing Matters

3/10/21

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40B Accomplishments Statewide

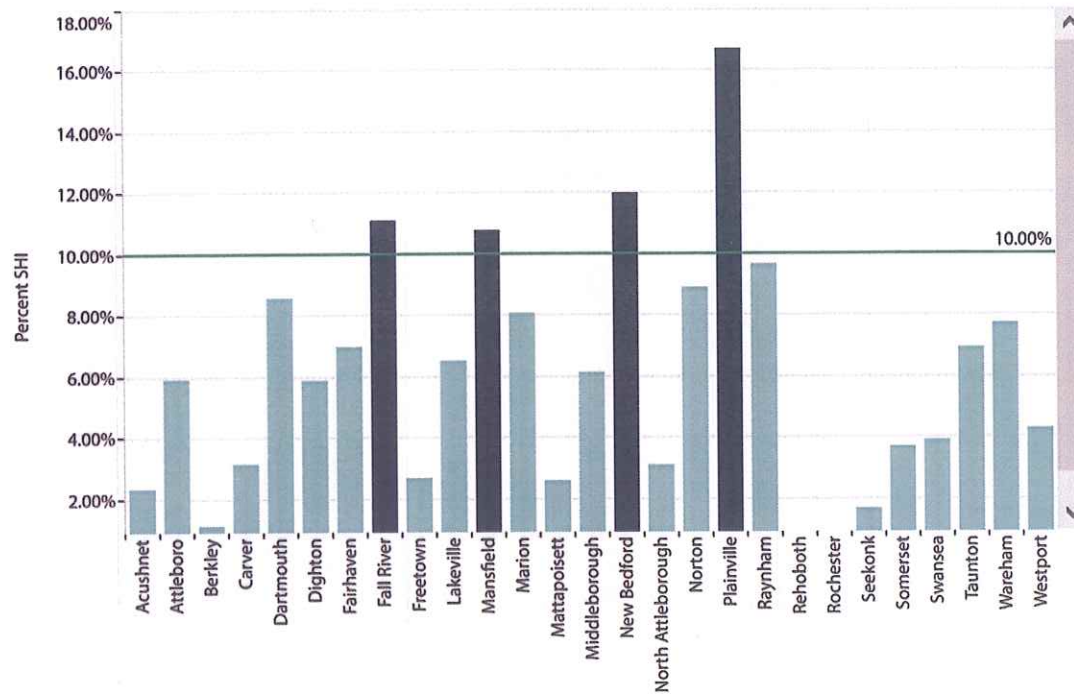
- 78 communities (out of 351 cities and towns) meet the 10% goal and 1 meets the 1.5% general land area goal under DHCD's current guidelines
- 38 communities are at 8-9%, and 48 at 6-7%
- 107 communities have DHCD-approved Housing Production Plans
- Chapter 40B is responsible for 78% of all new affordable housing units in suburban and rural communities between 1997-2010

From Citizens' Housing and Planning Association (CHAPA); updated 2021

Statutory Minima (Minimum Thresholds)

1. Does the number of low- to moderate-income (LMI) units exceed 10% of total year-round housing reported in the most recent census?
OR
2. Does LMI housing exist on sites equal to/greater than 1.5% or more of community's total land area zoned for residential, commercial or industrial use? OR
3. Would the comprehensive permit lead to construction of LMI housing on sites comprising more than 0.3 of 1% of the community's total land area zoned for residential, commercial or industrial use, or 10 acres, whichever is larger, in one calendar year?

Subsidized Housing Inventory, 2020



Source: Commonwealth of Massachusetts Department of Housing and Community Development, 2020

+ a b l e a u



Regulatory Safe Harbors



Chapter 40B Housing
Production Plan, *certified*;



Recent Progress threshold
(2%);



Large-scale project;



Related application.

What the applicant has to provide to the Zoning Board of Appeals (ZBA)

- Preliminary site development plans;
- Existing conditions report;
- Preliminary architectural drawings;
- Building tabulations;
- Preliminary subdivision plan (if applicable);
- Preliminary utilities plan;
- PE letter;
- Requested waivers

Internal Review Process

- Local boards and officials that typically review and have some authority to approve development plans, such as:
 - Conservation Commission
 - Planning Board
 - Board of Health
 - Design Review Board
 - Affordable Housing Committee
 - DPW, Police, Fire – i.e., professional staff
- Their job is to help the ZBA

Balance Regional Housing Needs with Local Concerns

Health

Safety

Environmental

Design

Open Space

Planning*

***Planning that includes facilitating affordable housing development in specific areas and the plan has been implemented.**

Approval with Conditions

- The conditions should not make the Project Uneconomic
- Conditions and/or requirements must be consistent with Local Needs
- The Board may not reduce the number of units for reasons other than evidence of Local Concerns within the Board's purview

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Appeal of Decision

- Appeals by the Applicant are made with the Housing Appeals Committee (HAC)
- Appeals for other aggrieved parties are made with Superior Court or the Land Court

3/10/21



WHAT IS AFFORDABLE HOUSING?

Other Opportunities to Create Affordable Housing

Prevailing Techniques and Resources

Inclusionary zoning

“Missing middle” infill

Community land trust (shared equity)

Working with developers

Impact fees

Exactions

Municipal Affordable Housing Trust funds

Community Preservation Act funds

What are Local Action Units?

Built outside of a comprehensive permit

Built pursuant to a “Local Action”

DHCD is the Subsidizing Agency

Part of the Local Initiative Program

Eligible for Subsidized Housing Inventory

Affordable Housing Plan

A plan to create and preserve affordable housing for people with low incomes

Most housing plans aim to meet DHCD requirements for a **Chapter 40B Housing Production Plan** to access the benefits of Regulatory Safe Harbors (discussed earlier)

Zoning

What is zoning and why does it matter?

- “Invented” in the late 19th/early 20th century as a way to regulate growth and to segregate population by race and class
- Brookline case in 1920s was key in legalizing “single family” zoning districts (*Brett vs. Building Commissioner of Brookline*, SJC 1924)
- U.S. Supreme Court upheld zoning in *Village of Euclid [Ohio] v. Amber Realty Co.*, 1926

Directly affects housing supply and choices

Zoning

Ordinance or bylaw regulating the use of land

- Districts
 - Residences, Business, Industrial, Multi-Use, Many Types!
 - Overlay Districts
- Dimensional requirements (e.g., setbacks, minimum lot size, minimum lot size per unit, open space, floor area ratio (FAR), height, and more
- Density
- Permitting procedures
- Appeals

Minimum parking, buffers, intentionally omitted uses

Can be made a vehicle for creating affordable housing, e.g., inclusionary zoning, Chapter 40R

Chapter 40R

- Special overlay district requiring pre-approval by Massachusetts Department of Housing and Community Development (DHCD)
- Adopted at town meeting the same way as other zoning bylaws or ordinances – but, will be easier under the new Housing Choice legislation
- Intended primarily for small areas in the community, e.g., near transit, downtowns, village centers
- Units “count” on the SHI the same as Chapter 40B units

Rental Assistance Vouchers

- Rent subsidy that fills the gap between what a low-income renter can afford and the cost of a reasonably priced, privately owned market-rate unit, e.g., HUD Fair Market Rent
- Mobile v. project-based
- Examples: HUD Section 8, HOME, CPA, state vouchers

Community Preservation Act (CPA)

- Important source of financial subsidy controlled by the community
- Requires adoption of G.L. c. 44, S. 44B
- Establishes local community preservation fund
- Local surcharge, state match
- Overseen by Community Preservation Committee (CPC)
- Requires community preservation plan
- At least 10% must be used to support “community housing”

Municipal Affordable Housing Trust Fund

- Source of subsidy for affordable housing
- Can operate like a community development bank
- Controlled locally
- Can be created by adopting a general law or filing a home rule petition with the legislature
- Today, most operate under G.L. c. 44, S. 55C

Employer-Assisted Housing

Common in extraordinarily high-cost markets, seasonal markets

Variety of forms, such as:

- Grants, loans, interest buydown
- Rental assistance
- Homebuyer education
- Temporary housing
- Matched savings
- Sometimes targeted in specific neighborhoods



Recent/Proposed Subsidy Ideas

- Seasonal rental, Airbnb tax
- Transfer fee on seasonal housing sales (home rule petition from Nantucket, Provincetown, Somerville, others)
- Property tax incentives (e.g., Amherst, Provincetown)
 - Development incentives
 - Rental incentives

3/10/21

Town of Lakeville-existing bylaw

6.6 SIGN REGULATIONS

6.6.1 Purpose

To provide information to the public and for the identification of permitted activities from public ways, the erection and maintenance of signs shall be subject to regulation in order to preserve and enhance the visual appearance and character of the Town, to provide for the safety and general welfare of the public, and to prevent injurious and detrimental effects from the distracting demands for attention resulting from uncontrolled shapes, sizes, colors, motions, lighting, and inappropriate locations.

6.6.2 General Sign Prohibitions

6.6.2.1 Signs, any part of which moves, flashes, or incorporates traveling or animated lights and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited.

6.6.2.2 No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard.

6.6.2.3 Any sign which is considered by the Building Commissioner, police department or fire department to be obstructive, hazardous, or dangerous because of age, damage, poor construction, or a potential danger in a severe storm must be removed immediately, but in no case later than seven (7) days following receipt of written notice from the Building Commissioner.

6.6.2.4 No sign shall be attached to or obstruct any fire escape, fire or emergency exit; no sign shall be located as to obstruct free passage of light and air to any door, window, skylight, or other similar opening.

6.6.3 General Sign Regulations

6.6.3.1 No sign shall be located closer than ten (10) feet from the street right-of-way, and no closer than thirty (30) feet from the side or rear property lines.

6.6.3.2 Signs shall be limited to a maximum height of twenty (20) feet as measured from the crown of the road directly perpendicular to the sign.

6.6.3.3 Signs shall be limited in number to two (2) signs for each business or industrial establishment or company. Business or industrial sites containing more than one establishment (mill outlets, shopping centers, industrial parks, etc.) shall be limited to two (2) signs per establishment, one of which shall be attached to the structure to designate the establishment within the structure, and the other attached to or part of a central common directory sign. Business and Industrial subdivisions may have one (1) entrance sign, not being a directory sign, in addition to the above. Signs for this common directory sign and for the business and industrial subdivision entrance sign may be double-sided and a maximum of sixty-four (64) square feet in area.

6.6.3.4 Unless permitted elsewhere in this By-Law, no sign may exceed thirty-two (32) square feet in area.

6.6.3.5 Signs erected upon or attached to a building shall not project:

6.6.3.5.1 horizontally more than two (2) feet;

6.6.3.5.2 into or over any way;

6.6.3.5.3 above the highest part of the building, not exceeding twenty (20) feet from ground level.

6.6.3.6 No free-standing sign shall project more than two (2) feet horizontally from its means of support.

6.6.3.7 The colors red, green or yellow shall not be used in a manner that might confuse the meaning or stop signs, stop lights or other traffic signs.

6.6.4 Exemptions

6.6.4.1 Flags or insignia of the United States or any political subdivision thereof or any other nation or country when not used for commercial promotion or display.

6.6.4.2 Temporary posters, placards, or signs associated with a political campaign or current political issue. Any such sign must be removed within 48 hours after its relevance has expired.

6.6.4.3 Signs located on residential structures or driveways, so long as they do not exceed two (2) square feet and are for the primary purpose of indicating the name or names of the resident.

6.6.4.4 For sale, lease, or rent signs on real property or the signs of real estate agents or brokers, so long as they do not exceed six (6) square feet in area.

6.6.4.5 Signs less than two (2) square feet designating entry and egress from parking areas, and other directional traffic control and safety-related signs.

6.6.4.5 Normal highway control signs, hazard signs, and other state-approved highway safety signs.

6.6.5 Temporary Signs

6.6.5.1 Temporary exterior signs or mobile sign displays are permitted to advertise the opening of a business at a new location or to advertise a special event at its intended location.

6.6.5.2 Such signs shall not exceed thirty-two (32) square feet in area.

6.6.5.3 No two or more of such signs shall be closer than five hundred (500) feet apart.

6.6.5.4 The combined total number of days that one or more temporary signs may be displayed on the premises shall not exceed sixty (60) days in each twelve (12) month period per establishment.

6.6.5.5 Temporary signs shall be displayed in conformance with setback requirements for all signs.

6.6.5.6 At the end of the sixty (60) day period, the sign shall be removed by the initiative of the company, organization, or individual or their agents as indicated by the display of information.

6.6.5.7 All such temporary signs as herein described must meet the approval of the Building Commissioner regarding safety of construction, placement, mounting, and lighting. By written notice specifying the corrections needed, the Building Commissioner shall order the immediate action of the displayer to either correct the sign or have it removed. If immediate action is not taken, the Building Commissioner may, at his own initiative or with the enlisted aid of any Town department, remove such sign.

6.6.6 Off-premise signs, signs larger in area or higher than specified or a greater number of signs, may be granted by Special Permit of the Board of Appeals.

Town of Duxbury – Sign Bylaw

https://www.town.duxbury.ma.us/sites/g/files/vyhlf3056/f/uploads/zoningbylaw_updated10july2019.pdf

601 SIGN REGULATIONS

The provisions of Section 601 shall apply to all zoning districts.

The purpose of the following regulations to all types of signs is to reasonably regulate the size, location, illumination and types of materials in order to:

1. Encourage signs that have locations, materials and designs that are compatible with the surrounding neighborhood and buildings;
2. Eliminate excessive and confusing signs; and
3. Eliminate potential hazards to motorists and pedestrians.

601.1 Definitions

Sign

Any word, letter, symbol, drawing, picture, design, device, article or object which advertises, calls attention to or indicates the location of any premises, person or activity; whatever its manner of composition or construction and however displayed.

Accessory Sign

A sign, which advertises or indicates the person occupying the premises on which it is erected or the business transacted thereon or advertises the property itself for sale or rent and which contains no other matter.

Freestanding Sign

Any sign not attached to a building.

Hanging Sign

Any sign which projects more than eight (8) inches from a wall or façade.

Primary Sign

A sign which contains information on the name of the business, the owner, and/or goods or services offered, located on the same side of the premises as

the main entrance.

Sign, Area of

1. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
2. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or a triangle which encompasses all of the letters and symbols.
3. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.

4. In computing the area of double faced signs, the area of one side shall be used.

Sign, Temporary

Any sign maintained for a continuous period of not more than thirty days in a calendar year.

601.2 Procedure

A written application for the installation of all types of signs shall be submitted at the office of the Zoning Enforcement Officer, including signs requiring Special Permits. The application shall include all information necessary to determine compliance with the regulations of this Bylaw.

601.3 General Requirements

1. In all districts, all exterior signs or advertising devices erected or maintained must, unless expressly provided, conform to the following requirements.
2. The information contained on all signs for business shall be limited to the type of business, goods or service offered and name of business and/or owner.
3. Whenever possible, a flush mounted sign attached to the wall of the building

shall be used. The method of attaching the sign must be approved by the Zoning Enforcement Officer.

4. If, in the opinion of the Board of Appeals a flush mounted sign would not be adequately visible from a public way, a Special Permit may be sought from the Board of Appeals for the erection of one freestanding sign of not more than two faces. The Special Permit may be conditional upon restrictions that regulate design, illumination, size, colors and construction.

5. Private signs shall not be placed on publicly owned property unless authorized by the Board of Selectmen.

6. Signs not exceeding one square foot containing cautionary or directional information for traffic flow require the approval of the Zoning Enforcement Officer. Informational, directional and traffic signs owned and installed by a government agency are permitted by right.

7. Sign materials should be durable and easy to maintain. Materials such as wood, brass or bronze are most appropriate.

8. In the case of a sign for business use, a primary sign containing information on the name of the business, owner, and goods or services offered shall be limited to one that is located on the same side of the building as the main entrance. In addition, one accessory sign may be erected on any other side of the building in view of a parking area or public way.

601.4 Signs Requiring Special Permit Approval

All freestanding signs and projecting/hanging signs, which are attached by a bracket to a wall and project more than eight inches, require a Special Permit issued by the Board of Appeals.

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1. Sign applications for a Special Permit approval must include the following information: Three (3) copies of a scale drawing showing the dimensions of the proposed sign, construction details, any designs or logo, lettering, colors, materials and a cross section of the sign with dimensions. The proposed location

of the sign must be identified on a photograph or scale architectural drawing of the building that shows the height above grade and any other necessary dimensions or design features requested by the Board of Appeals. The Design Review Board shall review the application and submit its comments to the Board of Appeals.

2. Proposed signs should, by their location and design, be harmonious with the buildings and sites that they occupy. When acting upon a Special Permit application for a sign, the Board of Appeals shall consider the proposed sign in relation to the character of the building and surrounding neighborhood. Signs should be informative, legible and designed to improve the quality of the streetscape.

601.5 Signs Approved by the Zoning Enforcement Officer

Flush mounted, awning, special events and temporary signs require approval of the Zoning Enforcement Officer.

1. Applications for sign permits must include two copies of the following information. The proposed size, colors, dimensions, materials and location of the sign in sufficient detail for the Zoning Enforcement Officer to evaluate the application. The method of attaching the sign to a structure or erecting the sign must be described.

2. The Zoning Enforcement Officer shall evaluate the proposed sign's location, size, materials, and design to determine if the sign is in compliance with the dimensional regulations set forth in Section 601.6 prior to issuance of a sign permit.

601.6 Dimensional Requirements

General: Lettering shall not exceed fourteen (14) inches in vertical dimension.

1. Awning Signs: Advertising on awnings must be painted on or attached flat against the surface of the awning and not project beyond the valance nor be attached to the underside.

2. Cautionary Signs: Not to exceed three (3) square feet in area.

3. Directional Signs: Not to exceed three (3) square feet in area.

4. For Sale, Rent or Lease Signs:

a) Advertising a lot, building or portion thereof: not to exceed six (6) square feet in area;

b) Advertising lots or buildings in approved subdivisions: not to exceed twenty (20) square feet in area or be larger than ten (10) linear feet any side.

5. Flush Mounted Signs: Not to exceed one (1) square foot for each linear foot of the façade or wall on the side of the premises containing the main

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entrance minus the area of any accessory signs, to a maximum of fifty (50) square feet.

6. Freestanding Signs: Not to exceed twenty-five (25) square feet in area with a maximum height of twelve (12) feet and a minimum height above the ground of thirty (30) inches.

7. Hanging Signs: Not to exceed five (5) square feet in area with the lowest part of the sign a minimum of ten (10) feet above ground and not extending above the top of the wall or façade.

8. Temporary Signs:

a) Political signs: May be erected.

b) Special Event Signs: Not to exceed six (6) square feet in area, may be erected no sooner than fourteen (14) days before the event, and must be removed no later than twenty-four (24) hours after the event.

9. Window Signs: Signs mounted on windows in addition to the requirements for flush mounted signs, shall not cover more than thirty percent (30%) of the window area.

601.7 Prohibited Signs

1. No sign shall extend above the roof line of the building to which it is fastened.

2. Electric or any other powered signs shall not blink, flash or have moving parts.

Neon signs are prohibited. Signs containing reflective elements which sparkle in the sunshine are not permitted.

3. Billboards are not permitted.

4. Any sign advertising a business or organization no longer located on the premises is not permitted.

5. Any signs that obstruct the corner clearance, clear site triangle of any intersection as defined in Section 603.10.3 of this Bylaw are not permitted.

6. String lights used in connection with commercial enterprises, except for temporary lighting used for decoration during the specific holiday season.

601.8 Exempted Signs

1. Signs not exceeding one square foot in area and bearing only property numbers, names of occupants or other identification of premises not having commercial connotations.

2. Flags and insignia of any government except when displayed in connection with commercial promotion.

3. Legal notices, identification, informational or directional signs erected or required by governmental bodies.

4. Carved or other integral devices identifying the building name or date of erection.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

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6. Standard gasoline pumps, vending machines, or similar devices bearing thereon in usual size and form the product name and type, provided that copy area not exceed four (4) square feet.

7. Temporary signs erected for any charitable or religious cause or allowed by the Board of Selectmen.

8. Signs not exceeding three (3) square feet, necessary to warn of a hazard or to post land, shall be permitted as required to accomplish these purposes.

9. Signs that advertise the sale, lease or rent of a lot or building shall be located only on the property which is being advertised. Signs shall not exceed six (6) square feet in area or two in number. One sign advertising the sale of lots or buildings in approved subdivisions is permitted at the intersection of the new and existing streets. Said sign shall not exceed twenty (20) square feet or be greater than ten (10) feet in any dimension. Any such signs shall be removed within five days of the lease or sale of the premises or the sale of the last lot in the subdivision.

601.9 Illumination

Signs may be illuminated by a constantly steady white light that is shielded and directed at the sign in order to prevent direct glare on a public way or adjacent property. Signs using interior lighting shall have non-exposed white lights of reasonable intensity. Signs shall only be lighted during the hours of operation and shall require a Special Permit.

601.10 Nonconforming Signs

Nonconforming signs shall not be altered by changing the design, construction, wording, painting or lighting without written approval of the Zoning Enforcement Officer.

601.11 Enforcement

1. Maintenance and Removal:

Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The Zoning Enforcement Officer shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

2. Abandoned Signs:

Except as otherwise provided in the section, any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies,

shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of six months or more. An abandoned sign

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is prohibited and shall be removed by the owner of the sign or owner of the premises.

3. Dangerous or Defective Signs:

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

4. Removal of Signs by the Zoning Enforcement Officer:

The Zoning Enforcement Officer shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued.

Town of Scituate – Sign bylaws

https://www.scituatema.gov/sites/g/files/vyhlif3781/f/pages/20-2_zoning_bylaws_ag_approval_2.12.20_final.pdf

SECTION 700 - GENERAL PROVISIONS AFFECTING ALL DISTRICTS

The purpose of this section is to:

1. protect public health, safety and welfare;
2. reduce traffic hazards;
3. promote and protect the aesthetic nature of the town;
4. protect property values;
5. and promote economic development.

710.1 SIGNS IN RESIDENTIAL DISTRICTS

In the R-1, R-2, R-3 and RM District the following exterior signs are permitted as a matter of right:

- A. Property protection type signs such as "beware of dog" and "no trespassing" not exceeding one square foot in size and no more than four signs within sight from any given point.
- B. On-site for sale signs, for rent signs, rooms to let signs, etc. provided they are no larger than six square feet for individual houses on the affected property and no more than one sign is allowed at a time.
- C. Signs advertising yard sales, garage sales, etc. only while event is in progress, and no larger than two square feet in size.
- D. Political signs shall not exceed six square feet in size, and may be staked into the ground, in a window, or vehicle mounted. Political signs may be erected thirty days prior to the applicable election and must be taken down within three days after such election. Signs for candidates who win state fall primary elections may remain up until three days after the full general election.
- E. Onsite tradesmen signs such as "Acme Construction" or "Green Landscaping" not to exceed six square feet and only while work is in progress on the site.

F. One non-flashing sign not over eight square feet in area indicating the owner or occupant.

G. One non-flashing sign not over eight square feet in area pertaining to permitted structures and uses on the premises as listed in Sections 420.1, I, J, K, and L, Section 420.2 and Section 420.3.F provided that such sign complies with Section 620.4.B. A permit from the Building Commissioner or his designee is required after review and approval by the Planning Board.

710 SIGNS

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710.2 SIGNS IN RESIDENTIAL DISTRICT BY SPECIAL PERMIT

A special permit by the Board of Appeals shall be granted only after a finding that: the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.

A. Property protection signs larger than one square foot, but never to exceed ten square feet shall require a special permit from the Board of Appeals.

B. For sale signs, for rent signs, rooms to let signs, etc. between six square feet and twenty square feet.

C. Business and commercial signs may be placed along travelled ways for the purposes of indicating direction to their facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be needed for directional purposes and must not exceed one hundred square feet in size.

710.3 SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS

In the GB, HB, and C Districts, all signs allowed as a matter of right in the residential district shall be allowed, additionally, exterior signs pertaining to uses on the same premises as the location of such sign are permitted upon the issuance of a permit by the Building Commissioner subject to the following restrictions:

A. No sign shall obstruct visibility in such a way as to constitute a hazard to the safety of persons travelling upon a public way.

B. The top edge of such sign, whether freestanding or not, shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist.

C. Such signs may be illuminated only from the exterior of the advertising matter.

D. No sign shall exceed one hundred square feet gross display area.

E. Each business unit or industrial unit is permitted not more than two signs, but excluded from this sub-section are signs necessary for public safety or convenience.

F. No business and commercial signs of general advertising nature, which do not pertain to a structure or use on the same premises as the location of such sign shall be permitted with the Town of Scituate except as provided in Section 710.2.C., 710.4.B., and 710.6.A.

710.4 SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS BY SPECIAL PERMIT

Special permits by the Board of Appeals shall be granted only after a finding that: the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.

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A. For sale signs, for rent signs, rooms to let signs, etc. between six square feet and twenty square feet.

B. Signs may be placed along traveled ways within Business and Commercial Districts for the purpose of indicating directions to its facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be reasonably needed for directional purposes, and must not exceed one hundred square feet in size.

710.5 GENERAL PROVISIONS PERTAINING TO SIGNS IN ALL DISTRICTS

A. No signs shall be affixed upon or painted on any rock, tree, utility pole, or town sign on public property within the Town of Scituate.

B. No signs shall be permitted within the town greens without special permission

from the board of selectmen or their designee.

C. No signs shall obstruct visibility of vehicular traffic.

D. No sandwich board signs are allowed on sidewalks.

E. Nothing herein shall be construed to prohibit the placement within the Town of Scituate of street signs, traffic signs, directional signs or any other governmental authority or agency signs.

F. Any lawful sign existing at the time this amendment to the bylaw is adopted may be continued, although such signs do not conform to the provisions hereof.

G. Any total replacement or substantial change of an existing sign shall be required to conform to the above provisions.

H. Signs shall be affixed and maintained in such a way as to be safe and free of hazard to the public, and shall be maintained in good repair.

I. No sign or display may be moving, or make use of blinking or intermittent lights or any other animation.

J. Fixed free standing signs are subject to setback restrictions in Section 620.4.B.

710.6 CHURCH AND CIVIC GROUP SIGNS

A. Church and civic groups may erect temporary signs and/or banners to promote important functions of their group. Such signs shall be no larger than three feet by four feet and banners shall be no larger than four feet by ten feet or forty square feet overall. Lettering shall include only the name of the event, place, time, date and name of sponsoring organization. The sign or banner shall be erected for not more than twenty-one days prior to the event and shall be removed immediately following the event. Banners may be hung only in the areas designated as Commercial or Business Districts and will be placed no closer than one thousand feet together. Permission to erect such a sign or banner shall be given only by consent of the Building Commissioner or his

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designee. All banners hung across a street or public way shall be positioned at a height so as not to impede pedestrian or vehicular access.

710.7 ACCESSORY USE SIGNS

In a residential district the following accessory use signs are allowed upon the issuance of a permit by the Building Commissioner or his designee:

A. One sign not over two square feet in area depicting the permitted home occupation.

710.8 ACCESSORY USE SIGNS BY SPECIAL PERMIT

A. One sign between two and ten square feet depicting the permitted home occupation.