

ARTICLE : AMEND GENERAL BY-LAW – SIGN BY-LAW

To see if the Town will vote to amend the Town’s General By-Laws as follows:

1. To amend Section 5.2 of the Sign By-Law (“Definitions”) by adding the following at the end of the section:

“Electronic Billboard: A billboard that changes its message or copy at intervals by programmable electronic, digital, or mechanical processes or remote control.

Mass DOT: shall mean the Massachusetts Department of Transportation, a body politic and corporate established pursuant to Massachusetts General Laws Chapter 6C.

State Billboard Regulations: shall mean 700 CMR 3.00: Control and Restrictions of Billboards, Signs and Other Advertising Devices or its successor.”

2. To amend Section 5.3 of the Sign By-Law (“Administration”) as follows:

- (a) By adding to the first sentence of Section 5.3.1 the following: “Except for Electronic Billboards governed, reviewed and approved by the Board of Selectmen pursuant to Section 5.7, in which case the term “Board” shall mean the Board of Selectmen, and not the Design Review Board, the” and deleting the word “The” at the beginning of the first sentence, so that it reads in pertinent part: “Except for Electronic Billboards governed, reviewed and approved by the Board of Selectmen pursuant to Section 5.7, in which case the term “Board” shall mean the Board of Selectmen and not the Design Review Board, the review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the “Board”), as further defined in Section 7.7 of the Needham Zoning By-Law.”

- (b) By deleting the first sentence of Section 5.3.4 in its entirety and replacing it with the following: “If an applicant wishes to obtain a permit for a sign that does not comply with this article (except for a special permit for an electronic billboard), he shall apply to the Design Review Board for a Special Permit from the requirements of this article in accordance with the procedure established under sub-section 5.3.3 of this article. In the case of a request for a special permit for an Electronic Billboard, he shall apply to the Board of Selectmen for a special permit in accordance with the procedure established under Section 5.3.4 of this article.”

- (c) By adding to the end of Section 5.3.4 the following: “Simultaneously with the filing for a special permit to the Board of Selectmen for an Electronic Billboard, the applicant shall file five copies of the permit application, including five copies of all application materials, with the Design Review Board. The Design Review Board may review requests for special permits for Electronic Billboards and shall, within fourteen days of the receipt of the application materials, transmit its advisory recommendations regarding the design of the Electronic Billboard to the Board of Selectmen, the Building Inspector and the applicant.”

3. To amend the Sign By-Law by adding a new Section 5.7:

“Section 5.7 Electronic Billboard Permits

Section 5.7.1 General Regulations

Electronic Billboard Permits shall be allowed in the Town of Needham only under the following terms and circumstances:

- (a) Electronic Billboards may be placed only within areas of Needham that are not Residential Zoning Districts, as set forth in Section 2.1 of the Town of Needham Zoning By-Law.
- (b) Electronic Billboard shall be oriented for visibility from Route 128 (I-95).
- (c) No Electronic Billboard can be placed within one thousand (1,000) linear feet of an existing Electronic Billboard along the same side of the interstate highway layout.
- (d) Electronic Billboards may only be Permanent Freestanding Signs. No portable billboards shall be permitted.
- (e) No Electronic Billboard shall extend more than 50 feet above the base of said free-standing sign at ground level. Said 50 feet shall be computed by drawing a horizontal line from the top of the Electronic Billboard to the top of the pole supporting said Electronic Billboard and measuring from that point to the point where the support pole meets the ground. If the support pole is located on a slope, the distance shall be measured from the highest elevation where the support pole meets the ground.
- (f) Electronic Billboards may be v-shaped to afford visibility to both the northbound and southbound lanes of Route 128 (I-95).
- (g) Electronic Billboards shall not be revolving.
- (h) The maximum square footage of the display face of an Electronic Billboard shall be 672 square feet. Frames, aprons, catwalks, safety apparatus and other appurtenances shall be excluded from maximum square footage.

Section 5.7.2 Special Permit

Electronic Billboards shall be governed, reviewed and approved by the Board of Selectmen. Electronic Billboards shall be allowed by special permit, but only if the proposed Electronic Billboard meets all of the Electronic Billboard Design Guidelines set forth herein. The Special Permit finding set forth in Section 5.3.4 of this By-Law that “owing to physical peculiarities of the specific location, literal enforcement of the terms of this article would result in substantial hardship to the applicant, or substantial detriment to the vicinity, and that such a Special Permit will be consistent with the stated objectives of this article” shall not be applicable to Electronic Billboards, but a Special Permit shall be granted only if the Board finds that the Electronic Billboards Design Criteria set forth in Section 5.7.3 are met. Notwithstanding the provisions of Section 5.3.4, Electronic Billboards shall be transferable.

Section 5.7.3 Electronic Billboards Design Criteria

The criteria of Section 5.3.5 of this By-Law (Design Guidelines) shall not be applicable to Electronic Billboards, but the following Design Guidelines shall apply. Electronic Billboards shall only be allowed if the Applicant satisfies the following Electronic Billboards Design Guidelines:

- (a) The specific site is an appropriate location for the proposed Electronic Billboard and the design and layout complies with the standards and requirements set forth in this Section 5.7.3.
- (b) Adequate and appropriate facilities will be provided for the proper operation of the Electronic Billboard.
- (c) The Electronic Billboard shall not create a material visual impact to any residential district in the Town of Needham.
- (d) The Electronic Billboard shall be permanently affixed to a main support structure. No portable billboards shall be permitted.
- (e) No sexually oriented or sexually provocative advertising or messages shall be permitted.
- (f) Exposed back of billboards, poles and other support structures must be painted in a color and finished so as to present an attractive and finished appearance.

5.7.4 Prohibitions

The provisions of Section 5.4 (“Prohibitions”) shall not be applicable to Electronic Billboards, but the following prohibitions shall be applicable.

5.7.4.1 Illumination

- (a) Electronic Billboards shall use automatic level controls to regulate light levels, and shall comply with the brightness standards set forth in the State Billboard Regulations.
- (b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of public way so as to create a traffic hazard.

5.7.4.2 Location

- (a) No Electronic Billboard shall be erected at the intersection of any streets or of a street and driveway in such a manner as to obstruct free and clear vision; or at any location where by reason of its position, shape or color, it may interfere with, or obstruct the view of, or be confused with any authorized traffic sign, signal or device.

5.7.4.3 Type

- (a) The following types of billboards are prohibited:

- (i) Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing, revolving, blinking, and intermittently illuminated signs, beacons (or any light directed at any location other than the sign itself), searchlights, pennants, and inflatable signs, including balloons;
 - (ii) Billboards with physical movements of any kind;
 - (iii) Changeable copy or message billboards that change at intervals greater/faster than those set forth in State Billboard Regulations.
 - (iv) Tri-vision billboards;
 - (v) Video billboards or billboards that otherwise give the illusion of video or moving images;
 - (vi) Billboards with sound;
 - (vii) Billboards with pyrotechnics; and
 - (viii) Billboards which by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with any traffic control signal or device or which may otherwise obstruct or interfere with traffic.
- (b) A v-shaped Electronic Billboard consisting of two single-faced billboards to afford visibility to both north and southbound traffic shall be permitted, provided that only one face shall be visible from each direction of travel.

5.7.5 Number of Billboards on Individual Lot

The approval of an Electronic Billboard as provided in this Section 5.7 shall be in addition to any billboard that would otherwise be permitted pursuant to this By-Law, including but not limited to Section 5.5.

5.7.6 Impact Fee Agreement

The granting of an Electronic Billboard shall be contingent upon the execution of a mutually satisfactory Impact Fee Agreement between the Applicant and the Town of Needham. The impact fee may include monetary compensation, dedicated advertising/public service announcement time for the Town of Needham, or a combination of both.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen