

Amended through  
Town Meeting

APRIL/MAY 1998

## SIGN BYLAW

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# TOWN OF CONCORD, MASSACHUSETTS



Revised through  
Town Meeting,  
April/May 1998

## **Town of Concord Sign Bylaw**

Town Meeting adopted, pursuant to any and all authority, including M.G.L. Chapter 93, Section 29, and Article II of the Amendments to the Mass. Constitution, as amended by Article 89 (the Home Rule Amendment), the following general bylaw:

### **1. PURPOSE AND INTENT**

The purpose and intent of this Bylaw shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will: be appropriate to the land, building or use to which they are appurtenant; be protective of property values and the safety of the public; and not unnecessarily detract from the historic qualities and characteristics of the Town of Concord.

### **2. PERMIT REQUIREMENTS**

a) **General.** No sign shall be erected, altered or relocated without a permit issued by the Building Inspector. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Building Inspector at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Board of Appeals.

b) **Signs in Historic Districts.** Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic Districts Commission, unless such sign is exempt from the requirement of such certificate under Section 6 of Statute 1960, Chapter 345.

c) **Applications.** The applicant must submit to the Building Inspector a completed sign permit application, together with all supporting materials specifying building and sign dimensions, colors, attachment methods, position of the sign, and any other such pertinent information the Building Inspector may require to insure compliance with this bylaw and any other applicable laws. A permit shall be issued only if the sign conforms to the provisions of this bylaw and all other applicable laws.

d) **Fees.** Fees for sign permits shall be paid in accordance with the schedule of fees for permits set forth in the Building Code.

e) **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Inspector may, in his discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.

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f) **Inspection.** Any sign may be inspected periodically by the Building Inspector for compliance with this bylaw and other requirements of law.

g) **Existing Signs.** Existing signs are defined as those erected before April 9, 1987, and are classified into one of four separate categories. These are:

- (1) Conforming signs which comply with all provisions of this bylaw in its most recently amended form.
- (2) Prohibited signs, as specified in Section 6.
- (3) Non-conforming signs, which do not comply with one or more provisions of this bylaw in its form, prior to the April 1987 Annual Town Meeting, but which are not described as prohibited signs in Section 6.
- (4) Non-conforming protected signs, which fully complied with this bylaw prior to the amendments approved by the April 1987 Annual Town Meeting.

h) **Removal of Existing Signs.**

- (1) Conforming signs may remain until and unless they violate the bylaw as amended.
- (2) Prohibited signs, as described in Section 6 shall be removed no later than October 1, 1972.
- (3) Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.
- (4) Non-conforming protected signs may remain, and may be altered with the exception of increasing their size, unless the cost of any such alteration shall exceed 50% of the replacement cost for a new conforming sign.

i) **New Signs.** Any sign erected after February 2, 1987 shall be considered a new sign and shall conform to the provisions of this bylaw as amended.

j) **Removal of New Signs.** The Building Inspector shall order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

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### 3. ADMINISTRATION AND PENALTIES

a) **Enforcement.** The Building Inspector is hereby authorized and directed to enforce all of the provisions of this bylaw.

b) **Failure to Act on Permit.** If no sign permit has been issued within 30 days after the application therefor has been made, it shall be deemed to be denied.

c) **Board of Appeals.**

(1) **Right of Appeal.** Any applicant for a permit, any person who has been ordered by the Building Inspector to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision of the Building Inspector, may appeal to the Board of Appeals within 14 days from the date of such refusal, order, or decision. After notice given to such parties as the Board shall order, the Board of Appeals shall hold a public hearing. Applying the standards in clause (2) below, where applicable, and interpreting this bylaw, the Board shall affirm, annul or modify such refusal, order, or decision. The action of the Building Inspector may be annulled or modified only by a unanimous decision of the Board. If the action of the Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Board.

(2) **Variances in Specific Cases.** The Board of Appeals may vary the provisions of this bylaw in specific cases which appear to them not to have been contemplated by this bylaw, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if, in each instance, desirable relief may be granted without substantially derogating from the intent and purpose of this bylaw but not otherwise. Any decision to vary the provisions of this bylaw shall be unanimous and shall specify any variance allowed and the reasons therefor. Each decision of the Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be removal of any variance sought.

(3) **Conditions and Safeguards.** The Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

d) **Penalties.** Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, shall be subject to fines as established under the Non-Criminal Disposition Bylaw, said fine to begin after the later of (1) the date of issuance of any written notice given by the Building Inspector or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

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### 4. ILLUMINATION

- a) Exterior illumination of signs shall be so shaded, shielded or directed that they shall not reflect or shine on or into neighboring premises or into any public street.
- b) The intensity of such light shall be deemed acceptable if it does not exceed a factor of 3 above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:
  - (1) The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.
  - (2) With the sign turned off, the same measurement is repeated.
  - (3) The ratio of the measurement in (1) to that in (2) shall not exceed 3.
- c) No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. except in those cases where the premises are open for business or unless authorized by the Board of Appeals.

### 5. SIGNS PERMITTED IN ALL DISTRICTS

- a) **Street Banners.** Such street banners advertising a public entertainment or advertising a charitable, religious or educational event, as may be specifically approved by the Town Manager, may be displayed in locations designated by the Town Manager for a period of time not to exceed 8 consecutive days, the first of which shall occur not more than 7 days prior to such entertainment or event. All said banners shall be removed within 24 hours after such entertainment or event.
- b) **Temporary Signs.** Permits for temporary signs located on the premises may be issued by the Building Inspector. These signs shall be appropriate to the use being made of the premises (e.g., construction and real estate subdivision signs) and shall conform to the requirements for freestanding signs in the district in which the temporary sign is located.
- c) **Form Signs.** Permits for a human, animal or product form sign may be issued by the Building Inspector only with the approval of the Board of Appeals, if said Board, after notice and a public hearing, shall find and rule that maintenance of such a sign will not be detrimental or injurious to the neighborhood and that granting of such a permit will not substantially derogate from the purposes of this bylaw. Any such permit may be revoked by a majority of said Board of Appeals at any time, after notice and a public hearing, whenever any condition attached to the granting of such permit shall be violated or whenever, in the opinion of a majority of said Board, maintenance of the sign would be detrimental or injurious to the neighborhood or would substantially derogate from the purpose of this bylaw.

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d) **Churches.** One bulletin or announcement board, identification sign, or entrance marker for each public entrance to the premises upon which the church, synagogue, or other religious institution is located, not exceeding 12 square feet in area, provided that there shall be no more than three such signs for each church or synagogue or other religious institution.

### 6. PROHIBITED SIGNS

a) Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced.

b) Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.

c) Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.

d) Signs illuminated by other than a stationary white or off-white steady light are prohibited.

e) Signs which are pasted or attached to utility poles, trees, fences, or structures such as overpasses and bridges are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.

f) Mechanically activated signs, other than rotating barber poles, are prohibited.

g) No free standing sign or part thereof, shall be more than twenty (20) feet above ground level except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with. No projecting or wall sign or part thereof may be higher than the wall to which it is attached or twenty (20) feet above ground level, whichever is less. Roof mounted signs are prohibited.

h) Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs, and signs mounted on a truck or trailer chassis with or without wheels whose primary functions a sign and not for the transport of goods or merchandise, are prohibited.

i) Any new or existing sign not erected pursuant to and in accordance with the requirements of this bylaw, is prohibited.<sup>1</sup>

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<sup>1</sup> See Section 2-G for guidelines pertaining to nonconforming signs.

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- j) Signs on a marquee or canopy are prohibited.<sup>2</sup>
- k) A sign advertising businesses, services or activities located at different premises from the premises on which the sign is located, is prohibited, except street banners pursuant to Section 5a.

### 7. RESIDENCE DISTRICTS.

In a residence district the following signs only are permitted:

- a) A sign of not more than two square feet in area, displaying the street number and/or the name of the occupant of the property. Such sign may include identification of an accessory professional office or other accessory use approved by the Board of Appeals.
- b) Signs pertaining to the lease, or sale of a lot or building, provided that such signs do not exceed a total area of nine square feet nor more than 3-½ feet in any dimension, until such time as all lots, apartments or houses have been rented or sold.
- c) One contractor's sign, not exceeding 12 square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall be removed promptly after completion of construction.
- d) One sign identifying each public entrance to a subdivision or multi-family development such as apartments or town houses, of not more than nine square feet in area, nor more than 3-½ feet in any dimension. In addition, each family unit may carry a single sign of not more than one square foot, without time limit.
- e) One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to the premises of a church, synagogue, or other religious institution, or school, museum, library, gallery, or other not-for-profit organization, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide information to users on the site, provided that no single sign exceeds three (3) square feet.
- f) For gasoline service stations and farmstands, one identification sign not to exceed twelve (12) square feet in area except when the establishment fronts on Route 2, then twenty-five (25) square feet.

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<sup>2</sup> See Section 8-E for exception to lettering on awnings.



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In addition, product identification signs may be maintained, provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area.

In addition, farm stands will be allowed to have additional signage for the specific purpose of advertising products grown on their property. These additional product signs may not exceed twenty-five (25) square feet each, except for farm stands on Route 2, which may have signs of fifty (50) square feet each. there cannot be more than two (2) such product signs per property.

### 8. BUSINESS, LIMITED BUSINESS AND INDUSTRIAL DISTRICTS

a) **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

b) **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

(1) The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(2) A projecting sign shall not extend beyond the curb line nor more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

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(3) A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

c) **Secondary Signs.** If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under Section 8A, but the size of the sign shall not exceed the maximum size allowed under Section B.

d) **Directories.** Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

e) **Awnings.** Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements, may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curbline.

f) **Unimproved Property.** The area of all signs for business conducted on unimproved lots or lots with a small business office shall not exceed fifty (50) square feet.

g) **Sale Signs.** Signs of a temporary nature, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door.

### 9. BYPASS DISTRICTS

In the Bypass District, the same restrictions on signs shall apply as in Business Districts, except that no change in or removal of any existing sign in such a district or area is required hereby until June 30, 1974. Thereafter, any nonconforming or prohibited sign, not authorized by the Outdoor Advertising Board under the provisions of Section 29 of Chapter 93 of the General Laws shall be removed.

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### 10. INDUSTRIAL PARKS DISTRICTS

In Industrial Parks the same restrictions on signs shall apply as in Business Districts except that a directory sign not to exceed 50 square feet in area may be placed at each public entrance to such park and more than one freestanding sign for the purpose of traffic direction and control may be erected, and shall not be included in the total permissible sign area calculations for the lot(s) within the Park.

### 11. MEDICAL PROFESSIONAL DISTRICTS

The following signs shall be permitted:

- a) Signs attached against the wall of the building with a total sign area of not more than 1 square foot for every linear foot of horizontal length of the facade on which lot is mounted.
- b) Freestanding signs, limited to one sign and a total of 12 square feet of sign area, for each street on which the lot fronts. Signs shall not be higher than 20 feet above the grade of the nearest point on the nearest street, nor closer than 10 feet to the sideline of the way.
- c) An additional sign of one square foot may be maintained by each occupant of the premises, or a single directory sign may be placed at the public entrance not to exceed eight square feet in area.

### 12. SPECIAL PROVISIONS

- a) **Gasoline Station Signs.** In addition to the signs permitted in the foregoing sections, gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.

The standard type gasoline pump bearing the name or type of gasoline and the price in usual size and form shall not be deemed a sign within the meaning of this Bylaw.

- b) **Public Interest Signs.** Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this bylaw, provided they do not exceed two (2) square feet in area.
- c) **Directional and Traffic Safety Signs.** Signs indicating "entrance", "exit", "parking", or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a Town or State regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot.
- d) **Political, Ideological, Charitable, or Religious Message.** Temporary display or expressions of political, religious, ideological or charitable ideas, shall be exempt from the

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provisions of this bylaw, provided that no such sign shall be affixed to a tree or utility pole in a public way, and no such sign shall be erected for longer than sixty (60) days.

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Permanent displays of such expressions require a permit and shall not exceed the maximum dimensional limitations for the district in which they are located.

### 13. DEFINITIONS

a) "**Sign**" means any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national or state flags, athletic scoreboards, official announcements or signs of government, or temporary holiday decorations customarily associated with any national, local or religious holiday.

b) "**Area of Sign**" - The area of a freestanding or attached sign shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing.

The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted.

The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols.

A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

c) "**Business Establishment**" means as independent economic unit, in a single physical location, where a business is conducted.

### 14. SEVERABILITY CLAUSE

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.

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### 15. INTERPRETATION AND CONFLICT CLAUSE

These regulations are not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

Article 31, Town Meeting, March 1971

Articles 15, 16, 18, 19, 20, Town Meeting, June 1973

Articles 49, 50, 51, 52, Town Meeting, May 1974

Articles 55, 56, 57, 58, 59, 60, Town Meeting, May 1975

Article 52, Town Meeting, April 1981

Articles 29, 30, 31, 32, 33, 34, Town Meeting, April 1986

Articles 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, Town Meeting, April 1987

Article 49, Town Meeting, April/May 1998