

Amended through
Town Meeting

APRIL 2016

SIGN BYLAW

TOWN OF CONCORD, MASSACHUSETTS



**TOWN OF CONCORD MASSACHUSETTS
SIGN 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 (a) be appropriate to the land, building or use to which they are appurtenant; (b) be protective of property values and the safety of the public; and (c) not unnecessarily detract from the historic qualities and characteristics of the Town of Concord.

2. PERMIT REQUIREMENTS

- a. **General.** Except as otherwise provided herein, 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 (as amended).
- 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, materials of which the sign is composed, colors, attachment methods, and the position of the sign. 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 or her discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.
- f. **Inspection.** Any sign may be inspected periodically by the Building Inspector for compliance with this bylaw.
- 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 that 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.** Non-conforming signs which are enlarged, redesigned, replaced, or altered in any way including repainting in a different color, 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.
- i. **Removal of Signs.** The Building Inspector may 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.

3. ADMINISTRATION AND PENALTIES

- a. **Enforcement.** The Building Inspector is hereby authorized to enforce all of the provisions of this bylaw.
- b. **Failure to Act on Permit.** If no sign permit has been issued within thirty (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, or any person aggrieved by refusal, order, or decision of the Building Inspector, may appeal to the Board of Appeals within 20 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 majority 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 where (a) necessary to comply with other applicable laws, (b) the Board of Appeals determines that the circumstances involved with a particular sign were not contemplated by the bylaw; or (c) unnecessary hardship will result to the owner of the sign, provided that, with respect to items (b) and (c) in each instance, the requested relief may be granted without substantially derogating from the intent and purpose of this bylaw. Any decision to vary the provisions of this bylaw shall be by majority 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 approval of any variance sought.
 3. **Conditions and Safeguards.** The Board may include appropriate conditions in furtherance of this bylaw in a permit issued under this bylaw.

- d. **Penalties.** Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, may 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.

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 three (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. unless authorized by the Board of Appeals.

5. SIGNS ALLOWED IN ALL DISTRICTS

The following categories of signs are allowed in all districts under this bylaw in addition to any other sign allowed under this bylaw and, unless otherwise provided, such signs may be erected, altered or relocated without a permit issued by the Building Inspector pursuant to this bylaw:

- a. **Non-Commercial Signs.** Non-commercial signs, subject to the following conditions:
 1. No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way except pursuant to Section 5(a)(2) below;
 2. Non-commercial signs may be erected in the Town's right of way adjacent to a private property by the property owner only if (a) there is no protrusion of the sign into the public walkway or roadway; (b) placement of the sign will not damage any plantings that are in the area; and (c) placement does not pose a hazard to passersby;
 3. Non-commercial signs may be erected on other Town Property only pursuant to such other administrative policy governing the placement of signs on Town property duly enacted by the Select Board or the Town Manager;
 4. The non-commercial sign complies with Sections 6(b) through (j) of this bylaw;
 5. Any such non-commercial sign must be no larger than the largest commercial sign permitted in the district in which it is located; and
 6. The number of non-commercial signs permitted on one property shall be no more than the number of commercial signs permitted on the property pursuant to this bylaw, however non-commercial signs shall not count toward the allowable square footage or allowable number of signs on a parcel of land.

- b. **Cautionary Signs.** A sign containing cautionary messages such as “Beware of Dog” or “No Trespassing,” provided such sign does not exceed two (2) square feet in area.
- c. **Directional and Traffic Safety Signs.** A sign indicating “entrance,” “exit,” “parking” or similar traffic directional information, provided such sign are erected on a lot pursuant to a federal, state, or local law or regulation. Such signs shall not be counted in calculating the maximum number of signs allowed on a property.
- d. **Street Banners.** A Street banner which is placed within the Town right-of-way at 100-200 Main Street, 1200-1300 Main Street, or 68-86 Thoreau Street providing notice of a public, non-commercial event and displayed in a location designated by the Town Manager subject to his or her approval 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 such banners shall be removed within 24 hours after such entertainment or event.
- e. **Construction and Real Estate Subdivision Signs.** Pursuant to a permit issued by the Building Inspector, a temporary sign identifying construction or real estate subdivisions provided such sign otherwise conforms to the requirements for signs in the district in which it is located.
- f. **Form Signs.** Pursuant to a permit issued by the Board of Appeals, a commercial sign consisting exclusively of a human, animal or product form with or without lettering of any kind provided that a majority of said Board finds, after notice and a public hearing, 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.
- g. **Non-Commercial Building Signs.** One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to a non-commercial building, 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 additional information to users on the site, provided that no single sign exceeds three (3) square feet.
- h. **Restaurants.** In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment without obtaining a permit under this bylaw.
- i. **Gasoline Service Station Signs.** 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.

6. PROHIBITED SIGNS

- a. Signs, other than ghost signs, which advertise a commercial activity, business, product or service not produced or conducted, or 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, unless otherwise permitted by this bylaw.

- 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. No projecting or wall sign or part thereof may be higher than the wall to which it is attached. Roof mounted signs are prohibited, 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.
- 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 (except when permitted under 8(h)), and signs mounted on a truck or trailer chassis with or without wheels whose primary function is as 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.¹
- j. Signs on a marquee or canopy are prohibited.²

7. RESIDENCE DISTRICTS.

In a residence district, only the following signs are permitted in addition to those permitted under Section 5 of this bylaw:

- a. A sign of not more than two (2) square feet in area, displaying the street number, the name of the occupant of the property or historical references, if any, without the need for a permit under this bylaw. Such sign may include identification of an accessory professional office or other accessory use approved pursuant to the Zoning Bylaw.
- b. Signs pertaining to the lease or sale of a lot or building without the need for a permit under this bylaw, provided that such signs do not exceed a total area of nine (9) square feet nor more than three and a half (3-1/2) 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 twelve (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 not require a permit under this bylaw and 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 (9) square feet in area, nor more

¹ See Section 2-h for guidelines pertaining to nonconforming signs.

² See Section 8-e for exception to lettering on awnings.

than three and a half (3-1/2) 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. For gasoline service stations and farm stands, 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. In addition, product identification signs for gasoline service stations and farm stands 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. Further, 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 shall not be more than two (2) such product signs per farm stand.

8. BUSINESS, LIMITED BUSINESS AND INDUSTRIAL DISTRICTS

In a business, limited business, or industrial district, only the following signs are permitted in addition to those permitted under Section 5 of this bylaw:

- 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 or 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.
 - 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 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. **Temporary Sale Signs.** In a business district, temporary signs, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not require a permit under this bylaw or be considered in calculating the total permitted sign area for the lot.
- g. **Signs Painted on Windows.** In a business district, script describing a commercial product and not including the name of the business. Such signage shall not require a permit under this bylaw or 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.
- h. **Sandwich Boards.** One “A” frame Sandwich Board sign per building shall be permitted (including within the public right-of-way, sidewalk only, except in conditions of snow or ice), in addition to the other signs permitted under this Section 8, such signs shall not require a permit under this bylaw, subject to the following conditions:
 - 1. The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
 - 2. The sign shall not exceed 24" in width and 48" in height.
 - 3. The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.
 - 4. The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.
 - 5. Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Inspector. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the Town.
 - 6. In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days due to sidewalk congestion.

7. Commercial sandwich-board signs may be displayed only during business hours and must be removed from the sidewalk thereafter.

9. BYPASS DISTRICTS

In the Bypass District, the same restrictions on signs shall apply as in Business Districts. In addition, any nonconforming or prohibited sign, not authorized by the Massachusetts Department of Transportation shall be removed.

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

- 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 (2) 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 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. **Directories.** Where there are three (3) or more professional 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.

12. 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 (1) national or state flags, (2) athletic scoreboards, (3) official announcements or signs of U.S., Massachusetts or Town government approved by the Select Board, or (4) temporary holiday decorations.

- b. **"Area of Sign"** means the area of a freestanding or attached sign and 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.
- d. **"Temporary Signs"** means signs erected for a period not to exceed sixty (60) consecutive days.
- e. **"Ghost sign"** means an advertisement that was installed prior to 1960. Such "ghost sign" shall be allowed by sign permit from the Board of Appeals to remain, to be stabilized or restored to the original condition when such sign is considered an important reflection of the everyday social and economic life of years past. Such signs shall not count toward the allowable square footage or allowable number of signs of a business or parcel of land.
- f. Other terms, including the names of districts, shall, where applicable, have the meanings given to them in the Concord Zoning Bylaw.

13. **INTERPRETATION AND CONFLICT**

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 permissible 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.

14. **SEVERABILITY**

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.

Passed by a Declared Near Unanimous Vote
April 6, 2016
Approved by Attorney General, July 25, 2016