

PLANNING BOARD
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Christopher Cooper, Chairman
Robert Moitozo, Vice Chair
Edward Bertozzi
Tomas Ennis
William Costa
Michael Costa
Michael Costello
Leeann Bradley – Town Planner

Meeting Minutes
August 16, 2017
Town Offices
148 Peck Street
Rehoboth, MA 02769
7:00 PM

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OFFICE OF THE TOWN CLERK
REHOBOTH, MA

Present: Christopher Cooper, Robert Moitozo, Edward Bertozzi, Tomas Ennis, William Costa

Town Planner – Leeann Bradley

Absent: Michael Costa, Michael Costello

Mr. Cooper began the meeting with the Pledge at 7:05p.m.

Form A

Public Hearings

New Business

Old Business

1. Sign Bylaw rewrite – update – Mr. Cooper began by stating the purpose of this meeting was that Mr. Bertozzi, Mr. Costa and himself as well as members of the Business Association have had two meetings of the Sign Bylaw Sub-Committee and with the help of Mr. Bertozzi they have drafted a potential Bylaw that both parties seem happy with. The next Sub-Committee meeting is September 7, 2017. Mr. Bertozzi began by stating they had a very good meeting. It was very productive. They have 3 or 4 more changes that they agreed on. They are trying to do what is good for the town. He made some changes that were requested and discussed at their meeting last week. He presented a revised draft to the Planning Board. He would like to get this in final shape so the RBA and the Planning Board agree this can be on the warrant for the next town meeting.

On page 1, Mr. Bertozzi added a few sub-sections to the “Scope Provision”. Under “The sign bylaw shall not regulate any of the following”: (r) Flags which are not used for advertising purposes of the United States or of a state thereof involving municipality of a state or a political entity. A flag used for advertising purposes shall be regulated hereto as a sign. Mr. Bertozzi added if a United States flag is being used for advertising purposes it then constitutes a sign subject to the limits of square footage and so forth. He went on to clarify Section (s), Temporary Signs, Banners and Decorations.

This does not including portable signs for special events, holidays, or grand openings. Such signs, banners or decorations shall be erected no earlier than 30 days prior to the special event or holiday and shall be removed within 7 days following the special event or holiday. For grand openings such signs, banners or decorations shall be erected and used for no more than 30 days. Mr. Moitozo asked if there are restrictions as to where a SIGN can be placed in terms of safety, blocking traffic and visibility. Mr. Bertozzi stated that is addressed in section 6.5.3.1 "SIGNS PROHIBITED". He read this section as follows. "Any sign which by reason of its location, shape, size or color will in the opinion of the Zoning Enforcement Officer interfere with traffic signs, signals, markings or orderly flow of traffic is prohibited. Mr. Moitozo's comment for Section (s) is it should have to comply with sections 6.5.3.1 B and C. Part "B" is location, and "C" involves things that imitate traffic or government signs. Mr. Bertozzi agreed. Mr. Cooper pointed out that political signs can be for something other than elections. People still have the right to put up a sign about how they feel regarding current hot button issues. Mr. Ennis agreed however he added that once the issue is resolved the sign should come down. Mr. Bertozzi referred to "Abandoned Signs" and read the portions of the definition as follows: "A SIGN whose message describes the availability of goods or services. Or a SIGN which is non-commercial in nature and the content of the SIGN pertains to a time, event or purpose which has elapsed or expired more than 60 days ago, or a SIGN which has not been maintained or repaired in reasonable working order." Mr. Moitozo noted the Sign Bylaw states they *shall not* regulate abandoned political signs...but in reality it does regulate them. Mr. Bertozzi stated it's the "regulate" language that is bad. If a sign is abandoned, abandoned signs are prohibited. He added this is a basic draft which is not so easy. Mr. Bertozzi stated they are not saying it's not regulated we're saying it's not subject to certain sections. He revised the language to say: The following signs are exempted from the provisions of section 6.5.4.1, SIGNS PERMITTED IN THE RESIDENCE/AGRICULTURAL DISTRICT, section 6.5.4.2, SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS and section 6.5.4.3, SIGNS PERMITTED IN THE HIGHWAY BUSINESS DISTRICT. He added they are subject to all the other things such as Abandonment. Mr. Ennis suggested making it the entire section 6.5.4.0. Mr. Bertozzi noted Mr. Ennis wanted some limits on size and he noted there are square footage requirements in the language in section 6.5.4.3. There were a few issues with the numbering of the sections and how best to address them. Mr. Cooper noted it could be corrected later but should follow the same numeration pattern as other bylaws. Mr. Bertozzi will correct the formatting issue.

He went on to discuss section 6.5.2. He wants to change the language to read, "The following signs are exempted from section 6.5.4 in its entirety." The "Maintenance Section" will be revised to include language regarding pre-existing, non-conforming signs. Mr. Bertozzi went on to say that on page 3 they discussed having signs that are eye catching but also deliver content about the business. They initially said each message can't change for 10 seconds but it was noted that it only takes 3 seconds to drive by any sign. Each image must remain for (3) seconds before changing. He used language from an Electronic Message Center (EMC) industry booklet. He took language that reads: "The change of the message or image may be accomplished by dissolve, fade, scrolling or travel of the message or image". Mr. Bertozzi wants to limit that, stating a change shall last no more than three (3) seconds. Mr. Cooper asked the board if they had a chance to see the first revision as they had a meeting of the Sign Bylaw Sub-Committee was last Wednesday. This is probably the first time they are seeing the EMC language. Mr. Cooper stressed to the board that the major changes they will see are that Mr. Bertozzi has created a business overlay district which covers Route 44 and Route 6 where certain things are allowed that were specifically prohibited in the Zoning Bylaw they attempted to pass at the last meeting. One of these items was EMC billboards. This is the section they have reached now.

Mr. Bertozzi noted that in the warrant there is a section on EMC's. He added that as part of their discussion on the Sub-Committee, the businessmen stood very firm on the principle that Route 44 and Route 6 are never going to look like Main Street in Lincoln Mass. They are heavily traveled highways. They don't want to be compared to Lincoln Mass, which is the gold standard for Planning in Massachusetts and a wealthy town just outside of Boston. They should take into account that Rehoboth is not Lincoln. Mr. Bertozzi went on to say that point is well taken and the business association feels signs should be a certain size so they can be seen and lighted to be seen. The business association noted that traffic is going by at 50mph and they are not in Lincoln. Mr. Bertozzi added that people who live on Route 44 know they are on a state highway and lighting is necessary for the town.

Mr. William Costa feels the speed limit should be reduced to 40 mph instead of the current 50 mph speed limit. He feels it is dangerous for cars to entering and exiting Route 44. Mr. Moitozo stated that the street is designed for 50 mph traffic. It has wide lanes and wide shoulders. Mr. William Costa disagreed saying it's too narrow. Mr. Bertozzi noted they had gone off topic a bit and redirected the conversation back to what the businessmen would like.

Basically Route 44 is highway business and they want to use electronic signs and they want some encouragement of business. They also want that for Route 6 as well. Mr. Bertozzi noted that most people in town want Rehoboth to look rural; however Route 44 is not rural. They agreed Rehoboth is a beautiful town but they want to be able to do business on Route 6 and the average small business man does not have the funds for an expensive sign. They need lighting all night on Route 44. Mr. Bertozzi's idea was to create an overlay district called the Highway Business District which is those sections on Route 44 and Route 6 that are already zoned business. Mr. Cooper added why should we try to pass a bylaw where a lot of the signs that they have already allowed are automatically going to be illegal. The Zoning Enforcement Officer has already allowed these so they are historically already there. Mr. Bertozzi added Route 44 is basically all business zoned and has been that way since the zoning law was put in.

Mr. Bertozzi then discussed section 6.5.3.3 LIGHTING. He read as follows: Section (b) no SIGN shall be directly or indirectly illuminated at any time between the hours of 11:00 p.m. and 6:00 a.m. unless a business to which the Sign pertains is then open for business on the premises on which such SIGN is located; provided however that SIGNS within the Highway Business District may be illuminated up to 24 hours per day; and provided further that all SIGNS which are illuminated at any time between the hours of 11:00 p.m. and 6:00 a.m. shall be placed and/or shielded so as to not shine excessively on neighboring residential properties. Mr. Bertozzi added the businessmen were absolutely on board with that concept. He read as follows: Section(d) Externally Illuminated SIGNS shall be illuminated only with steady, stationary, shielded light sources which are directed solely onto the SIGN without causing glare and which do not shine onto residential properties and public ways; He also read as follows: Section (e) Internally Illuminated SIGNS are permitted only in the Town's Highway Business District and in the Town's Industrial District; however, such SIGNS shall be placed and/or shielded so as to not shine excessively on neighboring residential properties.

Mr. Ennis asked if the Highway Business District a zoned area. Mr. Bertozzi stated it's an overlay district and read as follows: Section 6.5.2.2 The Highway Business District is hereby established as an overlay district which shall consist of those portions of the Business District which have Frontage on Route 44 or Route 6. Mr. William Costa asked what the difference is between a Highway Business District and a Business District in that area. Mr. Moitozo stated it's the lighted

signs that are the difference. Mr. Bertozzi stated the overlay district is the Highway Business District. He also mentioned the measurement criteria and formula for measuring foot-candles for an EMC accurate to at least two decimal places. He then went on to discuss the addition of the following language. "No freestanding signs shall project above the tallest building on the lot unless the tallest point on said building is less than 12' above the grade of the adjacent highway. Mr. Cooper clarified this by stating, the language essentially states they want a maximum sign height next to the road. Mr. Moitozo stated there is a height limit in the next section. Mr. Bertozzi went on to state that he is trying to address what is happening on Route 44 and 118. Mr. Moitozo thinks perhaps 12' is too low for a sign height on Route 44. He mentioned a few businesses in town that already have signs over 12'. Mr. Bertozzi added he has driven around town and taken pictures of signs and found that 90% of them are fine. Mr. Bertozzi noted that he explained at the last town meeting the existing bylaw has a lot of problems. It isn't really being enforced and nobody knows what the law is, and it needs to be updated. The Rehoboth businessmen and good citizens of Rehoboth were kind enough to really study this and discuss it amongst themselves and then come in and negotiate in good faith. They put a lot of work in this and they are trying to meet them halfway. They want to end up with something that can be approved. They didn't even come close last time. The point is we are all good citizens who want to work together to come up with something we can all live with. Mr. Bertozzi went on to say the existing bylaw is not as complete as it should be. They have been trying to focus on the Highway Business District. He noted the Highway Business District could follow the regulations of the Business and Industrial Districts if they wanted to.

Mr. Bertozzi read the regulation regarding wall signs as follows from section 6.5.4.2 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS: (b) on each Lot, Wall SIGNS without limitation on the number except that the total Area of such SIGNS shall not exceed 20% of the wall area where attached, and provided further that in no case shall such a Wall SIGN project above the wall to which it is attached; and, with respect to such Lot, One Freestanding SIGN not to exceed in Area forty (40) square feet for each one-hundred (100) feet of Frontage of such Lot; Mr. Bertozzi noted that is an 8'x 10' sign. The Planning Board felt this should be left as is. Mr. Bertozzi read aloud the next section as follows: (c) only one exterior SIGN with an area not exceeding nine (9) square feet shall be erected on any non-conforming building or use. The Planning Board agreed to leave that section as is. Mr. Bertozzi noted one of the discussions had to do with signs on canopies, awnings, roof signs and such, and essentially they need to address that. After some discussion it was decided that portable, freestanding and Awning SIGNS will have a setback of (10) feet from any vehicular public right of way.

Mr. Bertozzi recalled page 5 (c) regarding Projecting SIGNS and Roof SIGNS. He read Section 6.5.4.3 SIGNS PERMITTED IN THE HIGHWAY BUSINESS DISTRICT, Section(c) as follows: one (1) Wall SIGN and one (1) Projecting SIGN and one (1) Roof SIGN per Occupancy, not to exceed, in total SIGN Area, two (2) square feet in SIGN Area for each linear foot of the Occupancy's building frontage up to a maximum of seventy two (72) square feet or twenty (20) percent of the wall facing the Lot Frontage, whichever is smaller. He added a definition for Roof SIGNS. Mr. Bertozzi noted some of awning signs are retractable and fabric and some have a sign on the front flap and the main body of the awning. They discussed revising Awning language to clarify whether setback requirements are needed.

Mr. Bertozzi stated the businessmen made a good point in that the sign bylaw is very long and it should be half the size if they expect people to look at it. Mr. Bertozzi noted that he tried to take out as much as he could. Mr. Cooper added they have one more meeting with the Business Association the day before the next meeting on September 6th. If anything comes up in the next two weeks he asked that they be addressed before their next meeting. There was no further discussion.

2. Hydrogeological Assessment Regulations – update from Ed. Bertozzi – Mr. Cooper noted there was not much change other than a public hearing. Mr. Bertozzi stated the public hearing will be on the 22nd and will hopefully be in the meeting room with the Board of Health.

**Not on Agenda

Mr. William Costa gave an update on the Maps Review Committee. He informed the board that the Selectmen agreed to support the committee's recommendations of their goals for next year. Mr. Cooper thanked Mr. Costa for the update and for all the work he has done.

Minutes

1. May 3, 2017 2. May 17, 2017

Mr. William Costa motioned to accept the minutes of May 3, 2017 and May 17, 2017

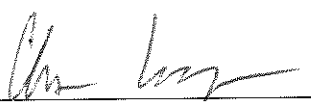
Mr. Ennis seconded the motion. Motion passed.

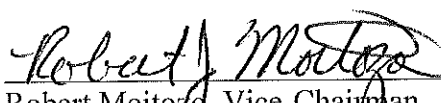
Adjournment

Mr. Bertozzi motioned to adjourn at 8:40pm

Mr. Moitozo seconded the motion. Motion passed.

Respectfully Submitted


Christopher Cooper, Chairman


Robert Moitozo, Vice-Chairman