

As the result of the Planning Board's public hearing on April 28th several changes have been made to the original document which is incorporated into this draft.

Changes as follows:

Section G previously deleted has been retained.

Section H has been added to allow for Special Permits for signage.

Section 7.7 General Standards the addition of section (A) has been deleted.

Section 7.7 General Standards addition of Section (O) flags.

The purpose of these amendments is to afford sandwich board and “open” flag signs which are currently prohibited by the Town of Lee Zoning Bylaw. Additionally to clarify the definitions of roof signs, parapet, dormer, and business centers.

Amendment to Illumination Standards addresses current LED technology

Amendment of Section 199-7.6 (G) deleting (no variances for signs) to afford the right to appeal to ZBA for relief pertaining to the strict compliance with the sign bylaws.

SECTION 7 SIGNS

7.1 PURPOSE.

Under the authority conferred by the Massachusetts General Laws, as amended, and every other power and authority thereto pertaining, the Town of Lee adopts this section for the regulation and restriction of billboards, signs and other advertising devices within the town on public ways, or any private way used by the public, or on private property within public view of any public way, public park or reservation in order to protect and enhance the visual environment of this town (its public and private investments in buildings and open spaces) and the safety, convenience and welfare of its residents.

7.2 APPLICABILITY.

The provisions of this section shall apply to the construction, erection, alteration, use, dimensions, location and maintenance of all billboards, signs and other advertising devices located out-of-doors, affixed to any part of a building or window(s) thereof or placed for the express purpose of being visible from the exterior of the building.

7.3 DEFINITIONS.

As used in this section, the following terms shall have the meanings indicated:

PERSON: Any person, corporation, society, associate, partnership or other legal entity.

PUBLIC WAY: Any public way or private way that is open to public use.

SIGN: Any display of lettering, logos, colors, lights or illuminated neon tubes visible to the public from outside of a building, or from a traveled way, which either conveys a message to the public or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted or goods, products, services or facilities available either on the lot or on any other premises, excluding window displays of merchandise.

A)ABANDONED SIGN - 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.

B) ACCESSORY SIGN - Any sign which is mounted on the same post or pylon as the freestanding sign but is accessory to the freestanding sign and cannot be more than a total of six square feet and which displays a message that is standard to the industries, such as (but not limited to) vacancy/no vacancy, open/closed, dinner being served, credit card, AAA, etc.

C) AWNING SIGN - A sign painted on or attached to the cover of a metallic frame of the fixed, hinged, roll or folding type of awning.

ADDITION OF: (D)

D) BUSINESS CENTER SIGNS – In addition to other signs allowed to individual businesses, a business center shall be allowed one freestanding sign not to exceed 64 square feet in area and only for the purpose of identifying the business center and the individual businesses. Signs for any individual business mounted on the business center sign shall not exceed 8 square feet. The portion identifying the common business center itself shall not exceed 16 square feet. All signs included on such common business center sign shall be similar with regard to material, coloring, lighting, lettering and other characteristics. A business center sign, if utilized shall be the only freestanding sign allowed along the road frontage of any business center.

E) CANOPY SIGN - A sign placed on a permanent structure built over gas pumps which provides shelter for gas pumps and patrons.

F) FREE STANDING SIGN - A self-supporting sign not attached to any building, wall or fence but in a fixed location. This does not include portable or trailer-type signs.

G) GAS STATION PRICING POD - A sign which displays the current price of gasoline and which can be located on the canopy or on the freestanding sign.

H) LANDMARK SIGN - A sign of artistic or historic merit, uniqueness or extraordinary significance to the town as identified by the local Historic Commission, or the Board of Selectmen in its absence.

ADDITION OF (I)

I) MENU BOARD SIGN – A sign illustrating the menu or special for an establishment. It shall be a wall sign with a maximum area not to exceed six (6) sq.ft.. It shall not protrude into the walkway.

J) MOVABLE SIGN - A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

K) MUNICIPALLY CONTROLLED DIRECTORY SIGN BOARD - In the Business-Multiple (BM) and Downtown Commercial Business Corridor (DCBC) Districts, a name-only directional sign to allow business and municipal uses within

the districts but not directly located on Route 20 (Park, Main and West Center Streets) to be readily identified from the primary travel corridor.

L) NEON SIGN - Any sign that provides illumination of the exposed gaseous tube type.

M) NONCONFORMING SIGN - Any sign that lawfully exists but does not conform to this section at the time of adoption.

N) OFF-PREMISES SIGN - Any sign which is not on the premises of the business, including a billboard.

O) ROOF SIGN - A sign which is located above, or projected above, the lowest point of the eaves or the top of the parapet wall of any building or which is painted on or fastened to a roof.

REPLACE WITH:

O) ROOF SIGN – ANY SIGN ERECTED AND CONSTRUCTED ABOVE, OR PROJECTING ABOVE A ROOF OR PARAPET OF ANY BUILDING, OR WHICH IS PAINTED, OR OTHERWISE ATTACHED, OR AFFIXED TO A ROOF

ADDITON OF (P)

P) SANDWICH BOARD SIGN – Sign shall not exceed 27” in width and 48” height (maximum), nor shall it be less than 18” wide and 30” high (minimum). All signs must remain stationary during windy conditions. It must be constructed of framed wood, a wood or rigid plastic composite or similar material, and may include a chalkboard, whiteboard, foamboard, or similar inset within the frame. No signs shall use any day-glow or fluorescent colors on either its copy or background. Shall be rigid sturdy and weighted.

Q) TEMPORARY SIGN - Any sign, including its support structure, intended to be maintained for a continuous period of not more than 30 days in any calendar year.

R) WALL SIGN - Any sign which is painted on, incorporated into or affixed parallel to the wall of a building and which extends not more than 10 inches from the surface of that building.

REPLACE (R) WITH:

R) WALL SIGN – ANY SIGN WHICH IS PAINTED ON, INCORPORATED INTO OR AFFIXED PARALLEL TO THE WALL OF A BUILDING AND WHICH EXTENDS NOT MORE THAN 10 INCHES FROM THE SURFACE OF

THE BUILDING. A PARAPET OR A DORMER SIGN SHALL BE CONSIDERED A WALL SIGN.

- S) WINDOW DISPLAY SIGN** - Any sign which is mounted onto a window or which is hung directly inside the window with the purpose or effect of identifying any merchandise or product for sale visible from the sidewalk or street.

7.4 GENERAL REGULATIONS.

- A) Signs permitted by right.** The following signs shall only be allowed if they conform to Section 7.7, General Standards, of this section. If they conform, they will be allowed by right and they will not need a permit.

- (1) Window display sign.
- (2) Address.
- (3) Construction.
- (4) Directional.
- (5) Accessory sign.
- (6) For sale/rent/lease.
- (7) Landmark.
- (8) Political.
- (9) Public service.

- B) Signs requiring permits.** All signs other than those permitted by right which refer to a permitted use or an approved conditional use as set forth in this section are permitted, provided that such signs conform to the provisions of this section and are applied for and approved.

- C) Signs prohibited.**

- (1) No sign requiring a permit shall be erected without first receiving a permit.
- (2) Flashing signs, roof signs, signs containing moving parts, any noisemaking sign or device and signs containing reflective elements which sparkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted, provided that they meet all other provisions of this section.
- (3) Billboards, streamers, pennants, ribbons, banners, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions include grand openings, special events and charitable or civic events with the granting of a temporary permit by the Board of Selectmen for 10 days'

duration or less. Decorations for state and national holidays are exempt from requiring a temporary sign permit so long as they are not deemed to be a public nuisance or hazard by the Sign Enforcement Officer.

- (4) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted. Exceptions are granted to landmark signs, which may be preserved and maintained even if they no longer pertain to the present use of the premises.
- (5) No sign, except for a traffic, regulatory or informational sign, shall use the words "stop," "caution" or "danger" or shall incorporate red, amber or green lights resembling traffic signals or shall resemble a "stop," "yield" or other traffic sign in shape and color. No sign shall obstruct traffic sight lanes for drivers or pedestrians.
- (6) No billboard shall be permitted in any district in the Town of Lee.
- (7) Any sign hung from or in any way affixed to any other sign without express permission from the Planning Board and the Sign Enforcement Officer and with such permission and conditions noted on the permit is not permitted.
- (8) Any spotlight or illumination which is beamed or lights up a public street, highway, sidewalk or adjacent premises which causes a glare or reflection that by vote of the Board of Selectmen constitutes a traffic hazard or public nuisance is not permitted.
- (9) Any sign or other projection which protrudes more than 10 inches over a public right-of-way or public property is not permitted.
- (10) Any sign where the highest point would be greater than 25 feet above the ground on which it rests is not permitted.
- (11) No trailer-style movable signs or vehicle used primarily or intentionally as a sign shall be permitted.
- (12) No awning signs shall be permitted except in the DCBC District.
- (13) No off-premises signs shall be permitted except as specifically authorized herein.
- (14) Abandoned signs are prohibited and shall be removed by the owner of the sign or owner of the premises or by action of the Sign Officer.

ADDITION #15 ROOF SIGNS ARE NOT PERMITTED

D) Exceptions. For the purposes of this section, the term "sign" shall not include:

- (1) Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation.
- (2) A bulletin board or similar sign not exceeding 12 square feet in display area in connection with any church, museum, library, school or similar public or

semipublic structure, provided that the top of such sign shall not be more than eight feet above ground level, provided that it is no closer than 10 feet from the public right-of-way unless attached to a building.

- (3) Signs relating to trespassing and hunting, not exceeding two square feet in area.
- (4) Any historical marker erected by a bona fide historical association or a government agency.

E) Area of sign.

- (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, words or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters.
- (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 signs, one side of identical back-to-back (two-sided) signs and symbols shall be considered as the total area.

F) Illumination standards.

ADDITION #(1) SIGNS MAY BE EXTERNALLY ILLUMINATED BY SHIELDED LIGHT OF CONSTANT INTENSITY OF NO MORE THAN 100 WATTS INCANDESCENT OR LED EQUIVALENT.

- (1) Applicable to zoning districts R-20, R-30, RA-40, CR, RB, RM, CBC and DCBC. To preserve the rural character of the town, no internally illuminated signs shall be allowed. These signs may be externally illuminated by shielded light of a constant intensity of no more than 100 watts on each side.
- (2) Applicable to zoning districts BM, I and CBC. Internally illuminated freestanding and wall signs will be considered as part of the site plan review process as delineated in Section 13.3 of this bylaw.
- (3) Applicable to zoning district OPLI. See the standards found in Section 10.1 (B)(5), Signs and Sign Illumination.
- (4) Applicable to all zoning districts.

- (a) A sign shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m. unless the premises on which it is located is open for business.
- (b) Any sign containing electrical wiring that is attached or intended to be attached to an electrical energy source shall be inspected by the Town Electrical Inspector and shall meet state code.
- (c) No person may erect a sign with exposed electrical wires.
- (d) Strings of bulbs are not permitted, except as part of a holiday celebration.
- (e) Any illumination provided for signs shall be white light only.
- (f) Sign illumination, decorative lighting or floodlighting (except that used for public recreational areas) shall be shielded at its source to prevent high-intensity light beams from shining onto any street or adjoining property.
- (g) No sign shall be designed to attract attention by a change of intensity or illumination or by repeated motion.

G) **Safety standards.** No person may erect a sign which constitutes a hazard to public safety or health.

7.5 NONCONFORMING SIGNS.

- A) **Maintenance.** Any lawfully existing sign cannot be enlarged, reworded, redesigned or altered in any way, except to conform to the requirements of this section, and provided, further, that any such sign which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost shall not be repaired, rebuilt or altered except to conform to the requirements of this section.
- B) **Replacement.** Any sign replacing a nonconforming sign shall conform to the provisions of this section, and the nonconforming sign shall no longer be displayed.
- C) **Abandonment.** If a nonconforming sign associated with a permitted use or structure has been abandoned for no less than six months (i.e., the permitted use or structure has not been occupied for six months), then the nonconforming sign shall be removed and its nonconformity shall not continue.

7.6 ADMINISTRATION AND ENFORCEMENT.

No sign shall be erected, displayed, altered or enlarged until an application has been filed and a permit for such action has been issued. Applications shall be on forms prescribed by the Sign Officer. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems and location on land or buildings, with all relevant measurements.

A) Permits.

- (1) A permit for a permanent sign shall be issued only after the following:
 - (a) The Planning Board examines the request for a permanent sign permit and finds it in compliance with this chapter.
 - (b) The Sign Officer determines that the sign complies or will comply with the State Building Code as per the section pertaining to signs.
 - (c) The Sign Officer and Planning Board shall review, within 10 business days of receipt, said application, together with the fee.
 - (d) A permanent sign permit shall be valid only when signed and dated by the Planning Board and the Sign Enforcement Official.
- (2) A permit for a temporary sign shall be issued only after the following:
 - (a) Temporary sign permits are issued only after the Sign Officer determines the sign complies or will comply with the State Building Code as per the section pertaining to signs and sends the permit on to the Selectmen.
 - (b) The Board of Selectmen shall be the issuing authority for temporary sign permits.

B) Fees.

- (1) A schedule of fees for such permits may be established and amended from time to time by the Board of Selectmen.
- (2) Fees for municipally controlled directory sign boards (MCDSB) may be assessed and amended by the Board of Selectmen, as necessary, to cover the cost of erecting, maintaining or repairing of such signs because of damage from nature or vandalism.

C) Enforcement.

- (1) The Board of Selectmen shall designate annually a Sign Officer, and that Sign Officer is hereby authorized to enforce this Section 7. The Sign Officer is authorized to order the repair or removal of any sign and supporting structure which is erected or maintained contrary to this section. Whenever a Sign Officer is designated, that person or board should notify the State Outdoor Advertising Board.
- (2) Interpretation, implementation and enforcement of this section will lay with the Sign Officer serving as agent for the Board of Selectmen.

D) Maintenance and removal. Every sign shall be maintained in good structural condition at all times. The Sign Officer shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. Any sign which has been ordered removed by the Sign Officer or is abandoned or discontinued shall be removed by the person, firm or corporation responsible for his, her or its sign within 20 days of the written notice to remove.

E) Removal of signs by the Sign Officer.

- (1) The Sign 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.
- (2) The Sign Officer shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected or appealed within 20 days, the sign shall be removed in accordance with the provisions of this section.
- (3) All notices mailed to sign owners or property owners by the Sign Officer shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.
- (4) Any person having an interest in the sign or the property may appeal the determination of the Sign Officer ordering removal or compliance by filing a written notice of appeal with the Lee Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall hold a hearing in order to determine if the Sign Officer's order of removal or compliance should be enforced. (See Section 13.2)

F) Penalties.

- (1) Whoever violates any of the provisions of this section shall forfeit and pay a fine not to exceed \$300 for each offense.
- (2) Each day that such violation continues shall constitute a separate offense.
- (3) The Sign Officer acting as agent for the Board of Selectmen shall be imposed to enforce this section.
- (4) This chapter may be enforced by non-criminal disposition as provided for by MGL c. 40, Section 21D.

~~DELETE SECTION G)~~ **RETAIN SECTION G**

- G) **Variances for signs.** Variances shall not be granted for any sign, as ample provision has been made for premises identification within this section and because true hardship as defined in state law cannot be demonstrated in signage situations.

ADDITION OF SECTION (H)

H) SPECIAL PERMITS. Upon denial of a sign permit, an applicant may petition the Zoning Board of Appeals for a Special Permit pursuant to 199-13.4 if strict compliance with the regulations is impossible or impracticable. Any Special Permit shall not allow or create additional signage area than is allowed to other business signage compliant with the regulations within the district. The Zoning Board of Appeals shall make a finding pursuant to 199-13.4 (1-5 as applicable) and may add such conditions, safeguards and limitations as it deems necessary.

7.7 GENERAL STANDARDS.

MOVE SECTION TO 7.7 (O)

~~ADDITION (A) OPEN FLAGS ATTACHED TO PERMANENT STRUCTURES NOT TO EXCEED 3' X 5', NO NEON COLORS ALLOWED~~

- A) **Accessory sign.** Any sign which is mounted on the same post or pylon as the freestanding sign and cannot be more than a total of six square feet and which displays a message that is standard to the industries, such as (but not limited to) vacancy/no vacancy, open/closed, dinner being served, credit card, AAA, etc.
- B) **Address.** One sign displaying the street number or name of the occupant of the premises, or both, may be attached to the building or may be on a post not more than four feet high and set back at least three feet from the public right-of-way. Such sign may not exceed two square feet in area.
- C) **Canopy.** Such signs shall not exceed 20 square feet in area per side and may be located on no more than two sides of the canopy. If a canopy is used as a price pod location, 10 square feet may be used for the logo.
- D) **Gas station pricing pod.**
- (1) Such signs shall not exceed 20 square feet and shall be set back at least 10 feet from the lot line and may be in one of three places:
- (a) Such sign may be incorporated on the same post or pylon as the freestanding sign.

- (b) Such sign may be located at the pump island location.
 - (c) Twenty square feet may be placed on the canopy in such a manner as to comply with the canopy regulations [See Section 7.7 (C) of this section].
 - (2) The fuel price pod will require permits for the initial installation or for a change in location or size. Changes in pricing are allowed and not regulated by this chapter.
- E) **Construction.** An on-premises sign shall identify the contractor, architect, landscape architect and/or engineer's name, address and other pertinent information.
 - (1) Such signs shall not exceed 12 square feet in area and shall be set back at least 10 feet from the street lot line or 1/2 the building setback distance, whichever is less.
 - (2) Such sign may be maintained on the building or property for the interim of construction and not more than 30 days following the completion of said construction.
- F) **Directional.** Directional signs solely indicating ingress and egress placed at driveway locations shall contain no advertising material. Display area of such signs shall not exceed three square feet or extend higher than four feet above ground level. Such sign will conform in all respects to the requirements of this section.
- G) **A for sale/rent/lease sign** is an on-premises sign advertising the property being sold or rented.
 - (1) Such sign shall not exceed six square feet and shall advertise only the property on which the sign is located. A maximum of two such signs may be maintained on any property being sold or rented, and they shall be removed by the owner or agent within 30 days of sale, rent or lease.
 - (2) Such signs may be attached to the building or shall be set back at least 10 feet from the street lot line or 1/2 the building setback distance, whichever is less.
- H) **Freestanding sign.** Such sign shall be securely attached at top and bottom to one or two posts or pylons. No lettering shall appear on the posts or pylons. No part of the sign shall protrude more than 10 inches over a public or private right-of-way.
- I) **Landmark sign.** A landmark sign is a sign of artistic or historic merit, uniqueness or extraordinary significance to the town. The character of these signs warrants their preservation in original condition or their restoration. Any necessary restoration

should follow the preservation guidelines outlined by the Lee Historical Commission and by its approval prior to a sign permit being issued.

- J) **Municipally controlled directory sign board (MCDSB).** Sizes, shape, colors, placement and other relevant issues will be determined by regulations set up and adjusted as necessary by the Board of Selectmen, after consultation with the Town Administrator, Board of Public Works, Planning Board and Sign Officer.
- K) **Political.** A political sign is a sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate to a public office at a national, state or local election.
- (1) Such signs are permitted if they are stationary, unlighted and temporary. Such signs shall be displayed no earlier than 20 days prior to a voting day and shall be removed within five days after a voting day.
 - (2) Such signs may not exceed four square feet in area. A maximum of two signs per lot is allowed.
- L) **Public service.** A public service sign is a sign located for the purpose of providing direction toward or indication of use not readily visible from the street (e.g., restrooms, telephone, etc.).
- (1) Such signs necessary for public safety and convenience shall not exceed two square feet. Such signs are not included in computing total sign area allowed.
 - (2) Such signs shall bear no advertising.
- M) **Window display sign.** A window display sign is any sign which is mounted onto a windowpane or which is hung directly inside the window with the purpose or effect of identifying any merchandise or products for sale, visible from the sidewalk or street. Window signs that are of the exposed-gaseous-tube type shall not exceed 25% of the window in which they are displayed. Permanent merchandise display signs hung inside windows shall be made of clear materials, such as Plexiglas, with lettering painted on them.
- N) **Signs for nonprofits:** All signs for nonprofit organizations regardless of size, construction, location and duration that are approved by town's temporary sign granting authority. See Section 7.6 (A)(2).

ADDITION SECTION (O)

O) Open flags:

1. The flag and pole must be attached to the building where the place of business is located.
2. The flag and pole must be removed when the place of business is not open
3. The bottom of the flag must be located a minimum of seven feet (7'-0") above the walking surface
4. The open flag must not exceed three feet by five feet (3' x 5') and not neon colors within the flag are allowed.

7.8 DISTRICTS AND SPECIAL REGULATIONS.

A) R20, R30, RA-40, CR and RM District requirements. The following signs are permitted on the premises:

- (1) Any signs listed as by right. [See Section 7.4 (A) of this section]
- (2) One sign not over six square feet in area and located 10 feet from the public right-of-way line or attached to the building to advertise an approved professional, artisan or home occupation.
- (3) Illumination standards. [See Section 7.4 (F) of this section.]
- (4) In District RA-40, signs are permitted to identify a farm or nursery, including the sale of natural products grown in the Town of Lee.
- (a) Two signs no greater than six square feet in size will be allowed.
- (b) The highest point of the sign can be no greater than 10 feet above ground and at least 10 feet from the public right-of-way.

B) I, BM, RB and CBC District requirements. The following signs are permitted on the premises:

- (1) Those signs permitted in Section 7.8 (A) of this section.
- (2) One sign on the building advertising the business or businesses carried on within the building. Such sign shall be limited in total area to two square feet for each horizontal running foot of the side of the building displaying the sign. In no case will the total signage of the building exceed 100 square feet.
- (3) Any building with more than 100 linear feet facing the public right-of-way shall be allowed to have a second building sign, provided that the total signage does not exceed 100 square feet.

- (4) Business buildings on corner lots may have two building signs, one sign on the building facing each roadside. The square footage of each sign shall not exceed two square feet per linear footage of the side it is mounted on. The total square footage of the building sign(s) shall not exceed 100 square feet.
- (5) One freestanding sign per property on a post or pylon will be allowed under the following conditions:
 - (a) The size of the sign for a single business will be no greater than 16 square feet. An additional eight square feet of signage will be allowed for each additional business on the property up to a maximum of 48 square feet.
 - (b) An additional six square feet will be allowed by right for standard accessory signs which are standard to the industries, such as vacancy/no vacancy, open/closed, dinner being served, credit card and AAA. Such signs must be securely attached to a post, pylon or sign or support structure as determined by the Sign Enforcement Official.
 - (c) In Zoning District I, the size will be no greater than 32 square feet per property.
 - (d) A lot with frontage of 300 continuous linear feet or more may have two freestanding signs not less than 100 feet apart.
 - (e) The sign will be a minimum of 15 feet from the public right-of-way line, and the highest point of the sign will be no greater than 25 feet above ground.
 - (i) In those locations where it is not possible to place a sign 15 feet from the public right-of-way line, the sign may be placed 1/2 the distance between the face of the building and the public right-of-way line.
 - (ii) Placement will be such that no portion of the sign will be over the public right-of-way line by more than 10 inches.
 - (f) The construction and setting methods to be employed on freestanding signs on posts or pylons that are greater than 10 feet at their highest point must be reviewed and certified for safety by the Sign Officer and shall have structural drawings and specifications, including foundations, submitted by a registered professional engineer.

- (g) When a business employs a sign on a post or pylon, it will still be allowed to have one additional sign. This sign may be on the building [see Section 7.8 (b) or may be a canopy sign [see Section 7.3 and Section 7.7 (C)].

ADDITION OF THIS SECTION:

(6) The Board of Selectmen shall issue a temporary permit for 1 (one) A-Frame Sandwich, or Menu Board Sign per business per year in the CBC (Commercial Business Corridor) or DCBC Downtown Commercial Business Corridor that is valid for 1 (one) year from the date of issuance and is subject to the following conditions and prohibitions:

a) The sign may be located on private property or within the public right-of-way in compliance with subsection (h). The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian movement or reduce the open sidewalk width to less than four (4) feet. Signs shall not be located in the street. A Menu Board Sign may be substituted for but not in addition to a sandwich board sign.

b) A Menu Board Sign is a sign illustrating the menu or special for an establishment. It shall be a wall sign with a maximum area not to exceed six (6) sq.ft. It shall not protrude into the walkway. It shall meet the requirements of Sections (e), (f), (g) and (i) below.

c) The Sandwich Board Sign shall be displayed only in front of the place of business, except when approved by the Board of Selectmen.

d) The Sandwich Board Sign shall not exceed 27" in width and 48" in height (maximum), nor shall it be less than 18" wide and 30" high (minimum). All signs must remain stationary during windy conditions.

e) The Sandwich Board Sign shall be constructed of framed wood, a wood or rigid plastic composite or similar material, and may include a chalkboard, whiteboard, foamboard, or similar inset within the frame. No signs shall use any day-glow or fluorescent colors on either its copy or background. Shall be rigid sturdy and weighted.

f) The sign shall be free of sharp corners, or protrusions or devices which could cause injury.

g) The sign may be displayed only while the advertised business is open for business, and must be stored indoors thereafter.

h) The following prohibitions shall apply to all signs: 1. No additional attachments such as flags, streamers, pennants, ribbons, spinners, banners or balloons. 2. No sign shall be displayed during adverse weather conditions such as snow, ice or heavy wind. The sign shall

not impede snow removal. If the sign is located on public property and presents a hazard it shall be removed. The town will not be responsible for any sign that is damaged.

i) If a sign is located on public property, liability insurance coverage shall be carried, and confirmation of same must accompany the application for the sign. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Lee as an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million (\$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 sixty (60) days written notice of termination, reduction or cancellation of the policies to the Board of Selectmen.

j) In response to specific safety concerns, the Police Department may prohibit sandwich signs in designated areas during holiday parades or other specified times or days when sidewalk congestion is expected to be excessive.

k) The Sign Officer shall cause to be removed any signs 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.

l) In addition to the procedures for enforcement described above, the provisions of this bylaw may also be enforced by the Building Commissioner, by non-criminal complaint pursuant to the provision of G.L. c.40, section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this bylaw shall be \$25 for the first offense, \$50 for the second offense, \$100 for the third offense, and \$300 for the fourth and each subsequent daily offense.

C) OPLI District requirements. Refer to Section 10.1 (B)(5) (Signs and Sign Illumination).

D) BM and DCBC Districts; municipally controlled directory sign board. In the Business Multiple (BM) and Downtown Commercial Business Corridor

C) (DCBC) Districts, a municipally controlled directory sign board (MCDSB) may be erected as a name-only directional sign to allow business and municipal uses located on Canal, Eaton, Elm, Railroad and East Center Streets to be readily identified from Main Street or Center Street (Route 20).

(1) Corner of Main and Eaton Streets. The MCDSB will list businesses and municipal uses on Eaton and Railroad Streets from the intersection of Eaton and Railroad to the halfway point toward Elm Street. This sign will be placed so as to be visible from Main Street (Route 20).

- (2) Corner of Eaton and Railroad Streets. The MCDSB will list businesses and municipal uses on Railroad Street. This sign will be placed so as to be visible from Eaton Street.
- (3) Corner of Main and Elm Streets. The MCDSB will list businesses and municipal uses on Elm and Railroad Streets from the intersection of Elm and Railroad to the halfway point toward Eaton Street. This sign will be placed so as to be visible from Main Street (Route 20).
- (4) Corner of Center and Canal Streets. The MCDSB will list businesses and municipal uses on Canal Street. This sign will be placed so as to be visible from Center Street (Route 20).
- (5) Corner of Main and East Center Streets. The MCDSB will list businesses and municipal uses on East Center Street. This sign will be placed so as to be visible from Main Street (Route 20).
- (6) Corner of Main and School Streets; Main and Ferncliff Streets; Main and Academy Streets; Main and Franklin Streets; Main and Park Streets; High and Park Streets; and Park Place and Park Street. The MCDSB will list businesses and municipal uses not located on Main Street or Park Street. This sign will be placed so as to be visible from Main Street or Park Street.

E) PCVC District requirements. Refer to Section 10.2 (D) (Operating Center Signs).

F) DCBC District requirements. The following signs are permitted on the premises:

- (1) Those signs permitted in Section 7.8 (A) and Section 7.8 (B).
- (2) One main sign on the building for each business within the building, advertising the business or businesses carried on within the building. Such sign shall be limited to two square feet for each linear foot of the face of the building displaying the sign and not to exceed an overall size of 40 square feet. The building signs shall be constructed of wood or material of similar weight and density.

ADDITION OF THIS SECTION:

- (3) The Board of Selectmen shall issue a temporary permit for 1 (one) A-Frame Sandwich, or Menu Board Sign per business per year in the CBC (Commercial Business

Corridor) or DCBC Downtown Commercial Business Corridor that is valid for 1 (one) year from the date of issuance and is subject to the following conditions and prohibitions:

- a) The sign may be located on private property or within the public right-of-way in compliance with subsection (h). The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian movement or reduce the open sidewalk width to less than four (4) feet. Signs shall not be located in the street. A Menu Board Sign may be substituted for but not in addition to a sandwich board sign.
- b) A Menu Board Sign is a sign illustrating the menu or special for an establishment. It shall be a wall sign with a maximum area not to exceed six (6) sq.ft. It shall not protrude into the walkway. It shall meet the requirements of Sections (e), (f), (g) and (i) below.
- c) The Sandwich Board Sign shall be displayed only in front of the place of business, except when approved by the Board of Selectmen.
- d) The Sandwich Board Sign shall not exceed 27" in width and 48" in height (maximum), nor shall it be less than 18" wide and 30" high (minimum). All signs must remain stationary during windy conditions.
- e) The Sandwich Board Sign shall be constructed of framed wood, a wood or rigid plastic composite or similar material, and may include a chalkboard, whiteboard, foamboard, or similar inset within the frame. No signs shall use any day-glow or fluorescent colors on either its copy or background. Shall be rigid sturdy and weighted.
- f) The sign shall be free of sharp corners, or protrusions or devices which could cause injury.
- g) The sign may be displayed only while the advertised business is open for business, and must be stored indoors thereafter.
- h) The following prohibitions shall apply to all signs: 1. No additional attachments such as flags, streamers, pennants, ribbons, spinners, banners or balloons. 2. No sign shall be displayed during adverse weather conditions such as snow, ice or heavy wind. The sign shall not impede snow removal. If the sign is located on public property and presents a hazard it shall be removed. The town will not be responsible for any sign that is damaged.
- i) If a sign is located on public property, liability insurance coverage shall be carried, and confirmation of same must accompany the application for the sign. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Lee as an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million (\$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 sixty (60) days written notice of termination, reduction or cancellation of the policies to the Board of Selectmen.

j) In response to specific safety concerns, the Police Department may prohibit sandwich signs in designated areas during holiday parades or other specified times or days when sidewalk congestion is expected to be excessive.

k) The Sign Officer shall cause to be removed any signs 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.

l) In addition to the procedures for enforcement described above, the provisions of this bylaw may also be enforced by the Building Commissioner, by non-criminal complaint pursuant to the provision of G.L. c.40, section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this bylaw shall be \$25 for the first offense, \$50 for the second offense, \$100 for the third offense, and \$300 for the fourth and each subsequent daily offense.

(4) Business buildings on corner lots may have two building signs (of wood or material of similar weight and density), one sign on the building facing each roadside. The square footage of each sign shall not exceed two square feet for each linear footage of the face of the business it is mounted on. The total square footage of the main sign shall not exceed 40 square feet and the second sign on the side of the business shall not exceed 20 square feet.

(5)Awning signs shall be limited to lettering on the front vertical lip of a ground floor awning which names the business only. The letters shall not exceed eight inches in height.

(6)Window signs which are painted on, incorporated into or affixed to the window, with the purpose or effect of identifying the business located within, are not to exceed 10% of the total glass area.

(7)Signs identifying the name of the businesses, which are two-sided and installed at a right angle to the building facade, are limited to four square feet. These signs shall be placed at least seven feet above the pedestrian-way and may not project more than three feet from the building facade. These signs shall be securely mounted to the building to prevent movement in windy conditions. The signs shall be constructed on wood or material of similar weight and density.

(8)Rear entrance signs will be allowed with the lettering not to exceed four inches in height to identify doorways for delivery personnel or eight square feet in the case of a rear entrance for customers. The signs shall be constructed on wood or material of similar weight and density.

(9)As an alternative to a building sign, one free standing sign, installed between two wooden posts, no larger than sixteen (16) square feet is allowed. The sign

shall be constructed of wood or material of similar weight and density and the high point of the sign shall not exceed eight (8) feet above the ground. The sign will be a minimum of fifteen (15) feet from the public right-of-way. If the fifteen (15) feet from the public right-of-way is not possible, the sign may be placed one-half (1/2) the distance between the face of the building and the public right-of-way. It may be externally illuminated by 100 watts on each side.

SECTION 14 DEFINITIONS

The following words and terms shall have the meanings ascribed to them in this section:

ACCESSORY BUILDING: Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot or an adjoining lot under the same ownership.

ACCESSORY USE: A related minor use which is neither necessary to the operation or enjoyment of a lawful principal use or which is appropriate to, customarily incidental to and subordinate to any such use.

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement, as defined in Massachusetts General Laws ("M.G.L.") Chapter 272, Section 31.

ADULT CABARET: A night club, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features persons or entertainers who appear in a state of nudity or live performances which are distinguished or characterized by nudity, sexual conduct or sexual excitement, as defined in M.G.L. Chapter 272, Section 31.

ADULT CLUB: An establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in M.G.L. Chapter 272, Section 31; also an establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity and sexual conduct or sexual excitement, as defined in Massachusetts General Laws Chapter 272, Section 31.

ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement, as defined in M.G.L. Chapter 272, Section 31.

ADULT PARAPHERNALIA STORE: An establishment that has a substantial or significant portion of its stock in trade, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

ADULT USES: Adult Bookstores, Adult Cabarets, Adult Clubs, Adult Motion Picture Theaters, Adult Paraphernalia Stores, and Adult Video Stores, as defined in this bylaw.

ADULT VIDEO STORE: An establishment having a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting , describing, or relating to sexual conduct or sexual excitement, as defined in M.G.L. Chapter 272, Section 31

ASSISTED LIVING: A residential development subject to certification under MGL Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance. Dwelling units in Assisted Living Residences shall not be considered to be Multiple-Dwellings for the purposes of this by-law.

BUILDING HEIGHT: The vertical distance from the average finished grade within 10 feet of the walls of the building to the highest point of flat or mansard roofs, including the top of a parapet, or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

ADDITION OF DEFINITION:

BUSINESS CENTER – A location with six businesses or six potential businesses collectively and which has a name different from the name of any of the individual businesses and which has common private parking and vehicular entrances. Allowed in the following zoning districts: I (Industrial) DCBC (Downtown Commercial Corridor) CBC (Commercial Business Corridor) and RB (Rural Business).

CLUB CONDUCTED FOR PROFIT: A business which is owned and operated by an individual as a commercial organization for the purpose of profit. Typical examples, among others, would include tennis and racquetball clubs. A distinction is made in this chapter between this definition and nonprofit fraternal clubs.

COMMERCIAL ESTABLISHMENT: A business whose main purpose is the offering of goods and products for sale to the public.

CONVENIENCE STORE: A retail establishment selling a limited variety of groceries, beverages and small household items for the primary use of customers that need a few items in an expedient manner.

ADDITION OF DEFINITION:

DORMER – An extension constructed vertically projecting through a sloping roof

DRIVE-THROUGH BANK: A banking establishment that is oriented primarily to financial exchanges for customers while in motor vehicles.

DWELLING: Any building used exclusively for human habitation, including any permitted home occupation, but excluding hotels, motels, lodging houses, inns or mobile homes.

DWELLING, MULTIPLE: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided, in which no portion of the building below the first story or above the second story is used for dwelling purposes, including:

APARTMENTS - A group of multiple dwellings on a single lot designed for rental of the individual dwelling units or for sale as condominium or cooperative units having common open spaces and designed in accordance with the special requirements as set forth in this chapter.

TOWNHOUSES - A group of attached one-family dwelling units, each unit having a separate entrance from the street and having a common open space as regulated in this chapter.

DWELLING, MULTIPLE, CONVERSION: A residential building constructed prior to 1962 and originally designed and built as a single-family dwelling and converted for occupancy by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, MULTIPLE RESORT: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided and built in accordance with a special permit granted under provisions of Section 9.8, in which no portion of the building below the first story or above the third story is used for dwelling purposes.

DWELLING, ONE-FAMILY: A detached building designed for or occupied by one family.

DWELLING, TWO-FAMILY: A detached building designed for or occupied by two families living independently of each other.

DWELLING UNIT: One room, or rooms connected together, with complete, independent housekeeping facilities, including permanently installed kitchen facilities, arranged or designed for use by only one family, which is physically separated from other rooms or dwelling units which may be in the same building.

FAMILY: Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit, provided that a group of not more than five persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

FAST-FOOD RESTAURANT: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the building or off premises.

FOOD COURT: A group of retail businesses inside the building(s) serving food intended for the patrons of shopping or outlet centers and centering upon a common seating arrangement.

FOOD KIOSK: A freestanding structure internal to a shopping center or outlet center that is intended to sell food to the patrons of said centers and at which there is no permanent seating.

HOTEL, LODGING HOUSE OR INN: A building rented or used for paying guests, transiently or permanently.

LOT: A clearly defined piece of land in one ownership, leasehold or control of sufficient area and dimensions to meet minimum zoning requirements for width, area, use and coverage and to provide such yards and other open spaces as are required herein and having a frontage on a public street or on a way qualifying under the Subdivision Control Law .

LOT AREA PER DWELLING UNIT: That portion of the lot area required for each dwelling unit located on a lot.

LOT COVERAGE: The portion of the lot area, expressed as a percent, that is covered by buildings and structures. Structures below the finished grade shall not be included in calculating the lot coverage.

LOT FRONTAGE: The distance between the side lot lines at the street line.

LOT WIDTH: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such lot lines, which line of measurement shall be at the building setback line. In the case of a corner lot, the width shall be similarly measured, and, for the purpose of this measurement only, the front lot line which has the least dimension shall be considered the front lot line, and the lot lines adjacent thereto shall be considered the side lot lines.

MOTEL OR OVERNIGHT CABINS: Overnight accommodations for automobile tourists in the form of rows of attached sleeping units, each with separate entrances and toilet facilities and each with adjacent off-street parking space. In each case an office for the renting and management of accommodations may be included.

MOTOR VEHICLE: A vehicle constructed and designed for propulsion by power other than muscular power, including such vehicle when pulled or towed by another motor vehicle, except railroad and railway cars; vehicles operated by the system known as "trolley motor" or "trackless trolley" under MGL c. 163 or Section 10 of Chapter 544 of the Acts of 1947; vehicles running only upon rails or tracks; vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding 12 miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the traveled part of ways; wheelchairs owned and operated by invalids; and vehicles which are operated or guided by a person on foot.

In doubtful cases, the registrar may determine whether or not any particular vehicle is a motor vehicle as herein defined. If the registrar determines that it should be so classified, he or she may require that it be registered under MGL c. 90, but such determination shall not be admissible as evidence in any action at law arising out of the use or operation of such vehicle previous to such determination.

MUNICIPAL USE: Any use of land in accordance with the general laws governing municipal powers and functions.

NONCONFORMING USE: A building structure or use of land existing at the time of this chapter which does not conform to the district in which it is located.

OFFICE PARK/LIGHT INDUSTRIAL: An area planned for occupancy of more than one light industrial building, with shared common areas and/or parking areas as well as buildings designed for business offices or research laboratories.

OPEN SPACE: Generally the land area on a lot not covered by buildings, structures or parking area, to be used for scenic, landscaping or recreational purposes, which is accessible and available to all occupants of dwelling units for whose use the space is intended.

OPERATING CENTER: A series of retail shops and ancillary facilities functioning as one organization, under one management structure, within the PCVC District.

ADDITION OF DEFINITION:

PARAPET – The region of an exterior wall that projects above the level of the roof.

PLACE OF AMUSEMENT/ASSEMBLY: An establishment engaged in providing amusement or entertainment for a fee or admission charge and which includes such activities as dance halls, studios, theatrical productions, bands, orchestras and other musical entertainment, bowling alleys and billiard and pool establishments, commercial sports, such as arenas, rings, racetracks and public golf courses, and coin-operated devices, amusement parks, swimming pools and expositions.

PLANNED COMMERCIAL VILLAGE CENTER (PCVC): A group of commercial establishments planned for a minimum fifty-acre lot, with no greater than 400,000 square feet per fifty-acre lot. Said group of commercial establishments involves one or more principal structures, with said structure or structures containing more than 8,000 square feet of gross floor area, with no one tenant occupying greater than 50,000 square feet, located on a site which has been planned, developed and is to be managed as one operating unit and includes parking, highway access, signage and other facilities shared by said establishments. A PCVC shall be subject to the standards in Section 10.3.

PLANNED UNIT OFFICE OR RESEARCH CENTER: A building or a group of physically interrelated buildings where the main function is the work usually conducted in professional business offices and/or the processing, compilation or analysis of records or data, research activity in the physical or social sciences or applied research in product development. No manufacturing shall be permitted. The dimensional and intensity requirements shall be the same as for a PCVC.

RECREATIONAL USES, OUTDOOR: Any use conducted outside of a building that involves games, sports, hobbies and the like.

RESORT: A recreational development in one ownership or time shared serving food and providing lodging to vacationers and guests, with a minimum of 50 rental units, and offering a variety of recreational facilities, such as swimming, golf, tennis, horseback riding and skiing. Any accessory use which is either necessary to the operation of a resort or customarily incidental to such use, including but not limited to restaurants, snack bars, shops, stables and marinas which are intended for guests, shall be permitted on the premises.

SITE PLAN: A plan indicating but not limited to the following: the location of existing and proposed buildings, structures, driveways, parking areas and other open spaces and all proposed site improvements, including recreational areas, fences, walks and signs. A site plan or any portion thereof involving engineering, architecture or land surveying shall be prepared by a registered engineer, architect, landscape architect or land surveyor. A site plan may be prepared on one or more sheets to show clearly the information required in this chapter and to facilitate the review and approval of the plan.

SPECIAL PERMIT GRANTING AUTHORITY: The Board of Selectmen, Board of Appeals or Planning Board, whichever is designated by this chapter for the issuance of special permits for a particular use or purpose, shall for that use or purpose be deemed the special permit granting authority.

STORY: That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than 1/2 of such portion vertically is below the average grade of the ground adjoining such building.

STREET, ROAD, AVENUE, TERRACE, ETC: A public way, or a way qualifying under the Subdivision Control Law, giving access to a lot or lots.

SUBSTANTIAL OR SIGNIFICANT PORTION: The term “substantial or significant portion” as used for all adult uses in this bylaw shall mean twenty-five percent (25%) or more of any one or more of the following: business inventory or stock of merchandise for sale, rental, distribution, or exhibition during any period of time; annual number gross sales, rentals, or other business transactions; annual gross business revenue; hours during which the establishment is open and involved in Adult Uses

TRAILER OR MOBILE HOME: Any vehicle or object on wheels and having no motive power of its own which is so constructed or reconstructed to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation and whether or not its mobility has been completely eliminated.

WIRELESS COMMUNICATION FACILITIES: Any and all materials, equipment, storage structures, towers and antennas, other than customer premises equipment, used by a telecommunications carrier to provide telecommunication services.