

**TOWN OF WEST NEWBURY
PLANNING BOARD
Tuesday May 7th, 2024 7:00 p.m.
AGENDA**

HYBRID MEETING – Public Invited

Town Offices

First Floor Hearing Room

381 Main Street

West Newbury, MA 01985

For Remote Participation (see below)

1. ANR Form A Application for 3 lots– 114 Ash Street, Essex County Greenbelt Association
2. Modify or approve Memo regarding Scenic Roads General Bylaw
3. May 8th ZBA Hearing on Banner Flags – 326 Main Street
4. Housing Opportunities Initiative: Next Steps
5. Planners Report
6. General Business:
 - Minutes – March 6, 2024; March 19, 2024; April 2, 2024
 - Correspondence
 - Administrative Details - Staff Support Position Update
 - Placement of Items for Future Planning Board Agendas
 - Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting
The Planning Board reserves the right to take Agenda items out of order

Addendum to Meeting Notice Regarding Remote Participation

Pursuant to Chapter 2 of the Acts of 2023 that includes extending certain COVID - 19 measures adopted during the state of emergency, this meeting of the West Newbury Planning Board will be conducted via remote participation to the greatest extent possible. Members of the public who wish to view and/or listen to the meeting may do so using Zoom, by calling the telephone number or using the VideoLink listed below:

Zoom Meeting Instructions:

Phone: 1+(646) 558-8656

VideoLink: <https://us06web.zoom.us/j/87155440165?pwd=bTVGMbtICDgKNrvN4k9zj41LAXcOFT.1>

Meeting ID: 871 5544 0165

Passcode: 301485

TOWN OF WEST NEWBURY
PLANNING BOARD
West Newbury, Massachusetts

FORM A
APPLICATION FOR APPROVAL NOT REQUIRED PLAN

5/1/2024
Date of Filing

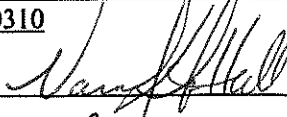

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2024 MAY - 1 PM 2:45

Submit three (3) copies of the Application with an original and four (4) copies of the plan. (Request the Town Clerk stamp two (2) Application forms and two (2) prints of the plan, keeping one set at the Town Clerk's office and filing the remainder sets with the Planning Board. See Sect. 3.1.1. for additional application procedures.)

To the Planning Board:

The undersigned, believing that the accompanying plan of property in the Town of West Newbury, Massachusetts does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that the Planning Board approval under the Subdivision Control Law is not required.

- Name of Applicant(s): Essex County Greenbelt Association, Inc.
Address: PO Box 1026, Essex, MA 01929
Telephone # 978-768-7241, ext. 116
- Name of Owner(s) (if other than Applicant(s)): Elizabeth Lovejoy, Trustee of Evergreen Farm Trust
Address: 51 Higgins Way, Northampton, MA 01060
Telephone # 413-297-4421
- Location and Description of Property (include Assessor's Map & Lot and Zoning
District(s)): Map 70 Lot 40, Zoning District RA (Residential-Agricultural)

- Deed Reference: Book 14815, Page 406 or Certificate of Title _____
- Name of Surveyor: The Morin-Cameron Group, Inc.
Address: 25 Kenoza Ave., Haverhill, MA 01830
Telephone: 978-373-0310
Signature(s) of Applicant(s):  Vanessa Johnson-Hall, Essex County Greenbelt Assoc.
Signature(s) of Owner(s):  Elizabeth Lovejoy, Trustee, Evergreen Farm Trust
(if other than Applicant(s))

Please indicate the grounds (either 1., 2., 3. or 4., not a combination of) on which the plan should not be considered a subdivision.

1.

has all the frontage required under the Zoning By-law on:

- (1) a public way; or
- (2) a way which the Town Clerk certifies is maintained and used as a public way; or
- (3) a way shown on a plan already approved and endorsed by the Board under the Subdivision Control Law; or
- (4) a way existing before the date on which subdivision control was adopted in the Town, having, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

2. has been clearly marked on the plan to be either:

- (1) joined to and made part of an adjacent existing lot; or
- (2) "Not a Building Lot"; or

3. contains a building which existed prior to the date on which subdivision control was adopted in the Town; or

4. constitutes an existing parcel with no new lot division. If the lot is not being subdivided and does not contain frontage on a way, as specified above, the lot shall be clearly marked on the plans that it is "Not a Building Lot".

5. other _____

Assistant Town Clerk

Received: Town of West Newbury, Town Clerk (date stamp):

Meunell J A

Signature of Town Official Receiving this Application

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

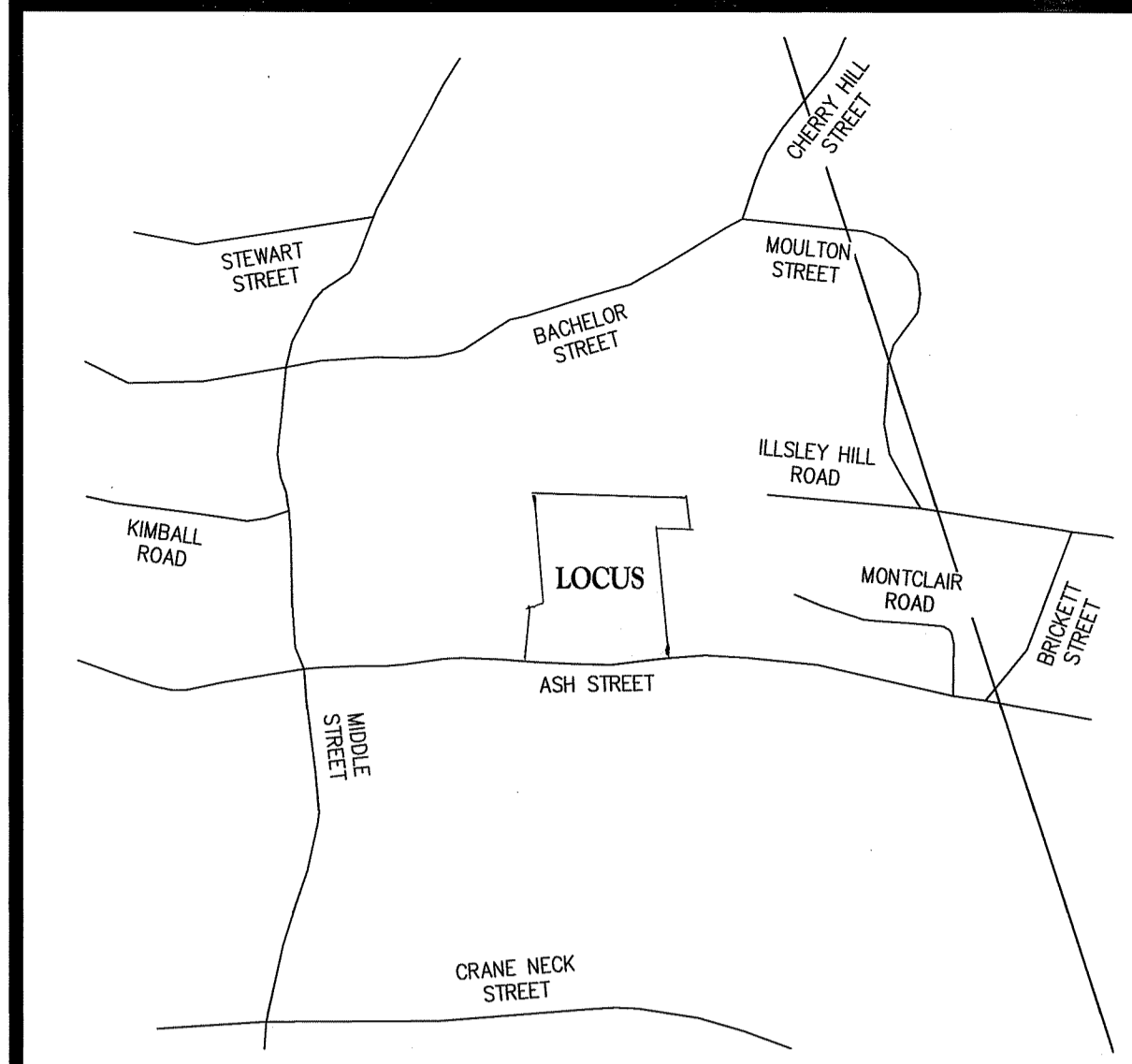
M.G.L. CHAPT. 41 SEC. 81P TOWN OF WEST NEWBURY PLANNING BOARD

DATE: _____

THE PLANNING BOARD'S ENDORSEMENT OF THE PLAN AS NOT REQUIRING APPROVAL UNDER THE SUBDIVISION CONTROL LAW DOES NOT GIVE LOTS OR PARCELS ANY STANDING UNDER THE ZONING BY-LAW OF THE TOWN OF WEST NEWBURY.

I CERTIFY THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

Andrew W. Maclaren 4/26/2024 DATE



LOCUS MAP NOT TO SCALE

ASSESSOR REFERENCE

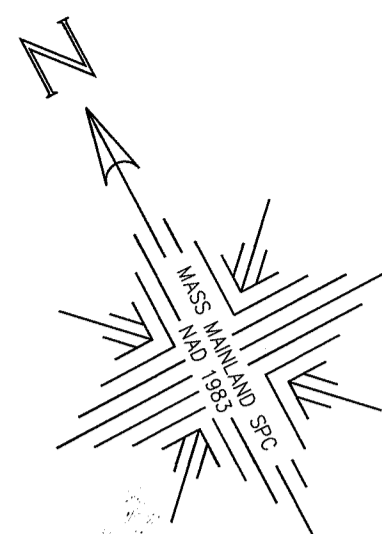
MAP R7 LOT 4

ZONING DISTRICT RES. A

MINIMUM LOT AREA= 80,000 S.F. MINIMUM FRONTAGE= 200' MINIMUM FRONT YARD SETBACK=40' MINIMUM SIDE YARD SETBACK=20' MINIMUM REAR YARD SETBACK=20'

NOTES

- 1. ORIENTATION IS TO MASS MAINLAND SPC NAD83. 2. THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO ESTABLISH THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES WHETHER EXPRESSED, IMPLIED OR PRESCRIPTIVE.

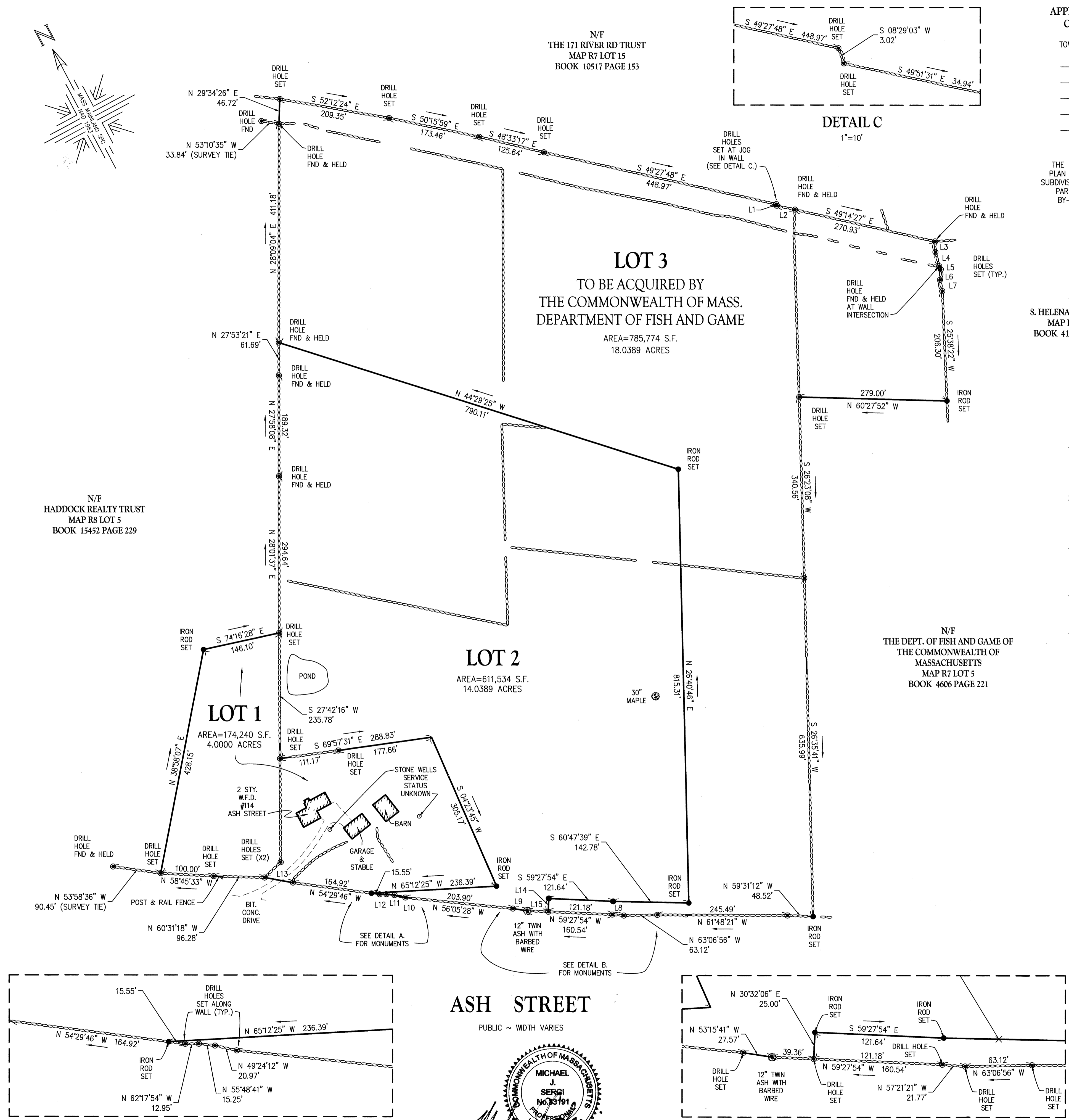


N/F HADDOCK REALTY TRUST MAP R8 LOT 5 BOOK 15452 PAGE 229

N/F THE 171 RIVER RD TRUST MAP R7 LOT 15 BOOK 10517 PAGE 153

DETAIL C

1"=10'



N/F S. HELENA DION TRUST MAP R7 LOT 11 BOOK 41514 PAGE 518

KEY REFERENCE DEEDS & PLANS

- 1. DEED FROM ROBERT R. LOVEJOY AND BARBARA A. LOVEJOY TO ROBERT R. LOVEJOY AND BARBARA A. LOVEJOY AS TRUSTEES OF THE EVERGREEN FARM TRUST U/D/T DATED JANUARY 28, 1997, RECORDED 5/19/1998 AT THE SOUTH ESSEX REGISTRY OF DEEDS BOOK 14815 PAGE 406. 2. "PLAN OF LAND LOCATED IN WEST NEWBURY, MASS TO BE CONVEYED BY SMITH TO HOOPES" DRAWN BY CHAS. H. MORSE & SON ENGRS, DATED 9/19/1960 AND RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS PLAN 599 OF 1960. 3. "PLAN OF LAND IN WEST NEWBURY, PROPERTY OF THOMAS W. & MARY S. COOK" DRAWN BY ESSEX SURVEY SERVICE INC. DATED 9/4/1973 AND RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 127 PLAN 53. 4. "PLAN OF LAND IN WEST NEWBURY, MASS" DRAWN BY CHARLES W. ROY, DATED OCTOBER, 1963 AND RECORDED AT THE SOUTH ESSEX REGISTRY OF DEEDS PLAN BOOK 105 PLAN 9. 5. COMPILATION MAP BY THE UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE. SHEET 5 OF 5 TITLED "PARKER RIVER NATIONAL WILDLIFE REFUGE. CRANE POND DIVISION. ESSEX COUNTY, MASSACHUSETTS" RECEIVED BY THE SOUTH ESSEX REGISTRY OF DEEDS OCTOBER 20, 1958 AND RECORDED THEREWITH AS PLAN 623 OF 1958.

N/F THE DEPT. OF FISH AND GAME OF THE COMMONWEALTH OF MASSACHUSETTS MAP R7 LOT 5 BOOK 4606 PAGE 221

PLAN OF LAND

LOCATED IN WEST NEWBURY, MASS.

RECORD OWNERS AND APPLICANTS EVERGREEN FARM TRUST

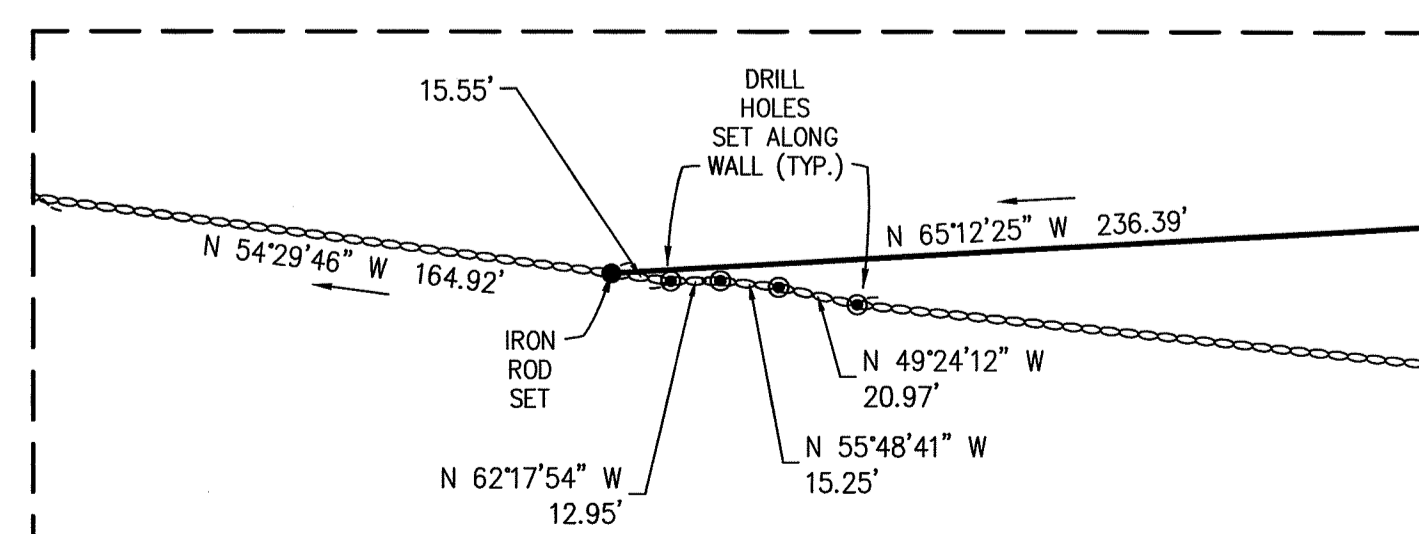
114 ASH STREET WEST NEWBURY, MASS. 01985

PLAN PREPARED FOR MASS. DEPARTMENT OF FISH AND GAME AND ESSEX COUNTY GREENBELT ASSOCIATION



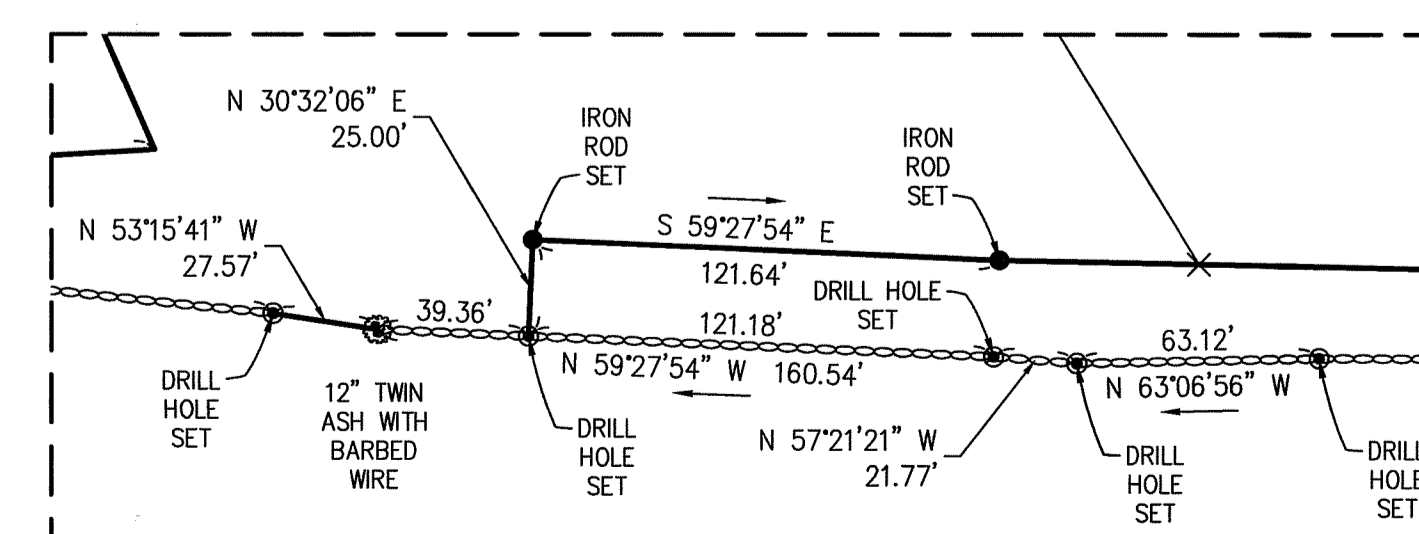
DATE: 4/26/24 SCALE: 1"=100'

Table with 3 columns: LINE #, DIRECTION, LENGTH. Lists 15 lines with bearings and distances.



DETAIL A

1"=50'



DETAIL B

1"=50'

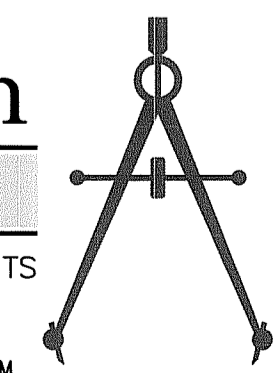
ASH STREET

PUBLIC ~ WIDTH VARIES



The Morin-Cameron GROUP, INC.

CIVIL ENGINEERS | ENVIRONMENTAL CONSULTANTS LAND SURVEYORS | LAND USE PLANNERS 25 KENOZA AVE., HAVERHILL, MASSACHUSETTS 01830 P: 978-373-0310, F: 978-372-3960, W: WWW.MORINCAMERON.COM





**TOWN OF WEST NEWBURY
PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X125 Fax: 978-363-1119
e-mail: townplanner@wnewbury.org**

May 7, 2024

MEMORANDUM

TO: Town Departments, Boards and Committees
FROM: Sue Brown, Town Planner
REGARDING: West Newbury Scenic Road General Bylaw

The Planning Board has requested that this Memorandum be sent to all Town Departments, Boards and Committees as a reminder that any work you or others under your direction plan to undertake that will involve the cutting or removal of a tree or the disturbance of a stone wall within the Town's right-of-way must seek permission from the Planning Board under the Town's Scenic Road General Bylaw (XXXII).

Please note that the process for seeking the Board's permission is three to four weeks or more so determining if a Scenic Road application is needed should be an early action item in your project planning process.

Overview

The West Newbury Scenic Road General Bylaw adopted in 1999 designates all roads within the town, except State Route 113, as scenic, and requires that any maintenance or construction shall not involve the cutting or removal of trees (10-inch diameter or larger) or the removal of stone walls (in whole or part) except with the prior written consent of the Planning Board after a duly advertised public hearing.

The Board will consider, among other things, public safety, scenic views, preservation of historic and regional characteristics, and preservation and enhancement of natural and aesthetic quality of the environment.

The Board's Scenic Bylaw regulations require the applicant submit an application and plan indicating the lot, and location and type of work to be performed including any stone wall or trees to be removed. The Applicant must also submit a certified abutters list.

On receipt of the application and plan the Board will set a date and advertise for the public hearing, notify abutters, and distribute the application and plan to the Tree Warden if the work involves the cutting or removal of a tree.

At the Scenic Road Hearing, the Board will hear testimony from the applicant and the Tree Warden as appropriate, will vote on the applicant's request (a simple majority is required), and subsequently will file the Certificate of Vote to the Town Clerk and will send the Notice of the Decision to the Applicant.

No street tree or stone wall can be disturbed until the Notice of Decision is delivered to the Applicant.

Thank you for assisting the Planning Board in preserving the history and beauty of West Newbury's roadways.



Project/Work within (in part or whole) a road right of way (excluding route 113)

YES Permission may be required under Scenic Road Bylaw

Project involves trimming or removal of tree(s) in right-of-way or disturbance of a stone wall

NO
Scenic Road Bylaw does not apply

NO - Permission NOT required by Planning Board under Scenic Road Bylaw, Please check with Conservation Department and Building Commissioner regarding other potential permits required

Tree(s) are 10" or greater in diameter at one foot above ground

YES

Project involves disturbance of a stone wall

NO

YES
Proceed with Scenic Road Application

NO
Check with Town Tree Warden (Per MGL 87 Sec 3)

YES
Proceed with Scenic Road Application

See the next Page for an outline of the Scenic Road Permit Application Process



Town of West Newbury
Scenic Road
General Bylaw
XXXII

Pre-Application Recommendations:

- a. Read the Scenic Roads Bylaw (XXXII of Town's General Bylaws)
- b. Meet with Planning Board staff to determine if proposed project falls under the Scenic Roads Bylaw and review requirements

Step 1: Applicant will:

- a. Submit completed Application and Plan to Town Clerk
(see Plan requirements)
- a. Submit 4 copies of Application and Plan, along with Certified Abutters List and a digital copy of Application and Plan to Planning Board Staff

Step 2: PB Administrator will:

- a. Set date for Public Hearing
- b. Prepare and Submit Legal Notice to Daily News to run 2 consecutive weeks (Applicant will be invoiced)
- c. Post Legal Notice with Town Clerk
- d. Mail Legal Notice to abutters
- e. Distribute submittal package to PB and Tree Warden (if work involves tree trimming or removal)
If a Shade Tree is to be removed the Tree Warden will post the tree with the hearing notice at least 7 days in advance of the hearing.

Step 3: PB will:

- a. Hold Public Hearing – the applicant or a representative should present project and request
- b. Vote (simple majority required) following consideration of testimony (within 21 days of receipt of application)
- c. File a Certificate of Vote with Town Clerk
- d. Main a Notice of Decision to the Applicant, and Tree Warden and DPW if required.

Work cannot be performed until a Notice of Decision is received by the Applicant

If a Consolidated Hearing under MGL Ch 87 Sec 3 is required, the PB will coordinate with the Tree Warden on the Legal Notice, Public Hearing, and Consolidated Certificate of Vote

Sign Bylaw

6.4 Signs [Amended by vote of the Annual Town Meeting on April 24, 2017, approved by the Attorney General on August 7, 2017 and posted according to law on August 23, 2017]

6.4.1. Purpose: The purpose of this Bylaw Section is to preserve and enhance the natural, scenic, historical, cultural, and aesthetic qualities of the Town of West Newbury and to ensure the safety and general welfare of motorists and pedestrians.

6.4.2. Definitions:

Legally Existing Prior Nonconforming Signs: A non-abandoned sign, existent when these bylaws became effective that does not meet the requirements of this bylaw, but that complied with the existing bylaws and regulations at the time the sign was erected.

Nonconforming Sign: A sign that does not comply with this bylaw and which is also not a legally existing, nonconforming sign.

Off-Premises Sign: A sign related to any type of event, product, business, service, etc. which is not held on, conducted on, or sold on the premises where the sign is located.

Permanent Signs:

1. Freestanding Sign: A sign affixed to a structure whose sole purpose is to support the sign.
2. Attached Sign: Any sign that is attached to, erected on or supported by a building.

Portable A Frame Sign: An "A-frame" shaped sign that identifies or advertises a place of business and that consists of two sign boards that are hinged together at the top.

Private Sign: A sign that is not a public sign.

Public Sign: A sign authorized, erected, and maintained by the Town or the Commonwealth or other public agencies.

Roofline: A horizontal line located at the highest point of a roof exclusive of antennas, cupolas, or other appendages that may protrude from the roof structure.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is made known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.

Sign Area: The area of the smallest horizontally or vertically oriented rectangle which could enclose the display area of the sign, exclusive of structural members not bearing advertising matter.

Temporary Signs:

1. A commercial or non-commercial sign relating to any event, activity or business operation which is not of a continuing or regularly recurring nature.
2. Portable A frame and similar signs shall be considered temporary signs. Examples include, but are not limited to, sales, special events, seasonal businesses or changes in the nature of an operation.
3. Window Sign: A sign located in the interior of a building, usually at a window or door, intended to convey information to the public outside the building.

Sign Uses:

1. Commercial - A use intended to promote any for-profit event, activity, or business operation.
2. Non-commercial - A use not intended to promote any for-profit event, activity, or business operation.

6.4.3. Exempt Signs: The following devices shall not be considered signs within the context of this bylaw:

1. Non-commercial historical markers, memorial plaques, and building names.
2. Flags and insignia of governmental jurisdictions when displayed for noncommercial purposes
3. Seasonal, non-commercial banners
4. On premise devices guiding and directing traffic and parking which bear no advertising.
5. Legal notices such as "No Trespass", "No Soliciting" and "Private Way" signs and building numbers.
6. Informational devices required by public agencies.
7. Standard gasoline pumps bearing thereon in usual size and form, the name, type and price of gasoline.

6.4.4. Authorities:

- a. Inspector of Buildings: Sign permits are issued by the Inspector of Buildings.
- b. Special Permit Granting Authority: For purposes of this Article, the Zoning Board of Appeals shall be the Special Permit Granting Authority. The Special Permit Granting Authority shall adopt rules and regulations including, but not limited to, fees, procedures, methods, and removal of noncomplying signs and shall make them available at the Town Clerk's Office.

6.4.5. General Regulations: The following regulations apply to all districts unless a district is specifically mentioned.

6.4.5.1. Permits:

- a. No sign shall be erected, enlarged, or structurally altered without a sign permit issued by the Inspector of Buildings, except as provided for in this bylaw. See Sections 6.4.5.5, 6.4.5.9, 6.4.5.10, 6.4.5.11 of this bylaw.
- b. Sign permits shall be issued only for signs conforming to this Article.

- c. Sign permit applications shall be accompanied by two prints of scale drawings of the sign, supporting structure, source of illumination, and location.
- d. Each application with respect to a sign to be located within an Historic District must be accompanied by a Certificate of Appropriateness from the Historic Districts Commission. A copy of any relevant Special Permit shall also accompany this type of application.
- e. The Inspector of Buildings shall issue a sign permit for the erection and maintenance of a sign or signs or deny the issuance thereof within thirty (30) days of the date on which the application for a permit was received.
- f. In the event that a sign permit has been denied, the Inspector of Buildings shall state the reason for said denial.
- g. If the Inspector of Buildings fails to take the appropriate action within the above stated period, the sign permit shall be deemed to have been issued, and the Town Clerk shall issue a certificate of constructive approval of the application.

6.4.5.2. Materials and Maintenance: Permanent signs shall be constructed of durable materials and shall, together with their structural elements, be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings.

6.4.5.3. Illumination:

- a. Temporary signs shall not be illuminated in any way.
- b. No signs shall be internally lit and no sign shall use luminous letters or symbols.
- c. No sign shall be lit externally, except by white, continuous, stationary lights, shielded and directed solely at the sign.
- d. Lights used to illuminate signs must be of sufficiently low intensity and brightness so as not to affect the safe vision of operators of vehicles moving within the premises or on adjacent public or private ways and so as not to negatively impact abutting residential uses.
- e. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless an establishment is open to the public during these hours.

6.4.5.4. Legally Existing Prior Nonconforming Signs:

- a. Such signs may continue to be used, maintained, and repaired hereafter unless abandoned.
- b. Such signs may not be replaced by a new nonconforming sign without a Special Permit from the Special Permit Granting Authority.

- c. Such signs shall not be altered in shape or dimension unless brought into conformity.
- d. A change of use requires that such signs be brought back into conformity.

6.4.5.5. Exempt Uses Signage for Exempt Uses: Pursuant to Section 4.1 of this Bylaw and Section 3 of Chapter 40A of the General Laws as amended may be subject to reasonable regulations such as bulk and height. Examples of exempt uses include certain religious, educational and agricultural uses.

6.4.5.6. Abandonment:

- a. Signs not repaired within ninety (90) days after notice given by the Inspector of Buildings shall be considered abandoned.
- b. Signs that advertise for or call attention to an abandoned establishment or any products, businesses or activities which are no longer carried on or sold on the premises shall be considered abandoned.
- c. Abandoned signs shall be removed by the owner within sixty (60) days after notice given by the Inspector of Buildings.

6.4.5.7. Location:

- a. Private signs shall not be affixed to public property including but not limited to utility poles, fences, trees, traffic signs, light posts, flag poles, or columns except with the approval of the Board of Selectmen or other entity having jurisdiction over such public property.
- b. Private signs shall not be located within or project into or over a public right of way except with Board of Selectmen approval.
- c. Signs shall not project above the roofline of the building to which it is attached.
- d. Motor vehicles or trailers whose primary purpose is to act as a sign may not be parked along streets or the highway and may not be stationed on property in a location readily visible to the public.
- e. Signs shall not be erected in a manner that impairs visibility of the road or of traffic control signs.
- f. Off-Premises Signs for a business, service, product, or event which is located within West Newbury shall not be erected except upon the issuance of a Special Permit by the Special Permit Granting Authority in accordance with these General Regulations and except for temporary signs as discussed below. Said signs must serve a reasonable public purpose and be consistent with the purpose of this bylaw.
- g. Off-Premises Signs for a business, service, product, or event which is located outside of West Newbury are prohibited except for temporary signs as discussed below.

6.4.5.8. Animation: Signs shall not wave, oscillate, revolve, flash, or operate with movable parts except for:

- a. such portion of a sign which indicates time, temperature, or both;
- b. a flag with the word "Open" used to indicate that a business is open.

6.4.5.9. Temporary Signs Not Requiring a Sign Permit:

- a. Unless otherwise specified in this section, temporary signs shall comply with all applicable requirements for permanent signs.
- b. Real estate and contractor's signs not exceeding six (6) square feet.
- c. Portable A frame signs associated with a commercial event such as grand openings, sales, or closings may be displayed without a permit for no more than fourteen (14) days at a time and no more than thirty (30) days in the aggregate in any twelve (12) month period. Such signs shall not exceed six (6) square feet.
- d. Non-commercial signs for the purpose of sales, promotions, drives, campaigns, or other events of a civic, philanthropic, or educational nature. Such signs shall not exceed thirty-two (32) square feet and shall not be posted for more than sixty (60) days prior to the date of the relevant event. Such signs shall be removed fourteen (14) days after the conclusion of said event.

6.4.5.10. Signs Not Requiring a Sign Permit in a Residential District:

- a. One permanent sign per dwelling unit, either attached or freestanding, indicating the name of the owner or occupant. This sign may have the street name and number upon it. Such sign shall not exceed two (2) square feet in area.
- b. One permanent sign per allowed home occupation indicating such use. Such sign shall not exceed four (4) square feet in area.
- c. One temporary sign per dwelling unit advertising the sale, rental, or lease of the premises on which the sign is located. Such sign shall not exceed six (6) square feet in area and shall be displayed for no more than fourteen (14) consecutive days after the date of the completion of the sale or signing of the rental or lease agreement.
- d. No more than four (4) temporary signs limited to one per contractor associated with construction on the premises. Each such sign shall not exceed six (6) square feet in area and shall be displayed for no more than fourteen (14) days after completion of related work.
- e. Two temporary signs total, regardless of the number of items being sold, advertising the private sale of automobiles or other personal items on the premises. Such signs shall not exceed two (2) square feet each in area and shall be displayed for no more than thirty (30) consecutive days at a time and no more than sixty (60) days in the aggregate in any twelve (12) month period.

f. Any freestanding sign, including its structure, which does not require a Sign Permit in a Residential District pursuant to this Section, shall be no more than eight (8) feet from the top of the sign to the ground.

6.4.5.11. Signs Not Requiring a Sign Permit in the Business District:

- a. Signs allowed in Residential Districts are also allowed in the Business District.
- b. Temporary window signs that cover no more than 20% of the area of each window provided that such signs shall only be placed on windows that face parking lots and/or streets.
- c. Buildings having one (1) to three (3) businesses may have one (1) freestanding sign per building and two (2) attached signs per business.
- d. Portable A frame signs providing that they are no more than six (6) square feet and are displayed only during business hours.
- e. A flag with the word "Open" used to indicate that a business is open. Such flag shall be no more than 15 square feet and shall be taken down at the close of business each day.
- f. All permanent signs, including the structure, which do not require a Sign Permit in a Business District pursuant to this Section, shall be no more than twelve (12) feet from the top of the sign to the ground and sixteen (16) square feet in area.

6.4.5.12. Signs Requiring a Sign Permit in the Business District:

- a. Buildings having four (4) or more occupants may erect a single sign, either attached or freestanding, identifying either the premises, the occupants, or both. Additionally, each occupant may erect one attached sign.
- b. Any business complex comprising three or more buildings on a single lot may erect one freestanding sign for each street on which the development fronts containing the name or other identification of the complex.

6.4.5.13. Industrial District: Any sign proposed in the Industrial District requires a Special Permit from the Special Permit Granting Authority.

6.4.5.14. Non-Conforming Signs:

- a. The Special Permit Granting Authority may grant a Special Permit for a sign not in compliance with the provisions of this Article providing that the Special Permit Granting Authority finds the following:
 - i. that the sign will be in harmony with the interests cited in Section 1.
 - ii. that a reasonable public benefit is derived from the erection, replacement, or maintenance of the sign.

iii. that the general purposes of this Article are not defeated.

b. The following criteria shall apply:

i. The Special Permit shall be granted to a user, owner, or both.

ii. The Special Permit shall not run with the land.

iii. The Special Permit shall terminate (become void) when or if the user or owner moves or goes out of business.

iv. The Special Permit shall not be transferrable to another property.

v. The Special Permit Granting Authority shall specify the location of the sign.

vi. The Special Permit Granting Authority shall approve the size of the sign subject to the following:

(1) The sign area shall not be more than 100% greater than signs not requiring a special permit in the district.

(2) The sign height shall not be greater than 25% greater than signs not requiring a special permit in the district.

vii. The Special Permit Granting Authority may impose other terms, restriction, and conditions as it may deem to be in the public interest.

From: [MassPlanners](#) on behalf of [Kluchman, Chris \(EOHLC\) via MassPlanners](#)
To: massplanners@masscptc.org
Subject: [Massplanners] Weekly update on MBTA Communities zoning
Date: Wednesday, May 1, 2024 3:39:53 PM
Attachments: [ATT00001.txt](#)

Good afternoon Massachusetts Planners, advocates and local officials. I would like to take the opportunity to provide an update about local governments that are approving zoning intended to comply with the MBTA Communities law. As of today, there are at least 44 such municipalities!! Only 4 towns have seen zoning measures fail. EOHLC has a “status table” on our website which is updated every Friday that tracks this information that you can access [here](#) (scroll down a bit to find that table).

I plan to make a regular posting on MassPlanners to make it easier for folks to understand how many (and which) communities have taken action.

Municipalities that have approved zoning to comply with MBTA Communities law:

1. Abington
2. Andover
3. Arlington
4. Bedford
5. Braintree
6. Bridgewater
7. Brookline
8. Cambridge
9. Chelsea
10. Concord
11. Danvers
12. Dedham
13. Essex
14. Everett
15. Grafton
16. Harvard
17. Haverhill
18. Hingham
19. Lexington
20. Lincoln
21. Lowell
22. Malden
23. Medford
24. Newbury
25. Newton
26. Northborough

27. Northbridge
28. Norwood
29. Pembroke
30. Plymouth
31. Quincy
32. Revere
33. Rockport
34. Salem
35. Scituate
36. Somerville
37. Stoneham
38. Taunton
39. Wareham
40. Wellesley
41. Westborough
42. Westford
43. Weymouth
44. Winchester

If your community should be on this list, please let us know at eoalc3A@mass.gov!

Municipalities where zoning for MBTA Communities has not passed.

1. Littleton (Town meeting scheduled for 5/6/24)
2. Marshfield
3. Milton
4. Wakefield

Chris Kluchman, FAICP (she/her)

Director, Livable Communities Division

Executive Office of Housing and Livable Communities (EOHLC), 100 Cambridge Street, Ste 300
Boston, MA 02114

chris.kluchman@mass.gov

EOHLC staff are mostly working remotely. I check email regularly and will get back to you as soon as possible.

Town Planner Report

May 7, 2024

Housing Opportunities Initiative (MBTA Community Multi-Family Zoning District)

- Town Meeting Article for funding study of 40R as compliance option for MBTA Communities passed
- Newbury passed multi MBTA Multi-Family Districts with around 75% support (234-80). They give substantial credit to the Newburyport Housing Choice Coalition which worked to educate and motivate residents to attend and vote at Town meeting.
- 44 of the 171 Communities have approved zoning to comply with the MBTA Communities Law. Only four have seen zoning measures fail.
- Next steps
 - Identify best approach for assessing community impacts
 - Support Town Manager and Select Board in developing scope for 40R Study (likely June timeframe)
 - Maintain website with current news and local information
 - Assess need and sources for additional support

Scenic Road Process

- Memo drafted to remind Departments, Boards and Committees about requirements of Scenic Road General Bylaw
- Scenic Road Flow Charts prepared for Web Site and distribution to Departments, Boards and Committees

Housing Production Plan

- Project Manager Lauren Keisling has left MVPC; Ian Burns and Kayla Rennie are taking over; Kayla has been involved throughout
- The first draft of the HPP was due in early 2024 and finalized by end of March; the new schedule is project completion by June 30

Projects Summary

- 125 River Road, Eagle Nest Definitive Subdivision
 - Hearing Continued to May 21st
 - Applicant revising Plans to account for changes in wetland resources areas and to respond to initial Peer Review comments
- Drakes Landing Project Close-out
 - email reminder sent to Stephen Sawyer - GM2
 - Applicant requesting release of Performance Bond and any Escrow balance
 - Town Counsel will review draft Performance bond release once submitted by Applicant
 - Still awaiting revised as-built plans as advised by Dave Kelley (digital and hard copy)

Town Planner Report

May 7, 2024

- 37 Coffin Street, Violation of Scenic Road Bylaw
 - Applicant anticipates submitting an application within the month

- Deer Run, 519 Main Street (unchanged)
 - Applicant has remaining units under agreement
 - Lot releases and additional Inclusionary Housing payments anticipated later in the year

LEGAL NOTICE
TOWN OF MERRIMAC
PLANNING BOARD
PUBLIC HEARING

The Merrimac Planning Board will hold a Public Hearing on May 21, 2024 at Merrimac Town Hall, 2 School Steet, Merrimac MA at 7:00 p.m. to hear the request of Middlesex Land Holdings, LLC for a Special Permit, Site Plan Review, and Stormwater Management Permit pursuant to Articles 9 and 19 of the Merrimac Zoning By-Laws. The applicant proposes to construct ten (10) duplex style buildings totaling 20 units and a mixed-use building with commercial on the first floor and eight (8) units on the upper two floors with associated parking located at 92, 94, 96 East Main Street, Merrimac, MA. The property is located in both the Rural Highway and Agricultural Residential Zoning Districts.

The site is identified on the most recent Assessor's Map as Map 42 Parcel 1-2

The application and plans are available for review at the Planning Board Office in Town Hall by calling the office at 978-346-7832 or by email at planbd@townofmerrimac.com to make an appointment to view same. All interested parties are invited to comment in writing or present any relevant information for the Board's consideration during the public hearing.

Sandra Venner, Chair

Publish Dates:

October 4, 2022

October 11, 2022



Town of Groveland
Zoning Board of Appeals
183 Main Street
Groveland, MA 01834

LEGAL NOTICE

Project Location: 441 Main Street, Map 24 Lot 009

Filing: Special Permit Modification

Notice to run in the Eagle Tribune on April 17, 2024, and April 24, 2024.

The Groveland Zoning Board of Appeals will hold a public hearing on Wednesday May 1, 2024, at 7:30 PM in Town Hall, 183 Main Street, Groveland, MA, under General Laws, Chapter 40A, as amended, for Application #2024-6 made by Esty Park Trust, Eric Harper Trustee, 8 Federal Way, Groveland MA for the premises located at 441 Main Street, Groveland, Map 24 Lot 9, located in the Residential 2 (R2) Zoning District to modify Special Permit #2014-4 to add an additional building to the Property. The supporting materials are on file in the Economic Development, Planning, & Conservation Department at the Town Hall, and may be viewed during the hours of Monday through Thursday 8AM to 3PM.