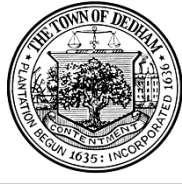


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Moderator's Letter to Town Meeting Representatives



TOWN OF DEDHAM Town Moderator

Dear Town Meeting Representative,

This will be the fourth consecutive Town Meeting where the COVID pandemic has made it necessary for us to revise our plans. A group of Town officials has been meeting with Town Clerk Paul Munchbach and me to prepare a plan that is both safe for our members and conducive to meaningful discussion and debate. We recommended to the Select Board that we move our meeting from the DHS auditorium to the Dedham Health and Athletic Club's large in-door tennis facility. The Select Board voted unanimously to approve this idea.

The Dedham Health and Athletic Facility (DHAC) is both an athletic facility and home to a number of medical/health providers. The owner, Lloyd Gainsboro, a Dedham resident, has generously offered to close one of the tennis buildings for the night of our meeting, **November 15, 2021**.

While the pandemic is still with us, some circumstances have changed since our last three Town Meetings.

The most significant change is that there is now an effective and safe vaccine available and vaccination rates among most adults groups is high in Dedham. The overall number for the Town is only 65%, but that number includes children who are not eligible for the vaccine. Among adult age groups, the vaccination rate is generally in the 70% to 85% percent range. There are some outlier age groups but the overall picture is reassuring.

The DHAC tennis building is not just another indoor space. The building has 30 -foot ceilings, a very strong air circulation system, ADA compliant restrooms and a direct entrance from the parking lot.

In addition, the space is significantly bigger than the football field. Members will not be required to sit with their district, as we did at the outdoor meetings. We will space the chairs, but attendees can choose where to sit and how far away from others they choose to sit.

In short, this space is better thought of as similar to an airplane hangar than to any other indoor space you are accustomed to frequenting.

I have been asked about vaccine/ mask mandates. After consulting with our Town Counsel and other elected officials, we concluded that there is not a clear legal footing at this time to bar a duly elected Town Meeting Representative. All will be directed to wear masks, and those that cannot/will not will be segregated in a separate space. It is worth noting that only two members were in that category at our last outdoor meeting.

I have been asked about hybrid meetings and Zoom options. Again, there is no provision in state law/ Governor's Executive Order that makes it clearly permissible to conduct hybrid meetings. This has implications for the acceptability of Town Meeting votes that must pass muster with the State Attorney General and bond counsel.

A full Zoom meeting was considered. It is my belief and the consensus of our working group, that remote meetings can work for meetings where the audience are simply *watching* the meeting with little or no participation. This is not the case with a Representative Town Meeting. Town Meeting members are not "in the audience", they are the ones who must deliberate, debate and vote.

Town Meeting does not work as well when the participants are small faces on a screen (and sometimes not even that) who are so separated from their peers that they are unable to gauge reactions, feel the momentum and experience the real time sense of the room when debating controversial issues. It is an option when other options are clearly not safe. As one who has had the privilege of moderating many Dedham Town Meetings, I can say that our Zoom meeting lacked the kind of interaction, direct communication and debate that we see in an in-person meeting.

I realize not all will agree with this decision. Many of us remain concerned about the presence of COVID. Some may have vulnerable family members or may be compromised in some way. These real-life situations may override any safety measures that we can take. Others want to take reasonable measures to be safe so that they can begin to partake in the life of our community in a fuller way. I believe we have taken extraordinary steps to make this Meeting safe. And we will continue to work with the Health Director to monitor daily and weekly data in case the public health risk assessment changes.

Each of us needs to make the decision about attending the Town Meeting for ourselves and all should respect each other's decisions.

Please feel free to contact me at djdriscoll29@gmail.com or 617-510-1797.

Dan Driscoll
Moderator

**Finance Committee Chair's Letter to Town Meeting
Representatives and the Citizens of Dedham**



TOWN OF DEDHAM

Finance and Warrant Committee

To Town Meeting Representatives and Residents of Dedham:

The Fall Town Meeting this year will consider what action should be taken on 22 warrant articles. Twenty of those articles fall within the jurisdiction of the Finance and Warrant Committee (FWC). The FWC recommendation on each of the twenty articles are presented for your consideration.

Articles 12 and 13 fall within the jurisdiction of the Planning Board.

The FWC conducted eight public hearings where we heard from the proponents and any opponents of each article. In many instances we sought further information from Town Officials. In particular, the Town Manager, Assistant Town Manager, Finance Director, DPW Director, Town Clerk, Engineering Director and Planning Director among others. Each question posed by committee members was responded to by the respective Town Official and provided valuable insight to assist with deliberations.

The recommendations of the FWC are contained at the end of each article. There are several Articles that I would like to highlight:

- Article 9 seeks funding for a Feasibility Study for the Oakdale School. The study will be directed by the School Building Rehabilitation Committee (SBRC).
- The Warrant includes six Bylaw Amendments (Articles 14 through 19) which propose both minor and substantive updates/changes to the existing Bylaws. The FWC would like to

acknowledge the efforts of the Bylaw Review Committee for their review and recommendations on said articles.

- Articles 20 through 22 (Proposed Charter Amendments) contain ministerial and clerical, and both minor and major substantive revisions to the Town Charter.

If you have any questions concerning any of our recommendations, please feel free to contact me at bostate72@gmail.com.

Sincerely,
David Roberts, Chair
Finance and Warrant Committee

Town Meeting Articles and Recommendations

All recommendations of the Finance and Warrant Committee are by unanimous vote except where noted.

1. PERSONNEL BY-LAW CHANGES AND BARGAINING AGREEMENTS

ARTICLE ONE: *By the Board of Selectmen:* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Manager as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements listed below, the funding for which is included in the appropriate departmental budgets under Article Three:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolman’s Association, Massachusetts Coalition of Police, Local #448, AFL-CIO
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter’s Association, Local 1735
5. AFSCME, Local #362 (DPW- Unit A)
6. AFSCME, Local #362 (DPW-Unit B)
7. AFSCME, Local #362 (Town Hall)
8. AFSCME, Local #362 (Parks)
9. AFSCME, Local #362 (Civilian Dispatchers)

or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

Article 1 authorizes the Director of Finance to transfer funds from salary reserve to fund agreements recommended by the Finance and Warrant Committee.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:

That the Town approve agreements with AFSCME Local #362

(Dispatch), Dedham Firefighter’s Association, Local 1735, Dedham Police Association (Lieutenants & Sergeants) and Dedham Police Patrolman’s Association, Massachusetts Coalition of Police, Local #448, AFL-CIO for Fiscal Years 2022, 2023 and 2024; and that amounts to fund such agreements be transferred from the salary contingency account in the Town Manager’s budget and that the Director of Finance be authorized to apportion the same among the appropriate line items for such purposes.

2. ADDITIONAL COSTS FOR CAPITAL IMPROVEMENTS & PROJECTS

ARTICLE TWO: To see what sum of money the Town will vote to raise and appropriate, transfer from available funds or borrow to implement additional costs related to capital improvements and capital projects approved in Article 4 of the 2021 Spring Annual Town Meeting, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

Article 2 authorizes the Director of Finance to borrow for the purpose of funding additional costs related to the Bussey Street TIP Design and DHS Library Space, originally funded in Article 4 of the 2021 Spring Annual Town Meeting.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:
That the Town vote to appropriate the following sums of money for the purpose of funding additional costs related to capital improvements and capital projects approved in Article 4 of the 2021 Spring Annual Town Meeting, as follows: Bussey Street TIP Design - \$75,000 and Modernize DHS Library Spaces - \$250,000, both as described in more detail in said Article 4; and, further, to authorize the Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Section 7(1) of Chapter 44 of the General Laws, or any other enabling authority and issue bonds and notes of the Town therefor, and provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the

costs of issuance of such bonds or notes, may be applied to the payments of costs approved by this vote in accordance with G.L. c.44 §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, and to authorize the Select Board to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out these projects.

3. PRIOR YEARS BILLS

ARTICLE THREE: *By the Director of Finance:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds for payment of outstanding bills of prior fiscal years, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:
That the sum of \$612.34 be appropriated from Free Cash for the purpose of paying the following outstanding bills of prior fiscal years; Cafeteria Plan Advisors (\$158.35), Dedham Times (\$206.25), Boston Vet Specialists (\$93.12) and Advanced Auto Parts (\$154.62)

Article 3 appropriates funds which enables the Town to pay for prior year bills.
--

4. LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR

ARTICLE FOUR: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Article Three of the 2021 Spring Annual Town Meeting (FY'22 operating budget) or any other article thereof, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:

That the following sums of money, totaling \$312,478.00 be transferred from current appropriations as scheduled on the following chart to meet additional expenses for the current fiscal year:

FROM			TO				
LIT #	Department	Description	Amount	LIT #	Department	Description	Amount
1	Finance	Assistant Treasurer/Collector	\$ 11,000	1	Finance	Professional Services Other	\$ 11,000
2	Assessing	Assessing Director	\$ 10,000	2	Finance	Professional Services Other	\$ 8,000
				2	Finance	Other Expense	\$ 2,000
3	Fire	Positional Stipend	\$ 60,000	3	Fire	Overtime	\$ 60,000
3	Fire	Training Services	\$ 25,000	3	Fire	Overtime	\$ 25,000
3	Fire	Training Allowance	\$ 20,000	3	Fire	Overtime	\$ 20,000
3	Fire	Other Supplies	\$ 20,000	3	Fire	Overtime	\$ 20,000
3	Fire	Vehicle Repair	\$ 15,000	3	Fire	Overtime	\$ 15,000
4	Health	Personal Services	\$ 11,264	4	Health	Purchased Services	\$ 11,264
5	Town Manager	Property Billing	\$ 6,000	5	Town Manager	Temporary Substitutes	\$ 15,000
5	Town Manager	Workers' Comp	\$ 19,000	5	Town Manger	Advertising	\$ 5,000
				5	Town Manger	Public Records	\$ 5,000
6	Town - Facilities	Custodial	\$ 14,714	6	Town - Facilities	Overtime	\$ 14,714
7	Town Manager	Workers' Comp	\$ 50,000	7	Parks and Rec	Program Services	\$ 50,000
8	Police	Non-Clerical/Support	\$ 42,500	8	Police	Technologies Support/Services	\$ 42,500
8		Patrol Officers	\$ 8,000	8		Technologies Support/Services	\$ 8,000
	Total		\$ 312,478				\$ 312,478

LIT # Descriptions

- 1 Reclassify - Hire timing. Support additional reconciliation costs
- 2 Reclassify - Natural attrition and to cover additional reconciliation costs and other expenses
- 3 Reclassify - Needed transfer to cover current expenditures for overtime
- 4 Reclassify - Attrition leaving residual funds for professional support
- 5 Reclassify - Additional expenses due to backlog
- 6 Reclassify - Unexpected OT coverage needed for Workers Comp injury
- 7 Reclassify - 55th Flag Day Parade Fireworks
- 8 Reclassify - Operational expense changes and unexpected increased investigative costs

Article 4 transfers money from one municipal account to another for the payment of additional expenses in the current fiscal year ending June 30, 2022.

5. SPECIAL PURPOSE STABILIZATION FUNDS, APPROPRIATION

ARTICLE FIVE: *By the Director of Finance.* To see what sum of money the Town will vote to appropriate from any special purpose fund or from one or more special purpose stabilization funds, to one or more of the stated purposes for such funds to be expended at the direction of a specified officer or multiple member body of the Town, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:

That the sum of \$255,217.02 be appropriated from Special Revenue Fund for Cable for Public, Education and Government programming, to be paid to Dedham Visionary Access Corp.

Article 5 authorizes an appropriation from the special revenue fund for cable subscriber revenues paid to the town which is to be paid to the Dedham Visionary Access Corp.

6. GENERAL STABILIZATION FUND, DEPOSIT

ARTICLE SIX: *By the Finance Committee:* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds for deposit in the Stabilization Fund, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:

That it be indefinitely postponed.

Article 6 adds funds to the General Stabilization Fund to increase our general liquidity; however no action is needed at this time.

7. REDUCE TAX RATE

ARTICLE SEVEN: *By the Town Manager.* To see what sum of money the Town will vote to transfer from available funds for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2021, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:
That it be indefinitely postponed.

Article 7 a transfers of funds to reduce the tax levy for the next year; however no action is needed at this time.
--

8. APPROPRIATION FOR NEW SOLID WASTE CARTS

ARTICLE EIGHT: *By the Town Manager at the request of the Public Works Director.* To see what sum of money the Town will vote to raise and appropriate, transfer or borrow for the purpose of acquiring new solid waste carts for the Town, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:
That it be indefinitely postponed.

Article 8 would authorize the purchase of trash bins through taxes, free cash, or borrowing; however no action is needed at this time.
--

9. APPROPRIATION FOR OAKDALE SCHOOL FEASIBILITY STUDY

ARTICLE NINE: *By the School Committee.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Rehabilitation Committee for the development of a Feasibility Study and schematic design for the purpose of studying options for the Oakdale Elementary School, 147 Cedar Street, while also studying possible consolidation with another elementary school, for which

feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority; the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:

That the Town of Dedham appropriate an amount up to One Million Dollars (\$1,000,000.00) for the purpose of paying costs for the development of a Feasibility Study and schematic design for the purpose of studying options for the Oakdale Elementary School, 147 Cedar Street, while also studying possible consolidation with another elementary school, including the payment of all costs incidental or related thereto, and for which Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Rehabilitation Committee; to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority; the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and MSBA; and, further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Article 9 would authorize the borrowing of up to \$1,000,000.00 for the

10. APPROPRIATION FOR INSTALLATION OF ELEVATOR AT MOTHER BROOK ARTS AND COMMUNITY CENTER

ARTICLE TEN: *By the Town Manager.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds, a sum of money for the purpose of purchasing and installing an elevator including any related design and other incidental and related costs, at the Mother Brooks Arts and Community Center, 123 High Street, and, further, to authorize the Treasurer, with the approval of the Select Board, to borrow said sum in accordance with Section 7(1) and 7(1A) of Chapter 44 of the General Laws, or any other enabling authority and issue bonds and notes of the Town therefor, and provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payments of costs approved by this vote in accordance with G.L. c.44 §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, and to authorize the Select Board to apply for, accept, and expend any grants or loans in connection herewith, to enter into all agreements, execute any and all documents including contracts for more than three years, and take all action necessary to carry out this project, or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:
Recommendation of the Finance and Warrant Committee will be made at Town Meeting.

Article 10 authorizes the Finance Director to raise through taxes, free cash, or debt issuance to install an elevator at the Mother Brook Arts & Community Center.

11. REPORTS OF COMMITTEES

ARTICLE ELEVEN: *By Town Meeting Vote:* To hear and act upon the report of the Electronic Voting Committee, and any other Town Committee, as required by vote of prior Town Meetings; and to see what sum of money the Town will vote to raise and appropriate, transfer from available funds, or borrow to carry out the recommendations of the Electronic Voting Committee to purchase a new electronic voting system, including hardware and software, and any other incidental and related expenses, or the recommendations of any other committee; or take any other action relative thereto. *Referred to Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the report and recommendations of the Electronic Voting Committee be accepted, and, to implement the same, to approve an amendment to the town of Dedham General By-Laws deleting the text and title of Section 85-18 and reserving it for future use, and by deleting the text and title of Section 85-17, and inserting in place thereof, the following:

85-17 Method of Voting

(a) Voting.

When a question is put, the sense of the meeting shall be determined by the votes of the town representatives present at the Town Meeting, whether by using electronic voting technology, voice vote, hand count, use of a placard, or other voting indicia, and the Moderator shall declare the vote as it appears to the Moderator. For purposes of this by-law, the term, “electronic voting technology” shall mean any electronic voting system approved by the Moderator which allows for the display and recording the town meeting members’ vote using a wireless or mobile device, including hand-held clickers, mobile phone application, or the like, as it may be decided from time to time.

b) Counting – Electronic Voting

If the count is taken using electronic voting technology, the Moderator shall declare the vote, and provide an opportunity for any town representative to notify the Town Moderator that they believe their vote was recorded in error; if so, the Moderator shall direct that the record be corrected by the Town Clerk. Once the Moderator has declared the vote,

any 15 town representatives may immediately rise and request that the vote be recorded as a roll call vote. The Moderator shall thereupon announce that this will be a roll call vote, and place the same motion before the town representatives. Following declaration of the roll call vote, the Moderator shall allow sufficient time for any Town Representative to notify the Moderator that their vote was improperly recorded, and the Moderator shall require the Town Clerk to update the record accordingly.

c) Counting – Other Methods

If such electronic voting equipment is unavailable, the Town Moderator shall first take the count using a voice vote. If the Moderator is unable to decide the vote or if the declaration by the Moderator is immediately questioned by seven or more Town Representatives rising in their places, the Moderator shall then request all persons in the house to be seated. The question shall be distinctly stated, and those voting in the affirmative and negative respectively shall rise and stand in their places until they are counted. Fifteen or more Town Representatives may also rise to request a recorded roll call vote.

d) Records of Voting

The Town Clerk shall, no later than three business days after the meeting, cause the records of any votes to be posted on the Town’s website.

e) Authority to Preside and Regulate the Proceedings

The town moderator, in accordance with G.L. c.39, §15, shall, in addition to declaring the votes, preside and regulate the proceedings and decide all questions of order.

and, to also accept the report of the Snow Committee, both reports located in the Appendix section of this report.

Article 11 provides for acceptance of the reports of the Electronic Voting Committee and the Snow Committee, and amends the existing bylaw to allow for the method of electronic voting during Town Meeting.
--

12. ZONING AMENDMENT - SHORT TERM RENTALS

ARTICLE TWELVE: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Law as follows:

1. Add new Use Category A.10. (“Short Term Rental”) to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, underlined, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
A. Residential Uses												
<u>10. Short Term Rentals</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

2. Add new Use Category 1.12. (“Short Term Rental”) to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, underlined italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
1. Accessory Use Table - Residential												
<u>12. Short Term Rentals</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

3. Add the following new definition to Section 10, Definitions, in appropriate alphabetical order:

SHORT TERM RENTAL - An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:

- (a) at least 1 room or unit is rented to an occupant or sub-occupant: and
- (b) all accommodations are reserved in advance; provided however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. This definition shall be interpreted consistent with and shall incorporate the definitions of terms used herein set forth in G.L. c.64G, s.1.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

RECOMMENDATION OF THE PLANNING BOARD: That it be so voted.

Article 12 would authorize changes to the Dedham Zoning Bylaw for the regulation of Short-Term Rentals.

13. ZONING AMENDMENT – SHORT TERM RENTALS – PRIVATE SWIMMING POOLS

ARTICLE THIRTEEN: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Law as follows:

3. Add new Use Category 1.13. (“Short Term Rental (Private Swimming Pool)”) to Table 1 (Principal Use Table) as follows [text to be inserted shown in bold, italicized text]:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
1. Accessory Use Table - Residential												
<i>13. Short Term Rentals (Private Swimming Pool)</i>	<i>NO</i>	<i>NO</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>

1. Add the following new definitions to Section 10 Definitions in appropriate alphabetical order:

SHORT TERM RENTAL (PRIVATE SWIMMING POOL) - An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (a) use of a private swimming pool located thereon is rented to a non-occupant: and (b) rentals are reserved in advance.

SWIMMING POOL (PRIVATE) - Any outdoor pool, having a depth of at least 24" and a water surface area of at least one hundred fifty (150) square feet, which is used, or intended to be used, as a swimming or bathing pool in connection with a residence and available only to the family and private guests of the householder.

Or take any other action relative thereto. *Referred to Planning Board for study and report.*

Article 13 would authorize changes to the Dedham Zoning Bylaw for the regulation of Short-Term Rentals of Private Swimming Pools.

RECOMMENDATION OF THE PLANNING BOARD: That it be so voted, as follows with the text changes to be inserted show in bold and text changes to be deleted show in strikethrough:

PRINCIPAL USE	DISTRICTS											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
1. Accessory Use Table - Residential												
13. Short Term Rentals (Private Swimming Pool)	NO	NO	NO YES	NO YES	NO YES	NO YES	NO YES	NO YES	NO YES	NO YES	NO YES	NO YES

*SHORT TERM RENTAL (PRIVATE SWIMMING POOL) - An owner-occupied, tenant-occupied or non-owner occupied property **for residential use** including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (a) use of a private swimming pool located thereon is rented to a non-occupant: and (b) rentals are reserved in advance.*

SWIMMING POOL (PRIVATE) - Any outdoor pool, having a depth of at least 24" and a water surface area of at least one hundred fifty (150) square feet, which is used, or intended to be used, as a swimming or bathing pool in connection with a residence and available only to the family and private guests of the householder.

14. GENERAL BYLAW – AMENDMENTS TO SIGN CODE BYLAW

ARTICLE FOURTEEN: *By the Town Manager at the request of the Town Planner.* To see if the Town will vote to amend the General By-laws by deleting Chapter 237 (Signs), in its entirety, and inserting in place thereof the following:

Article I: General Provisions

§237-1. Purpose.

The purpose of this chapter is to ensure that the design, construction, installation, and maintenance of all exterior signs in the Town of Dedham are compatible with the unique character and environment of the community through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements, including the following specific purposes:

- A. Ensure that all signs are compatible with the unique character and environment of the Town of Dedham, and that they support the desired ambience and development patterns of the various districts, overlay districts, and historic areas within the Town.
- B. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages.
- C. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage.
- D. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained.
- E. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape.
- F. Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.

- G. Assist with the implementation of adopted plans, guidelines, and regulatory requirements of the Town, including the Town's master plan and zoning by-laws.

§237-2. Authority.

This chapter is adopted pursuant to the provisions of G.L. c.43B, §13.

§237-3. Applicability and effect.

- A. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.

- B. The effect of this chapter as more specifically set forth herein is:
 - 1. To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of this chapter.
 - 2. To allow signs that are not expressly prohibited by this chapter; and
 - 3. To provide for the enforcement of the provisions of this chapter.

- C. Non-communicative aspects of all signs, not related to the content of the sign, must comply with the provisions of this article. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

§237-4. Substitutions and interpretations.

This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the need for any approval or sign permit, provided that the sign is otherwise permissible under this Section. If a commercial message is substituted for any other commercial message, a sign permit is required pursuant to §237-5. To the extent any provision of this Section is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.

Article II: Administration

§237-5. Applicability

- A. No sign shall be erected, enlarged, redesigned, structurally altered, or used without a sign permit issued by the Building Commissioner, and, except as provided for elsewhere in this chapter, the advisory review of DRAB. Permits shall be issued only for signs in conformance with this chapter.

- B. The following sign types require a sign permit pursuant to application, review and approval by the Building Commissioner (“Administrative Review”), but do not require DRAB review:
 - 1. Awning Sign
 - 2. Directory Sign
 - 3. Identification Sign, except as provided in §237-17.
 - 4. Incidental Sign
 - 5. Temporary Signs over nine (9) square feet in area.
 - 6. Sandwich Board
 - 7. Banner Sign: A Banner Sign on private land may be approved for up to 30 days by the Building Commissioner without DRAB review.

- C. All other sign types, and all Illuminated Signs, shall be reviewed by DRAB incidental to Administrative Review.

- D. Where a proposed sign does not meet the requirements of this chapter, as determined by the Building Commissioner upon submission of a Sign Permit Application, DRAB may grant a waiver from such requirements.

§237-6. Application; review.

- A. A Sign Permit Application shall be submitted to the Building Department in the manner prescribed by the Commissioner. If an application is for or includes a request for a waiver from the requirements of this Chapter, the applicant shall so state in the application, specifying the waiver requested.

- b. Unless exempt from DRAB review as above, at the time of submission of such application to the Building Commissioner, the applicant shall submit a copy of the Sign Permit Application to DRAB for its review and recommendation or decision, as may be required.
- c. In cases where a submitted Sign Permit Application does not comply with the Sign Code, and does not request a waiver for such noncompliance, the Applicant shall be notified by the Building Commissioner of non-compliance.
 - 1. The Applicant may resubmit the Sign Permit Application, bringing the proposed sign into compliance with this chapter, or requesting a waiver from the applicable requirements.
 - 2. A DRAB decision is required for a waiver for a noncomplying sign. See **§237-8 and §237-25**.
- d. Applicants are strongly encouraged to discuss the requirements of this chapter with the Planning and Zoning Department prior to submitting a Sign Permit Application.

§237-7. DRAB Advisory Review.

- A. Within 30 days of submission of a complete Sign Permit Application requiring DRAB advisory review, DRAB shall hold a meeting to consider the Application.
- B. Within 10 business days following the meeting, unless such time is extended by agreement with the applicant, DRAB shall provide a written recommendation to the Building Commissioner and the Applicant.
- C. The failure of DRAB to provide a recommendation within 10 days shall be deemed a favorable recommendation.

§237-8. DRAB Waiver: Procedure.

- A. If the Building Commissioner determines that a waiver(s) is required from the requirements of this chapter, the Applicant may request such a waiver from DRAB pursuant to the filing of a Sign Permit Application. The Planning & Zoning Department may

determine which information is required to support a waiver(s) request and list the requirements on the Application.

- B. DRAB shall hold a hearing for any waiver request within 45 days from the date of filing the Sign Permit Application with the Building Department.
- C. DRAB shall cause notice of such hearing to be published in a newspaper of general circulation and said notice shall be sent to the Applicant, abutters, and abutters to abutters within 300 feet of the property line of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, no less than 7 days from the date of the hearing.
- D. DRAB shall decide the waiver request within 60 days from the date of filing, and shall file a written decision on such request within 14 days of the date of decision. Failure by DRAB to file its written decision within the time required shall be deemed an approval of the waiver request. The required time for said decision and filing may be extended by written agreement between the applicant and DRAB.
- E. DRAB may by an affirmative vote of four of its members grant waivers from the provisions of this chapter, subject to the criteria in this chapter.

§237-9. DRAB Waiver: criteria.

- A. No waiver may be granted by DRAB from §237-18 Prohibited sign types.
- B. DRAB may grant a waiver upon making a written finding that undue hardship may result from strict compliance with the submittal requirements or review standards of this article, provided that such variation will not have the effect of nullifying the intent of this chapter. Hardship may exist when the conditions

of the site do not allow for an appropriate sign type that meets the requirements of this chapter.

C. DRAB may grant a waiver for a Creative Sign based one or more of the following criteria:

1. The sign creates a clear connection with the shapes, textures, colors, and materials used in the appearance of the buildings of the premise.
2. The sign creates proportional sizes of signs placed on or integrated into a building's architecture.
3. The sign improves the legibility of sign(s).
4. The sign enhances driver reaction time to the sign(s).
5. The sign creates an organized wayfinding and identification or messaging program.
6. The sign protects significant scenic views.
7. The sign promotes a well-organized visual environment through appropriate sizes.
8. The sign represents a best practice of the design of dark sky sign illumination.
9. The sign is consistent with approved design guidelines for the district or area in which it will be located.
10. The sign is consistent with industry standards or best practices as defined by one or more of the following:
 - a. Award-winning sign designs, a document on signage best practices published by the American Planning Association or the American Institute of Architects
 - b. Design standards from the *Manual on Uniform Traffic Control Devices*,
 - c. the American Association of State Highway and Transportation Officials *Guide for the Development of Bicycle Facilities*, the National Association of City Transportation Officials' *Urban Bikeway Design Guide*, or other guide to design standards and legibility of signage.

D. DRAB may extend the duration of a Limited Duration Sign for longer than 90 days but for not more than six (6) months.

§237-10. Issuance of Sign Permits.

- A. The Building Department shall issue the appropriate sign permit to the Applicant upon compliance with the requirements of this chapter.

- B. The Building Commissioner shall act on a Sign Permit Application within 10 days of receipt of a recommendation from DRAB or the failure of DRAB to provide such recommendation, as required, and within 10 days of the receipt of a decision from DRAB on a request for waivers or the failure to act as required.

- C. The Building Commissioner's failure to act within the time required shall be deemed a denial of the Sign Permit Application.

§237-11. Appeal.

Any person aggrieved by the Building Commissioner's action or failure to act may file an appeal within 30 days with the Town Clerk. An appeal from the provisions of the Sign Code is heard by the Sign Appeals Board. A hearing for any appeal shall be held within 65 days from the date of filing with the Town Clerk. A written decision shall be made 100 days from the date of filing. The Sign Appeals Board shall cause notice of such hearing to be published in a newspaper of general circulation and said notice sent to Applicant, abutters, and abutters to abutters within 300 feet of the property line of the application, and parties of interest within 300 feet of the property line of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, no less than 14 days from the date of the hearing. The decision of the Sign Appeals Board shall be final and appeals from such decision may be taken as provided by law. Failure of the Board to act within the time required shall be deemed to be a denial of the appeal.

Article III: General Regulations

§237-12. Permits required.

Signs identified as "A" in Table 1 shall be erected, installed, or created only in conformance with a duly issued and valid sign permit. Such permits shall be issued only in accordance with the following requirements. Any sign not authorized pursuant to this Section is prohibited.

§237-13. Public right-of-way signs.

No sign shall be allowed in the public right-of-way, except as follows and in conformance with the following conditions:

- A. Permanent bus stop signs erected by a public transit company.
- B. Permanent informational signs of a public utility regarding its poles, lines, pipes, or facilities.
- C. Awning, Projecting, and Suspended Signs projecting over a public right-of-way in conformance with all other regulations of this chapter.
- D. Temporary emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- E. Sandwich Board Signs in conformance with all other regulations of this chapter.
- F. Banner Signs over public rights-of-way.

§237-14. Town-owned property — temporary signs.

Temporary Signs promoting events, programs or functions are permitted on Town-owned property upon 15 days' notice to and written approval of the Town agency with jurisdiction for the property; provided, however, that an organization may at each location place a single sign not to exceed nine square feet; provided, further, that such signs may be installed only during the period from 30 days prior to the event to three days subsequent to the event. For the purposes of this section multi-day events occurring at least once per week may be treated as a single event.

§237-15. Town-owned property — sponsorship signs.

Notwithstanding the prohibitions in §237-18.D and §237-18.J, sponsorship signs supporting municipal recreational facilities and activities are permitted on Town-owned property upon the written

approval of the Town agency with the jurisdiction for such property, provided in the case of roof signs that such signs be limited to 40 square feet in size and shall be limited to the following locations, with no more than one sign allowed at each such location: Memorial Field, Condon Park, Rustcraft Road, and Stone Park.

§237-16. Exempt signs.

The following signs do not require a permit under this chapter:

- A. Any sign erected or required by public agencies pursuant to federal, state, or local law.
- B. Public signs erected by or on behalf of a governmental body to post legal notices, to identify public property, to convey public information, and to direct or regulate pedestrian or vehicular traffic.
- C. Signs that are not illuminated and are not visible from any area to which the public has the right to access.
- D. Any sign inside a building, not attached to a window or door, that is not visible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.
- E. On-premises traffic control devices on private property, the faces of which meet Department of Transportation standards and which additionally contain only the name or logo of the business.
- F. Flags of city, state, or country.
- G. Memorials such as gravestones and corner stones.
- H. Historical Markers installed or approved by a Public Agency or duly established historical society.
- I. Awning Sign limited to a single line of lettering no more than 6 inches high.

- J. Identification Sign of no more than two square feet in area for a residence.

§237-17. Private property — exempt signs.

The following signs are allowed on private property without sign permits:

- A. On all residential properties, one Identification Sign of no more than two (2) square feet.

- B. On all properties, Temporary Signs not to exceed nine square feet in area. Temporary Signs are limited to a duration of less than 30 days and shall not be illuminated.

§237-18. Prohibited sign types.

The following are prohibited:

- A. Animated Signs, except as provided for under Article V. Special Regulations. This includes wind-driven, inflated, whirling, turning, spinning devices that serve as a Commercial Message.
- B. Beacon.
- C. Billboard.
- D. Commercial Messages that are not mounted on a Building, Awning/Canopy, Freestanding Sign or other expressly permitted sign or mounting condition.
- E. Digital Display Sign except as provided for under Article IV. Special Regulations.
- F. Neon-type Sign, except as provided for under Article IV. Special Regulations.
- G. Off-premises Sign, except as provided for under Article IV. Special Regulations
- H. Pennant Sign.
- I. Portable Sign, other than Sandwich Board Signs as provided for under Article IV. Special Regulations.
- J. Roof Signs, unless granted as a waiver by DRAB for a Creative Sign.
- K. Signs having red or green lights erected within sight of a traffic signal unless approved as non-hazardous by the Chief of Police.
- L. Signs which obscure or tend to block a clear view of traffic, warning and control signs or signals, pedestrian crosswalks, or handicapped access ramps, or any sign that the Commissioner determines may endanger public safety.

Article IV: Special Regulations

Signs shall comply with the standards in this Article.

§237-19. Design standards.

A. Awnings and Awning Signs:

1. The awning location on the building shall not obscure or cover the architectural Sign Band of the building.
2. Awnings must be made of canvas or duck cloth and be completely opaque.
3. The color of the awning shall be consistent with the overall design scheme for the building.
4. Awning signs shall only be permitted on awnings installed on the ground floor of the building.
5. Awning signs shall be painted on or attached to the surface of the awning or its valance.
6. The area of an awning sign shall not exceed 25% of the surface area of the awning. This area does not include the exempt single line of lettering noted in §237-16.
7. Awning signs shall not extend beyond the valance or any other part of the awning, nor be attached at an angle projecting through the awning, nor be attached to or displayed on the sides or underside of the awning.
8. Awning signs shall not be back lit or internally illuminated.

B. Changeable Copy Sign:

1. The area of the changeable copy may not be greater than thirty (30) percent of the area of the sign on which it is located.
2. The sign on which it is located must indicate the business, establishment, product, or services to which the commercial message refers.

C. Digital Display Signs:

1. Digital Display Signs are restricted to approved Sign Packages.
2. These signs shall have a maximum Sign Area no greater than that of a Freestanding Sign in the respective district.

3. No Digital Display Sign shall indicate movement or animation; static displays must be employed with image changes at least five (5) minutes in duration and included transition times between images of at least one (1) second.
 4. Nighttime illumination levels must be lower than daytime illumination levels to reduce glare and reflected light.
 5. A default display must be provided in the case of failure of the system.
 6. The Applicant must demonstrate that the programming and control of the sign is secure.
- D. Free-standing Sign: All Freestanding Signs shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the sign base.
- E. Identification Sign:
1. The Sign Area of an Identification Sign shall not exceed four (4) square feet.
 2. Identification Signs may be wall-mounted or freestanding.
 3. Freestanding Identification Signs shall be no greater than five (5) feet in height.
- F. Incidental Sign: An Incidental Window Sign that is more than two (2) square feet in area shall be regulated as a Window Sign.
- G. Historical Marker: An Historical Marker shall include only building name, date of construction, or historical data on historic site and must be cut or etched into masonry, bronze, wood, or similar material.
- H. Limited Duration Sign: A Limited Duration Sign of any size may be displayed for between 30 and 90 days. DRAB may grant a waiver for a longer defined duration.
- I. Off-Premises Sign: DRAB may grant a waiver upon demonstration of a hardship requiring location of a sign(s) off-premise. The waiver application must provide information about the legal right

or permission to maintain the sign off-premise, identify who maintains the sign, and indicate that compliance with this Sign Code is the responsibility of the owner of the sign.

J. Projecting Sign and Suspended Sign: A sign projecting more than twelve (12) inches from the face of a building shall be at least 8 feet above Normal Grade and its upper edge no more than fourteen (14) feet above Normal Grade.

K. Sandwich Board Signs:

1. Each business is allowed one sandwich board sign within thirty (30) feet of the main entrance of said premises whether on a public sidewalk or private property.
2. The sign may be displayed only during business hours and must be removed after business hours. A sandwich board sign shall not be included in the calculation of total signage allowed on the site.
3. The sign frame shall be no greater in size than two (2) feet wide and three (3) feet six (6) inches high. The message panels attached to the frame shall be no greater than two (2) feet wide by three (3) feet high.
4. The sign must be located in front of the establishment it advertises. Under no circumstances shall a sign obstruct vehicular/bus stops, benches, fire hydrants, or other features legally in the right of way, nor shall it obstruct parking access, handicapped parking access or vehicular paths of travel. A minimum clear sidewalk width of forty-eight (48) inches shall be maintained.
5. The sign frames must be constructed of materials that present a finished appearance and use durable weather resistant materials including, but not limited to, painted or decay-resistant wood, metal or wrought iron. Natural chalkboard or corkboard shall be used for message area.
6. Sign lettering shall either be painted in a professional looking manner, computer-generated or handwritten on a chalkboard. Lettering and number characters shall not exceed eight inches in height.
7. Logos are encouraged.

8. The following are prohibited: sign frames constructed of rough-cut plywood, cardboard, paper, fabric or non-rigid materials, or use of whiteboards, magnetic letters, illumination, or changeable letters on tracks.

L. Sign Package:

An approved Sign Package allows for a streamlined process to acquire a sign permit for multiple tenants in a single building or on a single lot. All signs within a Sign Package must follow the regulations in this Sign Code. Sign Packages that contain noncomplying signs require one or more waivers from DRAB.

1. A Sign Package may be requested for the following:
 - a. Planned Commercial Development.
 - b. All multi-tenant buildings with more than six tenants.
 - c. All lots with more than one building.

2. Applicant requirements for a Sign Package:
 - a. Sign regulations specific to the location.
 - b. Administration of the Sign Package, including process for review, approval, and enforcement.
 - c. Relationship of landlord approval process to town's approval process.
 - d. Definition of signs by ownership/responsibility (Tenant, Landlord).
 - e. Sign types and definitions.
 - f. Requirements for the design and construction of signs.
 - g. Criteria for approval.

3. Replacing signs shown on Sign Package.
 - a. Where the owner of a property has a Sign Package on file with DRAB, the Building Commissioner shall issue a sign permit for a sign that conforms to that Sign Package.

M. Temporary Signs: A Temporary Sign of any size may only be displayed for less than 30 days, except as provided for in §237-14.

N. Wall Signs:

1. Any wall sign installed on a building with an architectural Sign Band shall be located within that Sign Band which is

the horizontal plane of the façade of the building defined by architectural details such as cornices, lintels, pediments, pilasters, and windows.

2. On a building without an architectural sign band, no wall sign, except window signs which identify a business occupying space in a level above the ground floor level, shall extend higher than the lowest of (i) 25 feet above grade or (ii) below the second-floor window frame unless DRAB grants a waiver for a Creative Sign. See §237-9.C.
3. No Wall Sign shall extend above the lowest point of the roof unless it has been integrated into the architecture of the roofline, for example, a parapet.

O. Window Signs:

1. The maximum area of a Window Sign is 25% of the transparent, glazed windows and doors in a façade.
2. For Window Signs, one sign may consist of a Digital Display Sign or Edge Lit Sign up to a maximum area of two (2) square feet, or one Neon-Type Sign with a maximum area of six (6) square feet.
3. An Incidental Window Sign shall be informational only and shall not contain a commercial message. Any such sign larger than 2 square feet in area shall be considered a Window Sign.

§237-20. Illumination.

- A. No sign shall be lighted except by a steady, stationary source shielded and directed at the sign except as specifically provide for in this chapter.
- B. External illumination shall be by white, steady, stationary source shielded and directed at the sign or backlighted. The foregoing is also applicable to permanent interior signs which are designed to be visible through a door or window.
- C. Internal illumination shall be by white, steady, stationary source directed on translucent materials to illuminate the sign except as specifically provided for in this chapter.

- D. Neon-type illumination components of signs may be employed up to a maximum of five (5) percent of the allowable sign area for Marquees and Wall Signs.
- E. Illumination of Awning Signs is restricted to External Illumination.
- F. Sandwich Boards shall not be illuminated.
- G. Illumination of Digital Display Signs and Changeable Copy Signs may use LCD, LED, or other illumination technologies.
- H. Times of illumination. No sign shall be illuminated in any district beyond the business hours of the establishment to which it pertains nor between 12:00 a.m. midnight and 6:00 a.m. unless allowable business hours extend into such period.
- I. No Internally Illuminated, Digital Display, or Changeable Copy Signs shall be permitted in any residential districts or Limited Manufacturing district.
- J. No illumination shall be permitted which casts direct light or glare beyond the perimeter of the property on which the sign is located.
- K. No illumination shall be permitted which casts direct light or glare onto any residential premises or onto any portion of a way as to create a traffic hazard.
- L. No pylon, pole, or sign-supporting structure shall be illuminated, except as required by other applicable state or federal law.

§237-21. Location.

Signs are permitted by type in each zoning district as identified in Table 1. The maximum total area of all signs on a lot, except an Incidental Sign, Historical Marker, Window Sign, and flags shall not exceed the lesser of the listed calculations.

A. Residential Districts:

1. A residence shall have no more than one Identification Sign.
2. A multi-tenant residential project may have one additional Freestanding or Wall Sign per lot. The Sign Area of each sign shall be no more than fifteen (15) square feet.
3. For institutional uses (as that term is defined and used in the Dedham Zoning By-laws) in a residential district, sign area for any commercial message on a sign may not exceed twenty (20) square feet, with a maximum vertical dimension of six (6) feet.
4. The height of a Freestanding Sign shall be no greater than five (5) feet, and the sign shall be set back from the front lot line by a minimum of three (3) feet and from the side lot line by a minimum of five (5) feet.

B. Central Business, Local Business, and General Business:

1. The maximum total sign area per lot is one (1) square foot per one (1) linear foot of the principal façade. If the building has two or more façades that are both visible and serve as approaches for customers from travel ways or parking lots, the maximum sign area per lot may be increased by 50%.
2. One Identification Sign is permitted per lot.
3. A Wall Sign is limited to 10% of the total wall area.
4. One Freestanding Sign is allowed per lot. The Sign Area shall be no more than 20 square feet. The height shall be no greater than eight (8) feet, and the sign shall be set back from the front and side lot lines by a minimum of five (5) feet. In no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes.

C. Highway Business:

1. The maximum total sign area per lot is two (2) square feet per one (1) linear foot of the principal façade. If the building has two or more façades that are both visible and serve as approaches for customers from travel ways or parking lots, the maximum sign area per lot may be increased by 50%.
2. A Wall Sign is limited to 10% of the total wall area.
3. One Freestanding Sign is allowed per lot. The Sign Area shall be no more than 100 square feet. The height shall be

no greater than twenty (20) feet, and the sign shall be set back from the front and side lot lines by a minimum of ten (10) feet. In no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes.

D. Limited Manufacturing A & B:

1. The maximum total sign area per lot is one (1) square foot per one (1) linear foot of the principal façade. If the building has two or more façades that are both visible and serve as approaches for customers from travel ways or parking lots, the maximum sign area per lot may be increased by 50%.
2. One Identification Sign is permitted per lot.
3. A Wall Sign is limited to 10% of the total wall area.
4. One Freestanding Sign is allowed per lot. The Sign Area shall be no more than 100 square feet. The height shall be no greater than twelve (12) feet, and the sign shall be set back from the front and side lot lines by a minimum of ten (10) feet. In no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes.

E. Research Development & Office:

1. The maximum total sign area per lot is two (2) square feet per one (1) linear foot of the principal façade. If the building has two or more façades that are both visible and serve as approaches for customers from travel ways or parking lots, the maximum sign area per lot may be increased by 50%.
2. A Wall Sign is limited to 5% of the total wall area.
3. One Freestanding Sign is allowed per lot. The Sign Area shall be no more than forty (40) square feet. The height shall be no greater than twelve (12) feet, and the sign shall be set back from the front and side lot lines by a minimum of ten (10) feet. In no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes.

F. Planned Commercial:

1. A Sign Package shall be required for a Planned Commercial Development and permitted sign types and locations shall be as defined by the Sign Package approved by DRAB. See §237-19.L.

G. Senior Campus:

1. The maximum total sign area per lot is one (1) square foot per one (1) linear foot of the principal façade. If the building has two or more façades that are both visible and serve as approaches for customers from travel ways or parking lots, the maximum sign area per lot may be increased by 50%.
2. One Identification Sign is allowed.
3. A Wall Sign is limited to 10% of the total wall area.
4. One Freestanding Sign is allowed per lot. The Sign Area shall be no more than forty (40) square feet. The height shall be no greater than twelve (12) feet, and the sign shall be set back from the front lot line by a minimum of five (5) feet and from the side lot lines by a minimum of ten (10) feet. In no case shall the actual sign height exceed the actual sign setback from any adjacent lot that is zoned and used for residential purposes.
5. Lighted or unlighted signs visible from a position outside of the SC District, provided that each such sign shall not exceed 15 square feet, are exempt from the provisions set forth in Table 1 and §237-17.

§237-22. Computation of sign area.

The following principles shall control the computation of sign area:

- A. The area of a sign which has only one face shall be of the entire Sign Panel and shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the Sign Panel.
- B. The Sign Area of a sign with more than one face shall be computed by adding together the area of all Sign Panels visible from any one point. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure, the sign area shall be computed by the measurement of the larger of the two Sign Panels.

- C. The Sign Area of a three-dimensional sign such as a Trade Figure, Symbol Sign, or Art Sign shall be computed based on a square, circle, rectangle, triangle, or combination thereof that will encompass the largest visible profile.

§237-23. Construction and maintenance standards.

All signs shall be constructed and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the state building code, General By- Laws, and the electrical code of the Town at all times.
- B. Except for Banners, Flags, Limited Duration Signs, Temporary Signs, and Window Signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

Article V: Noncomplying Signs and Signs without Permits

§237-24. Removal of illegal existing sign; permit for conforming signs.

- A. The owner or person in control of any lot or other premises on which exists a sign for which there is no current and valid permit, shall remove such sign.
- B. The owner or person in control of any lot or other premises on which exists a sign without a permit but which or would otherwise comply with this chapter shall apply for a permit.

§237-25. Continuation of pre-existing noncomplying signs.

- A. Signs legally in existence at the time of the adoption of this by-law that do not comply with the requirements of this by-law, may be maintained without change pursuant to the issuance of a sign permit for that purpose, and thereafter shall be considered Legally Noncompliant Signs. Signs that do not comply with this by-law and do not qualify for a legally noncompliant sign permit shall constitute Illegal signs and shall be subject to enforcement as such.

B. To determine the legal status of existing signs, the Applicant shall submit the following information to the Building Commissioner in a sign permit application:

1. Type(s) of existing sign(s) located on the property.
2. The area and height of all signs.
3. For freestanding signs, the distance between the lot line and the nearest portion of the sign.
4. Type of sign illumination.
5. The material of which the sign is constructed.
6. The building frontage.

C. All Legally Noncompliant permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occurs:

1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a noncompliant sign shall not be considered a significant alteration.
2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this by-law.
3. An alteration in the structure, or significant damage of a sign support.
4. A change in the mechanical facilities or type of illumination
5. A change in the material of the sign face.
6. The lot on which the noncompliant sign is located is reduced in size.

The lot on which the Legally Noncompliant Sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by the Town of Dedham.

D. Prior to the events listed in §237-26.C., Legally Noncompliant Signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may

be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-compliance.

E. Legally Noncompliant Signs shall be exempt from the provisions of §237-24.C., under the following conditions:

1. The sign possesses documented historic value.
2. The sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Massachusetts Historic Commission, or Town of Dedham Historic Districts Commission.
3. The sign is required to be moved because of public right of way improvements.

F. All noncompliant Temporary Signs, Portable Signs, and Banners must be permanently removed within 90 days of the effective date of this Article, unless specific approval is granted as provided for herein.

§237-26. Requirements for sign modifications.

A sign permit shall lapse and become void whenever there are modifications to a Legally Noncompliant Sign other than as described in §237-25. Upon notification by the Building Commissioner of such modification, the owner shall, within 45 days, make the sign conform to the prior permit, remove the sign, or apply for a new sign permit.

§237-27. Removal of sign when business is discontinued.

A sign permit shall lapse and become void when the activities, business, goods, or services described on the sign are discontinued. The owner shall remove a sign within 30 days of discontinuance of the activities, business, goods, or services described on the sign. A Freestanding Legally Noncompliant Sign structure shall be removed after 365 days have elapsed where all signage on said structure has been or is required to be removed for discontinuance of the activities, business, goods, or services.

§237-28. Illegal Signs.

Nothing in this chapter shall be construed to make permissible a preexisting sign which was constructed or displayed in violation of this chapter or any predecessor to this chapter and which continues not to be in conformance with the requirements of this chapter.

§237-29. Waiver of sign area and/or setback.

Notwithstanding any provision to the contrary, a Legally Noncompliant Sign with a sign area greater than allowable under this chapter and/or with a setback from a public way less than allowable under this chapter may be replaced with a sign erected on the same lot with a sign area greater than allowable under this chapter or a setback less than allowable under this chapter upon the issuance of a waiver by DRAB; provided, that the maximum sign area of any sign waived under this paragraph shall be no greater than 70% of the sign area of the noncomplying sign being replaced and the minimum setback of any sign erected under this paragraph shall be no less than the current setback of the noncompliant sign being replaced.

Article VI: Enforcement/Inspection – Certificate of Compliance

§237-30. Violations.

- A. The placement of a sign without a required sign permit shall be unlawful.
- B. Permits issued for work commenced without a sign permit, or any work beyond the authorized scope of a sign permit shall be assessed double the required permit fees for the sign(s).
- C. Each sign installed, created, erected, or maintained in violation of this by-law shall be considered a separate violation for the purposes of this chapter.
- D. Each such day of a continued violation shall be considered a separate violation for the purposes of this chapter.

§237-31. Inspection; certificate of compliance; notice of deficiencies.

During the sixth month after the issuance of a permit or at such earlier date as the Applicant may request, the Commissioner shall cause an inspection of the lot for which each such permit for a new sign or for modification of an existing sign has been issued. If the construction is

complete and in full compliance with this chapter and with the building and electrical codes, the Commissioner shall issue a certificate of compliance. If construction is not substantially complete or not in full compliance with this chapter and applicable codes, the Commissioner shall give the owner or Applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If construction is completed within said 30 days and the deficiencies corrected, the Commissioner shall issue a certificate of compliance.

§237-32. Enforcement and remedies.

- A. The Commissioner may enforce the provisions of this by-law in accordance with §1-6 of these By-laws.
- B. If the Commissioner finds that any provision of this by-law is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
- C. The Commissioner has the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to public health, safety, or welfare.
- D. All such remedies provided herein shall be cumulative and shall not impair the authority of the Commissioner to take any action authorized or required by the State Building Code or other local, state, or federal law.

§237-33. Severability.

If any provision of this chapter, or the application thereof to any person or circumstance, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

Article VII: Definitions

§237-34. Definitions and interpretation.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Massachusetts Building Code shall be given the meanings set forth therein.

§237-35. Sign Types.

ABANDONED SIGN — A sign which no longer identifies or advertises a bona fide business, lessor, service, identifiable owner, product, or activity that is located on the premises.

ANIMATED SIGN — A sign, or any portion of a sign, made or equipped to move or give the appearance of moving, either by the movement of any light used in conjunction with a sign, such as blinking, traveling, flashing, or changing degree of intensity, or by mechanical means, or that is wind-driven and is designed to move with the movement of the air. See §237-16.A and §237-16.E.

ART/MURAL SIGN — A sign that provides an artistic expression that does not include in whole or in part the name, text, logo, or illustration depicting any business, establishment, service, or product.

AWNING SIGN — Any and every sign displayed on an awning or canopy. See §237-13.C, §237-16.I, §237-19.A, and §237-20.E.

BANNER SIGN— Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state, or the official flag of any institution or business shall not be considered Banners. See FLAG, TRADE FLAG, §237-13.F and §237-19.B.

BILLBOARD SIGN — A freestanding sign larger than 100 square feet of sign panel area, or a sign affixed to a building covering more than 20% of the wall area to which it is affixed. See §237-18.C. Roof-mounted Billboards shall not qualify as a Creative Sign.

BUILDING SIGN— Any wall sign, projecting sign, suspended sign, or any sign attached to any exterior part of a building.

CENTER IDENTIFICATION SIGN — A sign identifying only the name and location of an entire planned commercial, office or industrial complex developed or managed under one ownership or single control.

CHANGEABLE COPY SIGN — A sign with changeable portions limited to portions that contain characters or letters using electronic or other technologies that can be changed without altering the face or the surface of the sign. Except for messages that indicate time or temperature, a sign on which the message changes more than once per day shall be considered an Animated Sign. See §237-19.C, §237-20.G, and §237-20.I.

CREATIVE SIGN — A sign that does not meet the strict requirements of this chapter but provides a superior design for the specific requirements of the premises on which it is located. See §237-9.B and §237-19.D.

DIRECTORY SIGN — A sign located at or near the entrance of a multi-tenant building, lot, park or campus, the sole purpose of which is to provide a listing of the names of the individual tenants or users located therein.

FREESTANDING SIGN — Any sign supported by dedicated structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure. An Awning Sign is not a Freestanding Sign. See §237-19.F.

HISTORICAL MARKER SIGN — Any sign indicating the name of a building, date of construction or other incidental information about its construction or history. See also §237-16.H and §237-19.I.

IDENTIFICATION SIGN — A sign whose copy is limited to the name and address of the building, institution or person being identified. In a Residential District, an Identification Sign may include a commercial message advertising goods and services offered on the premises where the sign is located, provided that offering such goods or services conforms with all requirements of applicable zoning and Town regulations. See §237-17.A and §237-19.G.

ILLEGAL SIGN — A sign erected or installed without municipal approval that is not otherwise exempt. See §237-24.

ILLUMINATED SIGN — A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface. See §237-20 for all Illuminated Signs.

ILLUMINATED SIGN - BACK-LIGHTED — Any wall mounted sign which is illuminated by a diffused light source projected on the mounting surface to allow light to extend beyond the actual limits of an opaque sign panel or individual letters.

DIGITAL DISPLAY SIGN — An illuminated sign utilizing an electronic digital display. This sign type utilizes a light source derived from LCD, LED, or other electronic display technologies to compose the sign surface and messages. The sign may consist of changeable or program-controlled content. Changeable Copy Signs with digital display of letters or characters are not considered Digital Display Signs. See §237-18.E, §237-19.E, §237-20.G, and §237-20.I.

ILLUMINATED SIGN - EDGE-LIT — Sign composed of transparent material with letters or illustrations illuminated through concealed edge-mounted LED or other light sources.

ILLUMINATED SIGN - EXTERNAL — A sign which is lighted from a source which is outside of the sign panel, with the light source mounted on the building face, the sign structure, or on the ground. See §237-20.B.

ILLUMINATED SIGN - INTERNAL — A sign that is lighted by a source concealed behind a translucent sign panel. See §237-20.C and §237-20.I.

ILLUMINATED SIGN - NEON-TYPE — A sign comprised of narrow lines, letters or shapes emitting light using either electric discharge tubing filled with inert gas or light-emitting diodes mimicking the characteristics of neon technology. See §237-18.F and §237-20.D.

ILLUMINATED SIGN - SINGLE-COLOR LED — A sign composed of single-color LEDs, including signs with fixed and changeable copy.

INCIDENTAL SIGN — A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial message. See §237-19.H.

LIMITED DURATION SIGN — Any on-premises sign that is not permanently affixed to the ground. See §237-9.D and §237-19.J.

MARQUEE SIGN — Any permanent roof-like structure projecting horizontally and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. See §237-20.D.

MONUMENT SIGN — Any detached sign whose sign surface is attached to a proportionate base or structural frame, the width of which shall be a minimum of 1/2 the width of the widest part of the sign face. Said base shall not exceed a height of three feet above the average finished grade. An enclosed or solid sign base shall not be required if the sign face is within one foot of the average finished grade. A Monument Sign is a Freestanding Sign.

LEGALLY NONCOMPLIANT SIGN — A sign which was erected legally but which does not comply with subsequently enacted regulations. See Article V.

OFF-PREMISES SIGN — A sign pertaining to products, accommodations, services, or activities not located on the premises. See §237-18.G and §237-19.K.

ON-PREMISES SIGN — A sign pertaining exclusively to the premises on which it is located or to the products, accommodations, services, or activities on the premises.

PENNANT SIGN — Any lightweight plastic, fabric, or other material, whether containing a message of any kind, fixed or attached on one or two sides from a support so as to allow the sign to move in the wind. See §237-18.H.

POLE OR PYLON SIGN — Any sign that is supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the sign face is located three feet or more above the normal grade at the base of the sign. A Pole or Pylon Sign is a Freestanding Sign

PORTABLE SIGN — A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure. See §237-18.I.

PROJECTING SIGN — Any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of the building or wall. A projecting sign may be either perpendicular or parallel to a wall and may have a message on more than one face. See §237-12.C and §237-19.L.

ROOF SIGN — Any sign erected upon a roof and wholly or partially supported by the sign structure placed upon the roof. See §237-18.J.

SANDWICH BOARD SIGN — A non-illuminated, Portable Sign located on an A- or T-frame support that is not attached to the ground or adjacent structures, and which has a Commercial Message limited to advertising goods or services sold or available on or within directly adjacent premises. See §237-12.E, §237-19.M, and §237-20.F.

SUSPENDED SIGN — A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface. See §237-12.C and §237-19.L.

TEMPORARY SIGN — Any on-premises sign that is not permanently mounted. See §237-14 and §237-19.O.

TRADE FIGURE OR SYMBOL SIGN — A three-dimensional representation of a business that is used to indicate the type of merchandise or services offered by the business.

TRADE FLAG SIGN — Any sign consisting of lightweight fabric that is affixed to a pole displaying letters, designs, or icons exemplary of the business displaying the flag.

V-SHAPED SIGN — A sign with two faces or panels not supported by one common structural member and which faces are not back-to-back.

WALL SIGN — Any sign parallel and attached to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and displays only one sign surface. See §237-19.P and §237-20.D.

WINDOW SIGN — Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs. See §237-19.Q.

WINDOW SIGN - ILLUMINATED — A sign that is located within the interior of a window and is either a Digital Display Sign, Neon-Type Sign, or an Edge-Lit Sign. See §237-19.Q and §237-20.

WINDOW SIGN - INCIDENTAL — Signs displayed in the window displaying information such as the hours of operation, open or closed status, credit institutions accepted, commercial and civic affiliations, and similar information. See §237-19.Q.
§237-34. Other Definitions.

APPLICATION, DRAB — An application for a sign permit for a sign type that requires review by DRAB. This application shall also be used for a request for a waiver of this chapter by DRAB, including a waiver for a Creative Sign. The application form and content shall be as determined by the Planning & Zoning Department and the Building Department. See §237-5, §237-8, and §237-9.

APPLIED LETTERING — A sign or informative text, which is created by applying each letter individually, adhering them directly to a wall or the surface of a window, without any contrasting sign panel background material.

AWNING/CANOPY — An awning or canopy is any device with a sloped or curved surface that extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space.

BEACON — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source or any light with one or more beams that rotate or move. See §237-18.B.

BUSINESS OR ESTABLISHMENT — A business or establishment occupying an entire building or a part of a building. A business occupying part of a building must meet the following conditions to be eligible for Signage as provided in this Code: accessed by its own separate entrance door and surrounded by permanent floor to ceiling walls.

COMMERCIAL MESSAGE — Any content of a sign that includes text, wording, logos, or illustrations and building or site-mounted features that directly identifies or promotes a specific business, establishment, product, or service.

COMMISSIONER — The Building Commissioner of the Town or a designee of the Commissioner.

DRAB — Design Review Advisory Board.

FLAG — Any fabric, containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other non-commercial entity on a pole or suspended from a building. See Trade Flag for businesses. See also §237-16.F.

LOT — An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose.

LOT, MULTI-BUILDING — Any lot with more than one Principal Building.

LOT, MULTI-TENANT — Any lot with more than one business or more than one use with exterior signs.

NORMAL GRADE — Normal grade shall be construed to be the average adjacent grade as measured along the face of the sign and shall be either (i) the existing grade if there is no new construction or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

PLANNED COMMERCIAL DEVELOPMENT – As defined and used in the Dedham Zoning By-law.

PREMISES — One or more lots as defined in this chapter which are in the same ownership and are contiguous.

PRINCIPAL BUILDING — The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL FAÇADE — Any façade that constitutes the primary visual and functional orientation of the building or tenant space, characterized by a combination of such features as principal entry, storefront, and visibility from streets or parking areas.

PROPERTY — See LOT definition.

SETBACK — The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SIGN — Any device, structure, fixture, painting, emblem, or visual effect that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

SIGN APPEALS BOARD — The Zoning Board of Appeals shall act as the Sign Appeals Board.

SIGN AREA — The area of a Sign Panel or 3-dimensional sign such as a Trade Figure, Symbol Sign, or Art Sign as calculated according to the requirements of this Code.

SIGN BAND – A horizontal plane that is the top-most component of a storefront, distinguishing the storefront from the remainder of the upper portion of the building façade. Wall Signs related to the storefront are located within the sign band.

SIGN HEIGHT — The height of a sign shall be computed as the distance from the base of the sign at the normal grade to the top of the highest attached component of the sign.

SIGN PACKAGE — An optional master sign plan for an entire lot and/or multi-tenant building that includes drawings, material, color specifications, number of signs, types of signs and locations. See §237-19.N.

SIGN PANEL — Each Sign Panel encompasses the extreme limits of the writing, representations, emblem, or other display for applied lettering, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed for all other signs, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets all applicable regulations and is clearly incidental to the display itself.

VISIBLE — Capable of being seen without visual aid by a person of normal visual acuity.

WALL AREA — The combined area of a wall or walls consisting of and aligned with the Principal Façade.

Sign Type	All Resid.	Local Bus.	General Bus.	Central Bus.	Highway Bus.	Limited Manufact. A & B	Research Development Office	Senior Campus
Art /Mural	A	A	A	A	A	A	A	A
Awning	A	A	A	A	A	A	A	N
Banner	N	A	A	A	A	A	A	N
Center Identification	N	A	A	A	A	A	A	A
Changeable Copy	N	N	N	N	N	N	A	N
Creative Sign	A	A	A	A	A	A	A	A
Digital Display	N	N	N	N	N	N	A	N
Directory	A	A	A	A	A	A	A	A
Freestanding	A	A	A	A	A	A	A	A
Identification	A	A	A	A	A	A	A	A
Illuminated	N	A	A	A	A	A	A	A
Limited Duration	A	A	A	A	A	A	A	A
Marquee	N	A	A	A	A	N	N	N
Monument	N	A	A	A	A	A	A	A
Pole or Pylon	N	N	A	A	A	A	A	N
Projecting	A	A	A	A	A	N	N	N
Sandwich Board	A	A	A	A	A	N	A	N
Suspended	N	A	A	A	A	N	N	N
Temporary	A	A	A	A	A	A	A	A
Trade Figure or Symbol	N	A	A	A	A	N	A	N
Trade Flag	N	A	A	A	A	N	N	N
V-Shaped	A	A	A	A	A	A	A	N
Wall	A	A	A	A	A	A	A	A
Window	A	A	A	A	A	A	A	A
Window - Incidental	A	A	A	A	A	A	A	N

Table 1: Permitted Sign Types by Zoning District

Notes

1. A = Allowed; N = Not allowed
2. See §237-16. *Exempt signs* and §237-17. *Private property - exempt signs* for signs that are exempt from a sign permit in all districts.
3. See §237-18. *Prohibited sign types* for signs prohibited in all districts

or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for study and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE:

That it be so voted. Below, please find the final form of the Sign By-law as it was printed in the warrant, with revisions shown as follows: ~~striketrough~~ text denotes deletions and **bold** text denotes insertions. Additionally, be advised that this form of the By-law also incorporates non-substantive ministerial, clerical and grammatical revisions.

Recommend that it be so voted with internal references corrected and to confirm that the Town Clerk is authorized, consistent with Section 1-5 of the General Bylaws, to make such non-substantive, editorial revisions as needed to ensure consistent and appropriate sequencing and numbering, as well as capitalization, provided that such editorial revisions shall be identified by a footnote or other convention. To see if the Town will vote to delete Town Code Chapter 237 (Signs) in its entirety and replace with the following:

Article I: General Provisions

§237-1. Purpose.

The purpose of this chapter is to ensure that the design, construction, installation, and maintenance of all exterior Signs in the Town of Dedham are compatible with the unique character and environment of the community through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory Sign standards and requirements, including the following specific purposes:

- A. Ensure that all Signs are compatible with the unique character and environment of the Town of Dedham, and that they support the desired ambiance and development patterns of the various districts, overlay districts, and historic areas within the town.
- B. Balance public and private objectives by allowing adequate avenues for both Commercial and non-Commercial Messages.

- C. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and Property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible Signage.
- D. Prevent Property damage, personal injury, and litter caused by Signs that are improperly constructed or poorly maintained.
- E. Protect Property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape.
- F. Provide consistent Sign design standards that enable the fair and consistent enforcement of these Sign regulations.
- G. Assist with the implementation of adopted plans, guidelines, and regulatory requirements of the town, including the town's master plan and zoning bylaws.

§237-2. Authority.

This chapter is adopted pursuant to the provisions of G.L. c.43B.

§237-3. Applicability and effect.

- A. A Sign may be erected, placed, established, painted, created, or maintained in the town only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.
- B. The effect of this chapter as more specifically set forth herein is:
 1. To establish a permit system to allow a variety of types of Signs subject to the standards and the permit procedures of this chapter.
 2. To allow Signs that are not expressly prohibited by this chapter; and
 3. To provide for the enforcement of the provisions of this chapter.
- C. Non-communicative aspects of all Signs, not related to the content of the Sign, must comply with the provisions of this article. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of Signs.

§237-4. Substitutions and interpretations.

This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. A non-Commercial Message may be substituted for any commercial or non-Commercial Message displayed on a Sign without the need for any approval or Sign permit, provided that the Sign is otherwise permissible under this Section. If a Commercial Message is substituted for any other Commercial Message, a Sign permit is required pursuant to §237-5. To the extent any provision of this Section is ambiguous, the provision will be interpreted not to regulate on the basis of the content of the message.

Article II: Administration

§237-5. Applicability

- A. No Sign shall be erected, enlarged, redesigned, structurally altered, or used without a Sign permit issued by the Building Commissioner, and, except as provided for elsewhere in this chapter, the advisory review of DRAB. Permits shall be issued only for Signs in conformance with this chapter.

- B. The following Sign types require a Sign permit pursuant to application, review, and approval by the Building Commissioner (“Administrative Review”), but do not require DRAB review:
 - 1. Awning Sign
 - 2. Directory Sign
 - 3. Identification Sign, except as provided in §237-17.
 - 4. Incidental Sign
 - 5. Temporary Signs over nine (9) square feet in area.
 - 6. Sandwich Board
 - 7. Banner Sign: A Banner Sign on private land may be approved for up to 30 days by the Building Commissioner without DRAB review.

- C. All other Sign types, and all Illuminated Signs, shall be reviewed by DRAB incidental to Administrative Review.

- D. Where a proposed Sign does not meet the requirements of this chapter, as determined by the Building Commissioner upon submission of a Sign Permit Application, DRAB may grant a waiver from such requirements.

§237-6. Application; review.

- A. A Sign Permit Application shall be submitted to the Building Department in the manner prescribed by the Commissioner. If an application is for or includes a request for a waiver from the requirements of this Chapter, the applicant shall so state in the application, specifying the waiver requested.
- B. Unless exempt from DRAB review as above, at the time of submission of such application to the Building Commissioner, the applicant shall submit a copy of the Sign Permit Application to DRAB for its review and recommendation or decision, as may be required.
- C. In cases where a submitted Sign Permit Application does not comply with the Sign Code and does not request a waiver for such noncompliance, the Applicant shall be notified by the Building Commissioner of non-compliance.
 - 1. The Applicant may resubmit the Sign Permit Application, bringing the proposed Sign into compliance with this chapter, or requesting a waiver from the applicable requirements.
 - 2. A DRAB decision is required for a waiver for a noncomplying Sign. See §237-8 and §237-25.
- D. Applicants are strongly encouraged to discuss the requirements of this chapter with the Planning and Zoning Department prior to submitting a Sign Permit Application.

§237-7. DRAB Advisory Review.

- A. Within 30 days of submission of a complete Sign Permit Application requiring DRAB advisory review, DRAB shall hold a meeting to consider the Application.
- B. Within 10 business days following the meeting, unless such time is extended by agreement with the applicant, DRAB shall provide a written recommendation to the Building Commissioner and the Applicant.
- C. The failure of DRAB to provide a recommendation within 10 days shall be deemed a favorable recommendation.

§237-8. DRAB Waiver: Procedure.

- A. If the Building Commissioner determines that a waiver(s) is required from the requirements of this chapter, the Applicant may request such a waiver from DRAB pursuant to the filing of a Sign Permit Application. The Planning & Zoning Department may determine which information is required to support a waiver(s) request and list the requirements on the Application.
- B. DRAB shall hold a hearing for any waiver request within 45 days from the date of filing the Sign Permit Application with the Building Department.
- C. DRAB shall cause notice of such hearing to be published in a newspaper of general circulation and said notice shall be sent to the Applicant, abutters, and abutters to abutters within 300 feet of the Property line of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, no less than 7 days from the date of the hearing.
- D. DRAB shall decide the waiver request within 60 days from the date of filing and shall file a written decision on such request within 14 days of the date of the decision. Failure by DRAB to file its written decision within the time required shall be deemed an approval of the waiver request. The required time for said decision and filing may be extended by written agreement between the applicant and DRAB.
- E. DRAB may by an affirmative vote of four of its members grant waivers from the provisions of this chapter, subject to the criteria in this chapter.

§237-9. DRAB Waiver: criteria.

- A. No waiver may be granted by DRAB from §237-18 Prohibited Sign types.

- B. DRAB may grant a waiver upon making a written finding that undue hardship may result from strict compliance with the submittal requirements or review standards of this article, provided that such variation will not have the effect of nullifying the intent of this chapter. Hardship may exist when the conditions of the site do not allow for an appropriate Sign type that meets the requirements of this chapter.
- C. DRAB may grant a waiver for a Creative Sign based on one or more of the following criteria:
1. The Sign creates a clear connection with the shapes, textures, colors, and materials used in the appearance of the buildings of the premise.
 2. The Sign creates proportional sizes of Signs placed on or integrated into a building's architecture.
 3. The Sign improves the legibility of Sign(s).
 4. The Sign enhances driver reaction time to the Sign(s).
 5. The Sign creates organized wayfinding and identification or messaging program.
 6. The Sign protects Significant scenic views.
 7. The Sign promotes a well-organized visual environment through appropriate sizes.
 8. The Sign represents a best practice of the design of dark sky Sign illumination.
 9. The Sign is consistent with approved design guidelines for the district or area in which it will be located.
 10. The Sign is consistent with industry standards or best practices as defined by one or more of the following, **with any inconsistencies to be resolved by DRAB in the best interests of the town:**
 - ~~a. Award winning Sign designs Sign designs, a document on Signage best practices published by the American Planning Association or the American Institute of Architects~~
 - a. Design standards from the *Manual on Uniform Traffic Control Devices*.
 - b. The American Association of State Highway and Transportation Officials' *Guide for the Development of Bicycle Facilities*, the National Association of City Transportation Officials' *Urban Bikeway Design Guide*, or other guides to design standards and legibility of signage.

- D. DRAB may extend the duration of a Limited Duration Sign for longer than 90 days but for not more than six (6) months.

§237-10. Issuance of Sign Permits.

- A. The Building Department shall issue the appropriate Sign permit to the Applicant upon compliance with the requirements of this chapter.
- B. The Building Commissioner shall act on a Sign Permit Application within 10 days of receipt of a recommendation from DRAB or the failure of DRAB to provide such recommendation, as required, and within 10 days of the receipt of a decision from DRAB on a request for waivers or the failure to act as required.
- C. The Building Commissioner's failure to act within the time required shall be deemed a denial of the Sign Permit Application.

§237-11. Appeal.

Any person aggrieved by the Building Commissioner's action or failure to act may file an appeal within 30 days with the Town Clerk. An appeal from the provisions of the Sign Code is heard by the ~~Sign Appeals Board~~ **Zoning Board of Appeals**. A hearing for any appeal shall be held within 65 days from the date of filing with the Town Clerk. A written decision shall be made 100 days from the date of filing. The ~~Sign Appeals Board~~ **Zoning Board of Appeals** shall cause notice of such hearing to be published in a newspaper of general circulation and said notice sent to Applicant, abutters, and abutters to abutters within 300 feet of the Property line of the application, and parties of interest within 300 feet of the Property line of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, no less than 14 days from the date of the hearing. The decision of the ~~Sign Appeals Board~~ **Zoning Board of Appeals** shall be final and appeals from such decision may be taken as provided by law. Failure of the ~~Sign Appeals Board~~ **Zoning Board of Appeals** to act within the time required shall be deemed to be a denial of the appeal.

Article III: General Regulations

§237-12. Permits required.

Signs identified as "A" in Table 1 shall be erected, installed, or created only in conformance with a duly issued and valid Sign permit. Such permits shall be issued only in accordance with the following requirements. Any Sign not authorized pursuant to this Section is prohibited.

§237-13. Public right-of-way Signs.

No Sign shall be allowed in the public right-of-way, except as follows and in conformance with the following conditions:

- A. Permanent bus stop Signs erected by a public transit company.
- B. Permanent informational Signs of a public utility regarding its poles, lines, pipes, or facilities.
- C. Awning, Projecting, and Suspended Signs projecting over a public right-of-way in conformance with all other regulations of this chapter.
- D. Temporary emergency warning Signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- E. Sandwich Board Signs in conformance with all other regulations of this chapter.
- F. Banner Signs over public rights-of-way.

§237-14. Town-owned Property — temporary Signs.

Temporary Signs promoting events, programs, or functions are permitted on town-owned Property upon 15 days' notice to and written approval of the town agency with jurisdiction for the Property; provided, however, that an organization may at each location place a single Sign not to exceed nine square feet; provided, further, that such Signs may be installed only during the period from 30 days prior to the event to three days subsequent to the event. For the purposes of this section multi-day events occurring at least once per week may be treated as a single event.

§237-15. Town-owned Property — sponsorship Signs.
Notwithstanding the prohibitions in §237-18.D and §237-18.J, sponsorship Signs supporting municipal recreational facilities and activities are permitted on town-owned Property upon the written approval of the town agency with the jurisdiction for such Property, provided in the case of Roof Signs that such Signs be limited to 40 square feet in size and shall be limited to the following locations, with no more than one Sign allowed at each such location: Memorial Field, Condon Park, Rustcraft Road, and Stone Park.

§237-16. Exempt Signs.

The following Signs do not require a permit under this chapter:

- A. Any Sign erected or required by public agencies pursuant to federal, state, or local law.
- B. Public Signs erected by or on behalf of a governmental body to post legal notices, to identify public Property, to convey public information, and to direct or regulate pedestrian or vehicular traffic.
- C. Signs that are not illuminated and are not Visible from any area to which the public has the right to access.
- D. Any Sign inside a building, not attached to a window or door, that is not visible from a distance of more than three feet beyond the lot line of the Lot or parcel on which such Sign is located.
- E. On-Premises traffic control devices on private property, the faces of which meet Department of Transportation standards, and which additionally contain only the name or logo of the business.
- F. ~~Flags of city, state, or country~~ **a government, political subdivision, or other non-commercial institution.**
- G. Memorials such as gravestones and cornerstones.

- H. Historical Markers installed or approved by a Public Agency or duly established historical society.
- I. Awning Sign limited to a single line of lettering no more than 6 inches high.
- J. Identification Sign of no more than two square feet in area for a residence.

§237-17. Private Property — exempt Signs.

The following Signs are allowed on private Property without Sign permits:

- A. On all residential properties, one Identification Sign of no more than two (2) square feet.
- B. On all properties, Temporary Signs **are shall** not to exceed nine square feet in area. ~~Temporary Signs are limited to a duration of less than 30 days~~ and shall not be illuminated.

§237-18. Prohibited Sign types.

The following are prohibited:

- A. Animated Signs, except as provided for under Article IV. Special Regulations. This includes wind-driven, inflated, whirling, turning, spinning devices that serve as a Commercial Message.
- B. Beacon.
- C. Billboard.
- D. Commercial Messages that are not mounted on a Building, Awning/Canopy, Freestanding Sign, or other expressly permitted Sign or mounting condition.
- E. Digital Display Sign except as provided for under Article IV. Special Regulations.
- F. Neon-type Sign, except as provided for under Article IV. Special Regulations.
- G. Off-Premises Sign, except as provided for under Article IV. Special Regulations
- H. Pennant Sign.
- I. Portable Sign, other than Sandwich Board Signs as provided for under Article IV. Special Regulations.

- J. Roof Signs, unless granted as a waiver by DRAB for a Creative Sign.
- K. Signs having red or green lights erected within sight of a traffic Signal unless approved as non-hazardous by the Chief of Police.
- L. Signs which obscure or tend to block a clear view of traffic, warning and control Signs or Signals, pedestrian crosswalks, or handicapped access ramps, or any Sign that the Commissioner determines may endanger public safety.

Article IV: Special Regulations

Signs shall comply with the standards in this Article.

§237-19. Design standards.

A. Awnings and Awning Signs:

1. The Awning location on the building shall not obscure or cover the architectural Sign Band of the building.
2. Awnings must be made of canvas or duck cloth and be completely opaque.
3. The color of the Awning shall be consistent with the overall design scheme for the building.
4. Awning Signs shall only be permitted on Awnings installed on the ground floor of the building.
5. Awning Signs shall be painted on or attached to the surface of the Awning or its valance.
6. The area of an Awning Sign shall not exceed 25% of the surface area of the Awning. This area does not include the exempt single line of lettering noted in §237-16.
7. Awning Signs shall not extend beyond the valance or any other part of the Awning, nor be attached at an angle projecting through the Awning, nor be attached to or displayed on the sides or underside of the Awning.
8. Awning Signs shall not be backlit or internally illuminated.

B. Changeable Copy Sign:

1. The area of the Changeable Copy may not be greater than thirty (30) percent of the area of the Sign on which it is located.
2. The Sign on which it is located must indicate the business, establishment, product, or services to which the Commercial Message refers.

- C. Digital Display Signs:
1. Digital Display Signs are restricted to approved Sign Packages.
 2. These Signs shall have a maximum Sign Area no greater than that of a Freestanding Sign in the respective district.
 3. No Digital Display Sign shall indicate movement or animation; static displays must be employed with image changes at least five (5) minutes in duration and included transition times between images of at least one (1) second.
 4. Nighttime illumination levels must be lower than daytime illumination levels to reduce glare and reflected light.
 5. A default display must be provided in the case of failure of the system.
 6. The Applicant must demonstrate that the programming and control of the Sign are secure.
- D. Free-standing Sign: All Freestanding Signs shall be located within a curbed, landscaped area extending a minimum of three feet on all sides of the Sign base.
- E. Identification Sign:
1. The Sign Area of an Identification Sign shall not exceed four (4) square feet.
 2. Identification Signs may be wall-mounted or freestanding.
 3. Freestanding Identification Signs shall be no greater than five (5) feet in height.
- F. Incidental Sign: An Incidental Window Sign that is more than two (2) square feet in area shall be regulated as a Window Sign.
- G. Historical Marker Sign: A Historical Marker Sign shall include only building name, date of construction, or historical data on historic site and must be cut or etched into masonry, bronze, wood, or similar material.
- H. Limited Duration Sign: A Limited Duration Sign of any size may be displayed for between 30 and 90 days. DRAB may grant a waiver for a longer defined duration.

- I. Off-Premises Sign: DRAB may grant a waiver upon demonstration of a hardship requiring location of a Sign(s) off-premise. The waiver application must provide information about the legal right or permission to maintain the Sign off-premise, identify who maintains the Sign, and indicate that compliance with this Sign Code is the responsibility of the owner of the Sign.

- J. Projecting Sign and Suspended Sign: A Sign projecting more than twelve (12) inches from the face of a building shall be at least 8 feet above Normal Grade and its upper edge no more than fourteen (14) feet above Normal Grade.

- K. Sandwich Board Signs:
 - 1. Each business is allowed one Sandwich Board Sign within thirty (30) feet of the main entrance of said Premises whether on a public sidewalk or private Property.
 - 2. The Sign may be displayed only during business hours and must be removed after business hours. A Sandwich Board Sign shall not be included in the calculation of total Signage allowed on the site.
 - 3. The Sign frame shall be no greater in size than two (2) feet wide and three (3) feet six (6) inches high. The message panels attached to the frame shall be no greater than two (2) feet wide by three (3) feet high.
 - 4. The Sign must be located in front of the establishment it advertises. Under no circumstances shall a Sign obstruct vehicular/bus stops, benches, fire hydrants, or other features legally in the right of way, nor shall it obstruct parking access, handicapped parking access, or vehicular paths of travel. A minimum clear sidewalk width of forty-eight (48) inches shall be maintained.
 - 5. The Sign frames must be constructed of materials that present a finished appearance and use durable weather-resistant materials including, but not limited to, painted or decay-resistant wood, metal, or wrought iron. Natural chalkboard or corkboard shall be used for the message area.
 - 6. Sign lettering shall either be painted in a professional-looking manner, computer-generated or handwritten on a chalkboard. Lettering and number characters shall not exceed eight inches in height.

7. Logos are encouraged.
8. The following are prohibited: Sign frames constructed of rough-cut plywood, cardboard, paper, fabric, or non-rigid materials, or use of whiteboards, magnetic letters, illumination, or changeable letters on tracks.

L. Sign Package:

An approved Sign Package allows for a streamlined process to acquire a Sign permit for multiple tenants in a single building or on a single lot. All Signs within a Sign Package must follow the regulations in this Sign Code. Sign Packages that contain noncomplying Signs require one or more waivers from DRAB.

1. A Sign Package may be requested for the following:
 - a. Planned Commercial Development.
 - b. All multi-tenant buildings with more than six tenants.
 - c. All Lots with more than one building.
2. Applicant requirements for a Sign Package:
 - a. Sign regulations specific to the location.
 - b. Administration of the Sign Package, including the process for review, approval, and enforcement.
 - c. Relationship of landlord approval process to town's approval process.
 - d. ~~Definition~~ **A List and Type** of Signs by ownership/responsibility (Tenant, Landlord).
 - e. Sign types and definitions.
 - f. Requirements for the design and construction of Signs.
 - g. Criteria for approval.
3. Replacing Signs shown on Sign Package.
 - a. Where the owner of a Property has a Sign Package on file with DRAB, the Building Commissioner shall issue a Sign permit for a Sign that conforms to that Sign Package.

M. Temporary Signs: A Temporary Sign of any size may only be displayed for less than 30 days, except as provided for in §237-14 **and shall not apply to signs erected according to §237-17(B).**

N. Wall Signs:

1. Any Wall Sign installed on a building with an architectural Sign Band shall be located within that Sign Band which is the horizontal plane of the façade of the building defined by architectural details such as cornices, lintels, pediments, pilasters, and windows.
2. On a building without an architectural Sign Band, no wall Sign, except Window Signs which identify a business occupying space in a level above the ground floor level, shall extend higher than the lowest of (i) 25 feet above grade or (ii) below the second-floor window frame unless DRAB grants a waiver for a Creative Sign. See §237-9.C.
3. No Wall Sign shall extend above the lowest point of the roof unless it has been integrated into the architecture of the roofline, for example, a parapet.

O. Window Signs:

1. The maximum area of a Window Sign is 25% of the transparent, glazed windows and doors in a façade.
2. For Window Signs, one Sign may consist of a Digital Display Sign or Edge Lit Sign up to a maximum area of two (2) square feet, or one Neon-Type Sign with a maximum area of six (6) square feet.
3. An Incidental Window Sign shall be informational only and shall not contain a Commercial Message. Any such Sign larger than two (2) square feet in area shall be considered a Window Sign.

§237-20. Illumination.

- A. No Sign shall be lighted except by a steady, stationary source shielded and directed at the Sign except as specifically provided for in this chapter.
- B. External illumination shall be by white, steady, stationary source shielded and directed at the Sign or backlighted. The foregoing is also applicable to permanent interior Signs which are designed to be Visible through a door or window.

- C. Internal illumination shall be by white, steady, stationary source directed on translucent materials to illuminate the Sign except as specifically provided for in this chapter.
- D. Neon-type illumination components of Signs may be employed up to a maximum of five (5) percent of the allowable Sign Area for Marquees and Wall Signs.
- E. Illumination of Awning Signs is restricted to External Illumination.
- F. Sandwich Boards shall not be illuminated.
- G. Illumination of Digital Display Signs and Changeable Copy Signs may use LCD, LED, or other illumination technologies.
- H. Times of illumination. No Sign shall be illuminated in any district beyond the business hours of the establishment to which it pertains nor between 12:00 a.m. midnight and 6:00 a.m. unless allowable business hours extend into such period.
- I. No Internally Illuminated, Digital Display, or Changeable Copy Signs shall be permitted in any residential districts or Limited Manufacturing district.
- J. No illumination shall be permitted which casts direct light or glare beyond the perimeter of the Property on which the Sign is located.
- K. No illumination shall be permitted which casts direct light or glare onto any residential Premises or onto any portion of a way as to create a traffic hazard.
- L. No pylon, pole, or Sign-supporting structure shall be illuminated, except as required by other applicable state or federal law.

§237-21. Location.

Signs are permitted by type in each zoning district as identified in

Table 1. The maximum total area of all Signs on a Lot, except an Incidental Sign, Historical Marker, Window Sign, and Flags shall not exceed the lesser of the listed calculations.

A. Residential Districts:

1. A residence shall have no more than one Identification Sign.
2. A multi-tenant residential project may have one additional Freestanding or Wall Sign per Lot. The Sign Area of each Sign shall be no more than fifteen (15) square feet.
3. For institutional uses (as that term is defined and used in the Dedham Zoning By-laws **Use Regulation Tables**) in a residential district, Sign Area for any Commercial Message on a Sign may not exceed twenty (20) square feet, with a maximum vertical dimension of six (6) feet.
4. The height of a Freestanding Sign shall be no greater than five (5) feet, and the Sign shall be set back from the front lot line by a minimum of three (3) feet and from the side lot line by a minimum of five (5) feet.

B. Central Business, Local Business, and General Business:

1. The maximum total Sign Area per Lot is one (1) square foot per one (1) linear foot of the Principal Façade. If the building has two or more façades that are both Visible and serve as approaches for customers from travel ways or parking lots, the maximum Sign Area per Lot may be increased by 50%.
2. One Identification Sign is permitted per Lot.
3. A Wall Sign is limited to 10% of the total Wall Area.
4. One Freestanding Sign is allowed per Lot. The Sign Area shall be no more than 20 square feet. The height shall be no greater than eight (8) feet, and the Sign shall be set back from the front and side lot lines by a minimum of five (5) feet. In no case shall the actual Sign Height exceed the actual Sign Setback from any adjacent Lot that is zoned and used for residential purposes.

C. Highway Business:

1. The maximum total Sign Area per Lot is two (2) square feet per one (1) linear foot of the Principal Façade. If the building has two or more façades that are both Visible and serve as approaches for customers from travel ways or parking lots, the maximum Sign Area per Lot may be increased by 50%.
2. A Wall Sign is limited to 10% of the total Wall Area.
3. One Freestanding Sign is allowed per Lot. The Sign Area shall be no more than 100 square feet. The height shall be no greater than twenty (20) feet, and the Sign shall be set back from the front and side lot lines by a minimum of ten (10) feet. In no case shall the actual Sign Height exceed the actual Sign Setback from any adjacent lot that is zoned and used for residential purposes.

D. Limited Manufacturing A & B:

1. The maximum total Sign Area per Lot is one (1) square foot per one (1) linear foot of the Principal Façade. If the building has two or more façades that are both Visible and serve as approaches for customers from travel ways or parking lots, the maximum Sign Area per Lot may be increased by 50%.
2. One Identification Sign is permitted per Lot.
3. A Wall Sign is limited to 10% of the total Wall Area.
4. One Freestanding Sign is allowed per Lot. The Sign Area shall be no more than 100 square feet. The height shall be no greater than twelve (12) feet, and the Sign shall be set back from the front and side lot lines by a minimum of ten (10) feet. In no case shall the actual Sign Height exceed the actual Sign Setback from any adjacent lot that is zoned and used for residential purposes.

E. Research Development & Office:

1. The maximum total Sign Area per Lot is two (2) square feet per one (1) linear foot of the Principal Façade. If the building has two or more façades that are both Visible and serve as approaches for customers from travel ways or parking lots, the maximum Sign Area per Lot may be increased by 50%.
2. A Wall Sign is limited to 5% of the total Wall Area.

3. One Freestanding Sign is allowed per Lot. The Sign Area shall be no more than forty (40) square feet. The height shall be no greater than twelve (12) feet, and the Sign shall be set back from the front and side lot lines by a minimum of ten (10) feet. In no case shall the actual Sign Height exceed the actual Sign Setback from any adjacent lot that is zoned and used for residential purposes.

F. Planned Commercial:

1. A Sign Package shall be required for a Planned Commercial Development and permitted Sign types and locations shall be as defined by the Sign Package approved by DRAB. See §237-19.L.

G. Senior Campus:

1. The maximum total Sign Area per Lot is one (1) square foot per one (1) linear foot of the Principal Façade. If the building has two or more façades that are both Visible and serve as approaches for customers from travel ways or parking lots, the maximum Sign Area per Lot may be increased by 50%.
2. One Identification Sign is allowed.
3. A Wall Sign is limited to 10% of the total Wall Area.
4. One Freestanding Sign is allowed per Lot. The Sign Area shall be no more than forty (40) square feet. The height shall be no greater than twelve (12) feet, and the Sign shall be set back from the front lot line by a minimum of five (5) feet and from the side lot lines by a minimum of ten (10) feet. In no case shall the actual Sign Height exceed the actual Sign Setback from any adjacent Lot that is zoned and used for residential purposes.
5. Lighted or unlighted Signs Visible from a position outside of the SC District, provided that each such Sign shall not exceed 15 square feet, are exempt from the provisions set forth in Table 1 and §237-17.

§237-22. Computation of Sign Area.

The following principles shall control the computation of Sign Area:

- A. The area of a Sign which has only one face shall be of the entire Sign Panel and shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the Sign Panel.

- B. The Sign Area of a Sign with more than one face shall be computed by adding together the area of all Sign Panels Visible from any one point. When two identical Sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same Sign structure, the Sign Area shall be computed by the measurement of the larger of the two Sign Panels.
- C. The Sign Area of a three-dimensional Sign such as a Trade Figure, Symbol Sign, or Art Sign shall be computed based on a square, circle, rectangle, triangle, or combination thereof that will encompass the largest Visible profile.

§237-23. Construction and maintenance standards.

All Signs shall be constructed and maintained in accordance with the following standards:

- A. All Signs shall comply with applicable provisions of the state building code, General Bylaws, and the electrical code of the town at all times.
- B. Except for Banners, Flags, Limited Duration Signs, Temporary Signs, and Window Signs conforming in all respects with the requirements of this chapter, all Signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

Article V: Noncomplying Signs and Signs without Permits

§237-24. Removal of illegal existing Sign; permit for conforming Signs.

- A. The owner or person in control of any Lot or other Premises on which exists a Sign for which there is no current and valid permit, shall remove such Sign.
- B. The owner or person in control of any Lot or other Premises on which exists a Sign without a permit but which or would otherwise comply with this chapter shall apply for a permit.

§237-25. Continuation of pre-existing noncomplying Signs.

- A. Signs legally in existence at the time of the adoption of this bylaw that do not comply with the requirements of this bylaw may be maintained without change pursuant to the issuance of a Sign permit for that purpose, and thereafter shall be considered Legally Noncompliant Signs. Signs that do not comply with this bylaw and do not qualify for a Legally Noncompliant Sign permit shall constitute Illegal Signs and shall be subject to enforcement as such.

- B. To determine the legal status of existing Signs, the Applicant shall submit the following information to the Building Commissioner in a Sign Permit Application:
 1. Type(s) of existing Sign(s) located on the Property.
 2. The area and height of all Signs.
 3. For freestanding Signs, the distance between the Lot line and the nearest portion of the Sign.
 4. Type of Sign illumination.
 5. The material of which the Sign is constructed.
 6. The building frontage.

- C. All Legally Noncompliant permanent Signs and Sign structures shall be brought into conformance with the Sign regulations when and if the following occurs:
 1. The Sign is removed, relocated, or Significantly altered. Significant alterations include changes in the size or dimension of the Sign. Changes to the Sign copy or the replacement of a Sign face on a noncompliant Sign shall not be considered a significant alteration.
 2. If more than 50% of the Sign Area is damaged, it shall be repaired to conform to this bylaw.
 3. An alteration in the structure, or significant damage of a Sign support.
 4. A change in the mechanical facilities or type of illumination
 5. A change in the material of the Sign face.

6. The Lot on which the noncompliant Sign is located is reduced in size.

The Lot on which the Legally Noncompliant Sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by the Town of Dedham.

D. Prior to the events listed in §237-25.B., Legally Noncompliant Signs may be repainted or repaired up to 50% of the replacement cost of the Sign, the Sign copy may be changed, and Sign faces may be replaced provided that these actions do not increase the dimensions of the existing Sign, and do not in any way increase the extent of the Sign's non-compliance.

E. Legally Noncompliant Signs shall be exempt from the provisions of §237-25.C., under the following conditions:

1. The Sign possesses documented historic value.
2. The Sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Massachusetts Historical Commission, or Town of Dedham Historic Districts Commission.
3. The Sign is required to be moved because of public right of way improvements.

All noncompliant Temporary Signs, Portable Signs, and Banners must be permanently removed within 90 days of the effective date of this Article, unless specific approval is granted as provided for herein.

§237-26. Requirements for Sign modifications.

A Sign permit shall lapse and become void whenever there are modifications to a Legally Noncompliant Sign other than as described in §237-25. Upon notification by the Building Commissioner of such modification, the owner shall, within 45 days, make the Sign conform to the prior permit, remove the Sign, or apply for a new Sign permit.

§237-27. Removal of Sign when business is discontinued.

A Sign permit shall lapse and become void when the activities, business, goods, or services described on the Sign are discontinued. The owner

shall remove a Sign within 30 days of discontinuance of the activities, business, goods, or services described on the Sign. A Freestanding Legally Noncompliant Sign structure shall be removed after 365 days have elapsed where all Signage on said structure has been or is required to be removed for discontinuance of the activities, business, goods, or services.

§237-28. Illegal Signs.

Nothing in this chapter shall be construed to make permissible a preexisting Sign which was constructed or displayed in violation of this chapter or any predecessor to this chapter and which continues not to be in conformance with the requirements of this chapter.

§237-29. Waiver of Sign Area and/or Setback.

Notwithstanding any provision to the contrary, a Legally Noncompliant Sign with a Sign Area greater than allowable under this chapter and/or with a Setback from a public way less than allowable under this chapter may be replaced with a Sign erected on the same Lot with a Sign Area greater than allowable under this chapter or a Setback less than allowable under this chapter upon the issuance of a waiver by DRAB; provided, that the maximum Sign Area of any Sign waived under this paragraph shall be no greater than 70% of the Sign Area of the noncomplying Sign being replaced and the minimum Setback of any Sign erected under this paragraph shall be no less than the current Setback of the noncompliant Sign being replaced.

Article VI: Enforcement/Inspection – Certificate of Compliance

§237-30. Violations.

- A. The placement of a Sign without a required Sign Permit shall be unlawful.
- B. Permits issued for work commenced without a Sign permit, or any work beyond the authorized scope of a Sign permit shall be assessed double the required permit fees for the Sign(s).
- C. Each Sign installed, created, erected, or maintained in violation of this bylaw shall be considered a separate violation for the purposes of this chapter.
- D. Each such day of a continued violation shall be considered a separate violation for the purposes of this chapter.

§237-31. Inspection; certificate of compliance; notice of deficiencies. During the sixth months after the issuance of a permit or at such an earlier date as the Applicant may request, the Commissioner shall cause an inspection of the Lot for which each such permit for a new Sign or for modification of an existing Sign has been issued. If the construction is complete and in full compliance with this chapter and with the building and electrical codes, the Commissioner shall issue a certificate of compliance. If construction is not substantially complete or not in full compliance with this chapter and applicable codes, the Commissioner shall give the owner or Applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If construction is completed within said 30 days and the deficiencies corrected, the Commissioner shall issue a certificate of compliance.

§237-32. Enforcement and remedies.

- A. The Commissioner may enforce the provisions of this bylaw in accordance with §1-6 of these By-laws.
- B. If the Commissioner finds that any provision of this bylaw is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
- C. The Commissioner has the authority to order the repair, maintenance, or removal of any Sign or Sign structure that has become dilapidated or represents a hazard to public health, safety, or welfare.
- D. All such remedies provided herein shall be cumulative and shall not impair the authority of the Commissioner to take any action authorized or required by the State Building Code or other local, state, or federal law.

§237-33. Severability.

If any provision of this chapter, or the application thereof to any person or circumstance, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

Article VII: Definitions

§237-34. Definitions and interpretation.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in Massachusetts Building Code shall be given the meanings set forth therein.

§237-35. Sign Types.

~~ABANDONED SIGN — A sign which no longer identifies or advertises a bona fide business, lessor, service, identifiable owner, product, or activity that is located on the Premises.~~

ANIMATED SIGN — A Sign, or any portion of a Sign, made or equipped to move or give the appearance of moving, either by the movement of any light used in conjunction with a Sign, such as blinking, traveling, flashing, or changing the degree of intensity, or by mechanical means, or that is wind-driven and is designed to move with the movement of the air. See §237-16. A and §237-16.E.

ART/MURAL SIGN — A Sign that provides an artistic expression that does not include in whole or in part the name, text, logo, or illustration depicting any business, establishment, service, or product.

AWNING SIGN — Any and every Sign displayed on an awning or canopy. See §237-13.C, §237-16.I, §237-19.A, and §237-20.E.

BANNER SIGN— Any Sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state, or the official flag of any institution or business shall not be considered Banners. See FLAG, TRADE FLAG, §237-13.F. and ~~§237-19.B.~~

BILLBOARD SIGN — A Freestanding Sign larger than 100 square feet of Sign panel area, or a Sign affixed to a building covering more than 20% of the Wall Area to which it is affixed. See §237-18.C. Roof-mounted Billboards shall not qualify as a Creative Sign.

BUILDING SIGN— Any Wall Sign, Projecting Sign, Suspended Sign, or any Sign attached to any exterior part of a building.

CENTER IDENTIFICATION SIGN — A Sign identifying only the name and location of an entire planned commercial, office, or industrial complex developed or managed under one ownership or single control.

CHANGEABLE COPY SIGN — A Sign with changeable portions limited to portions that contain characters or letters using electronic or other technologies that can be changed without altering the face or the surface of the Sign. Except for messages that indicate time or temperature, a Sign on which the message changes more than once per day shall be considered an Animated Sign. See §237-19.C, §237-20.G, and §237-20.I.

CREATIVE SIGN — A Sign that does not meet the strict requirements of this chapter but provides a superior design for the specific requirements of the Premises on which it is located. See §237-9.C. and §237-19.D.

DIRECTORY SIGN — A Sign located at or near the entrance of a multi-tenant building, lot, park, or campus, whose sole purpose of which is to provide a listing of the names of the individual tenants or users located therein.

FREESTANDING SIGN — Any Sign supported by dedicated structures or supports that are placed on or anchored in the ground and that are independent of any building or other structure. An Awning Sign is not a Freestanding Sign. See §237-19.D.

HISTORICAL MARKER SIGN — Any Sign indicating the name of a building, date of construction, or other incidental information about its construction or history. See also §237-16.H and §237-19.I.

IDENTIFICATION SIGN — A Sign whose copy is limited to the name and address of the building, institution, or person(s) being identified. In a Residential District, an Identification Sign may include a Commercial Message advertising goods and services offered on the Premises where the Sign is located, provided that offering such goods or services conforms with all requirements of applicable zoning and town regulations. See §237-17.A and §237-19.G.

ILLEGAL SIGN — A Sign erected or installed without municipal approval that is not otherwise exempt. See §237-24.

ILLUMINATED SIGN — A Sign with electrical equipment installed for illumination, either internally illuminated through its Sign face by a light source contained inside the Sign or externally illuminated by a light source aimed at its surface. See §237-20 for all Illuminated Signs.

ILLUMINATED SIGN - BACK-LIGHTED — Any wall-mounted Sign which is illuminated by a diffused light source projected on the mounting surface to allow light to extend beyond the actual limits of an opaque Sign panel or individual letters.

DIGITAL DISPLAY SIGN — An Illuminated Sign utilizing an electronic digital display. This Sign type utilizes a light source derived from LCD, LED, or other electronic display technologies to compose the Sign surface and messages. The Sign may consist of changeable or program-controlled content. Changeable Copy Signs with digital display of letters or characters are not considered Digital Display Signs. See §237-18.E, §237-19.C, §237-20.G, and §237-20.I.

ILLUMINATED SIGN - EDGE-LIT — Sign composed of transparent material with letters or illustrations illuminated through concealed edge-mounted LED or other light sources.

ILLUMINATED SIGN - EXTERNAL — A Sign which is lighted from a source which is outside of the Sign panel, with the light source mounted on the building face, the Sign structure, or on the ground. See §237-20.B.

ILLUMINATED SIGN - INTERNAL — A Sign that is lighted by a source concealed behind a translucent Sign panel. See §237-20.C and §237-20.I.

ILLUMINATED SIGN - NEON-TYPE — A Sign comprised of narrow lines, letters, or shapes emitting light using either electric discharge tubing filled with inert gas or light-emitting diodes mimicking the characteristics of neon technology. See §237-18.F and §237-20.D.

ILLUMINATED SIGN - SINGLE-COLOR LED — A Sign composed of single-color LEDs, including Signs with fixed and Changeable Copy.

INCIDENTAL SIGN — A Sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a Property from a public street. These Signs shall not contain any Commercial Message. See §237-19.F.

LIMITED DURATION SIGN — Any On-Premises Sign that is not permanently affixed to the ground. See §237-9.D and §237-19.H.

MARQUEE SIGN — Any permanent roof-like structure projecting horizontally and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. See §237-20.D.

MONUMENT SIGN — Any detached Sign whose Sign surface is attached to a proportionate base or structural frame, the width of which shall be a minimum of 1/2 the width of the widest part of the Sign face. Said base shall not exceed a height of three feet above the average finished grade. An enclosed or solid Sign base shall not be required if the Sign face is within one foot of the average finished grade. A Monument Sign is a Freestanding Sign.

LEGALLY NONCOMPLIANT SIGN — A Sign which was erected legally but which does not comply with subsequently enacted regulations. See Article V.

OFF-PREMISES SIGN — A Sign pertaining to products, accommodations, services, or activities not located on the Premises. See §237-18.G and §237-19.I.

ON-PREMISES SIGN — A Sign pertaining exclusively to the Premises on which it is located or to the products, accommodations, services, or activities on the Premises.

PENNANT SIGN — Any lightweight plastic, fabric, or other material, whether containing a message of any kind, fixed or attached on one or two sides from a support so as to allow the Sign to move in the wind. See §237-18.H.

POLE OR PYLON SIGN — Any Sign that is supported by uprights, braces, columns, poles, or other vertical members which are not attached to a building and where the bottom edge of the Sign face is located three feet or more above the Normal Grade at the base of the Sign. A Pole or Pylon Sign is a Freestanding Sign

PORTABLE SIGN — A Sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure. See §237-18.I.

PROJECTING SIGN — Any Sign affixed to a building or wall in such a manner that its leading-edge extends more than 12 inches beyond the surface of the building or wall. A Projecting Sign may be either perpendicular or parallel to a wall and may have a message on more than one face. See §237-13.C and §237-19.J.

ROOF SIGN — Any Sign erected upon a roof and wholly or partially supported by the Sign structure placed upon the roof. See §237-18.J.

SANDWICH BOARD SIGN — A non-illuminated, Portable Sign located on an A- or T-frame support that is not attached to the ground or adjacent structures, and which has a Commercial Message limited to advertising goods or services sold or available on or within directly adjacent Premises. See §237-13.E, §237-19.M, and §237-20.F.

SUSPENDED SIGN — A Sign that is suspended from the underside of a horizontal plane surface and is supported by that surface. See §237-13.C and §237-19.J.

TEMPORARY SIGN — Any On-Premises Sign that is not permanently mounted. See §237-14 and §237-19.H.

TRADE FIGURE OR SYMBOL SIGN — A three-dimensional representation of a business that is used to indicate the type of merchandise or services offered by the business.

TRADE FLAG SIGN — Any Sign consisting of lightweight fabric that is affixed to a pole displaying letters, designs, or icons exemplary of the business displaying the Flag.

V-SHAPED SIGN — A Sign with two faces or panels not supported by one common structural member and which faces are not back-to-back.

WALL SIGN — Any Sign parallel and attached to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and displays only one Sign surface. See §237-19.N and §237-20.D.

WINDOW SIGN — Any Sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered Signs. See §237-19.O.

WINDOW SIGN - ILLUMINATED — A Sign that is located within the interior of a window and is either a Digital Display Sign, Neon-Type Sign, or an Edge-Lit Sign. See §237-19.O and §237-20.

WINDOW SIGN - INCIDENTAL — Signs displayed in the window displaying information such as the hours of operation, open or closed status, credit institutions accepted, commercial and civic affiliations, and similar information. See §237-19.O.

§237-34. Other Definitions.

APPLICATION, DRAB — An application for a Sign permit for a Sign type that requires review by DRAB. This application shall also be used for a request for a waiver of this chapter by DRAB, including a waiver for a Creative Sign. The application form and content shall be as determined by the Planning & Zoning Department and the Building Department. See §237-5, §237-8, and §237-9.

APPLIED LETTERING — A Sign or informative text, which is created by applying each letter individually, adhering them directly to a wall or the surface of a window, without any contrasting Sign panel background material.

AWNING/CANOPY — An Awning or canopy is any device with a sloped or curved surface that extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space.

BEACON — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same Lot as the light source or any light with one or more beams that rotate or move. See §237-18.B.

BUSINESS OR ESTABLISHMENT — A Business or Establishment occupying an entire building or a part of a building. A business occupying part of a building must meet the following conditions to be eligible for Signage as provided in this Code: accessed by its own separate entrance door and surrounded by permanent floor to ceiling walls.

COMMERCIAL MESSAGE — Any content of a Sign that includes text, wording, logos, or illustrations and building or site-mounted features that directly identifies or promotes a specific business, establishment, product, or service.

COMMISSIONER — The Building Commissioner of the town or a designee of the Commissioner.

DRAB — Design Review Advisory Board.

FLAG — Any fabric, containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other non-commercial entity on a pole or suspended from a building. See Trade Flag for businesses. See also §237-16.F.

LOT — An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a Lot created by combining several previously recorded Lots, and used or available for use as the site of one or more buildings or for any other purpose.

LOT, MULTI-BUILDING — Any Lot with more than one Principal Building.

LOT, MULTI-TENANT — Any Lot with more than one business or more than one use with exterior Signs.

NORMAL GRADE — Normal Grade shall be construed to be the average adjacent grade as measured along the face of the Sign and shall be either (i) the existing grade if there is no new construction or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the Sign.

PLANNED COMMERCIAL DEVELOPMENT – As defined and used in the Dedham Zoning Bylaw.

PREMISES — One or more Lots as defined in this chapter which are in the same ownership and are contiguous.

PRINCIPAL BUILDING — The building in which is conducted the principal use of the Lot on which it is located. Lots with multiple principal uses may have multiple Principal Buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered Principal Buildings.

PRINCIPAL FAÇADE — Any façade that constitutes the primary visual and functional orientation of the building or tenant space, characterized by a combination of such features as principal entry, storefront, and visibility from streets or parking areas.

PROPERTY — See LOT definition.

SETBACK — The distance from the Property line to the nearest part of the applicable building, structure, or Sign, measured perpendicularly to the Property line.

SIGN — Any device, structure, fixture, painting, emblem, or visual effect that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the Sign faces as well as any Sign supporting structure.

~~SIGN APPEALS BOARD — The Zoning Board of Appeals shall act as the Sign Appeals Board.~~

SIGN AREA — The area of a Sign Panel or 3-dimensional Sign such as a Trade Figure, Symbol Sign, or Art Sign as calculated according to the requirements of this Code.

SIGN BAND – A horizontal plane that is the top-most component of a storefront, distinguishing the storefront from the remainder of the upper portion of the building façade. Wall Signs related to the storefront are located within the Sign Band.

SIGN HEIGHT — The height of a Sign shall be computed as the distance from the base of the Sign at the Normal Grade to the top of the highest attached component of the Sign.

SIGN PACKAGE — An optional master Sign plan for an entire Lot and/or multi-tenant building that includes drawings, material, color specifications, number of Signs, types of Signs and locations. See §237-19.L.

SIGN PANEL — Each Sign Panel encompasses the extreme limits of the writing, representations, emblem, or other display for Applied Lettering, together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or structure against which it is placed for all other Signs, but not including any supporting framework, bracing, or decorative fence or

wall when such fence or wall otherwise meets all applicable regulations and is clearly incidental to the display itself.

VISIBLE — Capable of being seen without visual aid by a person of normal visual acuity.

WALL AREA — The combined area of a wall or walls consisting of and aligned with the Principal Façade.

Sign Type	All Resid.	Local Bus.	General Bus.	Central Bus.	Highway Bus.	Limited Manufact. A & B	Research Development Office	Senior Campus
Art /Mural	A	A	A	A	A	A	A	A
Awning	A	A	A	A	A	A	A	N
Banner	N	A	A	A	A	A	A	N
Center Identification	N	A	A	A	A	A	A	A
Changeable Copy	N	N	N	N	N	N	A	N
Creative Sign	A	A	A	A	A	A	A	A
Digital Display	N	N	N	N	N	N	A	N
Directory	A	A	A	A	A	A	A	A
Freestanding	A	A	A	A	A	A	A	A
Identification	A	A	A	A	A	A	A	A
Illuminated	N	A	A	A	A	A	A	A
Limited Duration	A	A	A	A	A	A	A	A
Marquee	N	A	A	A	A	N	N	N
Monument	N	A	A	A	A	A	A	A
Pole or Pylon	N	N	A	A	A	A	A	N
Projecting	A	A	A	A	A	N	N	N
Sandwich Board	A	A	A	A	A	N	A	N
Suspended	N	A	A	A	A	N	N	N
Temporary	A	A	A	A	A	A	A	A
Trade Figure or Symbol	N	A	A	A	A	N	A	N
Trade Flag	N	A	A	A	A	N	N	N
V-Shaped	A	A	A	A	A	A	A	N
Wall	A	A	A	A	A	A	A	A
Window	A	A	A	A	A	A	A	A
Window - Incidental	A	A	A	A	A	A	A	N

Table 1: Permitted Sign Types by Zoning District

Notes

1. A = Allowed; N = Not allowed
2. See §237-16. *Exempt Signs* and §237-17. *Private Property - exempt Signs* for Signs that are exempt from a Sign permit in all districts.
3. See §237-18. *Prohibited Sign types* for Signs prohibited in all districts

The purpose of Article 14 is to update the Sign Code Bylaw by addressing recent legal decisions on the regulation of signs, providing for increased clarity and completeness of regulations, streamline the sign permitting process, and to address new sign technologies.

15. GENERAL BYLAW – AMENDMENTS TO HUMAN RIGHTS COMMISSION BYLAW

ARTICLE FIFTEEN: *By the Human Rights Commission.* To see if the Town will vote to amend the General By-laws, Chapter 12, Article X, Human Rights Commission, Section 12-41, to clarify that persons recommended by the Town officials and bodies set forth in said section need not be Town residents to be eligible for appointment by the Select Board, with the text to be deleted shown in ~~**bold strikethrough**~~, and the text to be inserted shown in ***bold italics***, as follows, or take any other action relative thereto:

Chapter 12, Human Rights Commission

Section 12-40. Purpose

- A. There is hereby established a municipal board to be known as the “Human Rights Commission of the Town of Dedham” (herein referred to as the “Commission”).
- B. The establishment of the Commission is intended to affirm that Dedham is a community that has as one of its core values the freedom from bigotry and hatred, discrimination and disrespect. The establishment of the Commission also represents the Town’s commitment to uphold and defend the rights of all persons in Dedham to enjoy the free and equal exercise of their rights and privileges as secured by the Constitution and Laws of the Commonwealth of Massachusetts and of the United States. The Commission shall strive to ensure that residents of the Town enjoy equal opportunity to participate in and enjoy life in the Town regardless of their race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status and disability. The Commission shall similarly support the human rights of other groups and organizations against discrimination in housing, employment, education, public accommodations, town services, insurance, banking, credit and health care.

Section 12-41. Composition

A. The Commission shall consist of 13 members **who shall be residents of the town.**

B. All members shall be appointed by the Select Board as follows:

1. Town Government Representatives, *who may, but need not, be Town residents:*

- (a) One member recommended by the Chief of Police from the Police Department;
- (b) One member recommended by the School Committee from the Dedham Public Schools;
- (c) One member recommended by the Council on Aging, or its director, and if an employee thereof, with the approval of the Town Manager;
- (d) One member recommended by the Commission on Disability;
- (e) One member recommended by the Housing Authority or its director; and
- (f) One member recommended by the Youth Commission or its director; and if an employee, with the approval of the Town Manager.

2. Other Members, *who shall be Town residents:*

- (a) One member shall be a Dedham resident who is a high school student and six at-large members, **who shall be residents of the town.**

C. The members who are Town government representatives **may be residents or non-residents of the Town and** shall be appointed for terms of two years, and, if an employee of the Town, for such shorter period as they hold their underlying position, and may serve no more than three consecutive terms. The high school member shall be appointed for a term of one year.

D. The at-large members shall be appointed initially as follows and thereafter for terms of three years: two for a three-year term, two for a two-year term, and two for a one-year term. No at-large member of the Commission may be appointed to serve for more than two consecutive three-year terms, excluding partial terms to fill a vacancy, but may again seek appointment after one year.

- E. Any vacancy that occurs other than by the expiration of a term shall be filled for the remainder of the unexpired term.
- F. The members of the Commission shall serve without compensation.
- G. So far as practicable, appointments shall be representative of the demographics of the Town, including but not limited to race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status, ~~socio-economic status~~ and disability. Appointment to the Commission, however, is at the Select Board's sole discretion.

Section 12-42 Procedures

The Commission shall meet each January to organize and select from amongst its members a chair, vice-chair, and clerk and decide on a preliminary calendar of meetings for the year, said calendar to be posted at Town Hall. A majority of members of the Commission shall constitute a quorum, and a majority of those present and voting shall be sufficient for any action by the Commission, unless otherwise required by law. The Commission's meetings shall be governed by the requirements of the Open Meeting Law.

Section 12-43 Duties

- A. The Commission shall have the following charge:
 - 1. Develop community awareness and education of human rights.
 - 2. Promote understanding of the diverse cultures within our town and surroundings through education, organization of community events, summits, educational panels and celebrations and other community action including maintaining a good working relationship with town media sources.

3. Serve as a resource with respect to issues that challenge any individual or group's enjoyment of their basic human rights in our community.
4. Promote cooperation of racial, religious, ethnic, civic, fraternal, benevolent and private and public organizations and agencies to cultivate and encourage an atmosphere of mutual understanding and harmonious intergroup relationships.
5. Annually, and more often as may be requested, provide written or verbal reports to the Select Board on Commission activities.

B. The Commission shall not adjudicate or facilitate resolution of disputes between individuals.

or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for study and report.*

Article 15 removes the requirement that Town government representatives serving on the Human Rights Commission are residents of the Town of Dedham.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted with the following language changes:

(Revisions printed in the warrant article are denoted by ~~strikethrough~~ text for deletions and **bold underlined** text for insertions; additional revisions, as recommended by the By-law Review Committee, with ~~double-strikethrough~~ text for deletions and ***bold italic*** text for insertions.)

Chapter Twelve, Human Rights Commission

§12-40. Purpose

There is hereby established a municipal board to be known as the "Human Rights Commission of the Town of Dedham" (herein referred to as the "Commission").

The establishment of the Commission is intended to affirm that Dedham is a community that has as one of its core values the freedom from bigotry and hatred, discrimination and disrespect. The establishment of the Commission also represents the Town's commitment to uphold and defend the rights of all persons in Dedham to enjoy the free and equal exercise of their rights and privileges as secured by the Constitution and Laws of the Commonwealth of Massachusetts and of the United States. The Commission shall strive to ensure that residents of the Town enjoy equal opportunity to participate in and enjoy life in the Town regardless of their race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status and disability. The Commission shall similarly support the human rights of other groups and organizations against discrimination in housing, employment, education, public accommodations, town services, insurance, banking, credit and health care.

§12-41. Composition

- A. There is hereby established a municipal board to be known as the "Human Rights Commission of the Town of Dedham" (herein referred to as the "Commission").
- B. The establishment of the Commission is intended to affirm that Dedham is a community that has as one of its core values the freedom from bigotry and hatred, discrimination and disrespect. The establishment of the Commission also represents the Town's commitment to uphold and defend the rights of all persons in Dedham to enjoy the free and equal exercise of their rights and privileges as secured by the Constitution and Laws of the Commonwealth of Massachusetts and of the United States. The Commission shall strive to ensure that residents of the Town enjoy equal opportunity to participate in and enjoy life in the Town regardless of their race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status and disability. The Commission shall similarly support the human rights of other groups and organizations against discrimination in housing, employment, education, public accommodations, town services, insurance, banking, credit and health care.

§12-41. Composition

A. The Commission shall consist of 13 members ~~who shall be residents of the town.~~

B. All members shall be appointed by the Select Board as follows:

1. Town Government Representatives, who may, but need not, be Town residents:

- (a) One member recommended by the Chief of Police from the Police Department;
- (b) One member recommended by the School Committee *who is a board member or employee ~~from~~ of the Dedham Public Schools and/or School Committee;*
- (c) One member recommended by the Council on Aging, or its director, *who is a member, board member or employee of the Council on Aging, and if an employee thereof, with the approval of the Town Manager;*
- (d) One member recommended by the Commission on Disability *who is a member, board member or employee of the Commission on Disability, and if an employee thereof, with the approval of the Town Manager;*
- (e) One member recommended by the Housing Authority or its director, *who is a member, board member or employee of the Housing Authority;* and
- (f) One member recommended by the Youth Commission or its director, *who is a member, board member or employee of the Youth Commission, and if an employee thereof, with the approval of the Town Manager.*

2. Other Members, who shall be Town residents:

- (a) One member shall be a Dedham resident who is a high school student; and
- (b) Six at-large members, who shall be residents of the town.

C. The members who are Town government representatives may be residents or non-residents of the Town and shall be appointed for terms of two years, and, if an employee of the Town, for such shorter period as they hold their underlying position, and may serve no more than three consecutive terms. The high school member shall be appointed for a term of one year.

- D. The at-large members shall be appointed initially as follows and thereafter for terms of three years: two for a three-year term, two for a two-year term, and two for a one-year term. No at-large member of the Commission may be appointed to serve for more than two consecutive three-year terms, excluding partial terms to fill a vacancy, but may again seek appointment after one year.
- E. Any vacancy that occurs other than by the expiration of a term shall be filled for the remainder of the unexpired term.
- F. The members of the Commission shall serve without compensation.
- G. So far as practicable, appointments shall be representative of the demographics of the Town, including but not limited to race, color, ancestry, national origin, sex, sexual orientation, gender identity, age, religion, marital, family or military status, socio-economic status, ex-offender status, ~~socio-economic status~~ and disability. Appointment to the Commission, however, is at the Select Board's sole discretion.

Section 3. Procedures

The Commission shall meet each January to organize and select from amongst its members a chair, vice-chair, and clerk and decide on a preliminary calendar of meetings for the year, said calendar to be posted at Town Hall. A majority of members of the Commission shall constitute a quorum, and a majority of those present and voting shall be sufficient for any action by the Commission, unless otherwise required by law. The Commission's meetings shall be governed by the requirements of the Open Meeting Law.

Section 4. Duties

- A. The Commission shall have the following charge:

Develop community awareness and education of human rights.

Promote understanding of the diverse cultures within our town and

surroundings through education, organization of community events, summits, educational panels and celebrations and other community action including maintaining a good working relationship with town media sources.

Serve as a resource with respect to issues that challenge any individual or group's enjoyment of their basic human rights in our community.

Promote cooperation of racial, religious, ethnic, civic, fraternal, benevolent and private and public organizations and agencies to cultivate and encourage an atmosphere of mutual understanding and harmonious intergroup relationships.

Annually, and more often as may be requested, provide written or verbal reports to the Select Board on Commission activities.

- B. The Commission shall not adjudicate or facilitate resolution of disputes between individuals.

16. GENERAL BYLAW - AMENDMENTS TO LEGAL AFFAIRS BYLAW

ARTICLE SIXTEEN: *By Select Board Member James A. MacDonald.* To see if the Town will vote to amend the General By-laws, Chapter 57, Legal Affairs, with the text to be deleted shown in ~~**bold strikethrough**~~, and the text to be inserted shown in ***bold italics***, as follows;

57-1 ~~Selectmen~~ *Select Board* to be agents of Town.

The ~~Selectmen~~ ***Select Board*** shall be agents of the Town to institute, prosecute and defend any claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

57-2 ~~Selectmen~~ *Select Board* authorized to settle claims.

The ~~Selectmen~~ ***Select Board***, or their designee, may at their discretion compromise or settle any claim or suit to which the Town is a party within the amount of any appropriation available therefore or as otherwise authorized by law.

57-3 Town Counsel to report status of actions.

The Town Counsel shall, not later than 10 days after the close of each year, report

to the ~~Selectmen~~ *Select Board* what actions have been brought against and on behalf of the Town and what cases have been compromised or settled, and the ~~Selectmen~~ *Select Board* shall include such report in the Annual Town Report.

57-4 ~~Selectmen~~ *Select Board* to appoint Town Counsel.

The ~~Selectmen~~ *Select Board* shall **annually**, as soon as practicable after final adjournment of the *Spring* Annual Town Meeting, appoint a competent lawyer and member of the Bar of the Commonwealth in good standing, **or firm** to act as Town Counsel for **a term of three years** ~~the term of one year, from the day of his appointment following~~ **beginning July 1st**, and until ~~his~~ **their** successor is appointed and enters upon the performance of ~~his~~ **their** duties, and may at their pleasure remove ~~him~~ **them** from office. They shall likewise fill any vacancy in such office for the unexpired term and may employ special counsel whenever, in their judgment, necessity therefor arises and an appropriation is made or is available therefor.

57-5 Qualifications for Town Counsel.

- A. Town Counsel shall have a minimum of five years experience as a city solicitor, Town counsel, or assistant Town counsel; in the case of a law firm being retained by the Town as a Town counsel, only those attorneys within the firm who have a minimum of five years experience as a city solicitor, Town counsel, assistant city solicitor, or assistant Town counsel shall represent the Town;
- B. Town Counsel shall have substantial experience in litigation before trial courts (both state and federal) and state administrative agencies and should have a demonstrated record of success in major municipal litigation;
- C. Town Counsel shall have a demonstrated ability to provide suitable back-up capacity during absence, illness or vacations;
- D. Town Counsel shall have expertise in a variety of municipal law specialty areas such as land use, environmental law, civil rights, contracts, and municipal finance law;
- E. Town Counsel shall not be eligible to participate in the Town's group insurance program nor shall Town Counsel be eligible for retirement or other benefits;
- F. Town Counsel shall be a member in good standing of the Massachusetts Bar; and
- G. Town Counsel shall at all times maintain a professional liability insurance policy in a minimum amount of \$1,000,000.

57-6 Duties of Town Counsel.

It shall be the duty of the Town Counsel to conduct the prosecution of, defense of, or compromise claims, actions and proceedings to which the Town is a party, and the prosecution of actions or proceedings by or on behalf of any Town Officer, Board or Committee as such; to conduct the defense of any action or proceedings brought against any Town Officer, Board or Committee as such when the ~~Selectmen~~ **Select Board**, having determined that any right or interests of the Town are or may be involved therein, shall so request; to conduct proceedings brought by or against the assessors before the Appellate Tax Board; to assist in the prosecution of complaints for violation of any by-law of the Town, when requested so to do by the Board or Officer enforcing the same, with the approval of the ~~Board of Selectmen~~ **Select Board**; to examine and report upon titles to all land to be acquired by the Town; to prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town is involved; and generally to advise and act for the Town, Officers, Boards and Committees upon and in legal matters touching the duties of their respective offices.

57-7 Treasurer-Collector to execute deeds and transfers of interests.

Any deed conveying land belonging to the Town shall be executed by the Treasurer-Collector unless the Town shall have otherwise voted. All transfers of mortgages, bonds, or other securities, all evidences of indebtedness, and mortgage foreclosures shall be executed by the Treasurer-Collector.

or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for study and report.*

Article 16 amends the term of appointment for Town Counsel from one (1) year to three (3) years.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

17. GENERAL BYLAW – AMENDMENTS TO ANIMAL CONTROL BYLAW

ARTICLE SEVENTEEN: *By the Town Manager at the request of the Animal Control Officer.* To see if the Town will vote to amend the General By-laws, Chapter 117, Animal Control, by deleting section 117-7 in its entirety and inserting in place thereof new sections 117-7 through 117-9, as follows;

117-7 Kennel Licensing and Regulations

Personal Kennel License

- A. No person shall keep more than four dogs, three months (13 weeks) or older, for private personal use on a single premises without first obtaining a Personal Kennel License.
- B. The maximum number of dogs allowed to be kept under a personal kennel license is six.
- C. Any application for a personal kennel license shall be submitted to the Town Clerk's office on a form provided by the Town Clerk.
- D. In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, any person who receives a kennel license shall maintain the premises in accordance with the following specifications: a minimum ten-foot setback from the kennel to an adjacent property line and a minimum twenty-foot setback from the kennel to abutting habitable structure, 100 feet from a wetland, 200 feet from a high water mark of a source of drinking water or tributary thereof, and 10 feet from an occupied dwelling on the same property where the kennel is kept. No personal kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning Ordinances
- E. New applicants requesting a license must notify direct abutters by certified mail or constable. Proof of notification must be submitted with the application.
- F. The Animal Control Officer shall inspect the facility before the personal kennel license shall be issued or renewed.
- G. Each personal kennel license may be issued by the Town Clerk from January 1 until December 31 of the calendar year, and the annual fee for such shall be charged in accordance with the Town fee schedule.
- H. The personal kennel shall be maintained in sanitary condition.
- I. The personal kennel shall not cause a nuisance to others, as such term is defined in MGL c. 140, § 136A.
- J. The animals within the kennel shall not be found at large or not under the control of the owner.
- K. The kennel shall not cause a health or safety hazard to the animals within the kennel or to the general public, or owner/operator of the kennel.
- L. All dogs within a personal kennel shall be vaccinated for rabies and certificates must be produced for inspection when requested.
- M. The annual fee for a personal kennel license will be set in accordance with the Dedham Code after review.

Commercial Kennel Licenses

- A. No person shall operate a Commercial Boarding or Training Kennel, or Commercial Breeder Kennel, as defined in MGL c. 140, §136A, without first obtaining a Commercial Kennel License.
- B. In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, applications for a new commercial kennel license shall be submitted to the Town Clerk's office, on a form provided by the Town Clerk, along with two copies of interior and exterior plans of the kennel, as well as a plot plan.
- C. No new commercial kennel license will be issued until proof is submitted by the applicant that the location and operation of the kennel are in compliance with the Dedham Zoning By-laws.
- D. No new commercial kennel license will be issued unless the Dedham Animal Control Officer, Dedham Health Department, Dedham Building Department, and Town Clerk review and approve the application. All commercial kennel facilities shall be inspected by the Dedham Animal Control Officer before a license can be issued or renewed.
- E. Each kennel license may be issued by the Town Clerk from January 1 until December 31 of the calendar year.
- F. First time applicants shall notify all direct property abutters in writing of the applicant's intent to operate a commercial kennel, and evidence of notification shall be submitted with the application.
- G. The annual fee for a commercial kennel license will be set in accordance with the Dedham Code after review.
- H. Commercial kennel licensees shall be issued a maximum of 35 dog tags, and any dog on the property other than the 35 covered under the kennel license shall wear a Town dog license tag from the town where the dog is licensed and shall be available for inspection upon request.
- I. All Commercial Kennels shall be maintained in good repair and in a sanitary condition in such a manner as to protect the dogs from injury or disease, to contain the dogs, and to restrict the entrance of other animals; and location, construction, arrangement and operation of commercial kennels shall not constitute a nuisance.

117-8 Regulations

The Animal Control Officer, following consultation with the Police Chief and Health Director, may adopt and, from time-to-time, revise regulations setting forth minimum standards for maintenance and operation of Commercial Kennel facilities so as to ensure the health, safety and welfare of the animals kept therein

and to prevent said facilities from constituting a public nuisance. Said regulations may be adopted after a public hearing, notice of which shall be posted on the municipal website at least ten days prior to the hearing, and which shall be made available to the public in any other manner that the Animal Control Officer or Town Manager deems appropriate.

117-9 Enforcement

- A. The Animal Control Officer, Board of Health and Police Chief or their designees, may enforce the provisions of this by-law and any regulations promulgated hereunder by any means available in law or in equity, consistent with Section 1-6 of these By-laws; and shall recommend to the Town Manager such further action as may be appropriate.
- B. For such purposes, any of the enforcing authorities listed herein may, at any time, and in a manner consistent with law, inspect a kennel or cause the inspection of a kennel. Said inspection may include examination of any pertinent records pertaining to this by-law or regulations promulgated hereunder. Refusal to comply with an inspection may be grounds for an emergency suspension or revocation. At the time of the inspection, or promptly thereafter, the inspecting authority shall document any violations found.
- C. If a violation is documented, such fact shall constitute cause for suspension, rescission or revocation of the license.
- D. When enforced through non-criminal disposition, violations shall be subject to the following fines, with each day constituting a separate violation:

First Offense: \$50.00
Second Offense: \$75.00
Third Offense shall be: \$100.00

or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for study and report.*

Article 17 amends Chapter 117 (Animal Control Bylaw) by adding a new section regarding Kennel Licensing and Regulations.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted, with language changes, as follows with insertions shown in ***bold italics*** and deletions shown in ~~strikethrough~~.

117-7 Kennel Licensing and Regulations

Personal Kennel License

- A. No person shall keep more than four dogs, three months (~~12~~ 13 weeks) or older, for private personal use on a single premises without first obtaining a Personal Kennel License.
- B. The maximum number of dogs allowed to be kept under a personal kennel license is six.
- C. Any application for a personal kennel license shall be submitted to the Town Clerk's office on a form provided by the Town Clerk.
- D. ~~In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, any person a a kennel license shall maintain the premises in accordance with the following specifications: a minimum ten-foot setback from the kennel to an adjacent property line and a minimum twenty-foot setback from the kennel to abutting habitable structure, 100 feet from a wetland, 200 feet from a high water mark of a source of drinking water or tributary thereof, and 10 feet from an occupied dwelling on the same property where the kennel is kept. No personal kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning Ordinances~~

In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, any person who applies for a kennel license shall:

- 1. Demonstrate that the use of the subject property as a kennel is permitted under the Town's Zoning Bylaws;***
- 2. Demonstrate that the premises will be maintained:***
 - a. a minimum of ten-feet from the kennel to an adjacent property line;***
 - b. a minimum of twenty-feet from the kennel to abutting habitable structure;***
 - c. no less than 100 feet from a wetland;***
 - d. no less than 200 feet from a high water mark of a source of drinking water or tributary thereof; and***
 - e. no less than 10 feet from an occupied dwelling on the same property where the kennel is kept.***

- E. New applicants requesting a license must notify direct abutters by certified mail or constable. Proof of notification must be submitted with the application.
- F. The Animal Control Officer shall inspect the facility before the personal kennel license shall be issued or renewed.
- G. Each personal kennel license may be issued by the Town Clerk from January 1 until December 31 of the calendar year, and the annual fee for such shall be charged in accordance with the Town fee schedule.
- H. The personal kennel shall be maintained in sanitary condition.
- I. The personal kennel shall not cause a nuisance to others, as such term is defined in MGL c. 140, § 136A.
- J. The animals within the kennel shall not be found at large or not under the control of the owner.
- K. The kennel shall not cause a health or safety hazard to the animals within the kennel or to the general public, or owner/operator of the kennel.
- L. All dogs within a personal kennel shall be vaccinated for rabies and certificates must be produced for inspection when requested.
- ~~M. The annual fee for a personal kennel license will be set in accordance with the Dedham Code after review.~~

Commercial Kennel Licenses

- A. No person shall operate a Commercial Boarding or Training Kennel, or Commercial Breeder Kennel, as defined in MGL c. 140, §136A, without first obtaining a Commercial Kennel License.
- B. In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, applications for a new commercial kennel license shall be submitted to the Town Clerk's office, on a form provided by the Town Clerk, along with two copies of interior and exterior plans of the kennel, as well as a plot plan.
- C. No new commercial kennel license will be issued until proof is submitted by the applicant that the location and operation of the kennel are in compliance with the Dedham Zoning By-laws.
- D. No new commercial kennel license will be issued unless the Dedham Animal Control Officer, Dedham Health Department, Dedham Building Department, and Town Clerk review and approve the application. All commercial kennel facilities shall be inspected by the Dedham Animal Control Officer before a license can be issued or renewed.

- E. Each kennel license may be issued by the Town Clerk from January 1 until December 31 of the calendar year.
- F. First time applicants shall notify all direct property abutters in writing, **by certified mail or constable**, of the applicant's intent to operate a commercial kennel, and evidence of notification shall be submitted with the application.
- G. The annual fee for a commercial kennel license will be set in accordance with the Dedham Code after review.
- H. Commercial kennel licensees shall be issued a maximum of 35 dog tags, and any dog on the property other than the 35 covered under the kennel license shall wear a Town dog license tag from the town where the dog is licensed and shall be available for inspection upon request.
- I. All Commercial Kennels shall be maintained in good repair and in a sanitary condition in such a manner as to protect the dogs from injury or disease, to contain the dogs, and to restrict the entrance of other animals; and location, construction, arrangement and operation of commercial kennels shall not constitute a nuisance.

117-8 Regulations

The Animal Control Officer, following consultation with the Police Chief and Health Director, may adopt and, from time-to-time, revise regulations setting forth minimum standards for maintenance and operation of Commercial Kennel facilities so as to ensure the health, safety and welfare of the animals kept therein and to prevent said facilities from constituting a public nuisance. Said regulations may be adopted after a public hearing, notice of which shall be posted on the municipal website at least ten days prior to the hearing, and which shall be made available to the public in any other manner that the Animal Control Officer or Town Manager deems appropriate.

117-9 Enforcement

- A. The Animal Control Officer, Board of Health, ~~and~~ Police Chief, or their designees, may enforce the provisions of this by-law and any regulations promulgated hereunder by any means available in law or in equity, consistent with Section 1-6 of these By-laws; and shall recommend to the Town Manager such further action as may be appropriate.
- B. For such purposes, any of the enforcing authorities listed herein may, at any time, and in a manner consistent with law, inspect a kennel or cause the inspection of a kennel. Said inspection may include examination of any

pertinent records pertaining to this by-law or regulations promulgated hereunder. Refusal to comply with an inspection may be grounds for an emergency suspension or revocation. At the time of the inspection, or promptly thereafter, the inspecting authority shall document any violations found.

- C. If a violation is documented, such fact shall constitute cause for suspension, rescission or revocation of the license.
- D. ~~When enforced through non-criminal disposition, violations shall be subject to the following fines, with each day constituting a separate violation:~~

~~First Offense: \$50.00~~

~~Second Offense: \$75.00~~

~~Third Offense shall be: \$100.00~~

18. GENERAL BYLAW - AMENDMENTS TO HISTORIC DISTRICTS COMMISSION BYLAW

ARTICLE EIGHTEEN: *By the Historic Districts Commission.* To see if the Town will vote to amend the General By-laws, Chapter 168, Historic Districts Commission, Section 168-3, to revise the process for appointing members of the Commission, or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for review and report.*

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That the Town vote to amend the General Bylaws, Chapter 168, Historic Districts Commission, Section 168-3, with the text to be deleted shown in **bold strikethrough**, and the text to be inserted shown in **bold italics**, as follows:

168-3 Historic Districts Commission

- A. There is hereby established under Chapter 40C of the General Laws (the "Historic Districts Act" so-called), as amended by Chapter 359 of the Acts of 1971, a Dedham Historic Districts Commission, with all the powers and duties legally assigned thereunto.
- B. Said Commission shall consist of seven members appointed by the Dedham ~~Board of Selectmen~~ **Select Board for rotating three-year terms**, to be selected as follows:

- (1) One member shall be selected, if possible, from two nominees whose names are submitted by the Dedham Historical Society.
 - (2) One member shall be a Realtor selected, if possible, from two nominees whose names are submitted by the local Board of Realtors covering the Town of Dedham.
 - (3) One member shall be an Architect selected, if possible, from two nominees whose names are submitted by the Chapter of American Institute of Architects covering the Town of Dedham.
 - (4) One member shall be an Attorney selected, if possible, from two nominees whose names are submitted by the Bar Association covering the Town of Dedham.
 - (5) The remaining positions on the Commission, *including vacancies resulting from the failure of any of the organizations noted above to submit names of nominees within 30 days of such request by the Board of Selectmen Select Board*, shall be filled by the ~~Board of Selectmen~~ *Select Board* at its ~~their~~ discretion.
 - (6) At any given time, ~~three~~ *one* of the appointees serving upon the Dedham Historic Districts Commission shall be ~~property owners~~ *a property owner* within an Historic District in Dedham, established pursuant to the Historic Districts Act.
 - (7) *Two residents of the Town shall be appointed by the Select Board as alternates.*
- ~~C. When the Commission is first established, two members shall be appointed for terms of one year, two shall be appointed for terms of two years, and three shall be appointed for terms of three years. A successor to a member shall be appointed by the Board of Selectmen in the same manner as such member was appointed, except that his term shall be for three years.~~
- ~~DC.~~ If a *vacancy occurs other than by expiration of term*, ~~n-unscheduled vacancy occurs on the Commission~~, it shall be filled for the *remainder of the* unexpired term by the ~~Board of Selectmen~~ *Select Board* in the same manner as the vacating member was appointed.

ED. Each member shall serve without compensation and shall continue in office after the expiration of ~~his~~ **their** allotted term, until such time as ~~his~~ **their** successor is appointed.

Article 18 updates the composition of the Historic District Commission by adding two alternate members.

19. GENERAL BYLAW – CREATION OF A DEDHAM AFFORDABLE HOUSING TRUST

ARTICLE NINETEEN : *By the Planning Board.* To see if the Town will vote to accept the provisions of G.L. c.44, §55C, to create a Dedham Affordable Housing Trust, and, further, to amend Chapter 12 of the Dedham General By-laws by inserting a new section, Article XII, Dedham Affordable Housing Trust, to provide as follows:

12-46 Establishment; Purpose

Pursuant to the authority of G.L. c. 44, § 55C, the Municipal Affordable Housing Trust statute, there is hereby created a local municipal affordable housing trust fund to be known as the “Dedham Affordable Housing Trust Fund” (the “Trust”). The purpose of the Trust is to provide for the creation and preservation of affordable housing in Dedham, for the benefit of low and moderate income households and for the funding of community housing in accordance with the provisions of G.L. c. 44B.

12-47. Board of Trustees; Appointment; Composition

There shall be a Board of Trustees of the Trust (“Board”), composed of 7 members, all of whom shall be Dedham residents at the time of and throughout the term of their appointment, as follows: one member of the Select Board; one member of the Planning Board, or its designee; one representative of a local housing organization or a Dedham resident who demonstrates knowledge of tenant issues; and 4 Dedham residents with relevant personal or professional experience and knowledge in real estate, finance, affordable housing, banking, planning, architecture or landscape architecture, social services, or other relevant experience. The Select Board may appoint the Town Manager and/or the Town Planner as a member or chair of the Board, in which case they would have a voice but no vote and would not count towards the quorum, or as support staff for such

board. All trustees are to be appointed by the Select Board for staggered terms not to exceed two years, except that 3 of the initial Trustee appointments shall be for a term of 1 year, so as to allow staggered terms. Trustees appointed by the Select Board may be reappointed at the discretion of the Select Board for additional terms, without limit.

Any vacancy occurring mid-term shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any member of the Board may be removed for cause by the Select Board, after the opportunity of a hearing. Any voting Trustee who ceases to be a resident of the Town of Dedham during their appointed term shall promptly provide written notification to the Trust and the Town Clerk of change in residence, and the position shall thereupon be deemed vacant. Upon the appointment of any succeeding Trustee and the filing with the Trust and the Town Clerk of such appointment or certificate of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

12-48. Declaration of Trust

The Board is authorized to execute a Declaration of Trust and Certificate of Trust for the Dedham Affordable Housing Trust Fund, consistent with this by-law and G.L. c. 44, § 55C (“Municipal Affordable Housing Trust Fund”), to be recorded with the Norfolk County Registry of Deeds and filed with the Norfolk Registry District of the Land Court.

12-49. Powers and Duties

The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, § 55C, shall include the following:

- A. to accept and receive real property, personal property, or money, by gift, grant, contribution, devise, or transfer from any person, firm, corporation, or other public or private entity, including money, grants of funds, or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source; and provided further, that any purchase, sale, lease, exchange, transfer, or conveyance of any interest in real property shall be approved by a vote of at least two-thirds of the appointed members of the Board;
- B. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

- C. to sell, lease, exchange, transfer, or convey any personal, mixed, or real property at public auction or by private contract for consideration and on terms as to credit or otherwise, and to make contracts and enter into an undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any lease or contract;
- D. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, and other instruments sealed or unsealed, necessary, proper, or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- E. to employ advisors and agents, such as accountants, appraisers, and lawyers, as the Board deems necessary, notwithstanding administrative and technical support provided through finance, treasurer/collector, and accounting departments, and that which may be provided by Town staff in various departments, including planning, inspection services, and conservation;
- F. to pay reasonable compensation and expenses to all advisors and agents and to apportion compensation between income and principal as the Board deems advisable;
- G. to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for this purpose, and to create reserves for depreciation depletion or otherwise;
- H. to participate in any reorganization, recapitalization, merger, or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase, or sale of property, by or between any corporation and any other corporation or person;
- I. to deposit any security with any protective reorganization committee, and to delegate to the committee the powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, the portion of expenses and compensation of the committee as the Board may deem necessary and appropriate;
- J. to carry property for accounting purposes other than acquisition date values;
- K. to make distributions or divisions of principal in kind;
- L. to comprise, attribute, defend, enforce, release, settle, or otherwise adjust claims in favor of or against the Trust, including claims for taxes; and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation; and, subject to the provisions of this by-law and G.L. c. 44, 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

- M. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- N. to hold all or part of the Trust property uninvested for the purposes and for such time as the Board may deem appropriate; and
- O. to extend the time for payment of any obligation to the Trust.

12-50. Acts of the Trustees

Three or more Trustees may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, provided that the underlying action shall have been approved by a majority of a quorum of Trustees. No Trustee shall be required to give bond. No license of the court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust estate, unless otherwise required by law.

12-51. Meetings; quorum

Meetings of the Board shall be held at least quarterly. Special meetings may be called by the Chair or any 3 Trustees. The Trust is a governmental body for purposes of G.L. c. 30A, §§18 through 25, the Open Meeting Law; notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law. A majority of the number of authorized Trustees shall constitute a quorum. Any vote taken by a majority of a quorum of the Board shall bind the Trust.

12-52. Liability

Neither the Board nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. Any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Dedham; and all documents related to any debt shall contain a statement that the holder of the debt shall have no recourse against the Town, with an acknowledgement of the statement by the holder.

12-53. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning by-law, fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved

into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the Trust, remain Trust property.

12-54. Board of the Town

The Trust is a board of the Town of Dedham for the purposes of G.L. c. 30B (“Uniform Procurement Act”) and G.L. c. 40, § 15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments, and public instrumentalities of the Town shall be exempt from said Chapter 30B. Further, the Trust is a public employer and members of the Board are public employees for purpose of G.L. c. 258. The Trust is a municipal agency and the Trustees are special municipal employees for purposes of G.L. c. 248A.

12-55. Taxes

The Trust is exempt from G.L. c. 59 and G.L. c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

12-56. Annual Audit

The Board shall provide for an annual audit of the books and records of the Trust. The audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board, a copy shall be provided forthwith to the Select Board.

12-57. Treasurer/Collector of the Town

The Treasurer/Collector shall be the custodian of the Trust’s funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with G.L. c. 44, §55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for study and report.*

Article 19 authorizes the creation of an affordable housing trust fund and an affordable housing board of trustees to oversee the administration of said fund.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted with the following language changes to the second paragraph of Section 12-47, with strikethrough text for deletions and bold italic text for insertions:

Any vacancy occurring mid-term shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any member of the Board may be removed for cause by the Select Board, after the opportunity of a hearing. ~~Any voting Trustee who ceases to be a resident of the Town of Dedham during their appointed term shall promptly provide written notification to the Trust and the Town Clerk of change in residence, and the position shall thereupon be deemed vacant. Upon the appointment of any succeeding Trustee and the filing with the Trust and the Town Clerk of such appointment or certificate of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.~~ Upon any vacancy in the position of a voting Trustee, including a Trustee who ceases to be a resident of the Town of Dedham during their appointed term, title to the Trust estate shall vest in the remaining trustees, without any necessity of conveyance. Following the appointment of a Trustee, and after filing with the Trust and the Town Clerk a record of such appointment or certificate of such appointment, title to the Trust estate shall thereupon and without the necessity of any conveyance vest in the succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

20. PROPOSED CHARTER AMENDMENT

ARTICLE TWENTY: *By the Select Board.* To see if the Town will vote to authorize the Select Board to seek special legislation to amend the Town Charter by making ministerial and clerical revisions thereto, including correction of grammar and punctuation, minor reformatting, rendering certain terms consistent throughout the Charter, and making a minor substantive revision by eliminating any inconsistency with state law with respect to the process for selecting members of the Housing Authority, all as recommended by the Charter Review Committee and

shown in a document entitled, "Proposed Charter Amendments - Article 20", with text to be inserted shown in bold underline and text to be deleted shown in the margins, as on file in the office of the Town Clerk and available on the Town's website at <http://www.dedham-ma.gov>, and, further, to authorize the Select Board to determine the proper form of the bill prior to submission to the General Court; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to the By-law Review Committee and the Finance Committee for review and report.*

Article 20 authorizes the Select Board to seek special legislation to amend the Town Charter by making ministerial and clerical revisions, as well as minor substantive revisions for selecting members of the Housing Authority consistent with state law.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

21. PROPOSED CHARTER AMENDMENT

ARTICLE TWENTY-ONE : *By the Select Board.* To see if the Town will vote to authorize the Select Board to seek special legislation to further amend the Town Charter to revise the process by which vacancies are filled in the office of Town Representative, by revising Section 2-7(b) of said Charter by deleting the text after the second sentence, shown in ~~bold strikethrough~~, and inserting in place thereof the following ***bold italic*** text:

Filling of Vacancies — A vacancy in the office of a town representative shall be filled for the remainder of the unexpired term, if any, at the next regular annual election if such election occurs within 120 days following the date the vacancy is established as described in subsection (a). ***If no such election is to be held within 120 days, the vacancy shall be filled by the properly nominated candidate for Town Representative receiving the highest number of votes at the last Annual Town Election in that District, but who***

~~*was not elected or appointed under this section. A Town Representative filling a vacancy provided in this paragraph shall serve until the next regular annual election, at which time the remainder of the term, if any, shall be filled by official ballot. If no such candidate exists, the vacancy shall be filled at a District caucus on or before the date of the next town meeting. If no such election is to be held within 120 days, the remaining town representatives from the same district shall be called together by the district chairperson not later than 1 month prior to the next town meeting, or forthwith following the creation of a vacancy if that vacancy arises with less than 1 month until the next town meeting, and shall, by a majority vote of those present and voting, elect by written ballot a qualified person to fill the vacancy and serve until the next regular annual election, at which time the remainder of the term, if any, shall be filled by official ballot. Notice of such election by the remaining town representatives of the district shall forthwith be filed with the town clerk.*~~

And to authorize the Select Board to determine the proper form of the bill prior to submission to the General Court; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to By-law Review Committee and Finance and Warrant Committee for review and report.*

Article 21 authorizes the Select Board to seek special legislation regarding changes to the manner in which vacancies in the office of town meeting representatives are filled.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

22. PROPOSED CHARTER AMENDMENT

ARTICLE TWENTY-TWO : *By the Select Board.* To see if the Town will vote to authorize the Select Board to seek special legislation to further amend the Town Charter, consistent with the recommendations of the Charter Review Committee,

to make the Town Manager the appointing authority for the Director of Parks and Recreation and the Library Director, following consultation with the Parks and Recreation Commission and the Board of Library Trustees, respectively (similar to the Town Manager's authority to appoint all other department heads excluding the School Superintendent), clarifying that the Town Manager shall provide day-to-day operational and administrative supervision of department heads and annually, following consultation with the respective elected or appointed multiple member body providing policy direction to such department head, review such department head; and, further, clarifying the relationship of the Town Manager, department heads, and multiple member bodies providing policy direction to such department heads, all as follows:

Delete Section 3-10(c) in its entirety;

Delete, in Section 4-2, the following ~~bold strikethrough~~ text:

(b) (1) To appoint for periods not in excess of five years, subject to the provisions of the civil service laws and of any collective bargaining agreements as may be applicable, all department heads, directors, principal deputies or principal agents of multiple member bodies other than those under the jurisdiction of the School Committee, ~~board of library trustees and the parks and recreation commission~~ and officers, and positions for which no other method of appointment is provided in this Charter.....

Delete in Section 4-2 the ~~bold strikethrough~~ text, and insert the *bold italic* text, as shown below:

(s) To supervise and direct all appointed department heads, directors, principal deputies and principal agents of elected and appointed multiple member bodies, ~~but excluding the library director and parks and recreation director,~~ with respect to day-to-day *operational and administrative matters performance*, in a manner consistent with the town's personnel by-laws and policies, and, if applicable, contracts or collective bargaining agreements. The town manager shall, in connection therewith, provide for an annual review of such department heads, directors, principal deputies and principal agents with respect to day-to-day *operational and administrative matters, following consultation with the* respective multiple member body *or its designee*.

Label the first paragraph of Section 6-7 as “A”, and insert a new section “B”, shown in ***bold italic*** text, and delete the ~~**bold strikethrough**~~ text, all as set forth below:

A. Multiple Member Bodies. Nothing in this charter shall be construed to authorize any individual member of an elected or appointed multiple member body, nor a majority of members of such body, to become involved in the day-to-day operation and administration of any town agency, including appointment and supervision of department heads and staff, ~~**except as otherwise expressly provided in subsections (b) and (s) of section 4-2.**~~ Instead, day-to-day operations shall be subject to oversight by the town manager under section 4-2 and department heads under sections 6-5 and 6-6. It is the intention of this section to affirmatively establish that such bodies shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under such body.

B. Department Heads. *Notwithstanding any provision of section 6-7(A) or 4-2(b)(2) to the contrary, department heads appointed by the town manager under the provisions of section 4-2(b)(1) shall be responsible to the appropriate elected or appointed multiple member body for implementation of policy decisions made and policy guidance given. Each department head shall report regularly to such multiple member body concerning department operations, actions taken and the status of new or ongoing issues. Each department head shall work cooperatively with the chair of the appropriate multiple member body and the town manager to ensure the body has appropriate administrative and operational support.*

And to authorize the Select Board to determine the proper form of the bill prior to submission to the General Court provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto. *Referred to the By-law Review Committee and the Finance Committee for review and report.*

Article 22 authorizes the Select Board to seek special legislation regarding the reporting authority of the Parks and Recreation Director and Library Director, and the addition of a new section regarding the reporting by departments to multiple member bodies.

RECOMMENDATION OF THE FINANCE AND WARRANT COMMITTEE: That it be so voted.

APPENDICES

MUNICIPAL FINANCE TERMINOLOGY

The following terms are frequently used in the Annual Town Report and at Town Meeting. Definitions are provided in order to provide an understanding of their meaning:

FREE CASH: The amount certified annually by the State Bureau of Accounts by deducting from Surplus Revenue (formally the “Unreserved Fund Balance” or “Excess and Deficiency”) all uncollected taxes of prior years. Surplus Revenue is the amount by which the cash accounts receivable and other assets of the Town exceed the liabilities and reserves. Surplus revenues build up mainly from unexpended balances of general appropriations and from excess receipts from non-tax sources (Local Receipts) over estimated receipts. Free Cash may be appropriated by vote of the Town Meeting.

OTHER AVAILABLE FUNDS: Certain receipts, when received by the Town, must be set aside and reserved for particular appropriation. These include the Endicott Estate Receipts, Sale of Cemetery Lots and Graves, and Parking Meter Receipts. In addition, funds from the Overlay Surplus (the accumulated amount of the overlay for various years not used or required to be held in the overlay account) may be used by a town to offset budget requests for the next year. Also, all unused balances from prior years’ Special Article Appropriations may be transferred to meet a new appropriation.

CHERRY SHEET: Named for the cherry colored paper on which the Massachusetts Department of Revenue traditionally has printed it, listing the amounts of state and county assessments, as well as the estimated state distribution (State Aid).

RESERVE FUND: This fund is established by the Town Meeting and may be composed of (a) an appropriation (not exceeding 5% of last year’s levy), (b) money transferred from existing accounts or funds, or (c) both. The Reserve Fund amounts to an omnibus appropriation, to be transferred by vote of the Finance Committee for extraordinary or unforeseen expenditures where the Committee decides such expenditures would be approved by Town Meeting. “Extraordinary” covers items, which are not in the usual line, or are great or exceptional. “Unforeseen” includes items, which were unforeseen at the time of the Town Meeting, when appropriations were voted.

GENERAL STABILIZATION FUND: This fund serves as a general financial reserve for the Town. Money may be appropriated to the Fund up to ten percent of the preceding year's tax levy, but the Fund may not exceed ten percent of the total tax valuation of the Town. The Fund may be used for any legal purpose by a two-thirds vote of the Town Meeting. Interest earned remains in the Fund.

OVERLAY SURPLUS: The Overlay is the amount from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal. The Overlay Surplus is the unused portion of previous years' overlays.

MITIGATION STABILIZATION: These are special purpose reserves created by vote of Town Meeting. Like the General Stabilization Fund, expenditures from these funds require a two-thirds vote of Town Meeting.

MAJOR CAPITAL FACILITIES STABILIZATION: This is another special purpose reserve created by vote of Town Meeting. Expenditures may be made from the fund only on a two-thirds vote of Town Meeting. It is a management policy of the Town that this fund be used for major construction or renovation of buildings estimated to cost \$4 million or more.

MWRA: The Massachusetts Water Resources Authority was established in 1985 to provide water supply services and sewer collection, treatment and disposal services to the region. To fund its operations and debt the MWRA sets user rates and assesses each town in the area according the metered flow of water through the sewers. Dedham funds its sewer assessment from billings based upon a metered water use rate set by the Selectmen. The Town is not assessed water use charges.

PROPERTY TAX LEVY: The total revenue a community raises through property taxes. Often just called the "levy," it is the largest source of revenue for most Massachusetts cities and towns. This is different from the tax rate, which is the tax amount charged individual properties per \$1,000 of property valuation. The tax rate is set each year by the town.

LEVY LIMIT: The maximum amount a community may levy in a year. The levy limit can increase only by 2 ½ percent each year, plus adjustment for new growth and the addition of the debt service for previously voted tax overrides, such as debt exclusions.

LEVY CEILING: The maximum amount a community may levy under all conditions. A community's levy ceiling is 2 ½ percent of the aggregated valuation of all taxable properties.

EXCESS LEVY CAPACITY: If a community sets its levy below its levy limit, the difference between them is called excess levy capacity. The levy limit is not affected by excess capacity, however, meaning that in future years a town can tax up to that limit regardless of the previous levy. For example, a one percent levy increase one year allows the town to raise the levy by 4 percent the next year - the normal 2 ½ percent, plus the 1 ½ percent not taxed the year before.

NEW GROWTH: A community can increase its levy limit annually based on new development and other growth in the tax base. Property that has increased in value because of new construction, new subdivision parcels and condominium conversions, and new properties are all considered new growth. An increase in property value assessed during triennial reevaluation (appreciation) is not considered new growth.

GENERAL OVERRIDE: Residents can vote to increase tax levies beyond the levy limit, as long as the community is below the levy ceiling. The increase is included in the levy for that year and added to the base used to calculate future levy limits. An override requires a majority vote of the town at a special town election.

DEBT EXCLUSION: A debt exclusion allows towns to raise funds to pay for debt incurred by the town. The amount of the payment is added to the levy for the life of the debt, and is not included in calculations of the new levy limit for future years. A debt exclusion requires a two-thirds majority vote to borrow at town meeting and requires a majority vote at a special town election.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: A type of tax override that allows towns to raise funds for capital projects. Its rules are similar to those for debt exclusions, except the cost is only added to the levy for the year in which the project is undertaken.

MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
AMERICAN FEDERATION OF
STATE, COUNTY, AND MUNICIPAL EMPLOYEES,
AFL-CIO STATE COUNCIL NO. 93, LOCAL 362,
DEDHAM CIVILIAN DISPATCH EMPLOYEES

Oct. 19, 2021

NOW COMES the Town of Dedham (“the Town”) acting by and through its Board of Selectmen (“the Board”) and the American Federation of State, County, and Municipal Employees, AFL-CIO State Council No. 93, Local 362, Dedham Civilian Dispatch Employees (“the Union”) and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement expiring June 30, 2021 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

1. Article 11, Wages: Effective July 1, 2021, a new salary schedule shall be prepared and inserted into the Successor Agreement reflecting the removal of steps 1 and 2 and the addition of steps 6 and 7, resulting in the existing step 3 becoming the new step 1. Steps 6 and step 7 will have the same percentages in between steps as the FY21 salary schedule. A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2021, 2% effective July 1, 2022 and 2% effective July 1, 2023.

2. Article 12, Hours of Work: Effective July 1, 2021 employees will receive a 6% shift differential if they work the 4:00 pm – Midnight or the Midnight – 8AM shift. This shift differential does not apply to overtime shifts.

3. Article 14, Vacations: Replace the existing wording in Article 14 with the wording listed below:

All regular, full-time employees of the Town are entitled to periods of vacation with pay. Vacation entitlement for individuals will be computed from the original date of hire provided such service has been continuous, without interruption except by authorization of the Town Manager. The Vacation Year shall be the same as the fiscal year of the Town, from July 1 through June 30 of the following year. Employees may carry over a maximum of five (5) vacation days into the following fiscal year. Compensation in lieu of vacation will not be approved. It is the responsibility of the Department Head to ensure that vacations are taken within the "Vacation Year." Vacation entitlements shall be based on the following table:

<u>Years of Service</u>	<u>Vacation Allowed</u>
6 months through 5 years	2 weeks
Over 5 years to 10 years	3 weeks
Over 10 years to 19 years	4 weeks
Over 19 years or more	5 weeks

Vacation entitlement shall be determined as of July 1 of each year. If an employee's anniversary date in a given fiscal year would put that employee into a new accrual level, the employee shall be entitled to that accrual as of the start of that fiscal year. New employees hired on the first through the fifteenth of any month will receive one day's entitlement for that

month; no entitlement for the month will be received if a new employee is hired on the sixteenth through the thirty-first of any month.

All employees must enter their time off in the system provided by the Town.

Upon retirement, termination or death of an employee an unused accrued vacation leave will be paid to the employee or beneficiary (or estate) as the circumstances dictate.

4. Article 16, Holidays: Juneteenth shall be added to the list of paid legal holidays in this Article.

5. Article 17, Sick Leave: Increase the amount of sick leave buy back to \$55.00 per day for the first 100 days and \$60 per day from 101 to 200 days. Upon retirement or death, all full-time employees having accumulated fifty (50) sick days will be paid \$55.00 per day to a maximum of 100 days beyond the accumulated fifty (50) days or a maximum of five thousand five hundred dollars (\$5,500) and \$60.00 per day to a maximum of 100 days beyond the accumulated one hundred and fifty (150) days or a maximum of six thousand dollars (\$6,000).

<u>Sick days</u>	<u>Sick Leave Buy Back</u>
50 sick days	\$0
150 sick days	100 days @ \$55 per day = \$5,500
250 sick days	100 days @ \$60 per day = \$6,000

6. Article 20, Bereavement: Remove sister and brother from receiving two (2) bereavement days and bereavement for a sister and/or brother will continue to receive three (3) bereavement days. Add niece and nephew to the bereavement category for one (1) bereavement day.

7. Article 25, Safety: Increase the cleaning allowance from four hundred and fifty dollars (\$450) to eight hundred and fifty dollars (\$850) and combine the clothing stipend with the

shoe allowance for a combined payment of six hundred and twenty-five dollars (\$625).


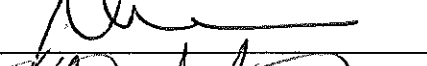

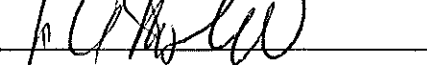

Delete the following sentence from Article 25. ~~Employees required to wear safety shoes will receive \$125.00 for the purchase of work boots.~~

8. Article 31, Effect of Agreement: Replace Effect of Agreement with a new Article called "Professional Development." The parties agree that ongoing professional development for employees in the dispatching profession is important. Employees will be given the opportunity to voluntarily participate in off-site classes for the development of knowledge and skills in their field up to thirty (30) hours per fiscal year. Classes shall be approved in advance by the Fire Chief and are paid at the employee's overtime rate of one and one-half their regular rate of pay.



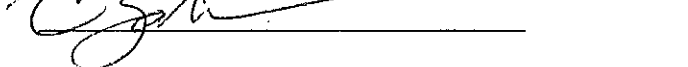
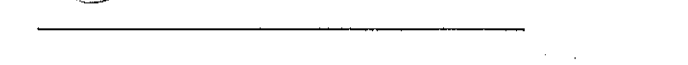
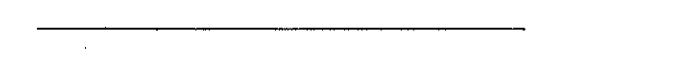

9. Article 31, Duration of Agreement: Change the Duration of Agreement from Article 31 to Article 32.

10. This Memorandum of Agreement shall be considered off-the-record until ratified by the Union's membership and the Board of Selectmen and, as applicable, funded by Town Meeting. The bargaining teams shall sponsor and support such ratification. Failing such ratification and/or funding by Town Meeting, this Memorandum of Agreement shall be deemed null and void and both parties will be free to return to their prior bargaining positions.

For the Town:

For the Union:

AFSCME

**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
DEDHAM FIREFIGHTERS' ASSOCIATION,
LOCAL 1735, I.A.F.F.**

October 15, 2021

NOW COMES the Town of Dedham ("the Town") acting by and through its Board of Selectmen ("the Board") and the Dedham Firefighters' Association, Local 1735, I.A.F.F. ("the Union") and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2021 ("the Previous Agreement");

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

1. Article IX, Paid Holidays:

Section 1: Insert Juneteen (June 19th) into the list of holidays.

2. Article XII, Longevity:

Remove the current dollar amount in the longevity section and insert the wording: Firefighters, Lieutenants, Captains and Deputy Chiefs will receive 1/2 percent of their base pay per year after the first five years of continuous employment by the Town and shall receive an additional ½ percent after each successive five-year period that he/she is employed by the Town up to a maximum of 3.5% per year.

3. Article XX, Wages: A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2021, 2% effective July 1, 2022 and 2% effective July 1, 2023.

4. Article XXI, Fire Science Program and EMT Training:

Section 2: Remove section 2 and replace it with:

Any firefighter who successfully completes a defibrillator certification course and maintains certification and, any firefighter who successfully complete an epi-pen use certification course and maintains certification will receive an annual Certified Medical Equipment payment in bi-weekly increases in the amount indicated below:

Effective July 1, 2021 the Certified Medical Equipment payment shall be equal to 3% of the top step of the firefighter scale. Effective July 1, 2022 the Certified Medical

Equipment payment shall be equal to 3.5% of the top step of the firefighter scale.

Effective July 1, 2023 the Certified Medical Equipment payment shall be equal to 4% of the top step of the firefighter scale.


5. Article XXVII, Electronic Communication:

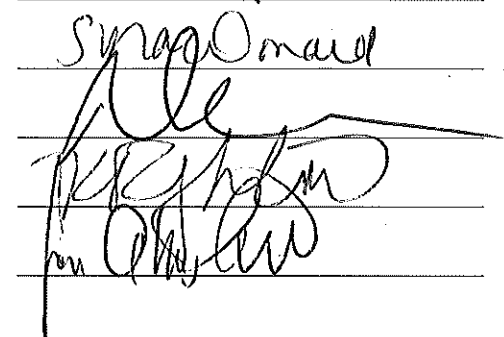
A new Electronic Communication Article shall be inserted in between the Drug and Alcohol Testing and Duration of Agreement Articles and shall be added as follows:

Except in instances where a different method of communication is required by federal or state law or regulation, e-mail may be used by the Town to communicate with members of the bargaining unit. The union and the Town agree to cooperate in finding a workable solution for any bargaining unit member who does not have access to an email account for this purpose.

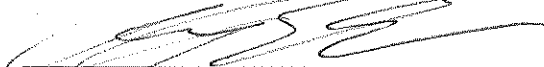
6. Article XXVIII, Duration of Agreement: This Agreement shall be modified to reflect a July 1, 2021 start date and a June 30, 2024 end date, with the deadlines/start dates for giving notice of the desire to negotiate a new agreement changed to April 15, 2024 and November 1, 2023, respectively.


For the Town:

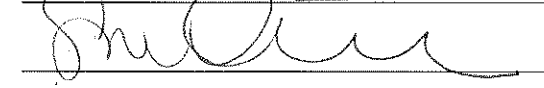


Syracuse


For the Union:







**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
DEDHAM POLICE ASSOCIATION
Lieutenants and Sergeants**

October 19, 2021

NOW COMES the Town of Dedham (“the Town”) acting by and through its Select Board (“the Board”) and the Dedham Police Association, Lieutenants and Sergeants Bargaining Unit (“the Union”), and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2021 (“the Previous Agreement”);

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

1. Article VI, Paid Holidays:

Section 1: Insert Juneteenth (June 19th) into the list of holidays.

2. Article X, Longevity:

Remove the current dollar amount in the longevity section and insert the wording:

Sergeants and lieutenants will receive 1/2 percent of their base pay per year after the first five years of continuous employment by the Town and shall receive an additional ½ percent after each successive five-year period that he/she is employed by the Town up to a maximum of 3.5% per year.

3. Article XII, Wages:

A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2021, 2% effective July 1, 2022 and 2% effective July 1, 2023.

4. Article XVIII, Emergency Medical Technicians and Article XXII, Specialty Stipends:

a. Article XVIII, Section 2: Remove section 2 and replace it with:

Any sergeant or lieutenant who successfully completes a defibrillator certification course and maintains certification will receive an annual stipend in equal installments to be determined by the Town in the amount indicated below:

Effective July 1, 2021 the AED (defibrillator) stipend shall be equal to 3% of Sergeant, Step 2 annual pay. Effective July 1, 2022 AED (defibrillator) stipend shall be equal to 3.5% of Sergeant, Step 2 annual pay. Effective July 1, 2023 the AED (defibrillator) stipend shall be equal to 4% of Sergeant, Step 2 annual pay.

b. Article XXII: Delete the last sentence describing a defibrillator stipend in the amount of \$1500.

5. Article XXVIII, Electronic Communication:

A new Electronic Communication Article shall be inserted in between the Paychecks and Effect of Agreement Articles and shall be added as follows:

Except in instances where a different method of communication is required by federal or state law or regulation, e-mail may be used by the Town to communicate with members of the bargaining unit. The union and the Town agree to cooperate in finding a workable solution for any bargaining unit member who does not have access to an email account for this purpose.

6. Article XXX, Body Worn Cameras:

A new Body Worn Cameras Article shall be inserted in between the Electronic Communication and Effect of Agreement Articles and shall state as follows:

The Town and Union agree that the decision to implement a body worn camera program is a management right not subject to collective bargaining. However, the parties agree that the methods, practices, and policies associated with said decision to implement a body worn camera program will be subject to impact bargaining.

7. Article XV, Discipline;

Insert the following sentence:

No material relating to an employee's conduct, service, character or personality shall be placed in the personnel files unless the employee has had the opportunity to read the material and also to acknowledge in writing that he/she has read it.

8. Article XXXI, Effect of Agreement;

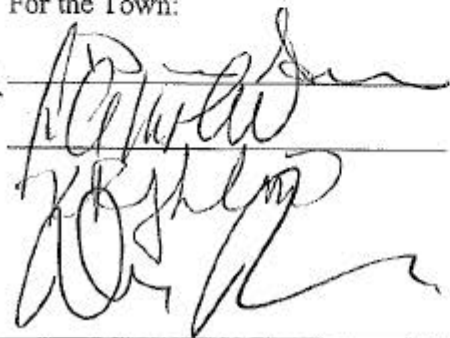
The provisions of the Previous Agreement shall be modified to reflect in the Successor Agreement a July 1, 2021 start date and a June 30, 2024 end date.

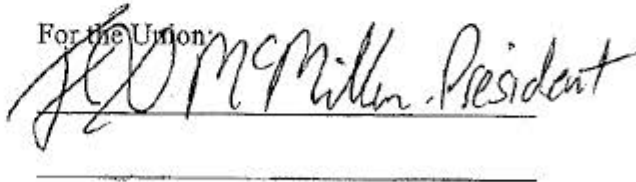
Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.

The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

For the Union:

Simone




**MEMORANDUM OF AGREEMENT
BETWEEN THE
TOWN OF DEDHAM
AND THE
DEDHAM POLICE PATROLMAN'S ASSOCIATION**

October 19, 2021

NOW COMES the Town of Dedham ("the Town") acting by and through its Select Board ("the Board") and the Dedham Police Patrolman's Association ("the Union"), and for good and valuable consideration hereby agree as follows:

WHEREAS, the Town and the Union are parties to a Collective Bargaining Agreement that expired on June 30, 2021 ("the Previous Agreement");

WHEREAS, the Town and the Union are desirous of entering into a successor agreement to the Previous Agreement based on the Previous Agreement as modified herein;

NOW, THEREFORE, it is agreed as follows:

1. Article XIX, Holidays:

Delete the existing language and insert the following:

All Employees will be guaranteed twelve paid holidays. Said holidays to be as follows:

New Year's Day, Martin Luther King Day, Presidents' Day, Patriot's Day, Memorial Day,

Juneteenth (June 19), Independence Day, Labor Day, Columbus Day, Veterans' Day,

Thanksgiving Day, and Christmas Day. Employees working from 4:00 PM on the eves of

Independence Day, Thanksgiving Day, Christmas Day, and New Year's Day until 4:00 PM

on Independence Day, Thanksgiving Day, Christmas Day, and New Year's Day shall be

compensated time and one-half.

2. Article XV, Police Salary Schedule:

Section 1. A new salary schedule shall be prepared and inserted into the Successor Agreement reflecting an increase in wages of 2% effective July 1, 2021, 2% effective July 1, 2022 and 2% effective July 1, 2023.

Section 2A. Remove the current dollar amount in the longevity section and insert the wording:

Regular full-time employees will receive 1/2 percent of their base pay per year after the first five years of continuous employment by the Town and shall receive an additional ½ percent after each successive five-year period that he/she is employed by the Town up to a maximum of 3.5% per year.

Section 5. Medical Device Compensation: All regular full-time employees who successfully complete a defibrillator certification course and maintain certification will receive an annual medical device stipend in equal installments in the amount indicated below:

Effective July 1, 2021 the stipend shall be equal to 3% of top step patrol officer pay.

Effective July 1, 2022 the stipend shall be equal to 3.5% of top step patrol officer annual pay.

Effective July 1, 2023 the stipend shall be equal to 4% of top step patrol officer annual pay.

This stipend shall be inclusive of EPI-pen Certification and all other medical device certifications deemed necessary by the Department and/or Town.

3. Article XXIX, Specialty Stipends:

Delete the existing paragraph and replace with the following:

Annual stipends at the following percentages based on the full-time employee's base wages will be paid to those officers performing the following departmental functions: 5% to Detective, School Community Resource Officer, and Juvenile Officer; 3% to Motorcycle Officer, Police Clerk, Safety Officer and Detail Officer; 1% to Equipment Officer and Meter

Officer. It is further agreed that the Department will post on a departmental bulletin board any vacancy in the above departmental functions. However, the Chief retains full authority to select the officer to perform the departmental function.

4. Article XXIII, Personnel Files:

Insert the following sentence:

No material relating to an employee's conduct, service, character or personality shall be placed in the personnel files unless the employee has had the opportunity to read the material and also to acknowledge in writing that he/she has read it.

5. Article XXXVI, Electronic Communication:

A new Electronic Communication Article shall be inserted after Sergeant Promotions and shall state as follows:

Except in instances where a different method of communication is required by federal or state law or regulation, e-mail may be used by the Town to communicate with members of the bargaining unit. The union and the Town agree to cooperate in finding a workable solution for any bargaining unit member who does not have access to an email account for this purpose.

6. Article XXXVII, Body Worn Cameras:

A new Body Worn Cameras Article shall be inserted after Electronic Communication and shall state as follows:

The Town and Union agree that the decision to implement a body worn camera program is a

management right not subject to collective bargaining. However, the parties agree that the methods, practices, and policies associated with said decision to implement a body worn camera program will be subject to impact bargaining.


7. Effect of Agreement:

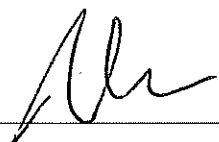
The provisions of the Previous Agreement shall be modified to reflect in the Successor Agreement a July 1, 2021 start date and a June 30, 2024 end date.


Except as modified in accordance with this Memorandum of Agreement, the Successor Agreement shall be identical in all respects to the Previous Agreement.


The cost items of this Agreement are subject to approval by Town Meeting.

For the Town:

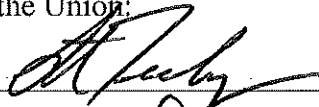





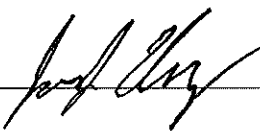




For the Union:







REPORTS OF COMMITTEES

Report of the Electronic Voting Working Group **October 20, 2021**

In response to an increase in interest in using electronic methods of recording votes at Town Meeting, the Moderator formed a Working Group to study the issue. The Group was organized in December of 2019 and began meeting in January 2020.

The members of the Working Group include Lindsay Barich, Bob Lo Porto, Jim Driscoll representing the District Chairs, Dimitria Sullivan representing the Select Board, Molly Uppenkamp, Michael Leahy representing the Finance and Warrant Committee, Assistant Town Manager Nancy Baker, Town Clerk Paul Munchbach and Moderator Dan Driscoll. The Group received support and advice from Town Manager Leon Goodwin, Town Counsel Lauren Goldberg and Information Technology Director Bassem Awad.

The Group's responsibility was "To study the pros and cons of using an electronic voting method for Town Meeting and to prepare a recommendation to be presented to the Select Board and the Town Meeting."

A work plan was developed which called for the completion of seven tasks:

1. Clarify our goals – What are the problems we want to remedy?
2. Identify the electronic voting options available.
3. Research costs to obtain and operate a system.
4. Research the use of electronic voting and identify the benefits and problems that may be encountered.
5. Confirm that the benefits outweigh the challenges and that the system will work for Dedham.
6. Come to consensus on a specific recommendation.
7. Draft procedures including by law changes needed to implement the system.

The Working Group met in person from January through March, 2020. When

COVID reemerged as a public health problem, the Group halted its meetings. During this hiatus, Town Clerk Paul Munchbach, Moderator Dan Driscoll and other members researched the electronic voting options available, spoke with town officials in other towns and looked at data compiled by the Massachusetts Moderators' Association. Paul Munchbach contacted the three firms doing business in Massachusetts and began to collect information on how the systems worked and the costs involved.

The members resumed meeting via Zoom in early 2021. An interim report was presented to the May Annual Town Meeting.

Three vendors were interviewed and presented demonstrations of their products. The proposals were reviewed by Leon Goodwin and Bassem Awad, who looked at cost and technological compatibility.

The Working Group voted to recommend that the Town adopt electronic voting at Town Meeting and that the Town's by laws be amended to accommodate this change in method of voting. We had reviewed implementation by laws from some other towns to see how they had adapted their rules for electronic voting. Molly Uppenkamp and Dimitria Sullivan drafted a proposed by law change which was then reviewed and edited by Attorney Lauren Goldberg before being presented to the Working Group who voted to recommend it to the By Law Review Committee and the Finance and Warrant Committee.

After discussion with both committees, a warrant article was filed with recommended by law revisions.

Thank you,
Paul Munchbach, Town Clerk
Dan Driscoll, Moderator

DEDHAM SNOW COMMITTEE REPORT

October 12, 2021

HISTORY: The 2019 Spring Meeting adopted Article 24, which established the Snow Committee.¹ After the Moderator appointed members, the Snow Committee

¹ **ARTICLE TWENTY-FOUR:** *By District One Town Meeting Representative Fred Civian.* To see if the Town will vote to establish a five (5) member Snow Removal Recommendation Committee, charged with evaluating options for and recommending actions concerning the establishment of a local Dedham rule requiring commercial, industrial and/or institutions to remove snow and ice from sidewalks serving their

began meeting in late summer/early Fall 2019 and conducted its initial research (see appendix A). After that initial work, the Committee went on hiatus and two members vacated their positions. In Spring 2021 the Moderator advertised and filled the vacant positions, the Snow Committee resumed meeting on March 8, 2021, and is now presenting its Report to Fall 2021 Town Meeting.

MEMBERSHIP: Current members are Frederick Civian, Elizabeth Martin, Micah Flynn, Bethany Gauthier and Peter Reynolds.

SNOW COMMITTEE SUMMARY: The Snow Committee conducted research about local rules to require sidewalk snow clearing for businesses and about what Dedham and other Towns do to clear snow. The Committee also repeatedly heard public comments about the lack of snow clearing in residential areas. The Committee received invaluable assistance from DPW Director Joseph Flanagan and thanks him for his assistance.

After adopting its Report in October, the Committee will solicit public comment on its Report and present that feedback to Town Meeting in November. The Committee is not proposing any sidewalk clearing rule for Fall 2021 Town Meeting.

The Committee encourages those who want increase sidewalk clearing and those who want to avoid a local snow clearing rule to participate in voluntary efforts Winter 2021 -2022.

The Committee also believes that Dedham must address the issue of clearing of sidewalks in residential areas.

CONTEXT

SIDEWALKS ARE PUBLIC WAYS; TOWN DPWS CLEAR SOME SIDEWALKS: The Towns' sidewalks are public ways; they are not private property. While it is hypothetically possible for a Town to clear all sidewalks, "*manpower and financial restraints prohibit that from occurring.*" (*Norwood Town Website.*) Most take on limited responsibility for clearing sidewalks [Table: Sidewalk snow shoveling rules across Massachusetts - The Boston Globe](#). The Committee's research showed that all Towns in our region do some sidewalk clearing, some

properties; such Snow Removal Recommendation Committee shall be appointed by the Moderator and shall present its report and recommendations to the 2019 Fall Annual Town Meeting, or take any other action relative thereto.

more than others (see Appendix B.)

TOWNS CAN CHOSE TO REQUIRE PRIVATE PROPERTY OWNERS TO CLEAR SIDEWALKS IN FRONT OF THEIR PROPERTY: MA state law allows municipalities to create local rules that require property owners to clear snow and ice from public sidewalks adjacent to their businesses. MGL c. 40, § 21 (2), (3), and (4).

Some towns in our region have adopted these local rules; some have not. Examples most often mentioned to Committee members are large cities, like Boston and Cambridge. Many smaller Towns around Boston require businesses to clear snow, including Norwood, Needham, Belmont, Arlington and Watertown. Others have not adopted any local rule, including Milton, Walpole, Sharon and Dover.

ARE UNCLEARED SIDEWALKS A PROBLEM? The Committee found substantial anecdotal evidence that uncleared sidewalks are a significant barrier to pedestrians. Examples include ice and snow blocking access from the Keystone Lot, blocked intersections at sidewalks used for walking to secondary schools, bus riders waiting in the street at bus stops, and people walking in high traffic streets to avoid blocked sidewalks, such as Legacy Place employees walking to work in Elm Street. At the same time, there is substantial anecdotal evidence that some sidewalks are cleared routinely. The Committee believes that the current situation is unacceptable and that additional actions by Dedham are needed.

OBJECTIONS TO ADOPTING LOCAL SNOW RULES: In prior Town Meeting discussions of snow rules, these issues were raised:

- Since sidewalks are public ways, it's not fair to force property owners to clear them
- Businesses already have adequate self-interest to clear sidewalks in front of their property
- Any deadlines for requiring clearing are imprecise
- Rules will not work without enforcement, which costs money
- If we put time into voluntary efforts we would not need a local rule
- If we adopt a residential rule, what about people who are not able to shovel
- A rule may not be needed everywhere in Town, only in certain areas

The Snow Committee finds that these objections are hurdles that other Towns have overcome, not barriers that prevent adoption of a local rule. For example, other Towns' experience (e.g. Norwood) is that the adoption of a rule with the possibility of enforcement was effective and did not require a robust and fully funded enforcement team.

OTHER TOWNS' ACTIONS TO CLEAR SIDEWALKS: The Committee and DPW Director Joseph Flanagan surveyed a number of nearby Towns to understand the actions taken by other Towns compared to Dedham (see Appendix B). In general, other Towns appear to devote more staff to sidewalk clearing than Dedham.

DEDHAM DPW ACTIONS TO CLEAR SIDEWALKS: The Committee's survey of Dedham and other Towns found that there is a wide range of resources – staff and equipment – devoted to snow clearing and that Dedham is at the lower end of that range. Within that limitation, the committee found the Dedham DPW to be responsive and fairly effective at clearing sidewalks.

TOWN MEETING POLICY CHOICES: The Committee believes there are five basic choices facing Town Meeting:

- Do not change snow removal policies
- Rely on someone's increased voluntary efforts
- Pass a local rule requiring private property owners to do more
- Allocate additional funds so that DPW will be able to do more
- Adopt a hybrid approach combining all these efforts (e.g., require property owners to clear sidewalks and fund DPW to do more)

VOLUNTARY EFFORTS: There are several voluntary efforts that would increase the amount of snow clearing. Each of these has its own set of hurdles that would need to be overcome and each rely upon "someone" to lead and implement them.

- Increased efforts by business organizations such as Dedham Square Circle or Neponset Valley Chamber of Commerce
- "Please shovel" notes to be delivered by volunteers to businesses
- Setting up a system to connect students to shovel (either volunteer or paid) with anyone who needs that assistance, brokered through a town-wide group like the Council on Aging or the Commission on Disability

- One specific hurdle: if conducted by a Town organization any increased liability needs to be defined and managed (e.g., insurance coverage)
- Dedham Public Schools “Safe Routes to Schools” coordinates its efforts with DPW to maximize the use of DPW’s limited resources
- Dedham DPW staff use informal powers of persuasion to limit private snow plowers blocking of public ways, including sidewalks

LOCAL RULE REQUIRING BUSINESSES TO CLEAR SIDEWALKS: A local Dedham rule would contain the following parts:

- A deadline for clearing similar to that already used in nearby Towns like Needham or Norwood
- A fine and enforcement policy similar to that used by Norwood

INCREASED EFFORTS BY DEDHAM DPW: It appeared to the Committee (see Appendix B) that the Dedham DPW receives fewer resources for sidewalk snow clearing than other Towns. If increased resources were to be provided for sidewalk clearing, the DPW Director, Town Manager and Finance and Warrant Committee would need to consider the optimal type and method of providing those resources.

RESIDENTIAL SIDEWALK CLEARING: In its 2021 public meetings most of the public comment the Committee received concerned the issue of sidewalk clearing in residential areas. The Snow Committee’s charge from Town Meeting was to issue a report “evaluating options for and recommending actions” concerning commercial, industrial and institutional properties. That scope did not prohibit the Committee from noting that Dedham has a similar sidewalk clearing issue in residential areas.

CONCLUSIONS: The Committee encourages the business community, Dedham residents and Dedham DPW to undertake voluntary efforts to increase snow clearing of sidewalks. Here are some examples:

- DPW and Dedham Public Schools should continue to use the “Safe Routes to Schools” process to increase the amount of cleared sidewalks for students.
- Dedham residents should use DPW’s “Service Request” form to report blocked sidewalks that need to be cleared.

- Dedham residents should consider helping to increase sidewalk snow clearance in their neighborhoods particularly for individuals who due to age or physical limitation have difficulty doing that work themselves.

The Committee concludes that if voluntary efforts do not make significant improvement to the clearing of snow and ice from sidewalks Winter 2021-2022 that Dedham should establish a local rule requiring commercial, industrial and/or institutions to remove snow and ice from sidewalks. In addition, all Committee members individually agree that Dedham must also address residential snow clearing.

APPENDIX A

DEDHAM SNOW COMMITTEE INITIAL RESEARCH – Fall 2019

MA TOWN SNOW REMOVAL RULES:

<https://www.bostonglobe.com/2016/12/29/table-sidewalk-snow-shoveling-rules-across-massachusetts/aNl6WXzQf6urBg9DeHKetI/story.html?event=event12>

The data are dated Feb. 3, 2016. If a town has no other information, it either does not have sidewalks, does not have regulations, or has not provided information to the state officials who compiled this data.

NORWOOD -

http://www.norwoodma.gov/departments/public_works/snow_and_ice_policy.php

- Business responsible: yes; see Town Bylaws Article XII, Section 26 and Snow and Ice Policy FAQs
- When: Within 6 hours of daylight after precipitation stops
- Fines for business: no
- Town responsible: sometimes
- When does town shovel: Once the storm has ended and roads have been plowed
- The town plows 31 miles of sidewalk, near schools, Norwood Center, and Washington St.

DEDHAM and CANTON - no info

NEEDHAM

- Business responsible: yes
- When: 5 hours after snowfall or precipitation stops between sunrise and sunset
- Fines for business: maximum \$50
- Town responsible: sometimes
- When does town shovel: Once snow and ice depths reach 4"
- The town plows 52 miles of sidewalk on school walking routes and sometimes the downtown business district in the event of an emergency.

WESTWOOD

- Business responsible: sometimes
- When: no maximum
- Fines for business: no
- Town responsible: sometimes
- When does town shovel: After roads have been plowed
- The town will clear all sidewalks used to walk to schools, businesses, and public transportation. Property owners must clear sidewalks that are not in the town sidewalk route.

WALPOLE

- Business responsible: no
- When: N/A
- Fines for business: N/A
- Town responsible: sometimes
- When does town shovel: no maximum
- Town maintains about 50 miles of sidewalks, including routes to schools, buses, and the commuter rail.

MA CASE LAW CHANGE IN 2010 re: LIABILITY ON PRIVATE PROPERTY
PAPADOPOULOS vs TARGET: A person slipped and fell on a patch of ice in the parking lot in front of a Target department store. He sued Target. The judge denied the claim because that snow and ice was "natural accumulation" that, under prior case law, created no liability for the property owner. The plaintiff appealed. The Supreme Judicial Court abolished the old rule and stated that property owners had the same duty of reasonable care for snow and ice as with other hazards.

WHAT ABOUT PUBLIC SIDEWALKS IN FRONT OF BUSINESSES: Towns may create bylaws requiring property owners to clear snow and ice from public sidewalks adjacent to their businesses. MGL c. 40, § 21 (2), (3), and (4)

WHAT ABOUT SNOW MELTERS?: See this article about the "SnowDragon" melter. Capital costs, operating costs and significant maintenance issues would be compared against current hauling costs. This model also separates and collects sediment, trash and other pollutants from snow.
<https://www.twincities.com/2013/03/27/machine-melts-minnesota-snow-and-its-removal-costs/>

ISSUES FOR THE SNOW COMMITTEE RE: COMMERCIAL BUSINESSES AND SIDEWALKS:

- muni responsibility alone? business responsibility alone? shared responsibility?
- What is Towns' current Level Of Effort for sidewalk clearing? Is there a regular sidewalk clearing route?
- Snow melter machine for muni-operations? Open to snow contractors or private businesses too?
- See MAPC guidance: <http://www.mapc.org/wp-content/uploads/2017/11/Snow-Removal-ToolkitFINAL1.10.12.pdf>

TOWN ORDINANCES/ADD'L INFO

NORWOOD

[http://www.norwoodma.gov/departments/public works/snow and ice policy.php](http://www.norwoodma.gov/departments/public%20works/snow%20and%20ice%20policy.php)

"We do have an ordinance in the Town Bylaws, Article XII, Section 26, which requires any business or commercial enterprise to clear snow from the sidewalk in front of their property within 6 hours of daylight after any snow has ceased to fall. This ordinance is rarely enforced.

Public Works does clear snow from 31 miles of sidewalks in Town. These sidewalk routes were established by a joint effort between the Public Works, Police Department and School Department. It generally focuses on areas around schools, Norwood Center and Washington Street through South Norwood. While having Public Works plow all sidewalks may sound ideal, manpower and financial restraints prohibit that from occurring."

APPENDIX B

	OTHER TOWNS' SIDEWALK SNOW CLEARING ACTIONS								
	Burlington	Franklin	Lexington	Milton	Natick	Needham	Newton	Wellesley	Dedham
Rule?	N/A	No	Yes	No	No	N/A	Yes	No	No
Business Must Clear?	N/A	No	No	No	No	Yes	Yes	N/A	No
Is it enforced?						No	Yes		
Municipality Clears?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Miles cleared by town	31	70	70		40	54+	90	53	30
Sidewalk clearing equipment	2 trackless machines; we keep an old one (3rd machine) as a spare	7 machines	6 machines & 4 backups	3 sidewalk ractors w/ plowblade or snowblower, 2-3 snowblowers	6 sidewalk tractors (3 tracked machines, 3 trackless)	8 enclosed assigned sidewalk plows, 1 stand-on, 3 walk-behind snow blowers & hand shovels. 2 spare enclosed sidewalk plows	12 pieces	13 pieces of equipment	2 Bombardier snow removal machines and a small skid steer
Staff	12 Operators		6 dedicated, 40 total		28	8 Operators and 4-6 hand crew members	150		19 dedicated; 4 add'l from Parks and Rec
Sidewalk Plow Operators	10	all	5	3	6	8	8	8	8 dedicated

PLANNING BOARD

John R. Bethoney, Chair
Michael A. Podolski, Esq., Vice Chair
James E. O'Brien IV, Clerk
Jessica L. Porter
James F. McGrail, Esq.
Andrew Pepoli, Associate

Town Planner

Jeremy Rosenberger



**TOWN OF DEDHAM
PLANNING BOARD**

Town Hall
450 Washington Street
Dedham, MA 02026
781-751-9240

Assistant Town Planner
Michelle Tinger

Administrative Assistant
Jennifer Doherty

October 22, 2021

This report summarizes the proposed two (2) zoning amendments (Articles 12 and 13) and the Affordable Housing Trust (Article 19) article that appear on the 2021 Fall Annual Town Meeting Warrant and the Planning Board's Recommendations to Town Meeting.

Article 12 Purpose

Article 12 would authorize changes to the Dedham Zoning Bylaw for the regulation of Short-Term Rentals

Background Summary

Currently under the Dedham Zoning By-law, Short-Term Rentals (i.e., Air BnB's) are not regulated, and therefore not allowed. A Short-Term Rental (STR) is typically a residential property used for shorter than a month-to-month period. It can also be an apartment or house, portions of buildings, or only a room. Furthermore, an STR can be owner-occupied, investment property (not-owner-occupied), or multi-unit with an onsite manager.

In 2019, the Commonwealth of Massachusetts adopted STR regulations requiring STR's to register with the State, delegating further authority to cities and towns to further regulate the use and allowing local hotel style taxes of 6% and 3% community impact fees. Presently, there are 19 STR's listed on the state registry. When browsing for STR's online, opportunities for STR's in Dedham can easily be found.

Based on the current existence of STR's in Dedham, a past history of

community complaints with some STR's in Dedham, and the realization that Dedham's proximity and location within the Greater Boston region creates a Dedham for STR's in Dedham, the Planning Board felt it necessary to explore regulating this use.

The Planning Board asked the Planning & Zoning Department in Summer of 2021 to research how other surrounding communities are regulating STR's and determine potential best practices for the Town of Dedham. Based on the research and analysis, the Planning Board found that while a handful of surrounding communities have regulations allowing STR's, there was also extensive community engagement and participation that went into developing such regulations. As the window for public participation between the summer and Fall town meeting is short, the Planning Board found that there would not be enough time to allow for a robust community process for developing STR regulations. However, to ensure no ambiguity regarding regulating STR's in the Dedham Bylaw, the Planning Board determined at a minimum the use should be defined in the Dedham Zoning Bylaw and be considered a forbidden use until a community process could be initiated. The Planning Board will seek to further engage the community in early 2022 to determine future changes to the proposed STR Zoning Bylaw changes.

Planning Board Recommendation

The Planning Board held the required public hearing regarding Article 12 on October 18, 2021. At that meeting, the Planning Board voted unanimously (4-0) to recommend approval to Town Meeting.

Article 13 Purpose

Article 13 would authorize changes to the Dedham Zoning Bylaw for the regulation of Short-Term Rentals of Private Swimming Pools

Background Summary

The Planning Board has heard from Dedham residents regarding incidents of private residential swimming pools being rented out in a manner similar to Short Term Rentals. The operation of an otherwise private residential swimming pool to be rented out has presented a quality-of-life issue for Dedham residents. As such, the Planning Board asked the Planning & Zoning Department to research and develop a draft zoning amendment to prohibit the short-term rental of private residential swimming pools.

Planning Board Recommendation

The Planning Board held the required public hearing regarding Article 15 on October 13, 2021. At that meeting, the Planning Board voted unanimously (5-0) to recommend approval to Town Meeting.

Article 19

Article 19 would create an Affordable Housing Trust in the Town of Dedham.

Background Summary

Town Meeting overwhelmingly approved an affordable housing zoning bylaw developed by the Planning Board in Fall 2020. The bylaw requires developers to provide onsite affordable housing units on certain projects. On the rare occasion, a developer may request to provide a payment to the Town instead of building onsite affordable units. By establishing a designated trust for these funds and creating a board to oversee these payments, Dedham can provide a local way to advocate for and facilitate additional development of affordable housing. Many current and future residents cannot afford to purchase or rent a home in town because of the high cost of housing; the trust can establish a locally directed and coordinated process to help meet this need.

The proposed trust in the short term is intended for development projects that request to provide a payment to the Town instead of building onsite affordable units. As such, a local housing trust allows municipalities to collect funds for affordable housing, separate them from the general fund into a trust fund, and designate and use the funds for local initiatives to create and preserve affordable housing. Examples of what a local affordable housing trust fund can do include:

- Provide financial support for the construction of affordable homes by private developers (non-profit or for-profit);
- Rehabilitate existing homes and apartments to convert to affordable housing;
- Increase affordability in existing and future housing developments;
- Develop surplus municipal property for affordable housing;
- Preserve properties faced with expiring affordability restrictions;
- Create programs to assist low- and moderate-income homebuyers;

- Create programs to help low- and moderate-income families make health and safety repairs; and
- Educate and advocate to advance affordable housing initiatives.

Although the concept of local housing trusts is not new, the state legislature concluded that – due to increased availability of local funding through inclusionary zoning, negotiated development fees, and state and federal funding – there was a need to provide specific legislation to allow communities to form their own municipal affordable housing trust funds. In 2005, the Massachusetts legislature passed the Municipal Affordable Housing Trust Fund Law (MGL c.44 s.55C), which effectively simplified the process of establishing a local housing trust and allowed it to be created through the Town Meeting process. Prior to 2005, municipalities were required to file Home Rule petitions to establish Trusts.

This law also set guidelines on what local housing trusts can do, specifies who can serve on a local housing trust board, and establishes the powers a community can grant the board. Since the new law passed, 115 communities in Massachusetts have established municipal affordable housing trust funds. Should Dedham Town Meeting accept the legislation and adopt the proposed bylaw, the Trust would be required to comply with the local bylaw.

The proposed trust would consist of seven (7) voting Trustees (all Dedham residents) appointed by the Select Board, and the Town Manager or the Town Manager’s designee would serve as an ex officio non-voting member. The Trust’s membership would always include one member of the Select Board, one member of the Planning Board or their designee, and a representative of a local housing organization or one resident who earns a low- or moderate-income, resides in subsidized housing units as defined by G.L. c.40B or who receives state- or federally- sponsored rental subsidies, and demonstrates knowledge of tenant issues. Remaining trustees must be Dedham residents with relevant experience in the fields of real estate, housing, banking, finance, law, architecture, social services, or other areas of expertise.

Planning Board Recommendation

As Article 19 is a general Town Article and not a zoning amendment, the Planning Board does not vote on a proposed recommendation to Town

Planning Board Recommendation

As Article 19 is a general Town Article and not a zoning amendment, the Planning Board does not vote on a proposed recommendation to Town Meeting. However, the Planning Board has submitted this Article for Town Meeting and would encourage Town Meeting to vote in favor of Article 19.

Sign Code Summary for Fall 2021 Town Meeting Warrant

The purpose of the Sign Code is to provide reasonable regulations for the design, construction, installation, and maintenance of all signs in the Town of Dedham. The Town's Sign Code was established in 1996 and was most recently amended in 2013. Fall 2019 Town Meeting approved funding for the Planning & Zoning Department to hire a consultant to review and update the existing sign code. The Building Department, Planning & Zoning Department, and businesses had found the existing sign code and sign permit process to be in need of a review and update. As a result, the consultant team of Harriman and Steven Cecil Design and Planning was hired in June 2020 to document existing conditions within Dedham, research current best practices for sign codes, investigate new sign technologies and their implications, and prepare recommendations for an update to the code.

Community engagement was also an important piece of the review of the existing sign code bylaw and the sign permitting process. The following are key aspects of the community engagement efforts:

- Stakeholder Interviews, June 2020
- Virtual Open House & Sign Code Bingo, Summer 2020
- Sign Code Study Community Meeting, June 2021
- Outreach/Updates/Presentations to Design Review Advisory Board (DRAB), Zoning Board of Appeals (ZBA) and the Planning Board
- Proposed new Sign Code Bylaw support letters from DRAB and ZBA

As a result of the consultant's extensive review of the existing code (to understand what might need to be changed), stakeholder feedback, and current sign code best practices, the report *Town of Dedham, Sign Code Bylaw Study* was released in May 2021. The consultant team found that much of the current sign code could be retained. The report also documented an extensive analysis of all the signs in the Town of Dedham, best practices, and a draft updated sign code bylaw.

The major points of the changes to the sign code bylaw are the following:

- Remove regulations that govern sign content. This is due to recent case law dictating that content of signs may not be regulated, but the location and placement, duration, and dimensional standards (including size and height) of signs can be regulated.
- Calculating total sign area allowed by the frontage of a business where the existing bylaw calculates total sign area by the frontage of a property. The change would create a more uniform sign allowance based on the size of the business's building, not the property.
- Adding new sign definitions and modifying existing definitions to be clear and easier to understand. Graphic illustrations of different sign types and regulations were also created.
- Streamlining the process to obtain a sign permit by allowing the Building Department to approve specific sign permits and placing all other review and request for waivers under the jurisdiction of the Design Review Advisory Board (DRAB). This would be a change from the current process multiple Board's reviewing signs (the Zoning Board of Appeals being the sign waiver granting authority) which stakeholders have found time consuming and confusing.
- Reorganization of the bylaw sections so that related provisions and regulations are clearer and easily found.

Dimitria Sullivan, Chair
Sarah E. MacDonald, Vice
Chair
James A. MacDonald
Dennis J. Teehan, Jr.
Kevin R. Coughlin



TOWN OF DEDHAM
Select Board

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**REPORT AND RECOMMENDATIONS FROM THE SELECT BOARD REGARDING
THE PROPOSED CHARTER CHANGES
PRESENTED IN ARTICLES 20, 21 AND 22**

The Select Board approved and submitted for adoption by Town Meeting the following ministerial and clerical revisions, minor substantive revisions, and major substantive revisions to the Town of Dedham Charter:

- All Ministerial and Clerical Revisions recommended by the Charter Review Committee, including in Sections 1-1, 1-7, 2-2, 2-9, 2-12, 3-2, and 3-13
- The Minor Substantive Revision recommended by the Charter Review Committee in Section 3-12
- The Major Substantive Revisions recommended by the Charter Review Committee in Sections 3-7(b), 3-10(c), 4-2(b)(1), 4-2(s), and 6-7

Background: The Charter Review Committee (hereinafter "Committee") was appointed by the Select Board in accordance with Section 7 of the Town of Dedham Charter. The Committee met consistently over the past two years, gathering input from the public, elected and appointed officials, and other key stakeholders in a series of public meetings, culminating with a public hearing on September 1, 2021. The Committee's already daunting job was made more

difficult by the global Covid-19 pandemic, yet they adapted by meeting via Zoom, using online polling technology, while also using traditional tools and resources, and as a result produced a thorough and well-reasoned report.

The Select Board received input from the Town Manager on the proposed revisions based on his attendance and participation at Committee meetings, his professional experience, input from Department Heads and other Town staff, and his knowledge of the operations of the Town of Dedham. The revisions that the Select Board is recommending for adoption involve correcting and clarifying language to make the Charter more consistent and accessible to the citizens of Dedham (the ministerial and clerical revisions), ensuring that the Charter is consistent with current Massachusetts laws (the minor substantive revision to Section 3-12), and further streamlining and consolidating the administration and operation of Town government (the major substantive revisions to Sections 3-7(b), 3-10(c), 4-2(b)(1), 4-2(s), and 6-7).

Regarding the above-referenced major substantive revisions, these involve the appointment and reporting of the Parks and Recreation Director and Library Director. Following the last Charter Review process, Dedham adopted the Town Manager form of government and consolidated appointing and supervisory authority of Department Heads in the newly created Town Manager position². The only two exceptions to this change were the Parks and Recreation Director and the Library Director. Throughout the Commonwealth, municipalities have been adopting the Town Manager form of government as a reaction to, and solution for, the increasing complexity of local government. This management structure also encourages the efficient use of Town resources through a consolidated versus compartmentalized organizational structure. In order to realize the maximum benefits of the Town Manager form of government, it is our recommendation that Town meeting approve the Committee's recommended revisions to complete this transition.

While the Committee and the board are both recommending the complete adoption of the Town Manager form of government, everyone was mindful of the important role that elected and appointed boards and committees play in setting policies for the greater good of Dedham. Therefore, there is a new section, Section

² Previously, the Town was served by a Town Administrator using the Selectman/Administrator model.

6-7, which clarifies the duty of department heads that are responsible for carrying out these policies set by these boards and committees to work collaboratively with the same, even if they report to the Town Manager. Further, we would be remiss if we did not point out the existing requirement in the Charter (Section 4-2(b)(1) wherein prior to appointing any Department Head that is responsible for carrying out policies of elected or appointed bodies, that said body be consulted. During the current Town Manager’s tenure, that process has been successfully followed with the appointment of the current Health Director and Director of Assessing and was also used by the prior Town Manager in the appointment of the current Planning Director.

Summary of Proposed Minor Substantive Revisions and Non-Substantive Ministerial and Clerical Revisions to Charter

Article 1. Incorporation: Short Title; Form of Government; Powers

Section 1-1. Incorporation

Correct punctuation so that period at end of sentence is inside quotation marks as follows:

The inhabitants of the town of Dedham, within the territorial limits established by law, shall continue to be a body corporation and politic under the name “town of Dedham.”

Section 1-7. Definitions

For each subsection (a)–(k) of Section 1-7, place the comma appearing after the defined term inside the quotation marks to provide as follows:

- (a) **“Charter,”** this chapter . . .
- (b) **“Days,”** in connection . . .
- (c) **“District,”** a precinct . . .
- (d) **“Library,”** the Dedham . . .
- (e) **“Majority vote,”** a majority . . .
- (f) **“Multiple member body,”** any board . . .
- (g) **“Officer,”** a person . . .
- (h) **“Town,”** the town . . .

- (i) **“Town agency,”** any town . . .
- (j) **“Town bulletin boards,”** the bulletin . . .
- (k) **“Voters,”** registered voters . . .

Article 2. Representative Town Meeting

Section 2-2(b). Eligibility; Nomination Procedures (b)

Provide for uniform references throughout the Charter to the Board of Registrars by inserting, in each instance in which they appear in this section, the words “board of” before the words “registrars of voters”.

Such papers shall be signed by not less than 10 voters of the district in which the candidate resides and from which the candidate seeks election, and shall be submitted to the ***board of*** registrars of voters not later than 49 days prior to the date of the next regular annual election. The ***board of*** registrars of voters shall check each name on the nomination papers and shall...

Section 2-9. Procedures (c) Committees (1) Standing Committees

(i) Finance and Warrant Committee

Clarify internal references in Section 2-9(c)(1)(i), to provide as follows, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~:

The finance and warrant committee, on which no town representative shall serve, shall consist of 9 members appointed by the moderator for 3-year terms, so arranged that the term of office of 3 members shall expire each year. The duties of the finance and warrant committee shall include those listed under ***section 2-9(c)***, paragraph (2) and ~~Article~~ ***section 5A-6***.

Section 2-9. Procedures (c) Committees (1) Standing Committees

(ii) Standing Committee on Planning and Zoning

Clarify internal Charter references in Section 2-9(c)(1)(ii), to provide as follows, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~:

The planning board, elected under section ~~3-9 3-8~~, shall be considered the standing committee on planning and zoning.

Section 2-9. Procedures (c) Committees (1) Standing Committees

(iii) Committee of District (Precinct) Chairs

Clarify internal Charter references to “districts”, defined by Section 1-7(c), by deleting the word “precinct” in each place in which it appears and inserting in place thereof the word “district”, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~:

(iii) Committee of ~~Precinct~~ *District* Chairs - The committee of ~~precinct~~ *district* chairs shall be comprised of the town representatives elected as chair in each district of the town in accordance with subsection (h).

Section 2-9. Procedures (h) District Organization

Clarify internal Charter references to “districts”, defined by Section 1-7(c), by deleting the word “precinct” in each place in which it appears and inserting in place thereof the word “district”, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~, as follows:

The town representatives from each district shall, within 17 days following each regular annual election, elect by written ballot, from among their own members, a chair, vice-chair and a clerk, to serve for a term of 1 year, and shall file a notice of such organization with the town clerk. Such organizational meeting shall take place on a date determined by the chair of the committee of ~~precinct~~ *district* chairs, established under clause (iii) of paragraph (1) of subsection (c), in consultation with the town clerk, prior to making nomination papers available for the regular annual election.

Section 2-12. Referendum Petitions

Correct punctuation by closing the quotation marks around the question in the fourth paragraph, and inserting a bracket in place of the parenthesis at the beginning of said question so that the section will read as follows:

"Shall the voters of the town confirm the action taken by the representative town meeting at the town meeting held on [insert date] to [insert here the question as stated when presented by the moderator]?"

Article 3. Elected Officials

Section 3-2. Select Board (d) Appointments

Provide for uniform references to the Board of Registrars with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~, as follows

The select board shall appoint: a town manager; constables; *board of* registrars of voters; election officers; but not including the town clerk...

Section 3-12. Housing Authority (a) Composition, Term of Office

Revise section addressing composition of Housing Authority, which was amended relatively recently, to reflect requirements of applicable state law, G.L. c.121B, §§5 and 5A, and without need for future amendments to mirror state law, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~, as follows:

Composition, Term of Office – There shall be a housing authority which shall consist of 5 members. ~~Four of the members shall be chosen by, ballot and the fifth member shall be a resident of the town elected~~ or appointed under section 5 of chapter 121B of the General Laws or as otherwise provided by law.

Section 3-13. Recall of Elected Officials (b) Recall Petition (3)

Provide for uniform references to the Board of Registrars, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~, as follows:

Petition Signature Requirements – The Town Clerk shall within 1 day of receipt, submit the petition to the board of registrars of voters and the ~~said~~ *board of* registrars shall forthwith, but in no event more than 5 days after receipt, certify thereon the number of signatures that are the names of voters.

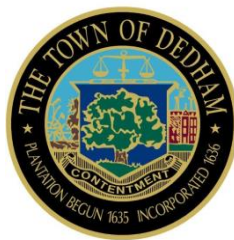
Section 3-13. Recall of Elected Officials (c)

Provide for uniform references to the Board of Registrars by inserting the words “board of” before the words “registrars of”, in each instance in which they appear, with text to be inserted shown in *bold italics* and text to be deleted shown in ~~strikethrough~~, as follows:

Select Board’s Action on Receiving Petition – If the petition shall be found and certified by the board of registrars of voters to be sufficient the board of registrars shall submit the same with their certificate to the select board without delay, and the select board shall meet...

PLANNING BOARD

John R. Bethoney, Chair
Michael A. Podolski, Esq., Vice Chair
James E. O'Brien IV, Clerk
Jessica L. Porter
James F. McGrail, Esq.
Andrew Pepoli, Associate



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Jeremy Rosenberger

**TOWN OF DEDHAM
PLANNING BOARD**

Affordable Housing Trust FAQ

How does the creation of a local housing trust benefit the community?

A housing trust can advance the Town's local affordable housing goals. Town Meeting overwhelmingly approved an affordable housing zoning bylaw developed by the Planning Board in Fall 2020. The bylaw requires developers to provide onsite affordable housing units on certain projects. On the rare occasion, a developer may request to provide a payment to the Town instead of building onsite affordable units. By establishing a designated trust for these funds and creating a board to oversee these payments, Dedham can provide a local way to advocate for and facilitate additional development of affordable housing. Many current and future residents cannot afford to purchase or rent a home in town because of the high cost of housing; the trust can establish a locally directed and coordinated process to help meet this need.

What can a local housing trust do?

The proposed trust in the short term is intended for development projects that request to provide a payment to the Town instead of building onsite affordable units. As such, a local housing trust allows municipalities to collect funds for affordable housing, separate them from the general fund into a trust fund, and designate and use the funds for local initiatives to create and preserve affordable housing. Examples of what a local affordable housing trust fund can do include:

- Provide financial support for the construction of affordable homes by private developers (non-profit or for-profit);
- Rehabilitate existing homes and apartments to convert to affordable housing;
- Increase affordability in existing and future housing developments;
- Develop surplus municipal property for affordable housing;
- Preserve properties faced with expiring affordability restrictions;
- Create programs to assist low- and moderate-income homebuyers;
- Create programs to help low- and moderate-income families make health and safety repairs; and
- Educate and advocate to advance affordable housing initiatives.

Can't Town staff and Town Meeting perform these functions now?

Yes, however many of the activities listed above require a lengthy process which currently requires further Town Meeting action. By establishing a housing trust, the trust is able to move swiftly with Select Board approval – often, real estate opportunities that would preserve and create affordable housing are highly time-sensitive. Additional oversight will be provided by the Select Board which must review and approve any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, as well as borrowing, mortgaging, and pledging of Trust assets. Further, the bylaw restricts any borrowing, mortgaging, and pledging of Trust assets up to 80 percent of all of the Trust's assets.

What controls the limits of the Trust's authority?

Although the concept of local housing trusts is not new, the state legislature concluded that – due to increased availability of local funding through inclusionary zoning, negotiated development fees, and state and federal funding – there was a need to provide specific legislation to allow communities to form their own municipal affordable housing trust funds. In 2005, the Massachusetts legislature passed the Municipal Affordable Housing Trust Fund Law (MGL c.44 s.55C), which effectively simplified the process of establishing a local housing trust and allowed it to be created through the Town Meeting process. Prior to 2005, municipalities were required to file Home Rule petitions to establish Trusts.

This law also set guidelines on what local housing trusts can do, specifies who can serve on a local housing trust board, and establishes the powers a community can grant the board. Since the new law passed, 115 communities in Massachusetts have established municipal affordable housing trust funds. Should Dedham Town Meeting accept the legislation and adopt the proposed bylaw, the Trust would be required to comply with the local bylaw.

Who would be members of the Trust?

The trust consists of seven (7) voting Trustees appointed by the Select Board, and the Town Manager or the Town Manager’s designee would serve as an ex officio non-voting member. The Trust’s membership would always include one member of the Select Board, one member of the Planning Board or their designee, and a representative of a local housing organization or one resident who earns a low- or moderate-income, resides in subsidized housing units as defined by G.L. c.40B or who receives state- or federally- sponsored rental subsidies, and demonstrates knowledge of tenant issues. Remaining trustees must be Dedham residents with relevant experience in the fields of real estate, housing, banking, finance, law, architecture, social services, or other areas of expertise.

What is the term of office for the trustees of the Housing Trust?

Trustees serve for a term of two years except that two of the initial trustee appointments would be appointed for one year in order to stagger terms. They may be re-appointed at the discretion of the Select Board.

Are the Trustees subject to the Conflict of Interest Law and are Trust meetings subject to the Open Meeting Law?

The Trust and the Trustees would be subject to the Conflict of Interest Law and the Open Meeting Law.

What funds can be used in a local housing trust?

The sources vary among housing trusts. Under MGL c.44 s.55C, sources of funding for trusts include: Inclusionary zoning payments, negotiated developer fees, the Town’s general fund, payments or fees from special bylaws such as short term rentals, grants, gifts, and private donations. However, any funding from the Town’s general fund would require Town Meeting action.

What financial oversight of the trust will be required?

The Trustees will work with Dedham’s Treasurer/Collector, who will be custodian of the funds. The books and records of the Trust are required to be audited annually by an independent auditor in accordance with accepted accounting practices and are available to the public.

How can the trust work with the Dedham Housing Authority?

A housing trust can work cooperatively with the Dedham Housing Authority (DHA). Each entity could serve complementary functions in working to expand the supply of affordable housing in Dedham. DHA may be an applicant for trust funds in order to pursue new opportunities. However, DHA only provides rental opportunities. A trust can expand homeownership opportunities in the community. For example, a trust could acquire market property, permanently protect it, and sell it to an income-eligible household. Additionally, the trust could support buydown or down payment assistance programs or exercise Dedham's right of first refusal on existing affordable units to assist income-eligible households to access the homeownership market in Dedham.

Where I can I learn more?

- The Housing Toolbox has a wealth of information on municipal affordable housing trusts:
<https://www.housingtoolbox.org/local-tools/housing-trust-funds>.
- The Massachusetts Housing Partnership's Municipal Affordable Housing Trust Guidebook:
<https://www.housingtoolbox.org/writable/files/resources/MAHTGuidebook 2018.pdf>
- The Dedham Zoning Bylaw (Affordable Housing Section 7.9):
<https://ecode360.com/37165332>

SELECTED STATUTES AND BY-LAWS REFERENCED

Ch 44, Municipal Finance, §7(1) Cities and Towns, Purposes for Borrowing Money Within Debt Limits

Section 7 Cities and towns may incur debt, within the limit of indebtedness prescribed in section ten, for the purposes hereinafter set forth, and payable within the periods hereinafter specified or, except for clauses (3C), (11), (16), (18), (19), (21) and (22), within such longer period not to exceed 30 years based upon the maximum useful life of the public work, improvement or asset being financed, as determined in accordance with guidelines established by the division of local services within the department of revenue:

(1) For the construction or reconstruction of surface drains, sewers, sewerage systems and sewage treatment and disposal facilities, thirty years

(2) For acquiring land for public parks or playgrounds or public domain under chapter forty-five, thirty years; but no indebtedness incurred for public domain shall exceed one half of one per cent of the equalized valuation of the city or town

(2A) For the construction of an artificial ice-skating rink for which refrigeration equipment is required on land owned by the city or town, fifteen years

(2B) For the construction of an outdoor swimming pool on land owned by the city or town, fifteen years

(3) For acquiring land, or interests in land, for any purpose for which a city or town is or may hereafter be authorized to acquire land or interests therein, not otherwise specifically provided for; for the construction of buildings which cities or towns are or may hereafter be authorized to construct, or for additions to such buildings where such additions increase the floor space of said buildings, including the cost of original equipment and furnishings of said buildings or additions, twenty years

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, for a term not exceeding 20 years

(3B) For energy conservation, alternative energy or renewable energy improvements to public buildings or facilities owned or leased by the city or town, or on property owned or leased by the city or town, 20 years

(3C) For a revolving loan fund established under section 53E3/4; to assist in the development of renewable energy and energy conservation projects on privately-held buildings, property or facilities within the city or town, 20 years

(4) For the construction or reconstruction of bridges of stone or concrete or of iron superstructure, twenty years

(5) For the original construction of public ways or the extension or widening thereof, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character, or for the original construction and surfacing or the resurfacing with such pavement of municipally owned and operated off-street parking areas, under specifications approved by the department of highways, ten years

(6) For macadam pavement or other road material, or for the resurfacing with such pavement or other road material of municipally owned or operated off-street parking areas, under specifications approved by the department of highways, or for the construction of sidewalks of brick, bituminous concrete, stone or concrete, five years

(7) For the construction of walls or dikes for the protection of highways or property, ten years

(8) For the purchase of land for cemetery purposes, ten years

(9) For the cost of equipment, 5 years

(9A) For the remodeling, reconstruction or rehabilitation of existing firefighting apparatus and heavy equipment including, but not limited to, front-end loaders, road graders, sidewalk plows and motorized sweepers; five years

(10) For connecting dwellings or other buildings with common sewers, when the cost is to be assessed in whole or in part on the abutting property owners, five years

(11) For the payment of final judgments, one year
[There is no clause (12)]

(13) In Boston, for acquiring fire or police boats, fifteen years

(14) For traffic signal, or public lighting installations, fire alarm or police communication installations and for the purpose of extending and improving such installations, ten years

(15) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the state department of highways and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time of said construction, or for the construction of such ways with stone, block, brick, cement concrete, bituminous concrete, bituminous macadam or other permanent pavement of similar lasting character under specifications approved by said department of highways, ten years

(16) For the payment of premiums for fire insurance contracts or policies covering a period of five years, four years

(17) For improvements made under section twenty-nine of chapter ninety-one and for the construction or reconstruction of public wharves, ten years

(17A) For dredging of tidal and non-tidal rivers and streams, harbors, channels and tidewaters, 10 years

(18) For the payment of charges incurred under contracts authorized by section four of chapter forty for the expert appraisal of taxable property or for the preparation of assessors maps, including charges for aerial mapping in connection with the preparation of such maps, ten years

(19) For the payment of charges incurred under contracts authorized by section four D of chapter forty, but only for such contracts as are for purposes comparable to the purposes for which loans may be authorized under the provisions of this section Each authorized issue shall constitute a separate loan, and such loans shall be subject to the conditions of the applicable clauses of this section

(20) For developing land for burial purposes and for constructing paths and avenues and embellishing the grounds in said developed areas in a cemetery owned by the city or town, five years The proceeds from the sale of the exclusive rights of burials in any of the lots in such cemetery shall be kept separate from other funds and be appropriated for the payment of any indebtedness incurred for such developments, notwithstanding the provisions of section fifteen of chapter one hundred and fourteen

(21) For the cost of architectural services for plans and specifications for any proposed building for which a city, town or district is authorized to borrow, or for the cost of architectural services for plans and specifications for additions to buildings owned by a city, town, or district where such additions increase the floor space of said buildings, five years if issued before any other debt relating to said buildings or additions is authorized, otherwise the period fixed by law for such other debt relating to said building or additions; provided, however, that at the time the loan is issued the city, town or district owns the land on which the proposed building or additions would be constructed

(22) For the cost of engineering or architectural services for plans and specifications for any project not defined in clause (21) for which a city, town or district is authorized to borrow, five years if issued before any other debt relating to said project is authorized, otherwise the period fixed by law for such other debt relating to said project

(23) For the construction of municipal tennis courts, including platform tennis courts and the acquisition of land and the construction of buildings therefor, including the original equipment and furnishing of said buildings, fifteen years

[There is no clause (24)]

(25) For the construction of municipal outdoor recreational and athletic facilities, including the acquisition and development of land and the construction and reconstruction of facilities; fifteen years

(26) For energy audits as defined in section three of chapter twenty-five A, if authorized separately from debt for energy conservation or alternative energy projects; five years

(27) For the undertaking of projects for the preservation and restoration of publicly-owned freshwater lakes and great ponds in accordance with the provisions of section thirty-seven A of chapter twenty-one

(28) For the development, design, purchase and installation of computer hardware, other data processing equipment and computer assisted integrated financial management and accounting systems; ten years

(29) For the development, design, purchase of computer software incident to the purchase, installation and operation of computer hardware and other data processing equipment and computer assisted integrated financial management and accounting systems; five years

(30) For installation, repair or replacement of exposed structural or miscellaneous steel, which has been treated with the hot-dip galvanizing process; three years

(31) For the purpose of removing asbestos from municipally owned buildings; ten years

(32) For the cost of cleaning up or preventing pollution caused by existing or closed municipal facilities not referenced in clause (21) of section 8, including cleanup or prevention activities taken pursuant to chapter 21E or chapter 21H, 10 years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to and approved by the department of environmental protection

(33) For the construction or reconstruction of seawalls, riprap, revetments, breakwaters, bulkheads, jetties and groins, stairways, ramps and other related structures, 20 years

(34) For any other public work, improvement or asset not specified in this section, with a maximum useful life of at least 5 years, determined as provided in this paragraph, 5 years

Debts may be authorized under this section only by a two-thirds vote.

Chapter 44: Section 20. Proceeds from sale of bonds; restrictions on use; disposition of premiums

Section 20. The proceeds of any sale of bonds or notes shall be used only for the purposes specified in the authorization of the loan; provided, however, that such proceeds may also be used for costs of preparing, issuing and marketing the bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, the balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any balance not in excess of \$50,000 may be applied, with the approval of the chief executive officer, for the payment of indebtedness. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city, by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended proceeds of the loan may be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be: (i) applied, if so provided in the loan authorization, to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) appropriated for a project for which the city, town or district has authorized a borrowing, or may authorize a borrowing, for an equal or longer period of time than the original loan, including any temporary debt, was issued, thereby reducing the amount of any bonds or notes authorized to be issued for the project by like amount. Notwithstanding this section, no appropriation from a loan or balance thereof shall be made that would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for that purpose. Additions to the levy limit for a debt exclusion are restricted to the true interest cost incurred to finance the excluded project.

Chapter 39, Section 15: Moderators; powers and duties

Section 15. The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting unless the town has by a previous order or by-law provided another method. If a two thirds, four fifths or nine tenths vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; provided, however, that a town may decide by by-law or vote not to take a count and record the vote if a two-thirds vote of a town meeting is required by statute; and provided, further, that if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous.

A town may pass by-laws, subject to this section, for the regulation of the proceedings at town meetings. Such by-laws shall be approved and published in the manner prescribed by section thirty-two of chapter forty.

In any town having a representative town meeting form of government the town meeting members shall not use the secret ballot when voting in the exercise of the corporate powers of said town or on any motion unless two thirds of the town meeting members present and voting thereon vote that a secret ballot be used.

Chapter 64G, Section 1: Definitions

Text of section effective as provided by 2018, 337, Sec. 15A as added by 2019, 5, Sec. 37. See 2019, 5, Sec. 46.]

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Bed and breakfast establishment", a private owner-occupied house where not less than 4 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

"Bed and breakfast home", a private owner-occupied house where not more than 3 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

"Commissioner", the commissioner of revenue.

"Hosting platform", a service through a digital platform, third-party website, software, online-enabled application, mobile phone application or some other, similar electronic process that allows: (i) an operator to advertise, list or offer the use of an accommodation subject to the excise under this chapter in exchange for rent; (ii) an operator to collect the payment of rent on an accommodation; and (iii) a person to arrange, book, reserve or rent an accommodation.

"Hotel", a building used for the feeding and lodging of guests licensed or required to be licensed under section 6 of chapter 140.

"Intermediary", a person or entity, other than an operator, that facilitates the sale, use or possession of an occupancy and charges a room charge to the general public; provided, however, that the term "facilitates" shall include a person or entity that brokers, coordinates or in any other way arranges for the purchase, sale, use or possession of occupancies by the general public; provided further, that the term "intermediary" shall include a hosting platform and operator's agent.

"Lodging house", a house licensed or required to be licensed under section 23 of chapter 140 and where lodgings are rented to not less than 4 people who shall not be within the second degree of kindred to the owner or operator of such lodging house.

"Motel", a building or portion of a building in which a person is lodged for hire with or without meals and that is licensed or required to be licensed under section 32B of chapter 140; provided, however, that a "motel" shall not include a hotel or lodging house.

"Occupancy", the use or possession or the right to the use or possession of a room in a bed and breakfast establishment, hotel, lodging house or motel designed and normally used for sleeping and living purposes for a period of not more than 90 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee, or the use or possession or the right to the use or possession of a room in a short term rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee; provided, however, that "occupancy" shall include the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment, accompanying the use and possession of such a room.

"Occupant", a person who uses, possesses or has a right to use or possess a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel for rent under a lease, concession, permit, right of access, license or agreement.

"Operator", a person operating a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the commonwealth including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such bed and breakfast establishment, hotel, lodging house, short-term rental or motel.

"Operator's agent", a person who on behalf of an operator of a bed and breakfast establishment, hotel, motel, short-term rental or lodging house: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent; provided, however, that an "operator's agent" shall include, but not be limited to, a property manager, property management company or real estate agent.

"Person", an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

"Professionally-managed unit", 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence.

[Definition of "Rent" as amended by 2018, 337, Sec. 6 as amended by 2019, 5, Sec. 32 effective March 28, 2019. See 2019, 5, Sec. 46.]

"Rent", the total consideration paid by or on behalf of an occupant, including any service, cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on behalf of an operator under section 13 in exchange for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature; provided, however, that "rent" shall not include: (i) bona fide refundable security deposits; (ii) any amount paid by an occupant that is included in the taxable gross receipts of the operator under chapter 64H or 64I where the operator is a vendor for purposes of those chapters; or (iii) amounts paid by an occupant to an operator

for services offered by the operator on similar terms to non-occupants in the regular course of the operator's business.

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Chapter 43B, Section 13: Exercise of powers and functions by municipalities

Section 13. Any city or town may, by the adoption, amendment or repeal of local ordinances or by-laws, exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by section 8 of Article LXXXIX of the Amendments to the Constitution and which is not denied, either expressly or by clear implication, to the city or town by its charter. Whenever appropriations, appointments, orders, regulations or other legislative or executive actions within the scope of any such ordinance or by-law are necessary in the exercise of any power or function authorized by such ordinance or by-law, any such actions which are to be taken by a city council or town meeting may be taken by ordinance, by-law, resolution, order or vote, and any such actions which are to be taken by executive officers may be taken in any appropriate manner, subject, however, as to both such categories, to all provisions of the ordinance or by-law in question, the city or town charter, and other applicable law. Any requirement that an ordinance or by-law be entitled as such, or that it contain the word "ordained," "enacted" or words of similar import shall not affect the validity of any action which is required to be taken by ordinance or by-law. Nothing in this section shall be construed to permit any city or town, by ordinance or by-law, to exercise any power or function which is inconsistent with any general law enacted by the general court before November eighth, nineteen hundred and sixty-six which applies alike to all cities, or to all towns, or to all cities and towns, or to a class of not fewer than two. No exercise of a power or function denied to the city or town, expressly or by clear implication, by special laws having the force of a charter under section nine of said Article, and no change in the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or

city manager or the board of selectmen or town manager, may be accomplished by by-law or ordinance. Such special laws may be made inapplicable, and such changes may be accomplished, only under procedures for the adoption, revision or amendment of a charter under this chapter.

Chapter 140, Section 136A: Definitions applicable to Secs. 137 to 174F

Section 136A. The following words as used in sections 137 to 174F, inclusive, shall have the following meanings unless the context requires otherwise:

"Adoption", the delivery of a cat or dog to a person 18 years of age or older for the purpose of taking care of the dog or cat as a pet.

"Animal control officer", an appointed officer authorized to enforce sections 136A to 174F, inclusive.

"Attack", aggressive physical contact initiated by an animal.

"Commercial boarding or training kennel", an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

"Commercial breeder kennel", an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

"Commissioner", the commissioner of agricultural resources.

"Dangerous dog", a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

"Department", the department of agricultural resources.

"Domestic animal", an animal designated as domestic by regulations promulgated by the department of fish and game.

"Domestic charitable corporation kennel", a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

"Euthanize", to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

"Hearing authority", the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department, the chief or commissioner's designee or the person charged with the responsibility of handling dog complaints in a town or city.

"Keeper", a person, business, corporation, entity or society, other than the owner, having possession of a dog.

"Kennel", a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

"License period", the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive.

"Licensing authority", the police commissioner of the city of Boston and the clerk of any other municipality.

"Livestock or fowl", a fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.

"Nuisance dog", a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive

barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

"Personal kennel", a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

"Research institution", an institution operated by the United States, the commonwealth or a political subdivision thereof, a school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, a medical diagnostic laboratory, a biomedical corporation, or biological laboratory or a hospital or other educational or scientific establishment within the commonwealth above the rank of secondary school which, in connection with any of the activities thereof, investigates or provides instruction relative to the structure or function of living organisms or to the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.

"Shelter", a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

"Veterinary kennel", a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

Chapter 140, Section 137A to 137C: Kennel licenses

Section 137A. (a) A person maintaining a kennel shall obtain a kennel license. An owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by an animal control officer.

(b) A kennel license shall be in lieu of any other license for a dog kept at a kennel during any portion of the period for which the kennel license is valid. A kennel licensee shall cause each dog kept in its kennel to wear, while it is at large, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the number of the kennel license, the name of the city or town issuing the license and the year of issue. Tags shall be furnished to the owner or keeper by the licensing authority in quantities not less than the number of dogs kept in the kennel. The issuing city or town shall determine the period of time for which a kennel license shall be valid, including the date of issuance of the license through the date on which the license expires, inclusive, and shall further determine the fee for the issuance and renewal of the license. To determine the amount of the license fee for a kennel, a dog under the age of 6 months shall not be counted in the number of dogs kept in a kennel. The name and address of the owner of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the kennel and available for inspection by an animal control officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.

(c) The licensing authority shall issue a kennel license without charge to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering.

Chapter 40, Section 4: Study committees; commissions; establishment; membership; terms; vacancies; compensation; officers

Section 4. An historic district study committee may be established in any city or town by vote of the city council or board of selectmen for the purpose of making an investigation of the desirability of establishing an historic district or districts therein. The study committee shall consist of not less than three nor more than

seven members appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, including one member from two nominees submitted by the local historical society or, in the absence thereof, by the Society for the Preservation of New England Antiquities, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of realtors, if any, covering the area. If within thirty days after submission of a written request for nominees to any of the organizations herein named no such nominations have been made the appointing body may proceed to appoint the study committee without nominations by such organization.

Whenever an historic district is established as provided in section three an historic district commission shall be established which shall consist of not less than three nor more than seven members. An historic district commission shall be appointed in a city by the mayor, subject to confirmation by the city council, or in a town by the board of selectmen, in the same manner as an historic district study committee unless (a) the report recommending its establishment recommends alternate or additional organizations to submit nominees for membership and states reasons why such alternate or additional organizations would be appropriate or more appropriate for the particular city or town, the Massachusetts historical commission does not recommend otherwise prior to the public hearing on the establishment of the district, and the ordinance or by-law so provides; or (b) there is an existing historic district commission in the city or town which the report recommends should administer the new district, and the ordinance or by-law so provides. Unless the report recommends otherwise on account of the small number of residents or individual property owners, and the ordinance or by-law so provides, the members of the historic district commission shall include one or more residents of or owners of property in an historic district to be administered by the commission. If within thirty days after submission of a written request for nominees to an organization entitled to submit nominations for membership on the commission no such nominations have been made the appointing body may proceed to make the appointment to the commission without nomination by such organization. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Ordinances or by-laws adopted hereunder may provide for the appointment of alternate members not exceeding in number the principal members who need not be from nominees of organizations entitled to nominate members. In case of the absence,

inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

Chapter 44, Section 55C: Municipal Affordable Housing Trust Fund

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:—

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any

general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.

Chapter 40, Section 15A: Transfer of land; procedure

Section 15A. Whenever a board or officer having charge of land, including land acquired for playground purposes pursuant to the provisions of section fourteen of chapter forty-five, but excluding land acquired for park purposes, constituting the whole or any part of an estate held by a city or town within its limits for a specific purpose shall determine that such land is no longer needed for such purpose, whether such land was acquired before or after the effective date of this section and whether acquired by eminent domain, purchase, gift, devise or otherwise, such board or officer shall forthwith give notice of such determination to the city council of the city or the board of selectmen of the town. At any time after the receipt of such notice, the city council of the city by a two thirds vote of all its members, in the case of a city having a city manager, with the approval of said city manager, and in the case of other cities, with the approval of the mayor, or the town by a two thirds vote at a regular or special town meeting, may transfer the care, custody, management and control of such land to the same or another board or officer of the city or town for another specific municipal purpose, any provision of general or special law to the contrary notwithstanding; provided, that no such transfer shall be valid if it is in violation of any term or condition of the title of the city or town to such land.

In any city or town which accepts the provisions of this paragraph, when land is being transferred for the purpose of constructing low and moderate income housing, the vote required of the city council or the town meeting shall be by a majority vote.