

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

*The Town Meeting was called to order by Moderator Dan Driscoll at 7:04pm with a Quorum of 197. The Spring Town Meeting was held on November 15, 2021 at the Dedham Health and Athletic Complex*

### **1. PERSONNEL BY-LAW CHANGES AND BARGAINING AGREEMENTS**

**ARTICLE ONE:** 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.

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**VOTED:** That the Town approve agreements with AFSCME Local #362 (Dispatch), Dedham Firefighter's Association, Local 1735, Dedham Police Association (Lieutenants & Sergeants), Dedham Police Patrolman's Association, Massachusetts Coalition of Police, Local #448, AFL-CIO *and AFSCME Local #362 (Parks)* 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.

**ON A NEW ORIGINAL MOTION AS DECLARED BY THE  
MODERATOR A MAJORITY VOTE**

### **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.

**VOTED:** 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

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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.

**AS DECLARED BY THE MODERATOR A 2/3<sup>RD</sup> VOTE**

### **3. PRIOR YEARS BILLS**

**ARTICLE THREE:** 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.

**VOTED:** 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)

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

### **4. LINE ITEM TRANSFERS FOR CURRENT FISCAL YEAR**

**ARTICLE FOUR:** 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.

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**VOTED:**

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	Total			\$ 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

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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

### AS DECLARED BY THE MODERATOR A MAJORITY VOTE

#### 5. SPECIAL PURPOSE STABILIZATION FUNDS, APPROPRIATION

**ARTICLE FIVE:** 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.

**VOTED:** 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.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

#### 6. GENERAL STABILIZATION FUND, DEPOSIT

**ARTICLE SIX:** 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.

**VOTED:** That it be indefinitely postponed.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

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### **7. REDUCE TAX RATE**

**ARTICLE SEVEN:** 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.

**VOTED:** That it be indefinitely postponed.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

### **8. APPROPRIATION FOR NEW SOLID WASTE CARTS**

**ARTICLE EIGHT:** 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.

**VOTED:** That it be indefinitely postponed.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

### **9. APPROPRIATION FOR OAKDALE SCHOOL FEASIBILITY STUDY**

**ARTICLE NINE:** 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.

**VOTED:** 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

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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.

**AS DECLARED BY THE MODERATOR A 2/3<sup>RD</sup> VOTE**

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

**ARTICLE TEN:** 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

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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.

**VOTED:** That it be indefinitely postponed.

**ON A NEW ORIGINAL MOTION AS DECLARED BY THE  
MODERATOR A MAJORITY VOTE**

### **11. REPORTS OF COMMITTEES**

**ARTICLE ELEVEN:** 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.

**VOTED:** 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



## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

### **(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.

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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.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

**12. ZONING AMENDMENT - SHORT TERM RENTALS**

**ARTICLE TWELVE:** 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												
<b><u>10. Short Term Rentals</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>

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												

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<b><u>12. Short Term Rentals</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>
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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.

**VOTED:** That it be so voted.

**AS DECLARED BY THE MODERATOR A 2/3<sup>RD</sup> VOTE THE MOTION FAILS**

**ROLL CALL- YES - 131**

**NO - 71**

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

**ARTICLE THIRTEEN:** 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	D I S T R I C T S											
	SRA SRB	GR	PR	PC	RDO	AP	LMA	LMB	HB	LB	GB	CB
1. Accessory Use Table - Residential												
<b><i>13. Short Term Rentals (Private Swimming Pool)</i></b>	<b><i>NO</i></b>	<b><i>NO</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>	<b><i>YES</i></b>

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.

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**VOTED:** 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:

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

*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.*

**AS DECLARED BY THE MODERATOR A 2/3<sup>RD</sup> VOTE**

**14. GENERAL BYLAW – AMENDMENTS TO SIGN CODE BYLAW**

**ARTICLE FOURTEEN:** 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.

## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

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.

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- 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.

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- 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.



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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.

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- 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.

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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,

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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.

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- 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.

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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:

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- 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.

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### §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.



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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

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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

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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

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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.

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- 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

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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.

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### **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

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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.



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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:

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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:

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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.

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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

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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.

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### **§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

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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

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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



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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

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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.

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**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.

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**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.

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**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.

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**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

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or take any other action relative thereto.

**VOTED:** 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: ~~strikethrough~~ 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



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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

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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.**

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- 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.

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### §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

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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.

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- 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.

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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.

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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.



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- 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.

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- 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.

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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

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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.

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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:

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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

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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

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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



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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

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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

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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.

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### §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.

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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

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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.

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§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

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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%



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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

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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.

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**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.

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**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.

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**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.

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**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.

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**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.

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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



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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.

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<b>Sign Type</b>	<b>All Resid.</b>	<b>Local Bus.</b>	<b>General Bus.</b>	<b>Central Bus.</b>	<b>Highway Bus.</b>	<b>Limited Manufact. A &amp; B</b>	<b>Research Development Office</b>	<b>Senior Campus</b>
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. 2. See §237-18. *Prohibited Sign types* for Signs prohibited in all districts

**AS DECLARED BY THE MODERATOR A 2/3<sup>RD</sup> VOTE**

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### **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

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

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

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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

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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.

**VOTED:** 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

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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~~

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**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.



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- 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,

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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.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE THE MOTION FAILS**

**STANDING: NO-100  
YES-91**

### 16. GENERAL BYLAW – AMENDMENTS TO LEGAL AFFAIRS BYLAW

**ARTICLE SIXTEEN:** 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.

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

### **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 1<sup>st</sup>**, 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

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

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.

**VOTED:** That it be so voted.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

### 17. GENERAL BYLAW – AMENDMENTS TO ANIMAL CONTROL BYLAW

**ARTICLE SEVENTEEN:** 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

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

- 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 as manner as to protect the dogs from injury

## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

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

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

or take any other action relative thereto.

**VOTED:** 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;***



## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

*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

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- 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**

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

- 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~~

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

### **18. GENERAL BYLAW – AMENDMENTS TO HISTORIC DISTRICTS COMMISSION BYLAW**

**ARTICLE EIGHTEEN:** 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.

**VOTED** 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:

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

### 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.*

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~~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.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

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

**ARTICLE NINETEEN :** 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

## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

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:

## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

- 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,

## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

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.



## **ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021**

### **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.

## ANNUAL FALL TOWN MEETING – NOVEMBER 15, 2021

### 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.

**VOTED:** 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.~~

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

**STANDING VOTE:**

**YES – 121**

**NO- 89**

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### 20. PROPOSED CHARTER AMENDMENT

**ARTICLE TWENTY:** 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.dedhamma.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.

**VOTED:** That it be so voted.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

### 21. PROPOSED CHARTER AMENDMENT

**ARTICLE TWENTY-ONE :** 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***

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*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.

**VOTED:** That it be so voted.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

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### 22. PROPOSED CHARTER AMENDMENT

**ARTICLE TWENTY-TWO :** 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,

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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

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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.

**VOTED:** That it be so voted.

**AS DECLARED BY THE MODERATOR A MAJORITY VOTE**

**Town Meeting Adjourned at 11:16**