

Town of Lenox
Planning Board
Meeting Agenda
September 27, 2022
6:00 p.m.

MEETING AGENDA

Hybrid Meeting

Physical meeting: Town Hall

Virtual meeting: via Microsoft Teams

Join on your computer or mobile app

[Click here to join the meeting](#)

Meeting ID: 257 380 472 25

Passcode: StJrvE

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1. Form A: 94 & 100 Church Street, (15 minutes)
2. Solar Bylaw: Presentation of recommended bylaw amendments from BRPC, discussion, next steps (30 minutes)
3. Signs Bylaw: Continue review of proposed sign bylaw revisions (1 hour)
4. Wireless: discuss next steps and timeline for potential Town Meeting presentation (15 minutes)
5. Approval of Minutes:

May 24, July 12 available

July 26, August 9, September 13 pending completion

6. Adjourn

A meeting packet is available on the Town of Lenox Planning Board webpage:

<https://www.townoflenox.com/planning-board>

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Town of Lenox
Planning Board
Meeting Minutes
May 24, 2022

Members present: Tom Delasco, Kate McNulty Vaughn, Jim Harwood

Absent with notification: Pam Kueber, Sue Lyman

Staff: Gwen Miller, Town Planner; Cara Farrell, BRPC

Other: Brian Kocela, Surveyor

1. **Election of Chair and Vice Chair:** TD suggested tabling the selection of Chair and Vice Chair until all members could be present. The group agreed.
2. **Approval of 5/10/22 Minutes:** The group tabled the approval of 5/10/22 minutes until the next meeting.
3. **Taking of Minutes Going Forward:** The group also agreed to discuss the taking of minutes at the next meeting.
4. **Approval Not Required Plan for Map 28, Parcel 120:** The Board voted to endorse the ANR plan as presented.
5. **Correspondence:** The Board briefly discussed correspondence shared by the Chair related to the ongoing cell tower issue in Pittsfield.
6. **Projects and Updates**

i. Solar Bylaw Update

The group talked with Cara Farrell from BRPC, who provided a model bylaw and some initial suggestions to expand where solar is allowable. The group discussed desire to allow small and medium scale solar and allow for roof top insular taken in the c-1a and c-3a zone. They also discussed mapping to help identify suitable Reas, avoiding forested area and prioritizing disturbed or already developed parcels. GM suggested they work with CF toward May 2023 Annual Town Meeting.

ii. Wireless Needs Analysis and Master Plan

GM said the consultant had conducted the drive test and would like to attend the next meeting via Zoom to discuss findings.

iii. Educational and Religious Uses

KMV asked GM if she could post an inquiry to the MassPlanners list serve looking for model bylaws for educational and religious used. GM said she would and KMV said she would e-mail her the specific request.

IV. Niagara Mill

TD, JH and GM discussed potential next steps, leaning toward preparing some kind of package demonstrating resources to help market the mill building and site, connect current or next owners with the right resources for remediation and other financial resources.

V. Housing consultant grant

GM said this was intended to help unlock zoning for housing in Lenox, and that the grant is due next week.

Vi. Puppy mills: GM discussed with Town Counsel, Joel Bard of KPLaw who encouraged the town to keep this as a general bylaw, though to work on the language of the citizen petition and clean it up.

VI. Signs: the group suggested they spend the next meeting on signs and conduct the meeting via zoom. There was consensus that the bylaw was ready for final review and approval, and that it could go to a fall special town meeting.

The group decided to convene via Zoom on June 14th in and focus the entire meeting on the signs bylaw.

DRAFT

DRAFT FOR APPROVAL (Aug. 9 PJK version)

Town of Lenox
Planning Board
Meeting Minutes

July 12, 2022

Documents available for meeting: June meeting minutes, solar documents from BRPC, wireless infographic prepared by Pam Kueber and Kate McNulty Vaughan

Members present: Tom Delasco (Chair), Kate McNulty Vaughan, Pam Kueber, Susan Lyman

Absent w/ notification: Jim Harwood

Also Present: Gwen Miller (Town Planner), Cara Farrell (BRPC)

The meeting was called to order at 6:20 p.m. A heavy rain storm with damaging winds had gone through Lenox an hour or so before.

Approval of minutes: 6/28, 6/14

The approval of these minutes was tabled to give more time for review.

Update on Solar bylaw work from BRPC (6:30-7:30)

Cara Farrell from BRPC presented a map showing where suitable land for solar development is. This map was created by identifying constraints and removing land area with these constraints on them. It was noted that much of the suitable area is in the R-1A zone, which comprises about 85% of our developable area and is a district in which large-scale, ground-mounted solar is currently prohibited. There is also ample space in the C-1A, C-3A and I zoning districts, in which solar development is currently allowed.

The group reiterated they want to expand where solar panels can go, but want to be sensitive in terms of scale, visual impacts, and not creating large ground mounted solar fields everywhere or concentrated in just one neighborhood.

They discussed the different scales identified in a model bylaw shared by Cara. This included small-, medium- and large-scale ground mounted solar. Community solar is another category. And, rooftop solar is another aspect.

There was brief discussion about the legal case Tracer Lane v. Wilbraham, recently decided by the SJC. GM said our town counsel said that the fact pattern in Lenox is similar, meaning that such a small percentage of our land is available for solar that an applicant could challenge our bylaw. SL – is there any type of formula we could use? Cara – do we have to say large, would expanding medium- and small-scale be sufficient to expand solar access per the ruling? Small is 1750 sf or less, 10kw. Medium is 1750 sf – 40,000 square feet up to 250kw (about an acre).

The Commonwealth also has language related to solar access in Chapter 40A, Section 9 – GM to send this to all the Board members, we need to understand what it says.

GM - We don't want to see forest cleared, value of intact forest is higher over the long term than what you'll get from solar panels.

After discussion, suggestions agreed to about how to proceed were:

- Make it clear in bylaw that rooftop solar, by right, is encouraged in all zones, in all sizes, for all uses. This is the current situation, but we would like to reiterate by-right opportunities for rooftop solar in the new bylaw in order to encourage rooftop solar on all types of buildings (recognizing building structure requirements must be met.) It was recognized, however, that not all homes are sited well for rooftop solar, so ground-mounted installations could be more helpful.
- Continue to make large-scale, ground-mounted solar installations by-right in the Industrial zone and make them by-right C1-A, and C3-A zones, with performance standards and site plan review. GM said that site plan standards in current bylaw are good. It is still a question whether this expansion (making C1-A and C3A by right rather than by special permit) would satisfy issues outlined in Tracer Lane v Waltham. If not, we would have to expand large-scale, ground-mounted into R district(s). It was noted that working toward more possibilities for large, ground-mounted solar was “the bulk of this project” – the bylaw work.
- Rather than trying to regulate and be pigeonholed by definitions of small- and medium-ground-mounted installations by zone, consider creating a by-right modest lot coverage maximum (x % of the lot size) standard for installations below 250kw that would apply in all zones. Discussion of somewhere between 5% to 10% - a sweet spot that would provide utility but not become visually overwhelming in neighborhoods. Include design standards that could include such things as: no reduction in setback requirements, panels must be at side or rear of house, runoff managed, use permeable ground cover, agree on waivers. This could be a better approach than trying to set size-based standards by zone. (It was recognized that in our current bylaw, the building lot coverage standard likely is how this is regulated now.)
- It was agreed that other areas where ground-mounted cells could be considered include in parking lots and as discussed in documents, on agricultural land.
- Need to discuss Community Solar further.
- Consider above 250kw in certain additional zones?

Not a zoning bylaw issue, but it was discussed that the Town could incentivize businesses to adopt rooftop solar by kicking in money to prepare the roof support structure or with real estate tax relief (TIFF and STA). Residential rooftop installs also could get real estate tax relief; there is a formula assessors use for solar panels – gets complicated

The group decided to pursue that in a draft bylaw at the next solar meeting to be scheduled in August or September and to aim for a final bylaw to present at the May 2023 Town meeting.

Recap of 6/28 Meeting

The group briefly discussed the June 28th meeting with David Maxson. PK and KMV had prepared a Venn diagram depicting “filters” to use in considering land area for wireless infrastructure. These included just say what is in the Venn diagram verbatim and add the group also pointed out that low spots could be possible solutions, as well according to Maxson. She noted a tower visible in Lee from Golden Hill Road. It seems well placed and unobtrusive.

The group also re-identified the old pump station on Pumping Station Road, the wastewater treatment plant on Crystal Street.

They asked that the consultant prepare a brief written summary of the drive test method and results understandable to “lay people”.

GM will share the Venn diagram with the consultant and figure out when they can meet next.

Next meetings and schedule)

The group decided to discuss the sign bylaw work at their next July meeting. Solar and wireless would be in August and September depending on consultant availability and schedule.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,
Gwen Miller and Pam Kueber

SURVEY OF LAND
in
LENOX, MASSACHUSETTS
Prepared for
CHARLES S. MERRITT
September 15, 2022

BEING THAT LAND DESCRIBED IN
MIDDLE BERKSHIRE REGISTRY OF DEEDS:

BOOK: 5805 ~ PAGE: 230
GRANTOR: Merritt Family 2001 Limited Partnership
GRANTEE: Charles S. Merritt
DATED: August 29, 2016

TAX MAP INFORMATION

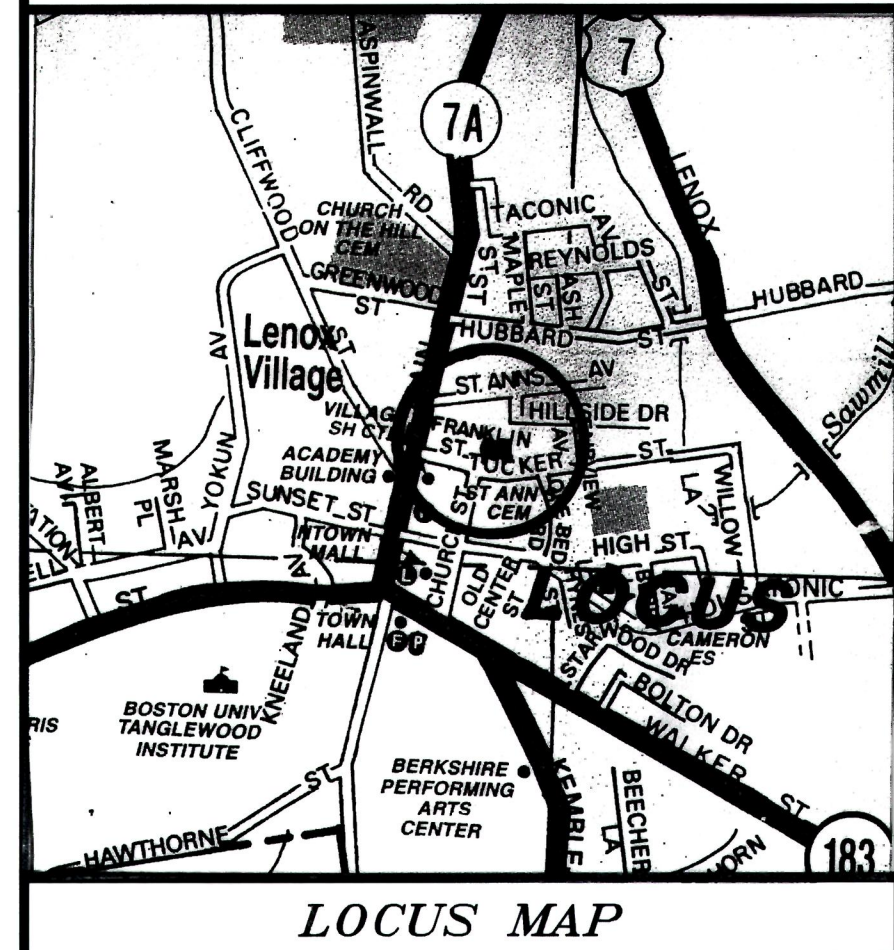
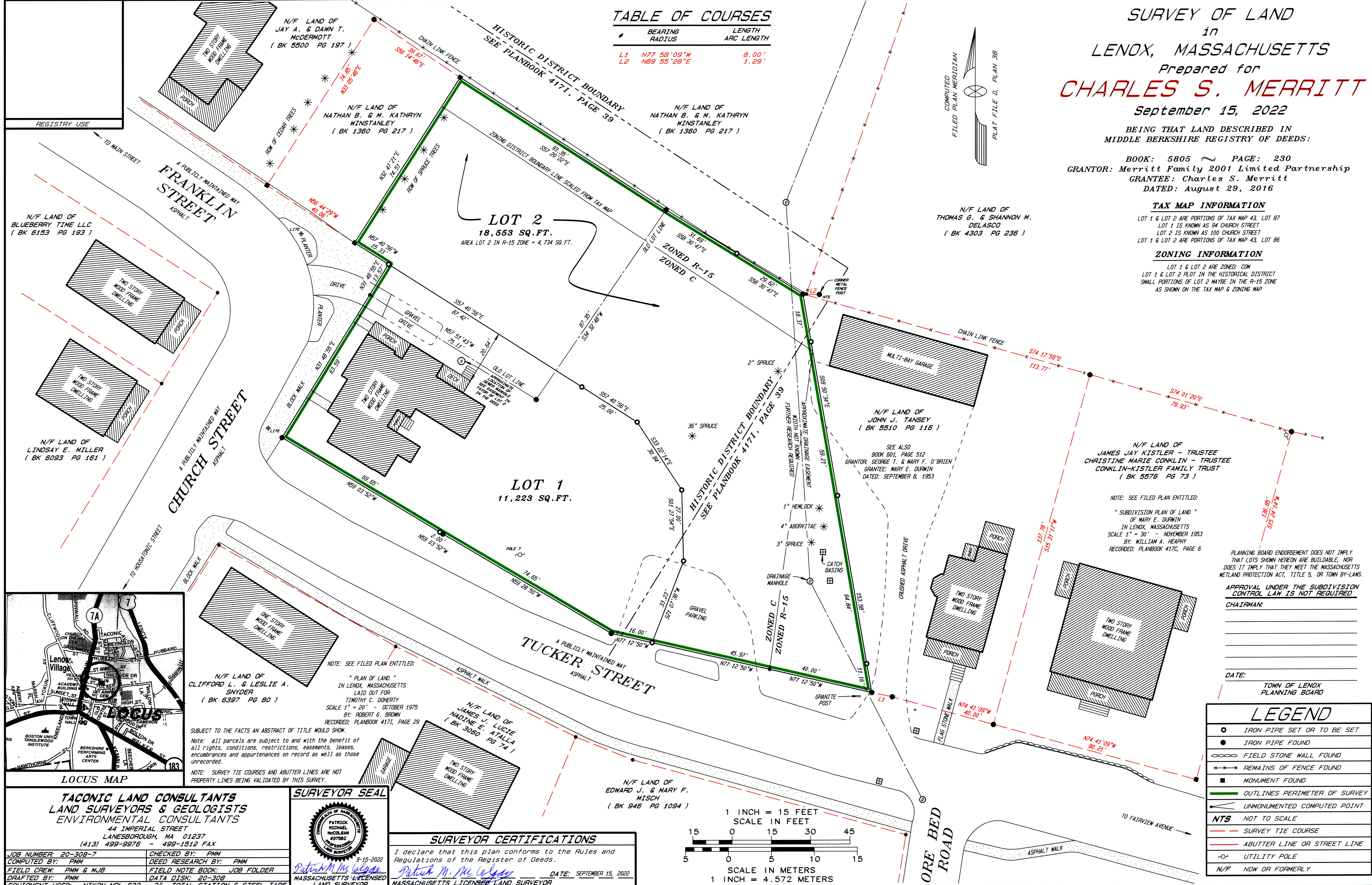
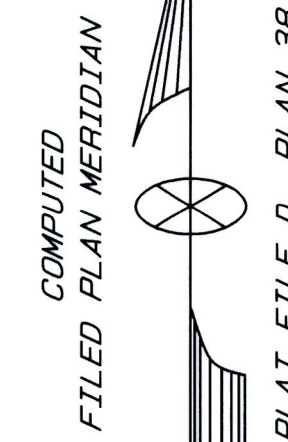
LOT 1 & LOT 2 ARE PORTIONS OF TAX MAP 43, LOT 87
LOT 1 IS KNOWN AS 94 CHURCH STREET
LOT 2 IS KNOWN AS 100 CHURCH STREET
LOT 1 & LOT 2 ARE PORTIONS OF TAX MAP 43, LOT 86

ZONING INFORMATION

LOT 1 & LOT 2 ARE ZONED: COM
LOT 1 & LOT 2 PLOT IN THE HISTORICAL DISTRICT
SMALL PORTIONS OF LOT 2 MAYBE IN THE R-15 ZONE
AS SHOWN ON THE TAX MAP & ZONING MAP

TABLE OF COURSES

#	BEARING	RADIUS	LENGTH
L1	N77°58'09"W		8.00'
L2	N89°55'28"E		1.29'



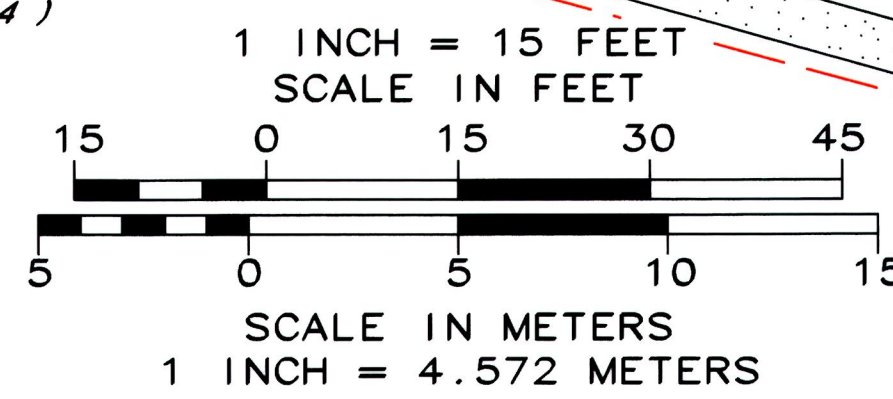
TACONIC LAND CONSULTANTS
LAND SURVEYORS & GEOLOGISTS
ENVIRONMENTAL CONSULTANTS
44 IMPERIAL STREET
LANESBOROUGH, MA 01237
(413) 499-9976 - 499-1512 FAX

JOB NUMBER: 20-308-7
COMPUTED BY: PMM
FIELD CREW: PMM & MJB
DRAFTED BY: PMM
EQUIPMENT USED: NIKON NPL 632 - 2" TOTAL STATION & STEEL TAPE

CHECKED BY: PMM
DEED RESEARCH BY: PMM
FIELD NOTE BOOK: JOB FOLDER
DATA DISK: 20-308



SURVEYOR CERTIFICATIONS
I declare that this plan conforms to the Rules and Regulations of the Register of Deeds.
DATE: SEPTEMBER 15, 2022
Patrick M. McLaughlin
MASSACHUSETTS LICENSED LAND SURVEYOR



LEGEND	
○	IRON PIPE SET OR TO BE SET
●	IRON PIPE FOUND
—	FIELD STONE WALL FOUND
---	REMAINS OF FENCE FOUND
■	MONUMENT FOUND
—	OUTLINES PERIMETER OF SURVEY
○	UNMONUMENTED COMPUTED POINT
NTS	NOT TO SCALE
---	SURVEY TIE COURSE
---	ABUTTER LINE OR STREET LINE
○	UTILITY POLE
N/F	NOW OR FORMERLY

PLANNING BOARD ENDORSEMENT DOES NOT IMPLY
THAT LOTS SHOWN HEREON ARE BUILDABLE, NOR
DOES IT IMPLY THAT THEY MEET THE MASSACHUSETTS
WETLAND PROTECTION ACT, TITLE 5, OR TOWN BY-LAWS.

**APPROVAL UNDER THE SUBDIVISION
CONTROL LAW IS NOT REQUIRED**

CHAIRMAN:

DATE: _____
TOWN OF LENOX
PLANNING BOARD

In addition to adding Small-scale Ground Mounted and Rooftop Solar Photovoltaic Installations to Table 5.2, Section H- Accessory Uses and General Off-street Parking, as Y add the below new zoning bylaw under the 'References' column.

Section X.X

X.X.1 Purpose

The purpose of this bylaw is to allow the creation of new Small-scale Ground Mounted and Rooftop (SSGM and SSRT) solar photovoltaic installations by regulating the placement, design, construction, and use of such installations through providing reasonable standards that address public safety and minimize impacts on scenic, natural, and historic resources.

The provisions set forth in this section shall apply to the construction, operation, repair and dismantling or removal of Small-scale Ground Mounted and Rooftop solar photovoltaic installations.

X.X.2 Applicability

This section applies to Small-scale Ground Mounted, and Rooftop solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations, or related equipment.

As an accessory use, the SSGM and SSRT solar photovoltaic installations are exempt from setback requirements set forth in Table 6.1.1 – Table of Dimensional Requirements.

As an accessory use, the SSGM and SSRT solar photovoltaic installations have the allowance to go beyond the setback requirements set forth in Table 6.1.1 – Table of Dimensional Requirements.

X.X.3 Definitions

As used in this Section X.X, the following terms shall have the following meanings.

By-Right: Development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. By-right solar development will be subject to Site Plan Approval by the Building Commissioner to determine conformance with the Town's bylaws. Projects cannot be prohibited but can be reasonably regulated by the Building Commissioner and the Zoning Board of Appeals.

Commented [CF1]: We could treat residential and commercial differently. But that may create a barrier to development.

Commented [CF2]: Option 1

Commented [CF3]: Option 2

Commented [CF4R3]: The idea of an accessory setback - generally less restrictive, may be more appropriate for accessory ground-mounted solar installations than rooftop.

Small-scale Ground Mounted: A solar photovoltaic system that is structurally mounted on the ground which does not exceed X% of existing open space per parcel.

Small-scale Rooftop: A solar photovoltaic system that is structurally mounted on the roof of a building which does not exceed X% of existing roof area.

X.X.4 General Requirements

1. Designated Locations. The locations designated by the Town, in accordance with G.L. c. 40A... in accordance with Section 3.4 of the Zoning Bylaw:

DESIGNATED LOCATIONS FOR SS & GMS SOLAR INSTALLATIONS							
Residential				Commercial			Industrial
R3A	R1A	R30	R15	C3A	C1A	C	I
Y	Y	Y	Y	Y	Y	Y	Y

Y =By Right; BA=Board of Appeals Special Permit; N=Prohibited

2. Compliance with Laws and Regulations. The construction and operation of all SSGM and SSRT solar photovoltaic installations shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

3. Building Permit and Building Inspection. No SSGM or SSRT solar photovoltaic installation shall be constructed, installed, or modified as provided in this section without first obtaining a building permit. The application for a building permit for a SSGM and SSRT solar photovoltaic installation must be accompanied by the required building permit application fee.

X.X.5 Application Process

1. Application for site plan review shall be in accordance with the Board's rules and regulations.
2. General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer and/or a Professional Land Surveyor licensed to practice in the Commonwealth of Massachusetts.

Commented [CF5]: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section9b>

Need to figure out what section if any is applicable to small-scale solar.

Commented [CF6]: PB or ZBA?

3. **Site Control.** The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction, operation, and maintenance of the proposed solar photovoltaic installation.

4. **Operation & Maintenance Plan.** The applicant shall submit a plan for the operation and maintenance of the SSGM or SSRT solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

X.X.6 Utility Notification

No SSGM or SSRT solar photovoltaic installation shall be constructed until evidence has been given to the Board of Appeals that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

X.X.7 Design Standards

Commented [CF7]: LAN example language

1. *Ground Mounted*

A. A small-scale ground mounted solar photovoltaic installation may not exceed a height of 15 feet.

B. All impervious surfaces of a small-scale solar photovoltaic installation, including solar photovoltaic panels, shall be included in the maximum lot coverage percentage requirement set forth in the definitions subsection of this Zoning Bylaw.

2. *Rooftop*

Height above roofline:

A. A small-scale solar photovoltaic installation proposed to be mounted on a building or rooftop may protrude no higher than the highest point of the roofline, except as provided in Subsection 8(2)(B) below.

B. A small-scale solar photovoltaic installation may protrude above the highest point of the roofline, up to six feet above the highest point of the roofline, by special permit from the Planning Board upon a finding

that such special permit is in the public interest and is consistent with the intent of the Zoning Bylaw.

X.X.8 Safety and Environmental Standards

1. **Emergency Services.** The small-scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. As a condition of building permit issuance, owner or operator shall, in consultation with local emergency services, develop an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked.
2. **Land Clearing, Soil Erosion and Habitat Impacts.** Clearing of natural vegetation shall be prohibited for the construction, operation and maintenance of the small-scale solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Herbicides may not be used to control vegetation at the solar photovoltaic installation site. Mowing or the use of pervious pavers or geotextile materials underneath the solar array are possible alternatives.

X.X.9 Monitoring and Maintenance; Small-scale Solar Photovoltaic Installation Conditions

The small-scale solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.

X.X.10 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required

building permit shall require approval by the Board of Appeals. Material modifications shall include changes to the type, configuration or size of the installation or accessory structures, and changes to site topography, landscaping or site access.

X.X.11 Decommissioning or Abandonment

1. Removal Requirements. Any small-scale solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with this Section X.X shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board of Appeals by certified mail of the proposed date of discontinued operations and plans for removal.
2. Decommissioning shall consist of:
 - A. Physical removal of all small-scale solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - C. Stabilization or re-vegetation of the site as necessary to minimize erosion.

Proposed Zoning Bylaw Sign Section 7-2

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SECTION 7. GENERAL REGULATIONS

7.1. OFF-STREET PARKING AND LOADING REQUIREMENTS

7.2. SIGNS

7.2.1. Purpose

Provide clear and consistent sign regulations that allow for ~~reasonable-safe and effective wayfinding~~, identification, and advertising while contributing ~~positively~~ to the Town's ~~aesthetic~~ character.

7.2.2. Permits and Approvals

1. No existing sign or advertising device shall be modified and no new sign or advertising device shall be erected on any premises in the Town without obtaining the necessary permits and approvals.
2. For any sign that requires a permit, all business or property owners shall first submit an application to the Building Commissioner's office. Each application is reviewed for compliance with the requirements in Section 7.2. A permit is issued by the Building Commissioner's office after the business or property owner has obtained the necessary approvals in accordance with Table 7.2.2-1.
3. For any sign that does not require a permit from the Building Commissioner, the business or property owner may be required to obtain additional approvals in accordance with Table 7.2.2-1.
4. The sign shall be in accordance with the requirements in Section 7.2.
5. An applicant may apply for a special permit from the Zoning Board of Appeals only where indicated in Section 7.2.
6. Special use sign requirements take precedence if they conflict with the requirements in Section 7.2 and are provided in:
 - a. Section 7.1.10.6 for Layout of Off-Street Parking Facilities (See S-5);
 - b. ~~Section 8.9.4.2 for Adult Entertainment Uses~~ (See S-8);
 - c. Section 8.12.8.2 for Large-Scale Ground-Mounted Solar Photovoltaic Installations (See S-11);
 - d. ~~and~~ Section 10.3.18.6 for Personal Wireless Service Facilities and Towers (See S-15);
 - e. and Section 8.14 for Agricultural Uses.
 - f. ~~If these requirements conflict with the requirements in Section 7.2, the special use requirements take precedence.~~

Commented [JB1]: 1. Based on some of KMV's suggestions Sections 7.2.2.6 through 7.2.2.8 have been moved from other Section 7.2.2 locations and have no substantive changes.

Commented [JB2]: 2. Sign Team plans to propose any necessary changes to Section 8.14.

Proposed Zoning Bylaw Sign Section 7-2

7. Sandwich Board signs are not covered by this Section 7.2. They are regulated by Chapter XXVII of the Town Bylaw.

8. Prohibited Signs

- Signs that are animated, neon, electronic, or contain moving parts that are intended to attract attention.
- Signs producing noise and/or odors or vapors.
- Banners ~~in all zoning districts~~ except for as defined in Sections 7.2.9.3 and 7.2.9.4. For purposes of this Section 7.2, flags are not considered to be banners.
- Billboards ~~in all zoning districts~~ (See G-7).
- Short-Term Rental signs.
- Feather signs.

Commented [JB3]: Pinned per BLT. Neon added per PB meeting.

Commented [JB4]: 3. Pinned per MS.

Commented [JB5]: 4. Pinned. What are they? How are they related to flags? Definition of "Banner" has been updated.

Commented [JB6]: 5. Pinned. Feather Signs and STR signs have been added to this Prohibited Signs Section.

Table 7.2.2-1 Identifies the town officials and town boards, in addition to the Building Commissioner, that ~~shall~~ provide approvals and the order in which the approvals take place.

Table 7.2.2-2 Identifies whether or not a sign requires a permit.

Table 7.2.2-1 Required Approvals

Sign Type (New or Modification of Existing)	Within HD		Outside HD		Relevant Documents
	On Public Property	On Private Property	On Public Property	On Private Property	
Business or Residential	HDC then BOS	HDC	BOS	Only the BC	Zoning Bylaw Town Bylaw HD Bylaw HD Guidelines HC Marker Procedure HDC Exempted Signs
Directional	HDC then BOS	HDC	BOS	Only the BC	
Off-premises (See G-7)	ZBA, HDC then BOS	ZBA, then HDC	ZBA then BOS	ZBA	
Historical Markers (See G-6)	HC, HDC then BOS	HC then HDC	HC then BOS	HC	
Temporary (See G-4)	BOS	Not Required	BOS	Not Required	
Signs within a State Right-of-Way or State easement area; Blue Directional signs.	Approved by the <u>Commonwealth</u> State of Massachusetts				MassDOT Regulations
KEY: BC-Building Commissioner; BOS-Board of Selectmen; HC-Historical Commission; HD-Historic District; HDC-Historic District Commission; <u>ZBA-Zoning Board of Appeals</u> ;					

Table 7.2.2-2 Required Permits

Commented [JB7]: 6. Pinned. Separated Permanent Signs from Temporary Signs. Deleted Banners, Feather signs and Sandwich Boards from this Table.

Proposed Zoning Bylaw Sign Section 7-2

Permanent Sign Type	Section	Permit Required	Temporary Sign Type	Section	Permit Required
Commercial- Uses	7.2.5.2, 7.2.6	Yes	Open, Closed	7.2.9.4.a	No
Directional	7.2.7.1	Yes	Outdoor Display	7.2.9.8	No
Historical Markers	7.2.7.3	Yes	Pole, Private	7.2.9.6	No
Home Occupation	7.2.7.4	Yes	Pole, Public	7.2.9.7	No
Institutional, Recreational and Educational	7.2.7.2	Yes	Political	7.2.9.5.a	No
Off-premises	7.2.3.3	Yes	Realty	7.2.9.4.b, c	No
Residential- Uses	7.2.5.1	No	Special Event	7.2.9.5.b, c, d	No
Window	7.2.8	No	Trade	7.2.9.4.b	No

Commented [JB8]: 7. Pinned. Need PB's confirmation this is correct .

7.2.3. General Requirements

- Locations, materials and mounting techniques used for all signs shall be approved by the Building Commissioner.
- ~~All signs shall be removed within 30 days of becoming an abandoned sign. All abandoned signs shall be removed within 30 days of becoming abandoned.~~
- Permanent Off-premises Signs
 - Require a special permit from the Zoning Board of Appeals and shall be in accordance with the quantity and size requirements of the underlying district. (See G-7).
 - ~~Any permanent sign may be off-premises with permission from the property owner if on private property and from the Board of Selectmen if on public property.~~
 - ~~b.c.~~ An off-premises sign that is a portion of an allowed directory sign does not require a sign permit but does require permission from the directory sign's owner.
- Any sign or portion of a sign may be a changeable message sign and shall be in accordance with the requirements of the underlying district.
- Sign Configurations:
 - The area of signs, in square feet, shall be determined by multiplying the overall height by the overall width and shall not include any supports and mounting hardware (See Figure 7.2.3–1).
 - Area requirements for two-sided signs shall be determined from the dimensions of the larger side. Signs with more than two (2) sides are prohibited in all zoning districts.
 - A free-standing sign shall be back-to-back (See Figure 7.2.3–2).

Commented [JB9]: 8. Pinned. We recommend keeping it as is.

Commented [JB10]: 9. Pinned.

Commented [JB11]: 10. Reformatted per KMV.

Proposed Zoning Bylaw Sign Section 7-2

- d. A two-sided on-building sign may be back-to-back or the sides may be oriented up to 90° to one another. Such angled signs shall be mounted to each other and each opposite side shall be mounted to the building (See Figure 7.2.6–3).
- e. For signs projecting over a walkway, the minimum clear headroom shall be no less than seven (7) feet (See Figure 7.2.6–3).

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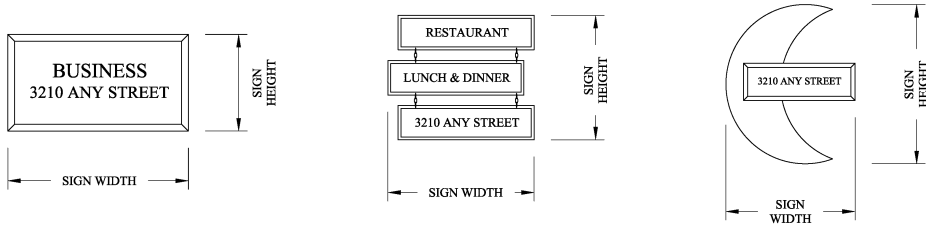


Figure 7.2.3-1 Overall Height and Width of Signs



Figure 7.2.3-2 Free-Standing Sign Configurations

7.2.4. Sign Lighting

1. ~~External illumination~~ for signs shall be white only.
2. External illumination shall be from a shielded light source and comply with the standards described in Section 7.3 Outdoor Lighting.
3. Illumination shall be continuous and not intermittent, flashing, or changing.
4. Illumination is allowed for:
 - a. Commercial Use signs from 7:00 AM to 11:00 PM or when open to the public;
 - b. Home Occupation signs from 7:00 AM to 8:00 PM;
 - c. Residential Use signs for 24 hours each day. ~~Illumination is allowed only between the hours of 7:00 AM and 11:00 PM, except that signs of retail business and consumer service establishments may be illuminated during any hours these establishments are open to the public.~~
5. Internally illuminated signs that have a light source entirely enclosed within the sign or not directly visible are allowed.
- ~~5-6. Neon signs are prohibited.~~

Commented [JB12]: 11. Pinned. Discuss allowed hours.

7.2.5. Permanent Signs in Residential Districts

1. Residential Uses, Permit not Required

Commented [JB13]: 12. Pinned. Review dimensions with the PB.

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- a. Single- and two-family dwellings are allowed one ~~non-illuminated~~ free-standing sign not more than three (3) square feet in area and one non-illuminated, one- or two sided, on-building sign not more than two (2) square feet in area which may display the street number, name of the occupants and the premises.
 - b. Mixed-use buildings or multifamily dwellings are limited to one non-illuminated, one-sided, on-building sign not more than two (2) square feet in area at each exterior entrance. The sign may be a shared directory sign. (See G-1)
 - c. Signs shall have at least a three (3) foot setback.
 - d. Free-standing signs shall have a maximum assembly height of four (4) feet above the lowest underlying grade (See Figure 7.2.6-2).
2. Commercial Uses in Residential Districts, Permit Required (See G-1)
- a. Signs may be illuminated in accordance with Section 7.2.4.4.a.
 - b. Signs shall be in accordance with the quantity requirements in Section 7.2.6.3 or Section 7.2.6.4.
 - c. Signs shall not be more than three (3) square feet in area.
 - d. Signs may be one- or two-sided on-building or free-standing and shall have at least a three (3) foot setback.
 - e. Free-standing signs shall have a maximum assembly height of four (4) feet above the lowest underlying grade (See Figure 7.2.6-2). ~~The maximum assembly height of free-standing signs shall not be more than four (4) feet above the lowest underlying grade.~~
 - f. Any sign that does not comply with these Section 7.2.5.2 requirements, requires a special permit from the Zoning Board of Appeals.

7.2.6. Permanent Signs in Commercial and Industrial Districts

1. A permit is required for all signs in this Section 7.2.6, except that signs for residential uses in Commercial or Industrial Districts shall be in accordance with the requirements in Section 7.2.5.1. (See G-1)
2. The maximum area requirements in Sections 7.2.6.3 and 7.2.6.4 take precedence over the area requirements in Table 7.2.6-1.
3. A property with a single business is allowed (See Figure 7.2.6-1):
 - a. One free-standing sign and one additional free-standing sign, by special permit, for a property on a corner lot;
 - b. One on-building sign at each public entrance (PE);
 - c. One on-building sign if anthe exterior face of the building ~~is~~ fronting upon a public street ~~that~~ does not contain a public entrance (PE);

Commented [JB14]: 13. This was moved here from the end of 7.2.6.4.

Commented [JB15]: 14. Sections 7.2.6.3 and 7.2.6.4 pinned per KMV. See file "KMV-Addendum 2-2" for comparison.

Must discuss whether to start 7.2.6.3 and 7.2.6.4 requirements with sign quantity or location.

KMV-Addendum 2-3. Change "Property" to "Business?" Need to keep "Property" since a single business can be in multiple buildings on a property.

KMV-Addendum 2-1. Prefer to leave as "One" and not change to "One (1)." We do use the parenthetical approach for dimensions (two (2) square feet).

Commented [JB16]: 15. Added based on KMV-Addendum 2-4. KMV-Addendum 2-5. NPE means Non-Public Entrance.

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- d. One one-sided on-building sign at each non-public entrance (NPE), mounted on or adjacent to the door, not more than two (2) square feet in area.
- 4. A property with multiple businesses is allowed (See Figure 7.2.6–1):
 - a. One free-standing or on-building sign that may include the name of the development and a directory. One additional free-standing or on-building sign is allowed by special permit for a property on a corner lot. For these signs, Planned Unit Commercial Developments (PUCD) in the C District are allowed additional area in accordance with Table 7.2.6–1;
 - b. One on-building sign at each public entrance (PE) to a single business;
 - c. One one-sided on-building directory sign at each public entrance (PE) shared by multiple businesses, mounted on or adjacent to the door, not more than two (2) square feet in area and one additional on-building sign at each business's location in accordance with Table 7.2.6–1;
 - d. One on-building sign if anthe exterior face of the building ~~is~~ fronting upon a public street ~~that~~ does not contain a public entrance (PE);
 - e. One one-sided on-building sign at each non-public entrance (NPE) to a single business, mounted on or adjacent to the door, not more than two (2) square feet in area;
 - f. One one-sided on-building directory sign at each non-public entrance shared (SNPE) by multiple businesses, mounted on or adjacent to the door, not more than two (2) square feet in area.

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KEY

PE	Public Entrance
SPE	Shared Public Entrance
NPE	Non-Public Entrance
SNPE	Shared Non-Public Entrance
■	Sign

Note: 2a through 3f designate the associated requirement in Section 7.2.6

* Additional sign by special permit.

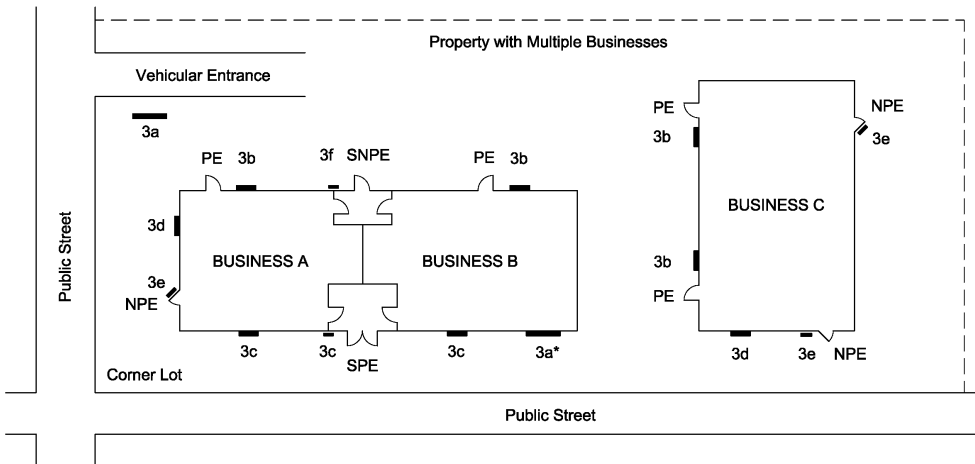
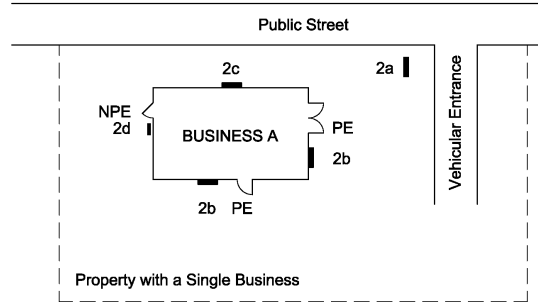


Figure 7.2.6–1 Commercial Property Configuration Examples

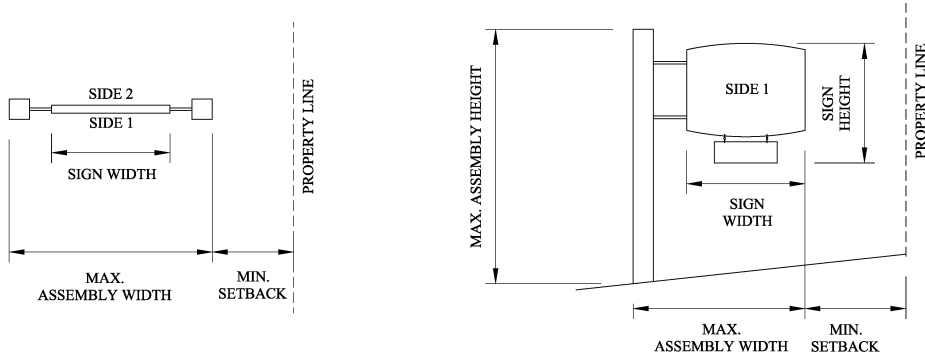


Figure 7.2.6–2 Free-Standing Signs

Proposed Zoning Bylaw Sign Section 7-2

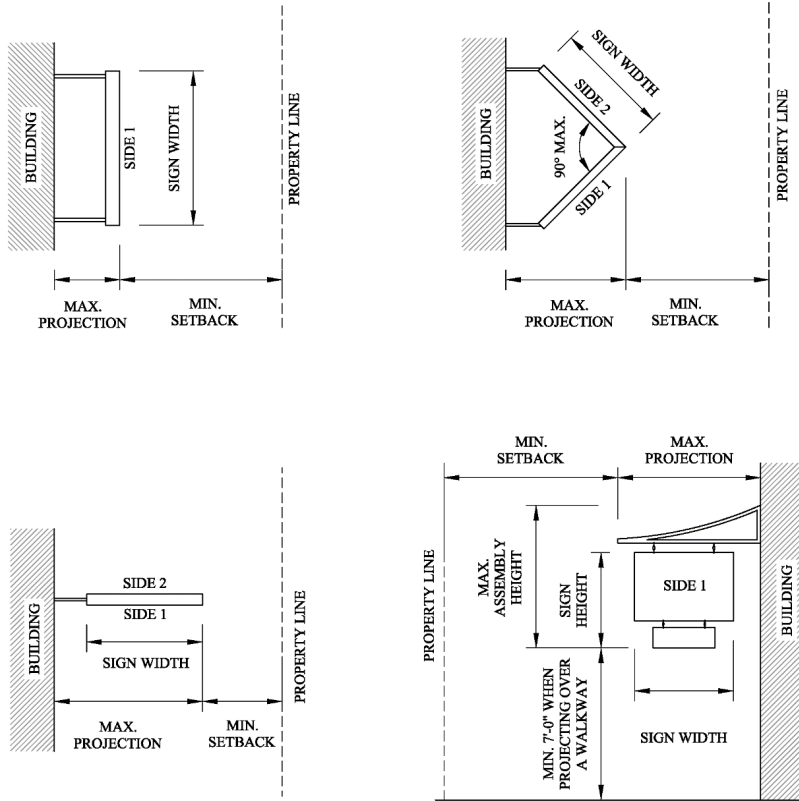


Figure 7.2.6-3 One-sided and Two-sided Signs on a Building

Table 7.2.6-1 identifies the dimensional requirements for signs allowed in Commercial and Industrial Districts, except that signs for residential uses in Commercial or Industrial Districts shall be in accordance with the requirements in Section 7.2.5.1. (See G-1) See Figure 7.2.6-2 and Figure 7.2.6-3.

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Table 7.2.6-1 Dimensional Requirements

Commented [JB17]: 16. Pinned. Note "c" has been added. Reviewed Bylaw Section 3.5 for conflicts. ZBA can grant a waiver for all C-1A and C-3A Table 7.2.6-1 requirements.

District	Sign Location	Sign Type	Maximum Sign Area	Maximum Assembly Height	Maximum Assembly Width	Maximum Assembly Projection	Minimum Assembly Setback
C	On-building	One-sided	12 ft ²	12 ft (a)	12 ft	6 in	0 ft
		Two-sided	6 ft ²	6 ft (a)	N/A	3 ft	1 ft
	On-lot	Free-standing	6 ft ²	8 ft (b)	4 ft.	N/A	1 ft
	PUCD	On-building	One-sided	12 ft (a)	12 ft	1 ft	Determined by Building Commissioner
		Two-sided	18 ft ²	9 ft (a)	N/A	4 ft	
		On-lot	Free-standing	8 ft (b)	10 ft.	N/A	
C 1A	On-building	One-sided (c)	24 ft ²	24 ft (a)	24 ft	1 ft	0 ft
		Two-sided	12 ft ²	12 ft (a)	N/A	6 ft	1 ft
	On-lot	Free-standing	36 ft ²	20 ft (b)	16 ft 10 ft	N/A	30 ft 1 ft
C 3A	On-building	One-sided (c)	36 ft ²	12 ft (a)	12 ft	1 ft	0 ft
		Two-sided	18 ft ²	9 ft (a)	N/A	6 ft	1 ft
	On-lot	Free-standing	36 ft ²	20 ft (b)	16 ft	N/A	30 ft 1 ft
I	On-building	One-sided (c)	24 ft ²	24 ft (a)	24 ft	1 ft	0 ft
		Two-sided	12 ft ²	12 ft (a)	N/A	6 ft	1 ft
	On-lot	Free-standing	36 ft ²	20 ft (b)	16 ft 10 ft	N/A	25 ft 1 ft

- (a) Shall not exceed the highest point of the building.
 (b) Shall be measured from the lowest underlying grade to the highest point of the assembly.
 (c) Any business with a gross floor area greater than 15,000 square feet that does not comply with these dimensional requirements, requires a special permit from the Zoning Board of Appeals.

7.2.7. Additional Permanent Signs in All Districts

1. Directional Signs, Permit Required

- a. Directional signs may be located wherever the route to take is not clearly indicated.
- b. In the C District the maximum sign area is one (1) square foot (~~6" x 12"~~). The maximum assembly height is eight (8) feet and the maximum assembly width is two (2) feet.

Proposed Zoning Bylaw Sign Section 7-2

- c. In the C-1A, C-3A and I Districts, the maximum sign area is one and a half (1.5) square feet ~~(8" x 24")~~. The maximum assembly height is eight (8) feet and the maximum assembly width is two and a half (2.5) feet.
- d. For any commercial uses in Residential Districts, the maximum sign area is one (1) square foot ~~(6" x 12")~~. The maximum assembly height is four (4) feet and the maximum assembly width is two (2) feet.

2. Institutional, Recreational and Educational ~~Education and Religious~~ Uses, Permit Required

- a. Are allowed one additional one-sided on-building sign not more than ten (10) square feet in area.
- b. Are allowed one additional ten (10) square feet in area added to an allowed free-standing sign for the use of changeable messages, bulletins, and announcements.

3. Historical Markers, Permit Required (See G-6)

- a. Shall not be more than four (4) square feet in area and may be free-standing or one-sided on-building markers.
- b. Marker assembly height, width and setback shall be in accordance with the requirements of the underlying district.

4. Home Occupation Signs, Permit Required (See G-2)

- a. A premises with a single family dwelling is allowed one illuminated free-standing sign not more than three (3) square feet in area and one non-illuminated, one- or two-sided, on-building sign not more than two (2) square feet in area.
- b. Free-standing signs shall have a maximum assembly height of four (4) feet above the lowest underlying grade, be in accordance with the setback requirements of the underlying district, and shall not cause any property to have more than one free-standing sign.
- c. Mixed-use buildings or multifamily dwellings are limited to one non-illuminated, one-sided, on-building sign not more than two (2) square feet in area at each exterior entrance. The sign may be a shared directory sign not more than two (2) square feet in area.
- d. Any home occupation sign that does not comply with these Section 7.2.7.4 requirements, requires a special permit from the Zoning Board of Appeals.

7.2.8. Permanent Window Signs in All Districts

See G-5 and "Permanent Window Sign Requirements 10-27-2020" file.

- 1. Any window may have a permanent window sign and does not require a permit.

Commented [JB18]: 17. Pinned.

Published bylaw allows for two additional ten square feet signs and does not specify sign type (free-standing or on-building).

Proposed bylaw is more limiting. It also may require the organization to redesign or replace an existing, allowed free-standing sign to facilitate changing messages.

Commented [JB19]: 18. See previously submitted document "Home Occupation Basic Requirements Changes." These changes are not substantive. They just make it easier to understand (Housekeeping). However the related Use Table change should be reviewed.

Commented [JB20]: 19. Pinned per KMV.

Suggestion was to prohibit them in residential districts. Need to discuss commercial, institutional and home occupation uses in the R districts.

Proposed Zoning Bylaw Sign Section 7-2

2. The sign may have its contents broken up into different sections distributed over the window's surface as long as the total area of all sections does not exceed 50% of the window's surface.

7.2.9. Temporary Signs

1. Temporary signs do not require a permit, except signs on public property must be approved by the BOS.
2. Temporary signs may be in place up to 14 days prior and shall be removed no later than 7 days after their associated activity or event. ~~shall not be in place beyond the duration of their associated activity or event.~~
3. A permit for a permanent sign allows for a temporary sign, consistent in size and content, to be in place while the permanent sign is being fabricated.
4. The following signs are allowed in all districts, on or adjacent to the property.
 - a. "Open" and "Closed" signs, each not more than one square foot in area.
 - b. Realty signs in all residential districts and in the C district, one not more than six (6) square feet in area and one additional sign for a property on a corner lot.
 - c. Realty signs in the C-1A, C-3A and I districts, one not more than twenty-four (24) square feet in area and one additional sign for a property on a corner lot.
 - d. Contractors, architects or designers are each allowed one sign while a project is under construction, each not more than six (6) square feet in area.
 - e. Any sign that does not comply with these Section 7.2.9.4 requirements, requires a special permit from the Zoning Board of Appeals.
5. The following signs are allowed in all districts, on or adjacent to the property. They may be off-premises with permission from the property owner if on private property and from the Board of Selectmen if on public property.
 - a. Political signs, each not more than six (6) square feet in area.
 - b. Special event signs in residential districts are limited to one free-standing sign per event per property not more than six (6) square feet in area and one one-sided, on-building sign not more than six (6) square feet in area. Commercial uses in residential districts shall be in accordance with Section 7.2.9.5.c.
 - c. Special event signs in the C district are limited to one free-standing sign per event per property not more than six (6) square feet in area and one one-sided, on-building sign not more than six (6) square feet in area. Residential uses in commercial districts shall be in accordance with Section 7.2.9.5.b.
 - d. Special event signs in the C-1A, C-3A and I districts are limited to one free-standing sign per event per property not more than six (6) square feet in area and one one-sided, on-building sign not more than six (6) square feet in area. Commercial uses in residential districts shall be in accordance with Section 7.2.9.5.b.

Commented [JB21]: 20. This entire Section 7.2.9 is pinned and has been updated to clarify the allowed locations of signs and to specify different sign dimensions based on the district(s) in which they are located.

Commented [JB22]: 21. Pinned.

Commented [JB23]: 22. Flags?

Commented [JB24]: 23. Pinned. Realty signs now include For Sale, For Rent and For Lease signs. See definition.

Commented [JB25]: 24. Pinned.
Review b, c and d.

Proposed Zoning Bylaw Sign Section 7-2

- e. Any sign that does not comply with these 7.2.9.5 requirements, requires a special permit from the Zoning Board of Appeals.

~~6. Feather Signs~~

~~a. Are only allowed in the C-1A District.~~

~~b. One sign for each 50 feet of frontage with a maximum of four (4) signs for each frontage. Signs shall be in accordance with the height and setback requirements in Table 7.2.6-1 for free-standing signs.~~

Commented [JB26]: 25. PB decided to prohibit Feather signs and they have been moved to Section 7.2.2.8 Prohibited Signs.

~~7.6 Pole Signs~~ on private property

- a. Are only allowed in the C-1A District.
- b. One pole sign not more than eight (8) square feet in area is allowed. Properties with more than 100 feet of frontage are allowed one additional pole sign for each 100 feet of frontage.

Commented [JB27]: 26. Pinned.

~~8.7 Pole Signs~~ on public property

- a. Are allowed in all districts.
- b. Shall be reviewed by the Building Commissioner and the BOS and shall be installed by the Lenox DPW or the MassDOT.

Commented [JB28]: 27. Pinned.

~~9.8 Seasonal Outdoor Display signs (See S-7)~~

~~10.9 Vehicle Signs~~

DEFINITIONS FOR BYLAW SECTION 4

Banner: ~~A sign made of fabric~~ Fabric or similar flexible material bearing a commercial message, slogan or design.

Billboard: A sign that exceeds the maximum area allowed in its underlying district.

Commented [JB29]: 28. Pinned per PB.

Entrance, Non-public: An entrance to a business not for use by the public (e.g.: service entrance, emergency exit, or employee entrance).

Entrance, Public: An entrance to a business or institution used by the public.

Historical Marker: A sign or plaque bearing text or an image to commemorate one or more persons, buildings, events, former uses, or any other information of historical significance. They are also known as commemorative plaques, historic building markers, state and federal registry plaques and memorials.

Sign: An assembly, including supports and mounting hardware, that conveys commercial or noncommercial content. ~~messages.~~

Proposed Zoning Bylaw Sign Section 7-2

Sign, Abandoned: A sign whose content is no longer applicable to the business, service, or activity it describes.

Sign, Animated: A sign that uses movement to attract attention, including but not limited to air-activated signs and balloon signs.

Sign, Changeable Message: A sign on which the characters, letters, or illustrations can be changed or rearranged without altering the sign's substrate or assembly.

Sign, Directional: A sign that is used to guide vehicles or pedestrians along a particular route. These signs may include entrance and exit signs and any other signs that facilitate way-finding.

Sign, Directory: A sign that lists multiple occupants of a building, or commercial or industrial properties.

Sign, Electronic: A sign on which the characters, letters, or illustrations can be changed through electronic means.

Sign, Feather: A sign made of polyester or similar flexible material with a feather, blade, or similar shape.

Sign, Free-standing: A sign that is self-supporting.

Sign, Neon: An electric sign lighted by luminous gas-discharge tubes that contains neon or other gases.

Sign, Off-premises: A permanent sign which identifies or provides information pertaining to a business, tenant, service, owner, product or activity not located on the same premises as the sign.

Sign, On-building: A sign mounted directly to a building.

Sign, One-sided: A sign with information on one side with the opposite side not ~~being~~ visible.

Sign, Pole: A sign mounted on a pole such as lighting or utility poles, ~~not primarily used for signage.~~

Sign, Political: A sign that pertains to political speech and/or the elective process.

Sign, Permanent: A sign intended for permanent use which is not easily removed.

Sign Projection: The distance between the building or supporting structure and the farthest part of the sign.

Sign, Realty: A sign erected on a lot or affixed to a building to advertise the availability of the real property for sale, lease or rent.

Sign Setback: The distance from the closest portion of the sign assembly to a lot line or street line.

Sign, Special Event: A temporary sign that describes activities such as celebrations, fairs, festivals, fundraisers, funerals, sales or similar events.

Sign, Two-sided: A sign with information on one or two sides with both sides being visible.

Commented [JB30]: 29. Pinned. Pending rewording of temporary sign section.

Proposed Zoning Bylaw Sign Section 7-2

Sign, Temporary: A sign intended ~~to be used~~ for a limited period of time and~~that~~ is easily removed.

Sign, Permanent Window: Any sign attached, painted, or otherwise similarly affixed to the glass surface of a window or door.