



TOWN OF NORTHBOROUGH PLANNING BOARD

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TO: Interested Parties

FROM: Northborough Planning Board

RE: 2019 Proposed Zoning Amendments

DATE: February 15, 2019
Article 32 revised at March 5, 2019 Public Hearing

The following information pertains to the March 5, 2019 public hearing advertisement and the proposed zoning amendments for the 2019 Annual Town Meeting.

Public Hearing Notice

In accordance with MGL Ch. 40A Sec. 5 the Northborough Planning Board will hold a public hearing on March 5, 2018 at 7:30pm at the Northborough Town Hall, 63 Main Street, Northborough MA for the purpose of seeking public opinion on proposed amendments to the following sections of the Northborough Zoning Bylaw (Chapter 7). Complete text of the proposed amendments is available at the Planning Department, Town Clerk's office, and at www.town.northborough.ma.us.

Section 7-03-040 Special Permit, C. Criteria by deleting "shall" and replacing it with "may".

Section 7-03-060 Design Review, E. Appointment of the Design Review Committee by amending composition of the Design Review Commission and adding three year terms.

Section 7-05-020 Classification of Uses, G. Business Uses, (1) Trade by adding definition for "temporary outdoor sales of holiday trees, wreaths, or similar horticultural products".

Section 7-05-030, Table of Uses Table 1, Table of Uses, Part B. Commercial and Industrial Districts by adding "temporary outdoor sales of holiday horticultural products" as an allowed use in the business and industrial districts.

Section 7-08-020, Special permit required; A. nonconforming use, by deleting the text shown in strikethrough and adding the text shown underlined.

Section 7-09-040 Signs B. Definitions; D. Basic requirements; G. Signs in Business Districts; and H. Signs in Industrial District all relating to the addition of "electronic message center" with associated text.

Full text of the proposed amendments is available in the Town Clerk's Office and Planning Department.

Theresa Capobianco, Chairman
February 15, 2019 and February 22, 2019

2019 Proposed Zoning Amendments

ARTICLE 31

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-040, Special Permit C. Criteria, by deleting the text shown in strikethrough and adding the text shown underlined, or take any action relative thereto.

C. Criteria. Unless otherwise specified herein, special permits ~~shall~~ may be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site.

ARTICLE 32

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-03-060, Design Review E. Appointment of the Design Review Committee by deleting the text shown in strikethrough, relettering the section, and adding the text shown underlined, or take any action relative thereto.

E. Appointment of the Design Review Committee

- (1) The Planning Board shall appoint a Design Review Committee. Such Committee shall be chaired by a member of the Planning Board, and shall additionally consist of four (4) members, who shall be residents, with a preference given to the following disciplines for three-year terms as follows:
 - (a) ~~One (1)~~ Two (2) degreed architects;
 - (b) One (1) degreed landscape architect; and
 - (e) ~~One (1) representative nominated by the Chamber of Commerce; and~~
 - (c) One (1) interested and responsible citizen resident of the town with a related background such as real estate development, interior design, graphic design, lighting design, or building/construction; or
 - (d) A balance of representation as close as possible to this mix.

ARTICLE 33

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-020 Classification of uses, G. Business uses, (1) Trade, by adding the text shown underlined, or take any action relative thereto.

(f) Temporary Outdoor Sales of Holiday Trees, Wreaths, or Similar Horticultural Products: An event of a temporary nature during any holiday season designed to provide for the outdoor sale of trees, wreaths, flowers, or similar holiday horticultural products. Such facilities would not include the use of a permanent structure designed to enclose such use.

ARTICLE 34

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-05-030, Table of Uses Table 1. Table of Uses, Part B. Commercial and Industrial Districts by adding the text shown underlined, or take any action relative thereto.

USES	DB	BE	BW	BS	HB	I
BUSINESS USES						
Trade						
<u>Temporary Outdoor Sales of Holiday Horticultural Products</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

ARTICLE 35

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-08-020, Special permit required, A. by deleting the text shown in strikethrough and adding the text shown underlined, or take any action relative thereto.

- ~~A.~~ The Zoning Board of Appeals may grant a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension ~~shall not be substantially more detrimental than the existing nonconforming use to the neighborhood,~~ is a similar or less detrimental use, and in making such determination the Zoning Board of Appeals shall consider whether the proposed use is different in character or in its effect on the neighborhood or on the property in the vicinity. ~~The Zoning Board of Appeals may consider the following types of changes to nonconforming uses:~~
- ~~(1) Change or substantial extension of the use;~~
 - ~~(2) Change from one (1) nonconforming use to another nonconforming use.~~

ARTICLE 36

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-09-040, Signs B. Definitions; D. Basic requirements, G. Signs in Business Districts (1) Type, size and number of signs. There shall be not more than the following on each lot: (c) Highway Business District [1][a] Freestanding sign; H. Signs in the Industrial District (3) Freestanding signs, by adding the text shown underlined, or take any action relative thereto.

B. Definitions

Add new (10), existing (10) becomes (11) and renumber remainder of the section accordingly:
(10) ELECTRONIC MESSAGE CENTER – Any sign that utilizes computer-generated messages or some other electronic means of changing copy.

D. Basic requirements

(6) Changeable copy signs that provide a variable message, the content of which can be changed by manual or electronic means is changed manually, are allowed.

(11) Illumination standards for signs with Electronic Message Centers:

- (a) Each electronic message center shall be equipped with a light sensing device that automatically adjusts the brightness or the sign as ambient light conditions change.
- (b) All electronic message center signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
- (c) No electronic message center sign shall exceed a brightness level of three-tenths (0.3) foot candles above ambient light as measured using a foot candle (Lux) meter at a pre-set distance in accordance with the following procedure:
 - [1] At least thirty (30) minutes past sunset, record the ambient light while the sign is off or displaying all black copy;
 - [2] The light meter shall be held five (5') feet above the finished grade as close as practical to a perpendicular plane of the sign;
 - [3] The meter shall be aimed toward the center of the automatic changeable copy sign;
 - [4] From the same location, a second reading shall be recorded while the sign is on and not blocked;
 - [5] If the difference between the measurements is three-tenths (0.3) foot candles or less, the brightness is properly adjusted; otherwise the brightness level must be adjusted to comply with this standard;
 - [6] The measurement distance shall be determined using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{area of sign in sq. ft.} \times 100}$$

Example: Proposed sign is 50 square feet
50x100 = 5000
 $\sqrt{5000} = 70.71'$ (use 71')
Therefore the foot candles measurement shall be taken seventy-one (71') feet from the sign.

G. Signs in Business Districts

(1)(c)[1][a] Electronic message center may be used as part of freestanding sign.

H. Signs in the Industrial District

(3) Electronic message center may be used as part of freestanding sign.