

974 CMR 6.00: SIGN CONTROL

Section

- 6.01: Authority and Purpose
- 6.02: Definitions and Administration
- 6.03: Regulations
- 6.04: Specific Uses or Locations
- 6.05: Severability

6.01: Authority and Purpose

(1) The Devens Enterprise Commission (the DEC) is vested with broad regulatory authority related to land use planning and permitting functions. Such permitting functions, described in St, 1993, c. 498, § 11, and in greater detail in the Devens Zoning By-laws (the By-laws), are those normally assumed in cities and towns by Planning Boards, Boards of Health, Conservation Commissions, Boards of Appeal, and Historic District Commissions.

(2) References:

- (a) Article XIII of the Devens By-laws gives the DEC the power to regulate the erection and maintenance of signs at Devens, including, but not limited to sign area, sign set-backs, duration of temporary signs, number of freestanding signs, location of signs, height of signs, illumination, types of signs, and minimum standards for design, construction and maintenance.
- (b) Article III Section J of the By-laws allows the DEC to minimize the visual impact of construction within designated viewsheds. Such authority also extends to signs (By-laws, Article III, Section J.3).
- (c) 974 CMR 4.04: *Illumination & Astrophysical Compatibility* duly adopted by the DEC and the Joint Boards of Selectmen governs the height and illumination of signs.

(3) Relationship to Other Regulations. 974 CMR 6.00 implements and administer the DEC's authority to regulate signs. It is incorporated with the other components of the Unified Permit system during the application for a Unified Permit for development, and shall to the maximum extent possible, integrate with 974 CMR 3.00: *Site Plan*, and if applicable, 974 CMR 2.00: *Subdivision*.

(4) Purpose. It is recognized that signs perform important functions that are essential for public safety and general welfare, including communicating messages, providing information about goods and services, and orienting and directing people. It is further recognized that because of potential detrimental impacts signs must be regulated to:

- (a) Prevent hazards to vehicular and pedestrian traffic safety by controlling the number, location, and placement of signs;
- (b) Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets;
- (c) Facilitate efficient communication by implementing design criteria that produces signs which can be easily read, recognized, and without distracting elements;
- (d) Support business vitality through informing the public of available goods, services, and activities.

6.02: Definitions and Administration

(1) Definitions

Animated Sign: any sign that uses movement or a change of lighting to depict action or create a special effect or scene.

Awning Sign: A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural projection or cover over a door, window, storefront, or outdoor service area.

Building or Face Wall: A wall area of a building in one plane or elevation.

6.02: continued

Building Sign: Any sign connected to the wall of a building, projected or suspended from the building, or any sign attached to any exterior part of a building.

Changeable Sign Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed whether electronically or manually without altering the face or surface of the sign. A sign on which the message changes more than once a day shall be regulated as an animated sign. A sign on which the only changes are a mechanical or electronic indication of time or temperature is not considered a changeable or animated sign in 974 CMR 6.00.

Community Banner: A temporary sign of lightweight fabric or similar material serving a community purpose or convey information of community-wide interest.

Directional Sign: A sign erected near a street, driveway, parking area, or other access area for the safety and convenience of vehicular and pedestrian traffic. Directional signs can indicate "ENTRANCE", "EXIT", "HANDICAPPED PARKING", fire lanes, loading zones, and other information to enable the safe and orderly flow of traffic.

Externally Illuminated Sign: A sign which is lighted from a source which is outside of the sign panel, with the light source mounted on the building face or the sign structure.

Freestanding Sign: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

Internally Illuminated Sign: A sign that is lighted by a source concealed behind a translucent sign panel.

Off Premises Sign: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services not located on the premises where the sign is located or maintained.

Pole or Pylon Sign: A freestanding 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 is located above the finished grade at the base of the sign.

Portable Sign: Any sign not permanently attached to the ground or some type of permanent structure; a sign designed to be transported by wheels; a sign connected to or located on A- or T- frames; a two-sided sign attached to boards and commonly called a "sandwich board sign;" and a sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.

Principal Facade: Any facade or facades that constitute 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.

Real Estate Sign: Any sign advertising exclusively the sale, rental or lease of the premises, or a portion thereof, upon which the sign is located.

Roof Sign: Any sign erected and constructed on the roof of a building or supported by the roof structure.

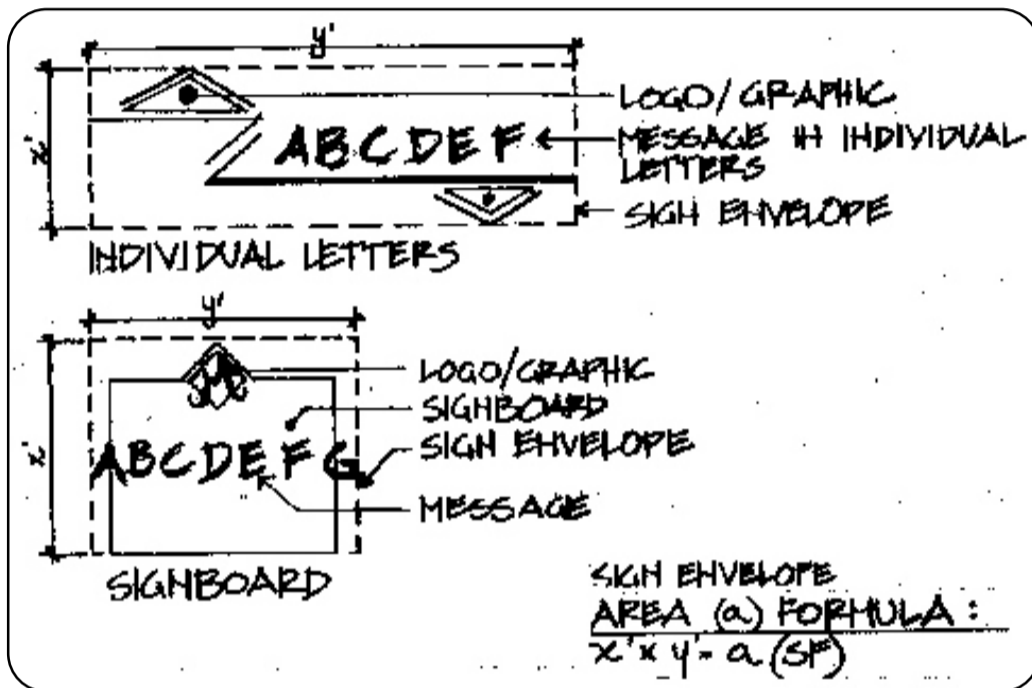
Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicular to the property line.

Sign and Advertising Device: Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

6.02: continued

**Sign Area:** The area of a sign shall be the area of the smallest rectangle or circle within which the entire sign can fit; excluding structural supports which do not contribute through shape, color, or otherwise to the sign's message; but including any separate surface, board, frame or shape on or within which the sign is displayed. The height of a sign shall be measured to the highest point of the sign, including any structural or ornamental projections above the sign proper, from the average ground level above which the sign is located. For signs the components of which are painted or engraved on, or otherwise applied directly to a building or other structure, the sign area shall include any background of a different color, material or appearance from the remainder of the wall or structure, and shall in any event enclose all letters, figures, or representations related to the sign. The dimensions of a sign shall be the length and width of such a rectangle or the diameter of such a circle.

SIGN AREA



**Signboard:** The flat surface of durable material upon which letters or other graphic content of a sign is displayed.

**Temporary Off Premises Real Estate Sign:** Any sign visible from a public right-of-way advertising the sale, rental or lease of parcels or buildings not located on the premises where the sign is located or maintained.

**Temporary Sign:** Any sign, except for a window sign, that is used for a period as specified in 974 CMR 6.00 and is not permanently mounted.

**Wall Sign:** Any sign parallel and attached to a wall, painted or affixed to a separate surface which is then mounted securely to the building, painted or produced directly on the building, or composed of separate letters, numbers, logos, or symbols attached to the surface of the building, or erected and confined within the limits of an exterior wall of a building or structure, which supported by such wall, and displays only one sign surface.

**Window Sign:** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed, painted, or affixed inside a window, upon the interior face of window panes, or mounted to the interior window frame. Window signs are visible from the exterior of the window.

6.02: continued

(2) Administration. Level One sign permits are always required or the sign permit may be incorporated with a Level Two unified permit application. In either case, sufficient graphic representation, details on location, setbacks from property lines, illumination, construction, and other information shall be submitted to the DEC.

(a) With a Unified Permit application. Signs shall be shown as to location, size, type, and specifications in terms of materials, illumination, and other features, during site plan review. All review of signs shall be incorporated within the overall site plan review process. In the case of a building or premises whose occupancy is unknown at the time of permit approval, signs shall be shown in a general form.

(b) Without Other permit application. Signs for existing premises shall comply with 974 CMR 6.00. Application for a sign permit is made with the Director.

(3) Maintenance, Construction, and Enforcement

(a) Maintenance. All signs shall be maintained in good and safe condition. The Building Inspector may order the immediate removal of any sign deemed to create unsafe or hazardous conditions.

(b) Construction. Signs shall be constructed so as not to pose a hazard to persons or property. The construction of all signs together with the supporting and auxiliary devices shall be governed by the structural and fire safety provisions of 780 CMR: *the Massachusetts State Building Code*, when applicable.

(c) Abandonment. Any sign which advertises or identifies products, businesses, services or activities which have not been sold, located or carried on at the premises for at least 60 days may be deemed abandoned by the Director. The sign shall be removed by the building owner within ten days of notification of a finding of abandonment.

(d) Enforcement.

1. Violations of 974 CMR 6.00 and complaints regarding signs shall be administered as described in 974 CMR 1.00: *Administration*.

2. Any sign erected without the required permit or whose construction varies from the sign permit shall be removed immediately by the owner upon written notification from the DEC.

6.03: Regulations

(1) General Regulations.

(a) No exterior sign or advertising device shall be erected except as provided by 974 CMR 6.00.

(b) No sign shall be erected except in the location and manner described in 974 CMR 6.00 and in accord with the conditions of the Permit from the DEC.

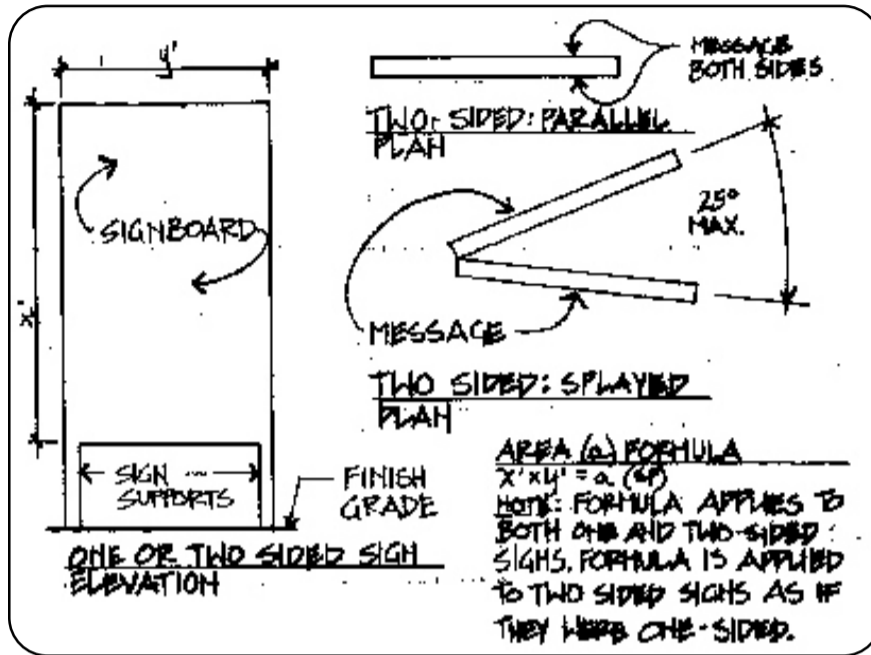
(c) No sign shall be erected that in any way creates a traffic hazard or obstructs traffic.

(d) Signs shall not exceed the maximum size or height allowed by 974 CMR 6.00 unless the DEC determines that exceptional site conditions such as topography, location of existing preserved vegetation, or lot configuration necessitate a larger or taller sign, provided however, the maximum increase allowed shall not exceed 50% more than otherwise allowed.

(e) Signs may be one-sided (with information, lettering, or design on a single face) or two-sided, with sign faces mounted back-to-back. If two-sided, the maximum size is calculated as though it is a one-sided sign. The sides of a two-sided sign may be mounted such that the faces are perpendicular or splayed, with a maximum angle of separation between faces of 25° or less. Otherwise, the thickness or depth of a two-sided sign shall not exceed the depth required by the construction of the sign and the mechanics associated with the illumination of the sign. No words, graphics, symbols, or other representations may be placed on the "edges" or supporting structure of any sign.

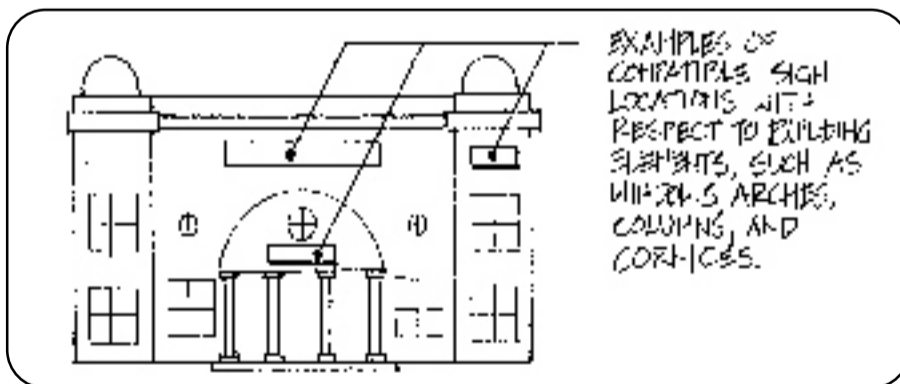
6.03: continued

TWO SIDED AND SPLAYED SIGNS



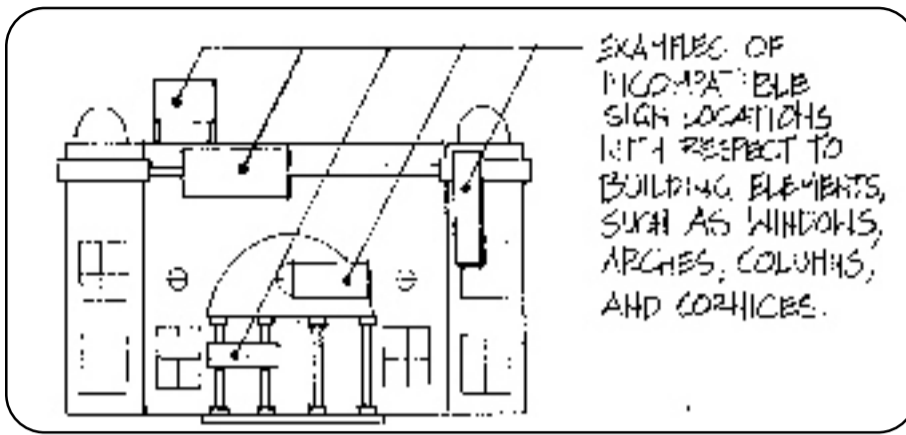
- (f) Illuminated signs shall be lit by steady, white light through the use of sharp cutoff fixtures and top-down lighting. Lights for externally illuminated signs may not be ground-mounted. Illuminated signs must comply with 974 CMR 4.04: *Illumination and Astrophysical Compatibility*. Unless necessary for the location of public safety facilities, illuminated signs shall be turned off when the facility is not in active use or not later than 11:00 P.M., whichever is the earlier. Pursuant to 974 CMR 4.04: *Illumination and Astrophysical Compatibility*, only the individual letters *etc.* may be illuminated and no luminous backgrounds are permitted.
- (g) Signs should be simple, neat and avoid distracting elements, so that contents can be quickly and easily read. Signs shall not contain selling slogans or other advertising that is not an integral part of the name or other identification of the enterprise.
- (h) Signs shall be located so as not to interrupt, obscure, or hide the continuity of columns, cornices, roof eaves, sill lines, or other elements of building structure and where possible, should reflect and emphasize building structural form. Sign materials, colors, and lettering should be reflective of the character of the building to which the sign relates.

BUILDING-MOUNTED SIGNS: SIGN TYPE 4: COMPATIBILITY WITH BUILDING ELEMENTS



APPROPRIATE SIGN LOCATIONS

6.03: continued



INAPPROPRIATE SIGN LOCATIONS

- (i) Awnings or canopies connected to a building shall not be considered a sign if the lettering on them does not exceed three inches in height and the lettering is not internally illuminated or illuminated from light fixtures attached to the structure or building.
- (j) Building markers, or signs identifying the building or indicating the name, the date of construction, or other incidental information about the building’s construction or history shall not be regulated as signs.
- (k) Signs or other advertising devices legally erected may continue to be maintained provided, however, that no sign enlarged, reworded (other than in the case of theater or cinema signs or permitted signs with automatically changing messages), redesigned or altered in any way including repainting in a different color except to conform with 974 CMR 6.00 and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost of the sign at the time of restoration shall not be repaired, rebuilt, or altered except to conform with 974 CMR 6.00. Any exemption or protection provided by 974 CMR 6.03 shall terminate with respect to any sign or other advertising device which:
  - 1. shall have been abandoned
  - 2. advertises or call attention to any products, businesses, or activities which are no longer sold or carried on at the particular premises or
  - 3. shall not have been repaired or properly maintained within 30 days after notice to that effect have been given by the Commission.

(2) Temporary Signs.

- (a) Up to three un-illuminated temporary signs not exceeding four square feet in area may be erected off-premises for the duration of construction and for the first three months of the operation of a business. These signs may be located at the outer line of the street right-of-way of the major collector street nearest the premises. These are the only temporary sign that requires a permit from the DEC. The DEC reserves the right to prohibit particular sign locations or limit the number of signs proposed by the applicant.
- (b) A temporary sign not exceeding 32 square feet in area and ten feet in height may be erected on-premises during construction, identifying the premises and giving information on sales or leases. Such sign shall be removed prior to the erection of permanent signs on site and/or to issuance of a Certificate of Occupancy.
- (c) Temporary signs, including “moveable changeable letter message boards”(which are otherwise prohibited) and “community banners,” may be erected by MassDevelopment or duly authorized event sponsor in conjunction with events and activities. Such signs may be erected only for the duration of the event or activity.
- (d) Real estate signs erected on-premises, advertising the sale or lease of the premises or a portion thereof, may not exceed four square feet for residential premises or 32 square feet for commercial, industrial and office uses, and shall be removed upon the sale or lease being transacted. During construction, real estate sales and leasing information shall be included on the temporary construction sign described in 974 CMR 6.03(2)(b). Such signs must be removed within 15 days after the closing of the sale, rental or lease.
- (e) Off premises real estate signs may only be erected by MassDevelopment.
- (f) Signs advising the public of employment opportunities may be erected, provided that they do not exceed eight square feet in area and erected for a maximum of two months.

6.03: continued

(g) Temporary window signs, describing products for sale, services available, community activities, or other information may be erected within a window so that the information is visible from the exterior of the building. Window signs may not cover more than 25% of the window, and may not be internally illuminated.

(3) Exempted Signs.

- (a) Signs for public use do not require permits from the DEC.
- (b) All signs erected by MassDevelopment within the rights-of-way of public ways are exempt.
- (c) No signs be allowed within the public right-of-way except as follows and in conformance with the following conditions:
  1. Signs erected by providers of public transportation or erected for the express purpose of informing vehicular, pedestrian, and bicycle traffic.
  2. Information signs erected by MassDevelopment, Massachusetts Highway Department, or any public utility regarding streets, intersections, poles, lines, pipes, or facilities.
  3. Temporary warning signs alerting the public of work within the right-of-way.
  4. Directional signs in a size and form specified in the Devens Signage Masterplan, dated May 1996, prepared by Cecil & Rizvi and Jon Roll & Assoc. for MassDevelopment.
  5. Temporary signs for construction, the first year of business operation, and event and activities as described in 974 CMR 6.00.

(4) Prohibited Signs:

- (a) Billboards.
- (b) Portable signs including “moveable changeable letter message boards” except for signs warning the public and for signs in connection with events and activities.
- (c) Roof-mounted signs.
- (d) Animated signs, changeable copy signs (except in connection with fixed signs for public entertainment and athletic events), and signs with spinning, rotating, or flashing elements.
- (e) All string lights used in connection with nonresidential premises excepting temporary lighting for holiday decoration.
- (f) All other signs not expressly allowed are prohibited.

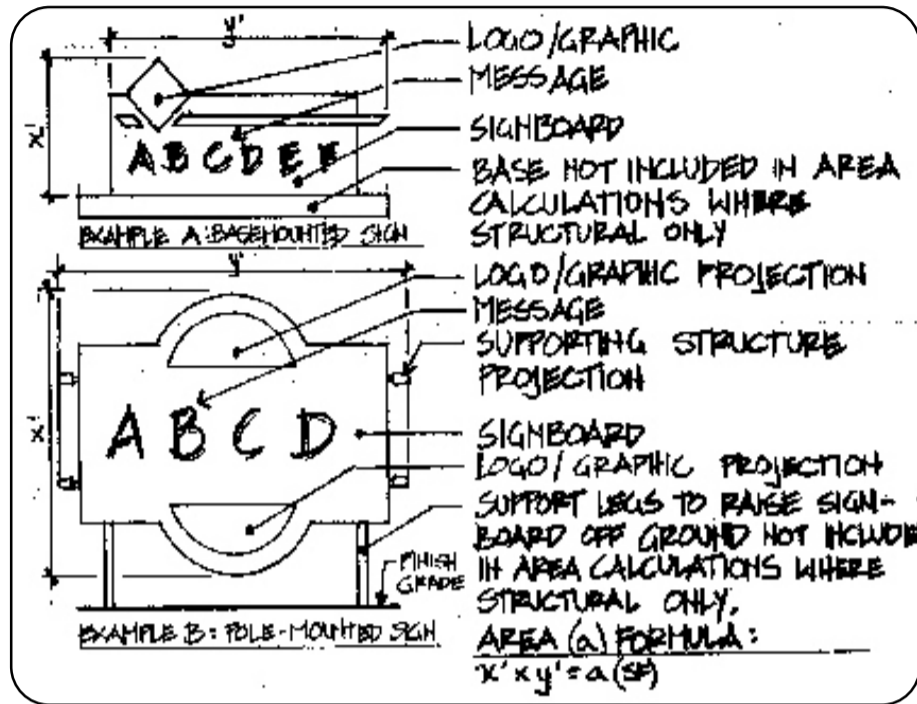
(5) Permanent Sign Types.

- (a) Type 1: “Freestanding Sign”. This sign is supported by structures or supports that are placed on or anchored within the ground and independent of any building. They may be mounted from one or two poles, or ground-mounted on a base or footing. The maximum sign message board area allowed is 48 square feet per side, the total sign area is 72 square feet per side. Type 1 signs may be two-sided signs, each side not exceeding 48 square feet, with the sign faces on each side installed parallel (or “back-to-back”) to each other or splayed by not more than 25°. They may be illuminated in compliance with 974 CMR 4.00: *Industrial Performance Standards*. These signs may not be erected within the public right-of-way of any street.

Note: Type 1 signs are only permitted for certain retail and service uses as detailed in 974 CMR 6.04.

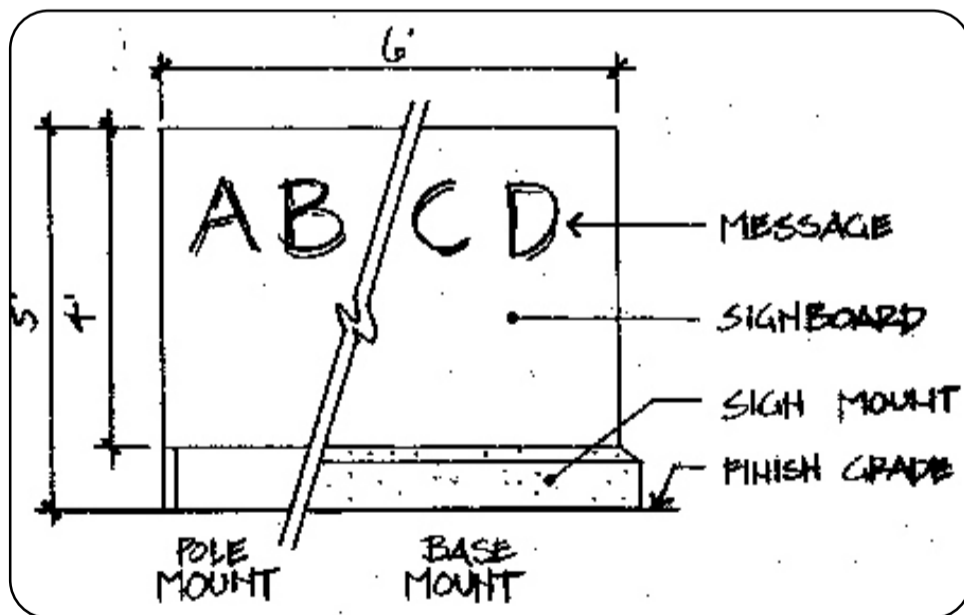
6.03: continued

SIGN TYPE 1: FREE STANDING SIGN



(b) Type 2: "On-premises Freestanding Sign" [also called "On-premises Sign"]. This sign is a sign of specified size and form (see diagram). It may be illuminated in compliance with the 974 CMR 4.00: *Industrial Performance Standards* with a steady, top-down sharp cutoff fixture. The maximum sign area shall not exceed 30 square feet with the sign erected so that the overall height not greater than six feet and the maximum size of the sign message board is 24 square feet. There is usually a single on-premises sign per lot. It is located adjacent to the street right-of-way in locations specified by 974 CMR 6.00. This sign should contain the name of the business or entity occupying the premises, or in the case of multiple occupants, the name of the building, the address, or other identifier for the premises.

SIGN TYPE 2: ON-PREMISES FREESTANDING SIGN

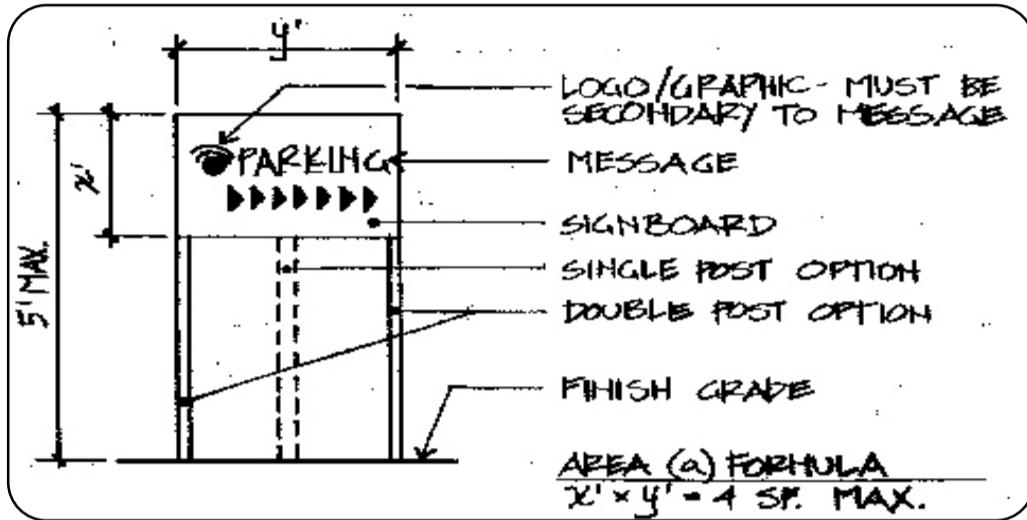




6.03: continued

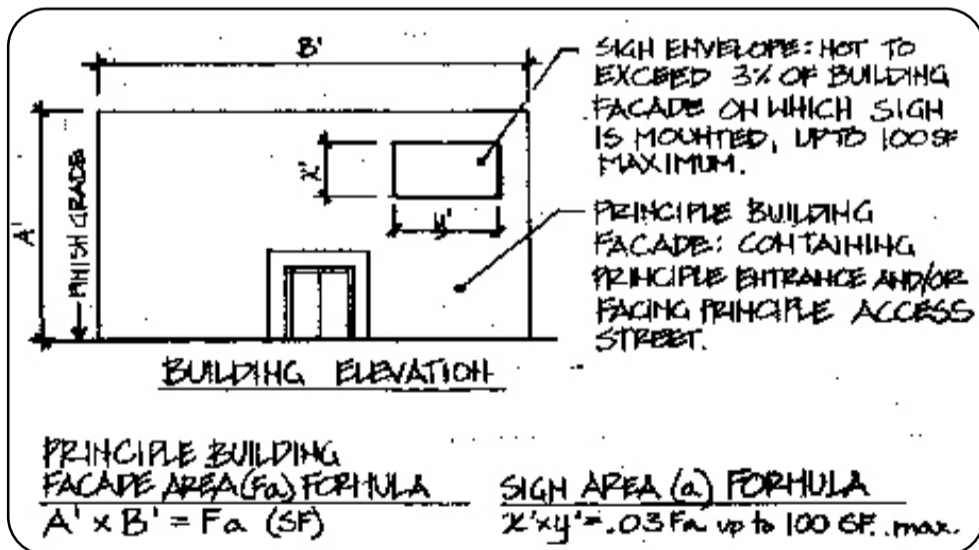
(c) Type 3: "On-premises Directional Sign". These signs are for the convenience and safety of the public and indicate visitor parking, service areas and drives, exits, fire lanes, entrances, and other information to direct and inform the public. Such sign may contain a logo or other symbol or name, if it is clearly secondary to the principle sign information. In exceptional instances, certain directional signs may be illuminated. There is no limit on the number of directional signs, but they may not exceed four square feet in area or five feet in height. Directional signs shall be located in such a way that they pose minimal danger to vehicular, pedestrian, or bicycle traffic.

SIGN TYPE 3: ON-PREMISES DIRECTIONAL SIGN



(d) Type 4: "Building-mounted Sign" or "Building Sign". Building signs are those which are directly mounted to the building or any portion of a building. They may be painted or affixed to a separate surface which is then mounted securely to the building, painted or produced directly on the building, or composed of separate letters, numbers, logos, or symbols attached to the surface of the building. They may be illuminated in compliance with 974 CMR 4.00: *Industrial Performance Standards*. Type 4 signs shall be located, if possible, within the "frieze" or "architrave" of the building, but in any case, so as to complement the overall architectural design of the building and not to interrupt, obscure, or hide the continuity of any building element.

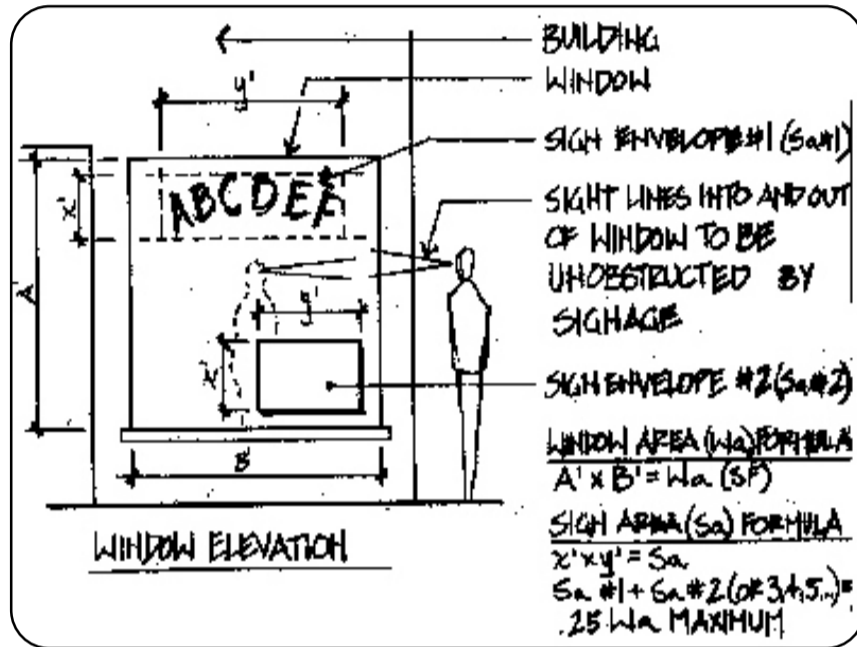
SIGN TYPE 4: BUILDING-MOUNTED SIGN



6.03: continued

(e) Type 5: "Window Sign". Window signs may be painted or affixed directly to the glass or be a separate material which is mounted to the interior face of window panes or to the window frame. Window signs shall not be located in such a way to limit the view into or out of the premises. More than one window sign may be attached to or affixed to a window (including a mix of temporary and permanent signs), provided the size limitations are not exceeded. Window signs may contain the name of the premises, the name of the occupant, services or goods available, other information which related directly to the uses of the premises, and necessary emergency information. Window signs shall not be internally illuminated. Window signs do not require permits from the DEC.

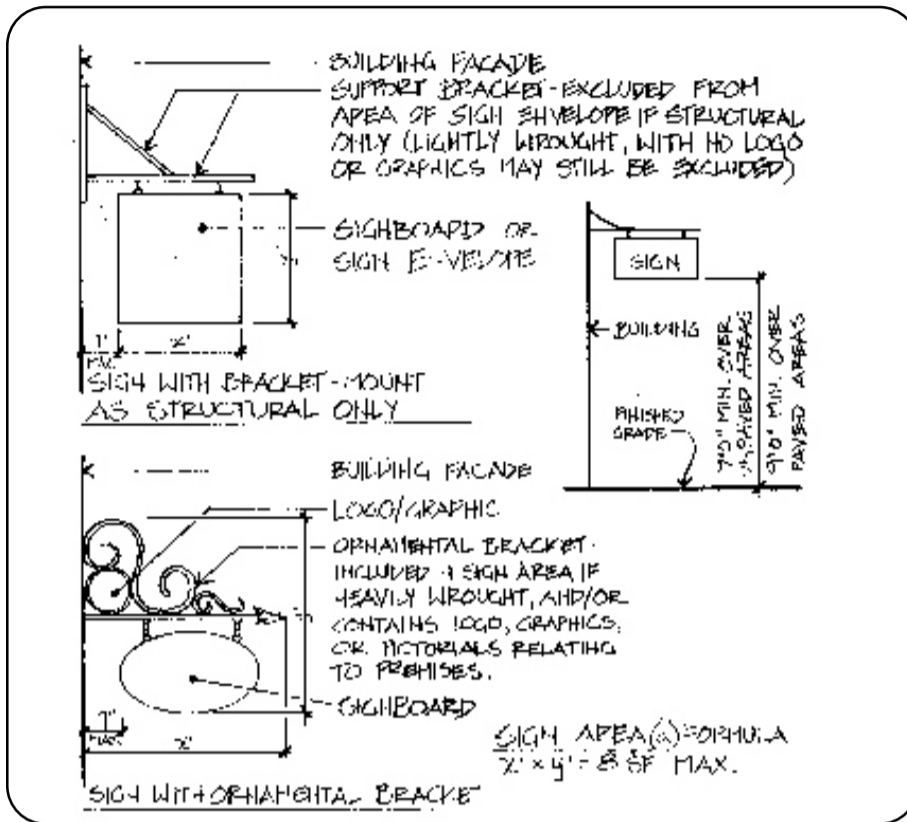
SIGN TYPE 5: WINDOW SIGNS



(f) Type 6: "Perpendicular or Hanging Sign". Perpendicular signs are signs erected perpendicular to the face of the structure. They may be erected at a distance not exceeding nine inches from the building and not exceed twelve square feet in area. If the bracket or supporting structure is highly ornate or an integral part of the sign design, the size of the bracket shall be included in the overall calculation of the sign size. If located in a location where pedestrians will pass directly under the sign, the sign shall be erected so that the lowest portion is ten feet above the finished grade. Hanging signs may be erected over the sidewalk within a street right-of-way with the consent of MassDevelopment. Hanging signs may be illuminated by down-lighted, sharp cut-off type exterior lights complying with 974 CMR 4.00: *Industrial Performance Standards*.

6.03: continued

SIGN TYPE 6: HANGING SIGNS



6.04: Specific Uses or Locations

(1) Determination of Use. Allowed signs at Devens are determined by the uses allowed in the district by the By-laws and in accordance with the Reuse Plan. The following matrix references use categories from the By-laws with applicable sections of 974 CMR 6.04.

| <u>Use</u>  | <u>Sign Regulation Section</u>  |
|---|---|
| Environmental Office                                  | 974 CMR 6.04(5). Industrial-Institutional<br>If in area with retail/service uses, 974 CMR 6.04(4). Retail; otherwise, 974 CMR 6.04(5). Industrial-Institutional |
| Home office   | 974 CMR 6.04(3). Residential  |
| Industrial  | 974 CMR 6.04(5). Industrial-Institutional   |
| R&D   | 974 CMR 6.04(5). Industrial-Institutional   |
| Cultural  | 974 CMR 6.04(5). Industrial-Institutional   |
| Health care   | 974 CMR 6.04(5). Industrial-Institutional   |
| Conference  | 974 CMR 6.04(5). Industrial-Institutional   |
| Academic  | 974 CMR 6.04(5). Industrial-Institutional   |
| Municipal   | 974 CMR 6.04(5). Industrial-Institutional   |
| Lodging   | 974 CMR 6.04(4). Retail   |
| Commercial  | 974 CMR 6.04(4). Retail   |
| Residential, single family, multifamily               | 974 CMR 6.04(3). Residential  |
| Nursing home  | 974 CMR 6.04(5). Industrial-Institutional   |
| Incubator   | 974 CMR 6.04(5). Industrial-Institutional   |
| Restaurant (freestanding, in retail service areas)    | 974 CMR 6.04(4). Retail   |
| Restaurant, open to the public, accessory in Lodging) | Accessory sign; see Retail section 974 CMR 6.04(4)(f)   |

In the event a permitted use in Devens is not included in 974 CMR 6.04: *Table*, the Applicant shall request in writing that the Director determine the appropriate Sign regulation section that applies for the use. The Director may delegate such authority to the Building Official. Such determination shall be made within seven days of the receipt of the written request. Should the

6.04: continued

Director not render a determination within the seven days, the Applicant may erect signs in accordance with 974 CMR 6.04(5) *Industrial-Institutional*. The Applicant may appeal the Director’s determination by requesting a Reconsideration pursuant to the By-laws and 974 CMR 1.00: *Administration*.

(2) Signs Allowed on All Premises. The following signs may be erected on all premises within Devens. These signs do not require a permit from the DEC.

- (a) Type 3 Directional Signs. Signs for the express purpose of directing persons through the site (ENTER, EXIT, VISITORS, etc.) including signs within parking areas and signs for vehicular and pedestrian traffic shall not be limited as to number, but shall not exceed four square feet in size per individual sign and be erected so that they do not reduce visibility for vehicles.
- (b) For sale signs (see 974 CMR 6.03(2)(b) and (d)).
- (c) Signs for public uses (see 974 CMR 6.03(2)(c) and (3)).

(3) Signs in Residential Areas. In residential areas, occupants may erect a single two square foot freestanding or building mounted accessory sign, showing name, address, and allowed home occupation (if any).

(4) Signs for Retail and Service Uses, Lodging, and Offices Located within Areas of Retail and Service Uses.

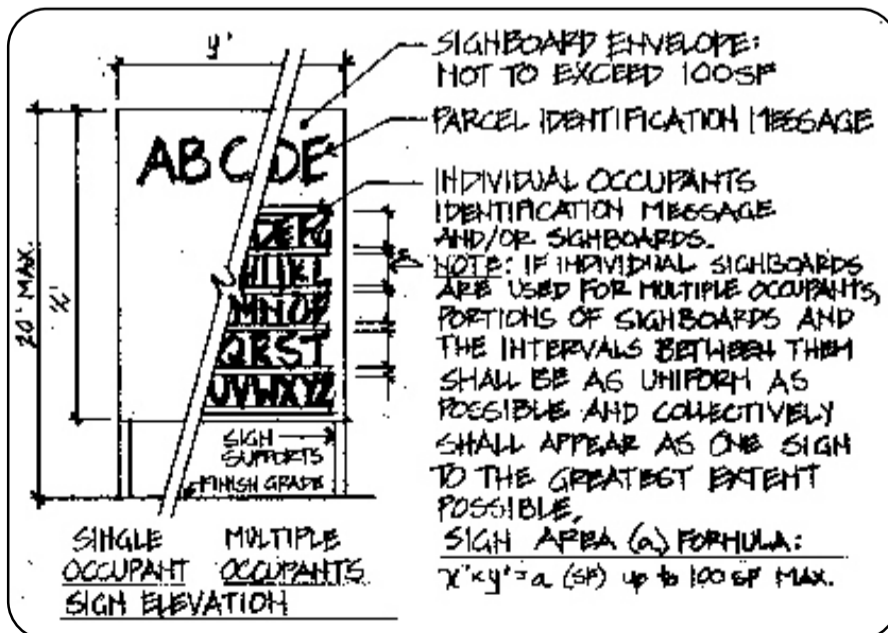
- (a) Commercial Areas in Devens Consist of Any of the Following: retail/service centers with multiple occupants (such as shopping centers, “mini-malls,” strip malls, etc.); free-standing (or one user per structure) retail/service uses; convenience retail, either free-standing or contained within structures; and small scale accessory retail uses contained within structures devoted primarily to other uses. Small-scale offices, providing services to the public or to clients, and located within areas of retail centers, free standing retail, and convenience retail establishments may erect signs according to 974 CMR 6.04.

Signs erected in retail areas include Type 1 Freestanding signs, Type 3 Directional signs, Type 4 Building-mounted signs, window signs (both Type 5 Permanent signs and temporary window signs), and Type 6 Hanging signs. Window signs, in retail areas may not exceed 25% of the window area to which they are attached.

(b) Retail/Service Centers with Multiple Occupants may Erect the Following Signs:

1. Type 1 Freestanding Signs. One free-standing sign may be erected. For buildings containing multiple occupants, a single sign is allowed and should be restricted to a common name or the building’s name or other identifying information. If individual business names are displayed, the design of each shall be as uniform as possible, and incorporated in such a way to resemble a single sign to the greatest extent possible, with total area of signs not exceeding the maximum allowed for a single sign.

STYLE TYPE 1: FREESTANDING



6.04: continued

The maximum size of the signboard or signboard envelop of freestanding signs is 72 square feet in area. For two-sided signs, the maximum size of each message board on each side is also 72 square feet. The total area of the structure erected, inclusive of the signboard and the base, pedestal or superstructure that encompasses the sign, shall not exceed 100 square feet in area or a ratio of 1½:1, sign area to total structure area (measured on the same area plane as the sign.) Free-standing signs should be set-back 20 feet from the edge of roadway to allow for full visibility of persons entering and exiting the site. No portion of a free-standing sign may exceed 20 feet in height.

Free-standing signs may be illuminated in compliance with 974 CMR 4.00: *Industrial Performance Standards*. Free-standing signs shall not be illuminated when the premises is not open for business.

2. Type 4 Building Signs. Illuminated and non-illuminated signs may not occupy more than 3% of the building facade on which they are mounted (from 974 CMR 4.04(3)(i)) up to a maximum of 100 square feet in area. For buildings containing multiple retail and commercial occupants, each occupant with direct access to the outside shall be allowed a sign, not to exceed 3% of the portion of the building facade that the premises occupies, with a minimum of 20 square feet and a maximum of 100 square feet in area. Perpendicular or hanging signs may be erected instead of the individual building-mounted signs.

Buildings located on a corner may erect a building-mounted sign on each facade of the building with a smaller (up to a maximum of 1% of the portion of the building facade that the premises occupies, with a minimum of ten square feet and a maximum of 50 square feet in area) sign on the second side. Ideally, the larger sign will be located on the side with the larger facade, the side facing the principal access street, or the side with the principal entrance to the premises.

3. Type 3 Directional signs for the safety of the public may be erected as needed.

4. Type 5 Windows signs, temporary and permanent, may be erected in accordance with 974 CMR 6.00.

(c) Free-standing Retail/Service Uses. Free-standing retail and service uses are a single use or entity within a single structure, frequently on a separate lot. Free-standing retail/service uses may erect the following signs:

1. Type 1 Free-standing signs, as described in 974 CMR 6.04(4), if the building is located on a single lot with at least 200 feet of frontage. Free-standing signs shall not be illuminated when the premises is not open for business.

2. Type 3 Directional signs as needed.

3. Type 4 Building-mounted signs as described in 974 CMR 6.03(4)(d). A secondary sign may be erected for buildings on corners.

4. Type 5 Windows signs.

(d) Convenience Retail, Either Free-standing or Contained within Structures. Convenience Retail are small retail establishments, offering food, services, newspapers, magazines, and other items. They may be open for business 24 hours a day. Free-standing convenience retail may be located on a separate lot and may erect the following signs:

1. Type 4 Building-mounted signs as described in 974 CMR 6.03(4)(d). A secondary sign may be erected for buildings on corners.

2. Type 3 Directional signs as needed.

3. Type 5 Windows signs.

(e) Small-scale Accessory Retail Uses. A small-scale accessory retail use located within another structure may erect a Type 4 building-mounted sign not to exceed 20 square feet in area, provided it has external entrance directly to the parking area or building access areas and the establishment is open to the general public, not restricted to the occupants of the building.

(f) Lodging establishments may erect signs in accord with 974 CMR 6.04(4)(c): *Free-standing Retail/Service Uses*. A restaurant within a hotel, motel, or other lodging establishment being open to the general public and having an external entrance to the parking or access areas may erect either a Type 6 hanging sign or a building-mounted sign, not exceeding 20 square feet in area, in addition to any permanent or temporary Type 5 window signs otherwise allowed.

6.04: continued

(5) Industrial-Institutional. Industrial, Environmental Businesses, Research & Development, and all other office uses (including small-scale offices not located in a Retail area); Conference Centers; Nursing Homes; Institutional (Cultural, academic, municipal, and public recreation)

Signs erected in these areas include Type 2 On-premises signs, Type 3 Directional signs, Type 4 Building-mounted signs, window signs (both Type 5 Permanent signs and temporary window signs), and Type 6 Hanging signs. Window signs in industrial-institutional areas may not exceed 25% of the window area to which they are attached.

(a) Type 2 - Each building may erect an on-premises sign, complying with the size and illumination limitations listed in the sign type description above. The sign shall be located adjacent to the street right-of-way adjacent to the primary vehicular entrance to the site. This sign shall contain the name of the business or entity occupying the premises, or in the case of multiple occupants, the name of the building, the address, or other identifier for the premises. On corner lots with vehicular access from both streets, the DEC may allow a second on-premises sign to be erected.

(b) Type 3 Directional Signs as needed and complying with 974 CMR 6.00

(c) Type 4 Building-mounted Signs. Illuminated and non-illuminated signs may not occupy more than 3% of the building facade on which they are mounted (from 974 CMR 4.04) up to a maximum of 100 square feet in area. For buildings containing multiple occupants, occupants with direct access to the outside shall be allowed a sign, not to exceed 3% of the portion of the building facade that the premises occupies, with a minimum of 20 square feet and a maximum of 100 square feet in area. Perpendicular or hanging signs may be erected instead of the individual building-mounted signs.

Buildings located on a corner may erect a building-mounted sign on each facade of the building with a smaller (up to a maximum of 1% of the portion of the building facade that the premises occupies, with a minimum of ten square feet and a maximum of 50 square feet in area) sign on the second side. Ideally, the larger sign will be located on the side with the larger facade, the side facing the principal access street, or the side with the principal entrance to the premises.

(d) Type 5 Permanent Window Signs. Both permanent signs and temporary window signs may be used.

(e) Type 6 Hanging Signs. Perpendicular or hanging signs in the size and located in accord with 974 CMR 6.00 may be erected in lieu of a building-mounted sign as detailed in 974 CMR 6.04(5)(c).

(f) Restaurants in Conference Centers open to the public and having a direct external entrance to the parking or access areas may erect either a Type 6 hanging sign or a Type 4 building-mounted sign, not exceeding 20 square feet in area, in addition to any permanent or temporary window signs otherwise allowed.

(g) To identify the premises within planned or coordinated developments, a planned subdivision, or planned unit development, multiple buildings on a single lot, with multiple owners or tenants, the DEC may permit a single freestanding Type 1 sign may be erected in lieu of a Type 2 on-premises sign.

1. For buildings containing multiple occupants, a single Type 1 sign is allowed and shall be restricted to a common name or the building's name or other identifying information. If individual business names are displayed, the design of each shall be as uniform as possible, and incorporated in such a way to resemble a single sign to the greatest extent possible, with total area of signs not exceeding the maximum allowed for a single sign.

2. The maximum size for freestanding signs is 100 square feet in area. Free-standing signs should be set-back 20 feet from the edge of roadway to allow for full visibility of persons entering and exiting the site. No portion of a freestanding sign may exceed 20 feet in height.

3. Lots or developments located on corners may erect a free-standing sign along the street having the higher volume of traffic with a Type 2 on-premises sign along the second street. In planned developments or for buildings on very large lots, the DEC may, during site plan review, allow a freestanding sign along the second street if the DEC determines the sign will better direct the public to the premises, enhance the appearance of the site, or because of topographic conditions.

6.04: continued

(6) Signs Located in the Historic District. Buildings and premises within the Historic District shall be subject to review by the Massachusetts Historical Commission pursuant to the Programmatic Agreement, section 1.06, between the Army and the Commonwealth and approval by the DEC as the Local Historic District Commission. The Commission may utilize more stringent standards and restrictive criteria than contained in 974 CMR 6.00. The Commission may also allow signs of a form not otherwise permitted by 974 CMR 6.00 or allow signs to be mounted in locations not otherwise permitted by 974 CMR 6.00, if, in their opinion, such sign may more appropriately fit with the character the premises and the district.

(7) Signs in the Viewshed. Signs within the viewshed shall comply with the allowed signs for the use category of the premises. Any sign, whether free-standing, on-premises, or building mounted, to be erected within a viewshed area shall be located below existing or new tree canopies, but may not in any case exceed a maximum of 20 feet in height.

Illuminated signs are generally discouraged within the viewshed.

6.05: Severability

If any provision of 974 CMR 6.00 or the administration thereof shall be held unconstitutional, invalid or void, it shall not affect any other provision of 974 CMR 6.00 or the administration thereof.

REGULATORY AUTHORITY

974 CMR 6.00: St. 1993, c. 498.

NON-TEXT PAGE