



Planning Department

VI 62

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
Fax (978) 264-9630
planning@acton-ma.gov

MEMORANDUM

To: Planning Board **Date:** November 30, 2009

From: Roland Bartl, AICP, Planning Director

Subject: **Temporary Signs/Special Event Signs –
Additional Zoning Change for the Board’s Consideration**

Section 7.10 of the zoning bylaw presently reads:

Special Event SIGNS – One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event occurs. Such a SIGN shall not be ERECTED on a sidewalk, walkway or driveway, nor within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall comply with all provisions of Sections 7.3 and 7.4, but it shall not be illuminated, and notwithstanding Sections 7.3.4 and 7.3.6 it may be a MOVABLE SIGN and may consist of a flag or balloon, or may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN. Such a SIGN shall not be ERECTED sooner than 7 days before the event and it shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The number of times such a SIGN may be ERECTED shall not exceed four events per PRINCIPAL USE and calendar year. The display of such SIGNS shall be limited to 28 days per PRINCIPAL USE for each calendar year.

For this calendar year we have 19 temporary sign applications/permits on file, some have time left on them, others have used all their time. If you look around Town, you will find that there are many more temporary signs out there than permitted. Many go up and down within a few days; many others are put up only on the weekends. Businesses are ignoring the Town rules. Although, we are tackling sign violations with success moving from area to area or district to district, the volume and the nature in which the temporary sign violations occur greatly exceed our available resources for systematic enforcement without neglecting our other responsibilities.

Perhaps the limits are too onerous, and are therefore being ignored. Would the Planning Board consider a relaxation of the Special Event Sign rules in some or all of the following manners?

1. Eliminate the requirement that “such sign shall identify (...) the date of the event”.
Most illegal temporary business signs would not comply with this rule. Also, the requirement is not really practical or necessary for most retail sales events.
2. Modify the requirement that “such sign shall comply with all provisions of Sections 7.3 and 7.4” to allow temporary signs in village district that are made of plastic, other petroleum based products, or sheet metal (see zoning bylaw section 7.4.1).
Many temporary signs are made from these materials, although the tear-drop fabric signs are rather popular at the moment.
3. Delete the limitation that “the number of times such a SIGN may be ERECTED shall not exceed four events per PRINCIPAL USE and calendar year”.
There are more than 4 special sales opportunities in a calendar that businesses want to take advantage of.
4. Change the 28 day per calendar year limit to “The display of such SIGNS shall be limited to 90 (or perhaps only 60) days per PRINCIPAL USE for each calendar year.”
Just during the December holiday season, businesses go through 30-35 days where they might want special event signage.
5. Insert, only by way of emphasis, that such signs require a sign permit from the ZEO.
This is already required by reference in section 7.6, but it gets lost there.
6. Add that a principal use (i.e. a business) can obtain a one-time ‘blanket’ sign permit for different special event signs throughout the calendar year, with dates and time periods stated in the permit and which dates may be changed by filing an amended permit application.
This would ease our administrative burden and should be received favorably by the business community.

My thought is that, if the Town eases its rules for temporary signs – call it a “good will gesture”, we can promulgate and publicize them to businesses and perhaps get more buy-in from businesses to play by the new, more relaxed rules. This could reduce the blatant gap between the current, more stringent rules and the reality on the ground. We may then have a shot at achieving compliance through enforcement on the hopefully much fewer violators. In this change, the only major concession by the Town would be the substantive increase of the overall number of days per calendar year in which a special event sign can be posted.

I realize that this may not be the end-all solution for dealing the proliferation of temporary signs, and that the strategy may fall short of its goals. The bleak alternatives at this point appear to be:

- Ignoring the issue, which is an invitation to let things rapidly get worse.
- Begging for special fund appropriation to stage a massive and systematic crack-down, which is not likely to succeed in this fiscal climate.
- Spinning our wheels with occasional spot enforcements with results not much different from just ignoring the issue.

Please consider and share your thoughts on how to proceed.

Cc: Town Manager