

Amended through  
Town Meeting

APRIL 2010

## SIGN BYLAW

---

### TOWN OF CONCORD, MASSACHUSETTS



# Town of Concord

## Sign Bylaw

### 1. PURPOSE AND INTENT

The purpose and intent of this bylaw shall be to regulate, restrict and place such limitations on the size, location, type and illumination of all signs as will assure that they will (a) be appropriate to the land, building or use to which they are appurtenant; (b) be protective of property values and the safety of the public; and (c) not unnecessarily detract from the historic qualities and characteristics of the Town of Concord.

### 2. PERMIT REQUIREMENTS

a) **General.** Except as otherwise provided herein, no sign shall be erected, altered or relocated without a permit issued by the Building Inspector. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Building Inspector at the time the permit is issued, unless the sign is located in the Historic Districts or unless the sign permit is being issued pursuant to a decision of the Board of Appeals.

b) **Signs in Historic Districts.** Each application with respect to a sign within an Historic District must be accompanied by a certificate of appropriateness from the Historic Districts Commission, unless such sign is exempt from the requirement of such certificate under Section 6 of Statute 1960, Chapter 345.

c) **Applications.** The applicant must submit to the Building Inspector a completed sign permit application, together with all supporting materials specifying building and sign dimensions, colors, attachment methods, position of the sign, and any other such pertinent information the Building Inspector may require to insure compliance with this bylaw and any other applicable laws. A permit shall be issued only if the sign conforms to the provisions of this bylaw and all other applicable laws.

d) **Fees.** Fees for sign permits shall be paid in accordance with the schedule of fees for permits set forth in the Building Code.

e) **Nullification.** A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided, however, that the Building Inspector may, in his or her discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.

f) **Inspection.** Any sign may be inspected periodically by the Building Inspector for compliance with this bylaw and other requirements of law.

g) **Existing Signs.** Existing signs are defined as those erected before April 9, 1987, and are classified into one of four separate categories. These are:

- (1) Conforming signs which comply with all provisions of this bylaw in its most recently amended form.

- (2) Prohibited signs, as specified in Section 6.
- (3) Non-conforming signs, which do not comply with one or more provisions of this bylaw in its form, prior to the April 1987 Annual Town Meeting, but which are not described as prohibited signs in Section 6.
- (4) Non-conforming protected signs, which fully complied with this bylaw prior to the amendments approved by the April 1987 Annual Town Meeting.

h) **Removal of Existing Signs.** Non-conforming signs which are enlarged, reworded, redesigned, replaced, or altered in any way including repainting in a different color or relettering, shall comply immediately with all provisions of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement value of the sign at the time of replacement shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.

i) **Removal of Signs.** The Building Inspector shall order the removal of any new sign erected or maintained in violation of this bylaw. Fourteen days notice in writing shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw.

### 3 . ADMINISTRATION AND PENALTIES

a) **Enforcement.** The Building Inspector is hereby authorized and directed to enforce all of the provisions of this bylaw.

b) **Failure to Act on Permit.** If no sign permit has been issued within 30 days after the application therefor has been made, it shall be deemed to be denied.

c) **Board of Appeals.**

(1) **Right of Appeal.** Any applicant for a permit, any person who has been ordered by the Building Inspector to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision of the Building Inspector, may appeal to the Board of Appeals within 20 days from the date of such refusal, order, or decision. After notice given to such parties as the Board shall order, the Board of Appeals shall hold a public hearing. Applying the standards in clause (2) below, where applicable, and interpreting this bylaw, the Board shall affirm, annul or modify such refusal, order, or decision. The action of the Building Inspector may be annulled or modified only by a majority decision of the Board. If the action of the Inspector is modified or annulled, the Building Inspector shall issue a permit or order in accordance with the decision of the Board.

(2) **Variances in Specific Cases.** The Board of Appeals may vary the provisions of this bylaw in specific cases which appear to them not to have been contemplated by this bylaw, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if, in each

instance, desirable relief may be granted without substantially derogating from the intent and purpose of this bylaw but not otherwise. Any decision to vary the provisions of this bylaw shall be by majority and shall specify any variance allowed and the reasons therefor. Each decision of the Board of Appeals shall be filed in the office of the Town Clerk within thirty days after the hearing and a copy of the decision shall be sent by mail or delivered to the appellant and any other person appearing at the hearing and so requesting in writing. Failure to file such a decision within thirty days after the hearing shall not be deemed to be approval of any variance sought.

(3) **Conditions and Safeguards.** The Board shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

d) **Penalties.** Any sign owner or owner of property on which a sign is located who violates or permits a violation of this bylaw, shall be subject to fines as established under the Non-Criminal Disposition Bylaw, said fine to begin after the later of (1) the date of issuance of any written notice given by the Building Inspector or (2) the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

#### 4. ILLUMINATION

a) Exterior illumination of signs shall be so shaded, shielded or directed that they shall not reflect or shine on or into neighboring premises or into any public street.

b) The intensity of such light shall be deemed acceptable if it does not exceed a factor of 3 above the ambient light intensity at any point on the ground when measured with an incident light meter and the following procedure:

- (1) The intensity of the sign illumination, in foot candles, is measured with all normal background and ambient illumination on.
- (2) With the sign turned off, the same measurement is repeated.
- (3) The ratio of the measurement in (1) to that in (2) shall not exceed 3.

c) No sign shall be illuminated between the hours of 11:00 P.M. and 7:00 A.M. except in those cases where the premises are open for business during such time or unless authorized by the Board of Appeals.

#### 5. SIGNS PERMITTED IN ALL DISTRICTS

a) **Street Banners.** Street banners which are placed within the Town right-of-way at 100-200 Main Street, 1200-1300 Main Street, or 68-86 Thoreau Street providing notice of a public entertainment or advertising a charitable, religious or educational event, as may be specifically approved by the Town Manager, may be displayed in locations designated by the Town Manager for a period of time not to exceed 8 consecutive days, the first of which shall occur not more than 7 days prior to such entertainment or event. All said banners shall be removed within 24 hours after such entertainment or event.

b) **Temporary signs.** Permits for temporary construction and real estate subdivision signs located on the premises may be issued by the Building Inspector provided these signs shall be appropriate to the use being made of the premises and shall conform to the requirements for signs in the district in which the temporary sign is located.

c) **Form Signs.** Permits for a sign consisting exclusively of a human, animal or product form with or without lettering of any kind may be issued by the Building Inspector only with the approval of the Board of Appeals, if a majority of said Board, after notice and a public hearing, shall find and rule that maintenance of such a sign will not be detrimental or injurious to the neighborhood and that granting of such a permit will not substantially derogate from the purposes of this bylaw. Any such permit may be revoked by a majority of said Board of Appeals at any time, after notice and a public hearing, whenever any condition attached to the granting of such permit shall be violated or whenever, in the opinion of a majority of said Board, maintenance of the sign would be detrimental or injurious to the neighborhood or would substantially derogate from the purpose of this bylaw.

d) **Religious and Educational Non-profit Institutions.** One sign, including bulletin or announcement board, identification sign or entrance marker is allowed for the principal entrance to the premises of a church, synagogue, or other religious institution, or school, museum, library, or other not-for-profit organization, not exceeding twelve (12) square feet in area. One additional sign, not exceeding twelve (12) square feet in area is also allowed if the establishment has frontage on a second public way. Up to nine (9) additional square feet of signage is also allowed to provide information to users on the site, provided that no single sign exceeds three (3) square feet.

e) **Restaurants.** In addition to other signs permitted by this bylaw, restaurants and other food service establishments may post an actual menu on the building where the premises are located near the main entrance door of the establishment without obtaining a permit under this bylaw.

## 6. PROHIBITED SIGNS

a) Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited. No such sign shall remain in place or on vacated premises for more than ninety days from the date the vacancy commenced.

b) Signs which contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices are prohibited.

c) Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, are prohibited.

d) Signs illuminated by other than a stationary white or off-white steady light are prohibited.

- e) Signs which are pasted or attached to utility poles, trees, fences, or structures such as overpasses and bridges are prohibited. Signs pasted or attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
- f) Mechanically activated signs, other than rotating barber poles, are prohibited.
- g) No free standing sign or part thereof shall be more than twenty (20) feet above ground level. No projecting or wall sign or part thereof may be higher than the wall to which it is attached. Roof mounted signs are prohibited, except that signs may be placed upon a Mansard roof or the roof of a porch provided the twenty (20) foot height limit is complied with.
- h) Signs which are not permanently affixed to a building, structure, or the ground including, but not limited to those used in conjunction with gasoline service station and automobile dealerships, 'sandwich board' or A-frame signs (except when permitted under 8(h)), and signs mounted on a truck or trailer chassis with or without wheels whose primary function is as a sign and not for the transport of goods or merchandise, are prohibited.
- i) Any new or existing sign not erected pursuant to and in accordance with the requirements of this bylaw, is prohibited.<sup>1</sup>
- j) Signs on a marquee or canopy are prohibited.<sup>2</sup>
- k) A sign advertising businesses, services or activities located at different premises from the premises on which the sign is located, is prohibited, except street banners pursuant to Section 5a.

## **7. RESIDENCE DISTRICTS.**

In a residence district the following signs only are permitted:

- a) A sign of not more than two square feet in area, displaying the street number, the name of the occupant of the property and/or historical references, if any, without the need for a permit under this bylaw. Such sign may include identification of an accessory professional office or other accessory use approved by the Board of Appeals.
- b) Signs pertaining to the lease or sale of a lot or building without the need for a permit under this bylaw, provided that such signs do not exceed a total area of nine square feet nor more than 3-1/2 feet in any dimension, until such time as all lots, apartments or houses have been rented or sold.

---

<sup>1</sup> See Section 2-H for guidelines pertaining to nonconforming signs.

<sup>2</sup> See Section 8-E for exception to lettering on awnings.

c) One contractor's sign, not exceeding 12 square feet in area (except as otherwise provided by law) maintained on the property while construction is in progress, and containing information relevant to the project. Such sign shall not require a permit under this bylaw and shall be removed promptly after completion of construction.

d) One sign identifying each public entrance to a subdivision or multi-family development such as apartments or town houses, of not more than nine square feet in area, nor more than 3-1/2 feet in any dimension. In addition, each family unit may carry a single sign of not more than one square foot, without time limit.

f) For gasoline service stations and farm stands, one identification sign not to exceed twelve (12) square feet in area except when the establishment fronts on Route 2, then twenty-five (25) square feet. In addition, product identification signs for gasoline service stations and farm stands may be maintained, provided the total of said signs does not exceed nine (9) square feet in area with no single sign to exceed three (3) square feet in area. Further, farm stands will be allowed to have additional signage for the specific purpose of advertising products grown on their property. These additional product signs may not exceed twenty-five (25) square feet each, except for farm stands on Route 2, which may have signs of fifty (50) square feet each. There shall not be more than two (2) such product signs per farm stand.

## 8. BUSINESS, LIMITED BUSINESS AND INDUSTRIAL DISTRICTS

a) **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

b) **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

(1) The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(2) A projecting sign shall not extend beyond the curb line or more than 50 inches, exclusive of any supporting structure from the building. A projecting sign shall not be less than 10 feet from the ground level at the base of the building, over a vehicular way, 10 feet over a sidewalk, or a lesser distance so long as public safety is not endangered nor more than 20 feet from the ground level to the top of the sign. Allowable area of a projecting sign will be computed as one-half (½) square foot for each horizontal linear foot of

the facade of the establishment on which it hangs. Such sign shall not extend above the building, nor be more than twelve (12) square feet in area.

- (3) A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

c) **Secondary Signs.** If a business establishment consists of more than one building, or if a building has secondary frontage on a street or parking area, a secondary sign may be affixed to one wall of each building or to the second side. Secondary signs shall not exceed one square foot for each horizontal linear foot of secondary frontage on a street or parking lot, and said area shall be in addition to the allowed total sign area for each building under Section 8A, but the size of the sign shall not exceed the maximum size allowed under Section B.

d) **Directories.** Where there are three (3) or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

e) **Awnings.** Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height. No awning may extend within two (2) feet of a curbline.

f) **Temporary Sale Signs.** In a business district, temporary signs, advertising special promotions or sale of merchandise, may be attached to or located only within the interior of a window or door, and shall not require a permit under this bylaw or be considered in calculating the total permitted sign area for the lot.

g) **Signs Painted on Windows.** In a business district, script describing a product or theme and not including the name of the business. Such signage shall not require a permit under this bylaw or be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six (6) inches in height.

h) **Sandwich Boards.** One “A” frame Sandwich Board sign per business premises shall be permitted (including within the public right-of-way (sidewalk only), except in conditions of snow or ice), in addition to the other signs permitted under this Section 8, such signs shall not require a permit under this bylaw, subject to the following conditions:

- (1) The sign shall only be displayed in front of the place of business, adjacent to the buildings only, and not along the curb.
- (2) The sign shall not exceed 24" in width and 48" in height.
- (3) The sign shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic or reduce the open sidewalk width to less than four feet.
- (4) The sign shall be free of sharp corners, protrusions and devices which could inadvertently cause injury.
- (5) Liability insurance coverage shall be carried, and evidence of same may be requested by the Building Inspector. Said insurance must cover personal injuries or property damage which may occur in such areas. Such liability insurance coverage shall be extended to include the Town of Concord as an additional insured on the liability insurance policy in the amount of one million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) per occurrence for any and all claims which may arise, for any reason, as a result of the placement of such sign. The business shall also require the insurer to give at least thirty (30) days written notice of termination, reduction or cancellation of the policies to the Town.
- (6) In response to specific safety concerns, the Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days when sidewalk congestion is excessive.
- (7) The sign may be displayed only during business hours and must be removed from the sidewalk thereafter.

## **9. BYPASS DISTRICTS**

In the Bypass District, the same restrictions on signs shall apply as in Business Districts. In addition, any nonconforming or prohibited sign, not authorized by the Massachusetts Highway Department under the provisions of Section 29 of Chapter 93 of the General Laws shall be removed.

## **10. INDUSTRIAL PARKS DISTRICTS**

In Industrial Parks the same restrictions on signs shall apply as in Business Districts except that a directory sign not to exceed 50 square feet in area may be placed at each public entrance to such park and more than one freestanding sign for the purpose of traffic direction and control may be erected, and shall not be included in the total permissible sign area calculations for the lot(s) within the Park.

## **11. MEDICAL PROFESSIONAL DISTRICTS**

- a) **Total Sign Area.** Unless otherwise hereinafter provided, the total area of all signs erected on a lot shall not exceed one and one-half (1½) square feet in area for each horizontal linear foot of the building face(s) parallel to, or substantially parallel to, a street line. However, if the primary facade is on a parking area, then said facade shall be used to determine the amount of allowable signage.

b) **Principal Signs.** No more than two principal signs shall be allowed for each business establishment. A principal sign may be a flat wall sign, a projecting sign, or a freestanding sign.

(1) The total area of all flat wall signs shall not exceed fifty (50) square feet on any one wall of the business establishment. Flat wall signs shall not project more than twelve (12) inches from the face of the wall. Subject to the approval of the Building Inspector, a flat wall sign may be located anywhere on any wall of a building, provided that it does not conceal any part of a window, and that its length does not exceed seven-eighths (7/8) of the facade of the business establishment.

(2) A freestanding sign shall not exceed fifty (50) square feet of area when the establishment fronts on Route 2, or more than twenty-five (25) square feet of area when the establishment fronts on a street other than Route 2. No more than one freestanding sign shall be permitted on a lot. A freestanding sign shall not extend over a public way.

c) **Directories.** Where there are three (3) or more professional businesses on a lot, or there are businesses without an entrance on the street frontage, a directory may be permitted for the purpose of traffic direction and control. The size of the directory shall not exceed nine (9) square feet plus one and one-half (1½) square feet per business establishment. Such a directory shall be included in the calculation of total permitted sign area for the lot.

## 12. SPECIAL PROVISIONS

a) **Gasoline Service Station Signs.** In addition to the signs permitted in the foregoing sections, gasoline service stations may maintain product identification signs, provided the total area of said signs does not exceed nine (9) square feet with no single sign to exceed three (3) square feet.

The standard type gasoline pump bearing the name or type of gasoline and the price in usual size and form shall not be deemed a sign within the meaning of this Bylaw.

b) **Public Interest Signs.** Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing" shall be exempt from the permit requirements of this bylaw, provided they do not exceed two (2) square feet in area.

c) **Directional and Traffic Safety Signs.** Signs indicating "entrance", "exit", "parking", or similar traffic directional information, shall not exceed three (3) square feet in area per sign. Provided these signs are erected on the lot pursuant to a Town or State regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot.

d) **Political, Ideological, Charitable Purposes or Religious or other Personal, Non-commercial Message.** Permanent displays or notices of events for charitable purposes require a permit from the Building Inspector and shall not exceed the maximum dimensional limitations for the district in which they are located. Except

as provided in Section 5(d), temporary display of charitable ideas or expressions of political, religious, ideological ideas shall be exempt from the provisions of this bylaw, subject to the following:

- 1) No such sign shall be affixed to a tree or utility pole or otherwise erected in a public way.
- 2) Signs may be erected in the Town's right of way by a homeowner in front of his or her own home, provided: a) there is no protrusion into the public walkway or roadway; b) placement will not damage any plantings that are in the area; c) placement does not pose a hazard to passersby; d) posted signs include the contact information of the sign owner attached in a visible manner to the sign; and e) signs may not be posted for more than two weeks without approval in writing of the Town Manager.
- 3) Signs may be erected on other Town property only with the approval of the Town Manager consistent with the Town's APP #48 policy statement.

Temporary signs erected on Town property or right of way or other disapproved locations not meeting all of the foregoing conditions may be removed and stored at a Town facility awaiting the owner's retrieval for a period not to exceed 30 days, after which they may be discarded.

### 13. DEFINITIONS

a) "**Sign**" means any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national or state flags, athletic scoreboards, official announcements or signs of U.S., Massachusetts or Town government (including any signs on Town property or the Town right-of-way) approved by the Board of Selectmen, or temporary holiday decorations customarily associated with any national, local or religious holiday.

b) "**Area of Sign**" - The area of a freestanding or attached sign shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing.

The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted.

The area of a sign consisting of individual letters or symbols attached to, or painted directly on, a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols.

A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

c) "**Business Establishment**" means as independent economic unit, in a single physical location, where a business is conducted.

d) "**Temporary Signs**" (as opposed to 'permanent signs') are signs erected for a period not to exceed sixty (60) consecutive days.

e) "**Ghost sign**" means an advertisement that was installed prior to 1960. Such "ghost sign" shall be allowed by sign permit from the Board of Appeals to remain, to be stabilized or restored to the original condition when such sign is considered an important reflection of the everyday social and economic life of years past. Such signs shall not count toward the allowable square footage or allowable number of signs of a business or parcel of land.

f) Other terms shall, where applicable, have the meanings given to them in the Concord Zoning Bylaw.

#### **14. INTERPRETATION AND CONFLICT CLAUSE**

These regulations are not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

#### **15. SEVERABILITY CLAUSE**

The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or application of this bylaw.

Adopted under Article 56  
(replaced previous Sign Bylaw)  
2010 Annual Town Meeting  
April 29, 2010