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## **PLANNING BOARD**

**Planning Board Report: ZBL-2009-3**  
**Citizens' Petition to Amend the Grafton Zoning By-Laws Referencing**  
**Changeable Electronic Variable Message Signs (CEVMS)**  
**Article 46: May 11, 2009 Town Meeting**

April 28, 2009

At their meeting on April 13, 2009 the Grafton Planning Board conducted a public hearing to consider a proposed amendment to the Grafton Zoning By-law (ZBL) submitted by citizen petition. Board members present were Chairman Christophe Courchesne, and Members Robert Hassinger, and Bruce Spinney III. Those individuals wishing to speak to the proposed amendments were heard.

The proposed amendment would add a definition for Changeable Electronic Variable Message Signs (CEVMS). It would also amend section 4.4.2.1 of the ZBL to permit these signs in all districts where illuminated signs are allowed as long as they met all dimensional and location standards as well as conformed to the proposed standards for (a) Duration of Message; (b) Transition Time; (c) Brightness; (d) Flashing and Scrolling; and (e) Temperature and Time information.

The article was reviewed by Town Counsel for compliance with state laws as well as to form and was found satisfactory.

The Board heard testimony advocating passage of the proposal from the major proponent, the Grafton Suburban Credit Union. The testimony described the development of the proposed standards as a conservative compromise to allow CEVMS but with only very limited changes to the messages on signs (requiring long durations for each message and not permitting any scrolling or other quick movements) that had won the support of the Building Inspector. The Board also heard testimony regarding the following: prohibiting the installation and use of such signs within a designated town historic district; the ability to use such message signs to relay public safety messages from the local government, as necessary; and the regulation of the intensity and colors of such signs to protect the travelling public from undue distraction. During the hearing, the Board discussed the flagrant non-compliance of many businesses in Grafton with the current provisions of the ZBL, which prohibit CEVMS in all districts. The Board heard testimony from the Building Inspector that the proposed standards were an outgrowth of his efforts to address the non-compliance in a cooperative way with the local business community, and to assist a local business currently *in* compliance, the Grafton Suburban Credit Union, with its plans to make use of a non-changing CEVMS in a recently installed sign.

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The Board concluded that the proposed amendments strike a reasonable balance between, on the one hand, allowing local businesses to advertise their goods and services to motorists in an effective and visible manner and protecting public safety and the aesthetics and character of roadways. The Board noted, however, that the good citizenship of the major proponent of these standards, the Grafton Suburban Credit Union, appeared to be the exception rather than the rule with respect to CEVMS. In this context, the Board concluded that the proposed amendments would provide a workable scheme only if the Town adopted non-criminal disposition of by-law violations, thus making enforcement of the new standards possible at an expense the Town can afford. Further, the Planning Board also found that, in general, the Zoning By-Law (ZBL) does not adequately address issues regarding lighting intensity or the use of multiple colors on signs, and such issues should be addressed in the future.

In response to testimony provided by the Historic District Commission, the Planning Board recommends that the first sentence of the proposed Section 4.4.2.1 be amended to include the following: "Notwithstanding the prohibitions set forth herein, CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) shall be permitted in all districts where illuminated sign(s) as otherwise defined in this By-law are allowed, **except in officially designated historic districts.**

In response to comments provided by the Chief of Police requesting access to such message signs for public safety notices, the Planning Board does not oppose such a requirement as long as compliance is voluntary.

After receiving testimony and reviewing the proposed amendments authorizing CEVMS subject to certain restrictions under the Zoning By-Law, the Planning Board voted to recommend adoption of Article 46, subject to the considerations noted above.