



TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext 120 • FAX (508)-839-4602
www.town.grafton.ma.us

PLANNING BOARD

Planning Board Report: ZBL-2009-5
Citizens' Petition to Amend the Grafton Zoning By-Laws Referencing
Changeable Electronic Variable Message Signs (CEVMS)
Article 25: October 19, 2009 Town Meeting

October 1, 2009

At their meeting on September 28, 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 Bruce Spinney III, Vice Chairman Robert Hassinger, Clerk Peter Parsons, Members Heath Christensen & Stephen Qualey and Associate Member Sadie Miller. Those individuals wishing to speak to the proposed amendments were heard.

The proposed amendment represents a substantial change from the amendment that was presented and withdrawn at the May 2009 Town Meeting. The May 2009 version added a definition for Changeable Electronic Variable Message Signs (CEVMS). It also sought to 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 proposed standards for (a) Duration of Message; (b) Transition Time; (c) Brightness; (d) Flashing and Scrolling; and (e) Temperature and Time information.

As stated, the proposed Changeable Electronic Variable Message Signs amendment presented to the Town for the October 19, 2009 Town Meeting is substantially different from the earlier version. The changes include the following:

1. Under (a) Duration of Message: the time has been reduced from **5 minutes to 5 seconds**;
2. **(b) Transition Time** has been deleted;
3. **(d) Flashing and Scrolling** has been deleted;
4. **(e) Temperature and Time** has been deleted;
5. Under the revised language a new provision has been added: **(c) All CEVMS will be exempt from section 4.4.2.3. This section deals with Dimensions of a Sign.***

*** It should be noted that the proponents of the amendments acknowledged that the Section 4.4.2.3 citation was in error, and that the proper citation would have exempted CEVMS from Section 4.4.2 (3). This section requires that any illuminated sign be shut off thirty (30) minutes after closing of any store or business.**

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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 CEVMS amendment from the proponents, who felt that the signs had been beneficial to their businesses. They further stated that the proposed language reflected the characteristics of the existing signs, specifically along Worcester Street. Additionally, testimony was presented that the current language in the Zoning By-law for signs was written a number of years ago, does not reflect the recent changes in sign technology, and should be updated to include CEVMS.

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. Also discussed was the impact of these signs on town character. The Planning Board noted that while the proposed language was tailored to the existing signs along Worcester Street, if passed, it would affect the entire town. Finally, in response to the proposed change reducing the fixed time a message is displayed from five (5) minutes to five (5) seconds, the Chief of Police recommended that the duration of a message should not be less than two (2) minutes.

The consensus of the Board was that the proposed CEVMS amendment was too narrow in scope and, like the proposed amendment presented in May 2009, did not adequately address the issues detailed above. The Board further found that there was an unresolved technical deficiency with the incorrect citation of Section 4.4.2.3 instead of Section 4.4.2 (3). The Board indicated that it would not support an exemption for only one sign type from the requirement under Section 4.4.2 (3) to shut off all illuminated signs thirty (30) minutes after the closing of any store or business without adequate notice and input from the owners of other types of illuminated signs.

In summary, the Board concluded that it could not support the proposed amendments as presented but, depending on action taken by Town Meeting, would consider working with the business community to see if more comprehensive language could be developed. Based on these considerations, the Planning Board voted to **recommend that this Article be passed over.**