

available, the Design Review Committee may retain, with prior approval of the Board of Selectmen, the services of an architect, landscape architect or civil engineer.

History: Amended 5-2-2011 ATM, Article 17, approved by Attorney General 8-23-2011.

§174-48.1 Plan Review Committee:

History: Added 10-18-2004 ATM, Article 35, approved by Attorney General 12-16-2004.

A. A Plan Review Committee shall be established to perform the functions described in §174-24, to otherwise advise the Building Inspector, Board of Selectmen, Planning Board and Board of Appeals on matters related to the areas of expertise of its members, and to provide informal advice and review to prospective applicants for permits under this chapter.

History: Amended 5-2-2011 ATM, Article 17, approved by Attorney General 8-23-2011.

B. Membership of the Plan Review Committee shall consist of the Building Inspector, Health Agent, Town Planner, Conservation Agent, Fire Chief, Police Chief, Director of Public Works and Town Manager or their designees. The Committee may organize itself in any way it deems appropriate and establish rules and procedures it deems necessary for the performance of its functions. The Committee may meet as a group to discuss projects, in which case it shall follow the requirements of the "Open Meeting Law", or it may establish procedures under which, for certain types of uses, the members may file individual recommendations regarding a project with the Building Inspector, who shall compile the Committee's decision or recommendation letter, provide it to the applicant and, if appropriate, to the Special Permit granting authority, and record it with the Town Clerk

ARTICLE X - Signs

§174-49 Intent:

It is the intent of this Article to protect, conserve and improve the visual quality of the Town of Mashpee while providing reasonable regulations and control of the erection and maintenance of signs and advertising devices without restricting the conduct of lawful enterprise.

§174-50 Compliance Required:

Except for signs erected by government agencies, or mandated by government regulations, no sign or advertising device of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure in Mashpee except as permitted by this Article.

History: Amended 10-15-2007 ATM, Article 20, approved by Attorney General 1-28-2008.

- A. **New Signs.** A new sign shall not be erected, constructed, altered or maintained except as herein provided and until after a sign permit has been issued by the Building Inspector and the bond, if required, shall have been filed in accordance with §174-56.
- B. Pre-existing signs in existence on September 1, 1985 may continue. All other signs must be permitted as required by this Chapter.
- C. Any sign allowed under this Chapter may, in lieu of any specified copy, only identify the occupancy of such premises or advertise the articles and services available within said premises, or contain any otherwise lawful, noncommercial message. In order to avoid public safety problems related to misdirection of emergency response services, signage should, if possible, avoid duplication or avoid like sounding names or properties and business establishments.

- D. **Alterations.** A sign shall not be enlarged or relocated except in conformity with the provisions of this chapter for new sign permits or Special Permit modifications nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter, shall not be deemed an alteration, provided that the conditions of the original approval and the requirements of this Article are not violated.
- E. Dimensional measurement of signage.
1. For freestanding signs, square footage shall be measured at the outside perimeter of the structure on which the sign is located, exclusive of the portion of any supporting posts or similar structure below the lower edge of the sign face. Signage on the reverse side of the sign face will not be counted additionally. The top edge of any such freestanding sign shall not be higher than fifteen (15') feet vertical measure above the average level of the ground between the supports of each sign.
 2. For building signs, square footage shall be measured at the outside perimeter of the sign board, if separately attached to the building, or for signs consisting of separately attached or painted letters or symbols, as the maximum height of said letters or symbols time the maximum distance between the left side of the first letter or symbol and the right side of the last letter or symbol. Signage on the reverse side of projecting signs will not be counted additionally. Signs on awnings shall be measured in the same manner as separately attached or painted letters or symbols, unless, in the opinion of the Special Permit granting authority, such awning is intended primarily as an advertising device or support for said signage, in which case the entire surface area of the awning will be counted as signage.
 3. Signs attached to walls and structures other than buildings shall be measured in the same manner as building signs, unless in the opinion of the Special Permit granting authority, or the Building Inspector for projects not involving a Special Permit or a sign over twenty (20') square feet, such wall or structure is intended primarily as an advertising device or support for said signage, in which case the entire surface area of the wall or structure will be counted as signage.

§174-51 Required Review and Permits:

History: Amended 10-15-2007 ATM, Article 20, approved by Attorney General 1-28-2008.

- A. All new signs over six (6') square feet tall require issuance of a sign permit for said sign by the Building Inspector, after review and comment by the Design Review Committee. Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the Building Inspector showing the dimensions, materials and required details of construction, including loads, stresses and anchorage, where required. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
- B. Except where permitted or proposed as part of development for which a Special Permit has been issued by, or is required from, the Planning Board, any new sign exceeding twenty (20') square feet, and any awning sign, shall require a Special Permit from the Board of Appeals, in accordance with Article VI.
- C. For any building or other development requiring a Special Permit from the Planning Board or Zoning Board of Appeals, location and size of any building or freestanding signage shall be in conformance with the provisions of this article as specified on the

approved Special Permit plans. Modifications to location and size of such signage may be approved by the Special Permit granting authority as a minor Special Permit modification under §174-24 C(9)(a).

§174-52 Prohibitions:

History: Amended 10-15-2007 ATM, Article 20, approved by Attorney General 1-28-2008.

- A. **Moving or flashing signs.** In order to avoid, in the opinion of the zoning enforcement officer, a distraction or hazard to any vehicle operator or pedestrian upon any way, no sign or display, any part of which is designed intentionally to move, and no sign illuminated by or including any flashing or oscillating light shall be permitted. Strings, banners, pennants or so-called whirligigs and the like shall be included in this prohibition, which shall also apply to window signs, as denied herein. A sign which is designed, for structural reasons, to align itself with direction of the wind shall not be considered a moving sign.
- B. **Overhanging signs.** No signs shall be permitted which overhang public ways, however, this provision shall not apply to street-name signs nor to signs or devices erected by the Town, County or Commonwealth for the direction and control of traffic, nor shall this provision apply to signs permitted under Subsection D.
- C. **Signs on trees, etc.** Except for signs warning of danger or prohibiting trespass or the like, no sign shall be printed on or affixed to any tree, fence, utility pole, rock or ledge, nor painted or posted on any wall without an intermediary removable surface.
- D. **Private signs on town property.** Unless a permit for such a sign is authorized by the Board of Selectmen, no such signs are permitted. No such authorization shall be given until after a duly advertised public hearing. Except for setback from property lined, any such signs shall conform in all respects to all other provisions of this Article. All permits issued hereunder shall be subject to the provisions of §174-56. Permits for such signs may be revoked at any time by the Board of Selectmen.
- E. Portable signs, including portable signs attached to a permanent post or installed on any portable vehicle, except temporary real estate or contractor signs listed under §174-54 D, E and F are not permitted.
- F. Signs and billboards advertising products not sold, or services not available, on the property are prohibited.
- G. **Illuminated signs.** No sign or advertising device, including window signs, shall be internally lit or of neon, neon-type, fiber optic, LCD or illuminated tube type. Signs may only be externally lit or of a wall-mounted back-lit design. Lighting of any sign or advertising device shall be continuous (not intermittent or flashing or changing). In all zoning districts, for safety reasons, any private outdoor lighting fixture, exclusive of streetlights, whether temporary or permanent, shall be so placed or hooded so that no light beams shall be directed at any point beyond the lot lines of the premises illuminated. "Picture framing" of structures with lights, except for seasonal displays, shall not be permitted.
- H. Roof signs shall be prohibited.

§174-53 Maintenance:

- A. All signs, whether erected before or after the effective date of this chapter, shall be maintained in a safe condition to the satisfaction of the Building Inspector.

- B. When any sign becomes insecure, in danger of falling or otherwise unsafe or poorly maintained as evidenced by illegibility or excessive defacement or missing sections, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Article, the owner thereof or the person or firm maintaining same shall, upon written notice of the Building Inspector, forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this Article or shall remove it. If within ten (10) days the order is not complied with, the Building Inspector may remove such sign at the expense of the owner or lessee thereof. Any sign existing in a commercial or industrial district shall be removed within sixty (60) days, or such further period as allowed by written letter of the Building Inspector, following the permanent closing of the commercial or industrial operation. Any sign not removed in compliance herewith may be removed by the Building Inspector.

§174-54 Residential Districts:

- A. One (1) sign displaying the street number or name of the occupant of the premises or both, not exceeding four (4') square feet in area, is permitted. Such sign may be attached to a building or be freestanding and may identify any other permitted accessory uses on the premises.
- B. One (1) freestanding identification sign for permitted nonresidential building or use, not more than six (6') square feet in signboard area, is permitted. For churches, synagogues, mosques or institutions one (1) bulletin or announcement or identification sign on each building and/or one (1) freestanding bulletin or announcement or identification sign is permitted. Each church, synagogue, mosque or institution building sign shall be governed by §174-55 B. Freestanding signs up to six (6') square feet are allowed for those identified institutions. Freestanding signs may not be placed closer than five (5') feet from the property line or block line of sight for pedestrian and traffic safety if so determined by the D.P.W. Director.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- C. On premises with a lawfully nonconforming nonresidential use, one (1) sign of not more than six (6') square feet signboard area is permitted.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- D. One (1) "for sale" or "for rent" sign, not more than five (5') square feet in signboard area and advertising only the premises on which the sign is located, is permitted.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
- E. One (1) real estate sign, not more than five (5') square feet in signboard area, is permitted. Such sign shall be removed forthwith upon the signing of a legally binding purchase and sales agreement or lease agreement.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
- F. One (1) building contractor's sign on a building or site while actually under construction, not exceeding five (5') square feet in signboard area, is permitted. Such sign shall be removed forthwith upon completion or occupancy of the structure.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- G. No sign or advertising device shall be illuminated after 11:00 p.m., except as permitted by the Board of Selectmen, upon application to it for a permit, citing reasons for the exceptions.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.

- H. Subdivisions, condominium and apartment complexes. One (1) identification sign not to exceed six (6') square feet per entrance to subdivision, apartment and condominium complexes. Except for subdivisions over twenty (20) lots and complexes over twenty (20) units, one sign per entrance not to exceed twenty (20') square feet in sign area. For each subdivisions and complexes, two single face signs will be allowed, one for each side of the entrances, so long as the total signage does not exceed twenty (20') square feet.

History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.

- I. Two (2) nonilluminated noncommercial signs per lot not to exceed six (6') square feet per sign.

History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.

§174-55 Commercial and Industrial District:

Signs shall relate to the premises on which they are located and shall only identify the occupancy of such premises or advertise the articles and services available within said premises, except as provided for in §174-50 C.

History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.

History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.

- A. Temporary special event sign(s) and decoration(s) as allowed by permit from the Building Inspector for special events, grand openings, or holidays. Such signs and decorations may be erected seven (7) days prior to a special event or holiday and shall be removed within twenty four (24) hours following the event or holiday. For grand openings, such signs may be used for no more than seven (7) days from the date of the opening. This excludes those signs which need Board of Selectmen approval. Such signs shall be limited to no more than twenty (20') square feet and may not be located closer than five (5') feet to any lot line or block a line of sight for pedestrian traffic safety if so determined by the D.P.W. Director.

History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.

History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.

- B. Building signs are allowed up to ten (10%) percent of the aggregate square footage of the front wall area of the building, with wall area measured as total width times average height of the wall elevation being measured. Determination of which wall area shall be considered the front shall be by the Special Permit and by the Building Inspector where no Special Permit is required, with that wall facing the nearest street line normally considered the front. The square footage allowed may be applied to a single-sign, a series of signs representing individual businesses or any combination thereof. Such signs can be placed on or attached to any wall, but in no case shall the total of all building signs exceed ten (10%) percent of the front wall square footage, nor shall any wall have signage exceeding five (5%) percent of that wall's aggregate square footage (with said limit including any projecting window or awning signage). Where a building is divided into multiple units intended for occupancy by different owners or tenants, each unit shall be entitled to a share of the total building signage, as calculated above, equal to the proportion its total outside wall area comprises of the total outside wall area of the building of which it is a part, provided that the signage on its front wall may not exceed five (5%) percent of that wall's aggregate square footage. These signs can be any of the following: wall, window (per requirements in subsection E), projecting and awning. The top edge of each such sign shall be not higher than the top edge of the wall and no higher than the plate of a flat roof.

History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.

History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.

History: Amended 10-19-2015 ATM, Article 23, approved by Attorney General 1-19-2016.

- C. In an industrial or commercial district, one (1) freestanding sign is permitted on each lot, provided that it does not exceed forty (40') square feet in signboard area, does not exceed fifteen (15) feet in height and is not located closer than five (5') feet to any lot line or block a line of sight for pedestrian and traffic safety if so determined by the D.P.W. Director. In addition, two (2) non-illuminated noncommercial signs per lot, not to exceed six (6') square feet per sign, will be allowed in commercial and industrial districts.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
History: Amended 10-7-2002 ATM, Article 16, approved by Attorney General 11-27-2002.
History: Amended 10-16-2006, ATM, Article 31, approved by Attorney General 2-13-2007.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- D. Sign coverage of a window shall not exceed twenty five percent (25%) of the total window size, with the area of such signs included in the limits specified in subsection B above for the wall on which the window is located. A window sign shall be any sign, picture, symbol, or combination thereof that is placed inside a window or affixed to the windowpane of glass and is intentionally visible from the exterior of the window. No sign shall be affixed to the outside of a window.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- E. No sign shall have signboard area (or display area if no signboard) exceeding the dimensions allowed.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- F. **Illumination.** Except as otherwise prohibited herein, signs may be illuminated by any fixed steady light of such nature and in such manner that the brightness of the sign face does not exceed or project one hundred (100) lumens per square foot. Such illumination shall be so arranged that its exterior source is not directly visible from any way or occupied building, and no illumination shall be of a color that might be confusion to traffic. Holiday lights shall not be deemed as coming within the provisions of this subsection, but this subsection shall apply to window signs. Sign illumination is permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that the signs of commercial or industrial establishments may be illuminated during any hours that these establishments are open to the public or in operation. Illuminated signs on public buildings and land are exempt from this provision.
History: Amended 5-6-1997, ATM, Article 38, approved by Attorney General 9-25-1997.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- G. **Gasoline Stations.** Standard pump head signs of gasoline filling stations shall not be included in the total area of signs permitted, and no permit shall be required therefore, but they shall not be internally lit and shall otherwise conform with the requirements of this chapter.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.
- H. **Contractors and developers.** For each construction or development project, there may be issued a temporary sign permit for one (1) freestanding sign not to exceed twenty (20') square feet in signboard area, setting forth facts and names pertinent to the subject. Such signs shall be removed forthwith when the project is completed.
History: Amended 10-15-2007, ATM, Article 20, approved by Attorney General 1-28-2008.

§174-56 Bonds and Liability Insurance:

- A. **Filing.** A person shall not erect, install, remove, rehang or maintain over public property any sign for which a permit is required under the provisions of this chapter until approved bond or liability insurance shall have been filed in accordance with the requirements of the Board of Selectmen.

- B. **Conditions.** Such bond or insurance policy may provide that the town shall be protected and held harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor or his agents or by any reason of defects in the construction or damages resulting from the collapse, failure or combustion of the sign or parts thereof.
- C. **Notice of cancellation.** Any such obligation shall remain in force and effect during the lifetime of every such sign and shall not be canceled by the principle or surety until after thirty (30) days' notice to the Building Inspector.

§174-57 (Reserved)

§174-57.1 Violations and Penalties:

History: Added 10-15-2018 ATM, Article 11, approved by Attorney General 1-9-2019.

The Building Inspector or his/her designee shall enforce this Article and may issue a fine, as set forth below, for violations of the within Zoning Bylaw regarding Signs. Such violations shall be subject to noncriminal disposition in accordance with MGL C. 40, §21D.

| | |
|------------------------------|---|
| First offense | Warning |
| Second offense | Fifty Dollars (\$50.00) per sign |
| Third and Subsequent offense | One Hundred Dollars (\$100.00) per sign |

ARTICLE XI - Floodplain Zone Provisions

§174-58 General provisions:

Permits for new construction, alteration of structures or other development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), at or below the base flood elevation as specified within the A and V Zones (in unnumbered A Zones), in the absence of Flood Insurance Administration data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data from federal, state, local or other sources) as designated on special Flood Insurance Administration Flood Insurance Rate Maps dated July 16, 2014, and the Flood Insurance Study dated July 16, 2014, which are on file with the Town Clerk, Planning Board and Building Inspector, shall be approved subject to other laws and bylaws applicable thereto and to the following.

History: Amended 10-1-2001, ATM, Article 15, approved by Attorney General 12-6-2001.

History: Amended 5-5-2014, ATM, Article 14, approved by Attorney General 6-11-2014

§174-59 New Construction or Substantial Improvement:

New construction or substantial improvement* [repair, construction or alteration containing fifty percent (50%) or more of the market value of the structure before improvement or, if damaged, before the damage occurred] of residential structures shall have the lowest floor, including basement, elevated to not less than base flood elevations. New construction or substantial improvement of nonresidential structures shall either be similarly elevated or, together with attendant utility** and sanitary facilities, be floodproofed to not less than base elevations.

NOTES:

* Substantial improvement will have been deemed to occur when the first alteration of any structural part of the building commences.

c. 138. Twenty percent (20%) of the nine (9) licenses is 1.8. The number of retailers fewer than twenty percent (20%) presently equals one (1) for the Town of Mashpee; therefore, only one location would be currently allowed for the siting of a marijuana retailer. If the number of such licenses for the off-premises sale of alcoholic beverages should change, the number of allowed marijuana retailers could also change. Thus, this Bylaw does not establish a specific number of allowed retailers, but rather a formula for calculating the number of marijuana retailers that are to be allowed. Further, the proposed Bylaw amendment would restrict a Marijuana Establishment use (including a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business) to the Commercial (C-1, C-2, C-3) or Industrial (I-1) Districts upon issuance of a special permit.

Submitted by the Board of Selectmen

The Board of Selectmen recommends Town Meeting approval if Article 9 does not pass by a vote of 5-0.

The Board of Selectmen recommends Town Meeting Indefinitely Postpone Article 10 if Article 9 does pass by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 5-0

After a public hearing held on October 3, 2018, the Planning Board voted 5-0-0 to recommend Article 10 as printed in the warrant.

Motion made by Selectman Thomas O'Hara.

Motion: I move the Town vote to approve Article 10 as printed in the Warrant, with exception that, for Bylaw codification purposes, all references to "Section 174-45.6" appearing therein be changed to read "Section 174-24.K", that Subsections, "A, B, and C" of the proposed Bylaw be re-codified as "1, 2 and 3", and further, that the existing "Section 174-24.K" be re-codified as "Section 174-24.L".

Motion passes 421 yes 106 no at 8:28 PM.

Article 11

To see if the Town will vote to adopt the following Section §174-57 to the Zoning Bylaws in addition to the enforcement provisions of Section §174-102 to 105 to read as follows:

ARTICLE X – Signs

§174-57.1 Violations and Penalties

The Building Inspector or his/her designee shall enforce this Article and may issue a fine, as set forth below, for violations of the within Zoning Bylaw regarding Signs. Such violations shall be subject to noncriminal disposition in accordance with MGL C. 40, §21D.

| | |
|------------------------------|----------------|
| First offense | WARNING |
| Second offense | \$50 per sign |
| Third and subsequent offense | \$100 per sign |

or take any other action relating thereto.

Submitted by the Board of Selectmen

Explanation: This article establishes a Zoning Bylaw giving the Town an additional fining mechanism for violations of the Sign Bylaw.

The Board of Selectmen recommends Town Meeting approval by a vote of 5-0.

The Finance Committee recommends Town Meeting approval by a vote of 7-0.

After a public hearing held on October 3, 2018, the Planning Board voted 5-0-0 to recommend approval of Article 11 as printed in the warrant.

Motion made by Selectman Carol Sherman.

Motion: I move the Town vote to adopt Section §174-57 (Violations and Penalties) of the Zoning Bylaws in addition to the existing enforcement provisions of Section §174-102 to 105, as set forth in Article 11 of the Warrant, with the exception of the phrase, "or take any other action relating thereto."

Motion passes with a 2/3rds vote at 8:31 PM.

To be placed in the **General Bylaws**

Article

To see if the Town will vote to add the following new section §174 to the General Bylaws to read as follows:

Chapter 174 – Signs

§174-1 Violations and Penalties

The Building Department may issue a fine for violating the Zoning Bylaws regarding Signs. This is a noncriminal disposition in accordance with MGL C. 40, §21D.

| | |
|------------------------|---------|
| First offense | WARNING |
| Second Offense | \$50 |
| Third and more Offense | \$100 |

or take any other action relating thereto.

Submitted by the Building Commissioner

Explanation: Currently, there are no penalties for violating the Zoning Bylaws regarding signs. This will establish the penalties for violating said bylaws.