

## **Section 15(B) Signs<sup>2</sup>**

I. Purpose - The purpose of this by-law is to regulate, restrict, and place such limitations on the size, location, colors, type, illumination and other characteristics of all signs to assure that they will be appropriate to the land, buildings, or use to which they are appurtenant; be uniform within zoning districts; be protective of property values and the safety of the public; serve the informational purposes for which signs are intended while not detracting from the aesthetic qualities and characteristics of the Town of Foxborough. Terms used in this by-law that are not defined herein, shall have the meanings given in the Foxborough Zoning ByLaws.

### II. Applicability & Procedures

#### A. General

1. No sign shall be erected, altered or relocated without a permit issued by the building commissioner, except as otherwise provided herein. Where multiple signs are to be attached to a building, the exact location of the signs on the

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<sup>1</sup> ATM May 14, 2007, Article #15.

<sup>2</sup> ATM May 8, 1995, Article #23, removed Sign By-Law from the Zoning By-Laws and inserted new section to the General By-Laws.

building shall be subject to approval by the building commissioner or the board of appeals as applicable.

2. A sign(s), excluding window signs, located within a building or situated for viewing from within a building, stadium or similar sporting facility, shall not be governed by this by-law.

B. Fees - for sign permits shall be imposed in accordance with the schedule of fees for permits set forth by the board of selectmen.

C. Applications to the building commissioner

1. An applicant proposing to erect, alter or relocate a sign shall submit to the building commissioner a completed sign permit application, together with the required application fee and all supporting materials. It shall specify the building and sign dimensions, colors, attachment methods, location of the sign, method of illumination and any other pertinent information the building commissioner may require. A permit shall be issued only if the sign conforms to the provisions of this by-law and other applicable laws.

2. Any appeal from a decision of the building commissioner shall be filed within thirty (30) days from the date of such decision.

D. Applications to the Board of Appeals (the "Board")

1. An applicant proposing to erect, alter or relocate a sign for which a special use permit or a variance is required under this by-law shall submit an application for special use permits or variances together with the required application fee and other information required on the board's application form.

2. The application shall be filed with the town clerk and five (5) copies shall be filed with the board through the town planner. A certified list of abutters and abutters to abutters within three hundred (300') feet of the property line of the lot on which the sign is to be located is required to be filed with each copy of the application. An illustration of the proposal (to scale) as well as a brief synopsis of the request shall be included in the application.

E. Public Hearings before the Board of Appeals

1. With respect to those signs requiring a special use permit or a variance from the board, a public hearing shall be held within sixty-five (65) days from the date of submission of an application to the town clerk. Notice of the time, place, and subject matter of the hearing, and the name of the applicant and address of the property in question shall be mailed to abutters and abutters to abutters within three hundred (300') feet of the property line of the lot on which the sign is to be located. Notice shall be published in a local paper, once in each two consecutive weeks prior to the hearing and posted on the notice board at the town hall, not less than fourteen (14) days before the hearing.

2. Variance Criteria - the board of appeals may vary the provisions of this by-law in specific cases where a literal enforcement of this by-law would involve practical difficulties or unnecessary hardship, provided that the requested relief may be granted without substantially derogating from the purpose of this bylaw.

Among other factors in deciding whether to vary the provisions of this by-law, the board may consider the location and visibility of a building or sign from the

street, the proximity of the sign or use to potential users and abutters, topographic conditions, financial hardships, aesthetic considerations, and public safety issues. The board may also depending upon the facts and circumstances of a particular case, set forth appropriate conditions, safeguards and limitations on the time of illumination in order to promote the purposes of this by-law.

3. Special Use Permit Criteria - Among other factors considered when reviewing special use permit applications, the board shall place due regard to the nature and condition of adjacent structures and land uses, abutting zoning districts, unique economic considerations the proposed illumination of the sign, its size, location, color(s) and other aesthetic considerations, its impact on the integrity of the district where it is to be located and whether it will be detrimental to the general purposes of this by-law.

4. Decisions of the board shall be filed in the office of the town clerk within thirty (30) days after the close of the public hearing. A duplicate original of the decision shall be sent by mail to the applicant and any other person appearing at the hearing requesting a copy. No decision of the board on a variance or special use permit shall take effect until a copy of the decision, bearing the certification of the town clerk that thirty (30) days shall have elapsed after the filing of the decision with the town clerk and no appeal shall have been taken, or if appealed, the appeal shall have been dismissed or denied.

F. Nullification - A sign permit shall become null and void if the work for which the permit, special use permit or variance was issued has not begun within six (6) months of the date of issuance of the permit, special use permit or variance and thereafter diligently and continuously pursued to completion. However, the building commissioner may, for cause shown, issue extensions for a period not to exceed one (1) year from the date of issuance of the original permit, special use permit or variance, provided that the extension is obtained prior to the expiration of the original six (6) month period.

G. Existing Signs - Existing signs are classified into one of the three following categories:

1. Conforming signs which comply with all provisions of this by-law.
2. Pre-existing, non-conforming signs which do not comply with one (1) or more of the provisions of this by-law but which are protected by virtue of having been in compliance with applicable sign by-laws when erected.
3. Non-complying signs which do not comply with this by-law or which are not protected under the provisions of Section G.2 above.

H. Alteration of Existing Signs

1. Conforming signs may be erected or relocated in conformance with this by-law.
2. Pre-existing, non-conforming signs may be reworded, redesigned or repainted as of right.
3. Pre-existing, non-conforming signs may be enlarged, replaced, or dimensionally altered, provided that the sign is not rendered more non-conforming or the pre-existing nonconformity is not intensified as a result of the enlargement, replacement or alteration, and provided further that the cost of the enlargement, replacement or alteration shall not exceed fifty (50%) percent of the current replacement value of the sign.

## I. Administration and Enforcement

1. The building commissioner shall enforce the provisions of this by-law.
2. Any sign may be inspected by the building commissioner for compliance with this by-law and other applicable requirements of law.
3. The building commissioner may order the removal of any sign erected or maintained in violation of this by-law, by giving written notice to the owner of the non-complying sign or owner of the property on which a sign is located. Within thirty (30) days of any such order the offending sign shall be removed or brought into compliance with this by-law, as the case may be.
4. Any sign owner or owner of property on which a sign is located, who violates or permits a violation of this by-law, shall be subject to fines as established under the "non-criminal disposition" by-law. The fine shall take effect immediately following the later of:
  - a. thirty (30) days from the date of issuance of a written notice of violation given by the building commissioner or;
  - b. the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

J. Insofar as the provisions of this Section II are in conflict with or are inconsistent with the provisions of Section V.A.7 below, the provisions of Section V.A. & shall govern.<sup>1</sup>

## III. General Requirements

- A. Signs identifying an activity, business use, or site shall be located on the same lot or structure where the activity or use is conducted, except as otherwise allowed below.
  1. An off-site sign may be allowed by a special use permit pursuant to the requirements set forth in Section II. E. 3, and may be in addition to any allowed on-site sign(s).
- B. Except as otherwise provided herein, information on signs shall be limited to identifying an activity, business or use on the particular lot on which the sign is located, advertising goods, services or products manufactured or offered for sale within the structure or on the lot, except that:
  1. General advertising signs may be allowed only in non-residential zoning districts by a special use permit. In addition to satisfying the criteria set forth in Section II. E. 3, above, a special use permit for a general advertising sign shall be granted only if the applicant establishes the public benefits and a compelling need for such a sign. General advertising sign allowed by special use permit may be in addition to other allowed signs.
- C. Roof signs, exposed neon tube signs and moving signs (except for those displaying time and temperature) are prohibited.

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<sup>1</sup> STM December 6, 1999, Article #5.

D. No sign may make use of intermittent lights, flashing, display or any other animation, except for time and temperature signs. Message boards are only allowed as a segment of a sign. The message(s) shall not flash, and changes in messages or information shall occur at a frequency not to exceed six (6) changes per hour. General advertising messages are not allowed on message boards.

E. Temporary signs shall comply with the following:

1. The sign permit or special use permit, as the case may be, shall state the length of time the sign may be displayed. Such time shall not exceed thirty (30) days in any calendar year without the issuance of a special use permit pursuant to the requirements of this by-law. Temporary signs shall not be illuminated. Temporary signs, when permitted, may be in addition to an allowed sign(s).

2. Temporary signs may be used to identify property or structures for sale, lease or rent and shall be allowed in all zoning districts pursuant to the dimensional and other regulations for the district in which it is located. Notwithstanding any other provisions of this by-law to the contrary, no sign permit is required for temporary signs under this Section III. E. 2, and no limitations shall be imposed on the duration of time such temporary sign(s) may be displayed.

3. Churches, charitable and civic groups may erect temporary signs for the promotion of civic, welfare or charitable events for these groups. Such signs shall not exceed twelve (12) square feet in area. They shall be removed immediately following the event.<sup>1</sup>

4. One (1) temporary construction sign not exceeding thirty-two (32) square feet is allowed on any lot. In the case of construction of a house on a lot not part of a sub-division, a temporary sign may not be larger than six (6) square feet.

F. Political signs are allowed in all districts subject to the dimensional and other regulations for the zoning district in which it is located. No sign permit is required for political signs.<sup>2</sup>

G. A sign or its illuminator shall not, by reason of its location, size, shape or color, interfere with traffic, or be confused with, or obstruct the view or effectiveness of, any official traffic sign, traffic signal, or traffic marking.

H. Lighting from a sign(s) shall be shaded, shielded or directed so that it will not reflect or shine on or into abutting premises or onto nearby streets.

I. Privately-owned directional or traffic control signs are allowed on any lot in addition to other allowed signs, provided these signs shall not exceed five (5) square feet, shall be limited to three (3) colors and two (2) per lot, except as allowed below.

J. Pennants, ribbons, streamers, spinners, balloons, strings of lights not associated with a specific holiday or religious event, flags other than those identifying a nation, state, city, town, or the logo or trademark of a business, and searchlights, revolving or oscillating beacons are not allowed.

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<sup>1</sup> Assistant Attorney General disapproved sentence on August 20, 1995. Struck sentence from By-Law "shall be erected no more than 14 days prior to the event and".

<sup>2</sup> Assistant Attorney General disapproved sentence on August 20, 1995. Struck sentence from By-Law "and shall be removed within five (5) days of the election".

K. Farm stands may have one (1) free-standing sign and one (1) wall sign on each side of one (1) structure facing a street. Each sign shall not be larger than twelve (12) square feet and shall either identify the farm stand business or advertise the sale of farm produce.

L. The Town of Foxborough shall be exempt from this by-law.

M. Calculations of area and height of signs

1. For a free-standing sign, the area of the sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the sign itself.

2. For a wall sign, the area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with any background of a color different from that of the building.

3. Except as otherwise provided in paragraphs M.1 and M.2 above, where the sign consists only of individual letters or symbols attached to or painted on a surface, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the sign's letters and symbols.

4. Only one (1) face of a two-sided (2) sign shall be counted in computing the area of a sign, provided the sign faces are parallel and of equal size.

5. The height of a free-standing sign shall be the vertical distance between the top of a sign and the mean grade of the ground within ten (10') feet of the base of the sign.

N. Insofar as the provisions of this Section III are in conflict with or are inconsistent with or are inconsistent with the provisions of Section V.A.& below, the provisions of Section V.A.7 shall govern.<sup>1</sup>

#### IV. Sign Definitions

A. The terms listed herein, shall for the purposes of this by-law, have the following meaning.

1. Combination sign: A sign which combines the characteristics of two (2) or more of the types of signs defined herein. It shall be considered one (1) sign when determining compliance with dimensional requirements.

2. Free-standing sign: Any sign that stands independently of any structure and is permanently affixed or attached or anchored to the ground. The footings for these signs shall not be located closer than ten (10') feet from any property line and shall not interfere with visibility from vehicles.

3. General advertising sign: A sign or display which advertises goods, activities or services which are generally not produced or available at the location of the sign on a daily basis. These signs require a special use permit.

4. Illuminated sign: Any sign which is internally or externally illuminated.

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<sup>1</sup> STM December 6, 1999, Article #5.

5. Message board: A part or segment of a sign which may display text (such as the time or temperature) or graphics which may move, change or have the ability to do so at intervals not exceeding the limitations imposed under Section III.D. above. Message boards shall not exceed twenty-five (25%) percent of the total allowed square footage of a sign.

6. Moving sign: Any sign or part thereof, which physically moves or which gives the appearance of any type of motion, excluding message boards or signs carried or towed by aircraft of any kind.<sup>1</sup>

7. Portable sign: Any sign capable of readily being moved from one location to another and having no permanent attachments, or in-ground supporting structures or braces, including, without limitation, wheeled trailers on which a sign can be mounted and those circumstances in which an automobile, truck, bus or trailer is situated so as to function primarily as a sign. Portable signs do not include signs on or within automobiles, trucks, buses or trailers that identify the owner or products that the owner of the vehicle provides from the vehicle. All portable signs are considered temporary signs and subject to the restrictions applicable to temporary signs.

8. Projecting Sign: A sign whose face or structure extends perpendicular to the wall from which it is attached.<sup>2</sup>

9. Roof sign: A sign on a roof of a structure which projects above the ridge line or parapet of a building.

10. Sign: Any letter, word, symbol, figure, drawing, picture, design, device, light, painting, message, plaque, poster, billboard, flag, pennant, banner, etc., article or other object that advertises, calls attention to, or indicates any premises, person, activity, business, event, goods, product, service, use or other matter whatever the material or manner of composition of construction.

11. Temporary signs: A sign, including portable signs, which shall be visible for a time not to exceed a total of thirty (30) days in any twelve (12) month period or as authorized by issuance of a special use permit. The size of such signs shall comply with the dimensional and other regulations for the zoning district in which it is located. Temporary signs shall be limited to the provisions of Section III. E. political signs are not considered temporary signs.

12. Wall signs: Any sign attached to or painted on a building with the exposed face of the sign in a plane parallel to the plane of the wall. Attached signs shall not project more than one (1) foot from the face of the structure nor above the top edge of the wall (ridge line or parapet) to which it is attached.

13. Window sign: Any sign or display within, attached or painted on a window of a structure. Not more than twenty-five (25%) percent of the total square footage of any window shall be covered at any one time. Unless permanently painted or affixed, window signs shall be considered temporary signs and comply with the restrictions applicable to temporary signs.

B. Insofar as the provisions of this Section IV are in conflict with or are inconsistent with the provisions of Section V.A.7 below, the provisions of Section V.A.7 shall govern<sup>3</sup>

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<sup>1</sup> ATM May 11, 2009, Article #22.

<sup>2</sup> ATM May 13, 1996, Article #21. Renumbered existing definitions #9 through #13.

<sup>3</sup> STM December 6, 1999, Article #5.

## V. District Regulations

A. The following regulations apply to all signs. Where applicable, the provisions set forth above in this by-law shall also apply.

1. Residential Districts (R-15 & R-40): The following signs shall be allowed on each lot.

a. One (1) free-standing sign not larger than three (3) square feet nor exceeding six (6) feet in height, indicating the location of a permitted home occupation, or other permitted use.<sup>1</sup>

b. One (1) temporary sign, except for a portable sign which is not allowed, which shall not exceed six (6) feet in height and six (6) square feet in area except as otherwise provided in Section III. E., above. Corner lots shall be permitted two (2) such signs.

2. Neighborhood Business (NB) Districts:<sup>2</sup>

a. One (1) free-standing sign which shall not exceed the dimensional requirements set forth in Table 15-1.

b. One (1) wall sign on each wall of a building facing a street. Each wall sign shall identify the business use and shall not be larger than ten (10%) percent of the wall area up to, but not exceeding a maximum of one hundred (100) square feet of the wall on which the sign is located. The letters of a wall sign shall not exceed two (2') feet in height.

c. One wall sign or the free-standing sign may be illuminated. It shall not be illuminated between 11:00 p.m. and 6:00 a.m. except for signs identifying business uses which remain open past 11:00 p.m. Such establishments must extinguish their signs upon closing.

d. Awning signs shall be permitted on the edge of the awning only and shall not be considered a wall or free-standing signs. Letters shall not be larger than one (1') foot high and shall only advertise the business use.

e. Window signs shall be allowed provided that not more than ten (10%) percent of the total square footage of window is covered at any one time.

f. One temporary sign which shall comply with the requirements of Section III E. above. Temporary, free-standing signs not regulated by III. E. above shall not exceed the dimensional requirements found in Table 15-1. Temporary wall signs shall not exceed the square footage requirements of this by-law applicable to wall signs generally.

3. Limited Industrial, General Industrial and Highway Business (LI, GI, & HB) Districts:

<sup>1</sup> ATM May 12, 1997, Article # 18.

<sup>2</sup> ATM May 13, 1996, Article #21. Deleted term "General Business (GB).

a. One (1) free standing sign which shall not exceed the dimensional requirements set forth in Table 15-1. If the business activity has a separate entrance fronting on a second abutting street, one (1) additional free-standing sign complying with the requirements of Table 15-1 shall be permitted at the separate entrance.

b. One (1) wall sign for each wall of a building facing a street which shall not be larger than twenty (20%) percent of the wall area of that face of the building, to a maximum of two hundred (200) square feet of the wall on which it is located. The letters shall not exceed four (4') feet in height.

c. All allowed signs, other than temporary signs, may be illuminated.

d. Window signs shall be allowed provided that no more than ten (10%) of the total square footage of window is covered at any one time.

e. One (1) temporary, free-standing sign which shall comply with the requirements of Section III. E. above. Temporary, free-standing signs not regulated by III. E. above, shall not exceed the requirements set forth in Table 15-1. Temporary wall signs shall not exceed the square footage requirements of this by-law applicable to wall signs generally.

4. Special Use Districts (S-1):

a. One (1) free-standing sign which shall not exceed the dimensional requirements set forth in Table 15-1. If the business activity has a separate entrance abutting a second street, or a common driveway approved in accordance with the provisions of the Foxborough Zoning By-Laws, one (1) additional free-standing sign complying with the dimensional requirements of Table 15-1 shall be permitted at each separate entrance.

b. One (1) wall sign for each wall of a building facing a street which shall not be larger than twenty (20%) percent of the area of the wall on which it is located, or two hundred (200) square feet in area, whichever is smaller. For buildings or structures of over one hundred thousand (100,000) square feet gross floor area, the area of a sign may be increased to four hundred (400) square feet or twenty (20%) percent of the area of the wall, whichever is smaller. The letters of which shall not exceed four (4') feet in height.

c. All allowed signs other than temporary signs may be illuminated.

d. Two (2) temporary signs which shall comply with the requirements of Section III. E. above. Temporary free-standing signs not regulated by III. E. above shall not exceed the dimensional requirements set forth in Table 15-1. Temporary wall signs shall not exceed the square footage requirements of this by-law applicable to wall signs generally.

