

Memorandum: Review and Analysis of Existing Sign Code and Related Zoning Bylaws

Update to the Town of Dedham Sign Code
Harriman
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June 4, 2020



MEMORANDUM – DRAFT FOR REVIEW

To	Jeremy Rosenberger, Town Planner Michelle Tinger, Community Planning & Engagement Specialist
From	Jessica J. Wilson, Urban Designer / Planner – Harriman
Date	Thursday, June 4, 2020
Project	20351 Dedham Sign Code Update
Subject	Review of the Existing Sign Code and Zoning Bylaw
CC	Emily K. Innes, AICP, LEED AP ND – Director of Planning, Harriman Steven G. Cecil, AIA, ASLA –Principal, Steve Cecil Planning and Design

Overview

Purpose of this Memo

The purpose of this memo is to provide annotations and commentary on the existing signage regulations and their implementation in the Town of Dedham. The Planning Team assembled a photo inventory (Appendix A) of conforming and non-conforming signs in Dedham which is referenced throughout this document by figure number. This memo identifies key issues with the regulations and their implementation that do not appear to be consistent with Town planning goals or purposes.

Review Process

The findings in this memo come from a compilation of several studies carried out by the planning team. Detailed analyses of these separate studies are attached in the following appendices:

- **Appendix A: Photographic Inventory** provides photographs of existing signs in Dedham. These photographs represent examples of both code-compliant and non-compliant or prohibited signs. The appendix includes descriptions of the sign types, the primary regulations related to that sign types, and in some cases additional relevant observations. This analysis helped the planning team to identify which codes are most often in violation; therefore, warranting re-evaluation in the updated Code.
- **Appendix B: Sign Procedures** provides an in-depth explanation of the process an applicant must follow to receive a sign permit or waiver. This includes a helpful flowchart of the steps and paths to approval or denial and includes examples of the application forms and documents required to participate in the process.
- **Appendix C: Signage Application and Evaluation Review** is a review of Town files regarding applications, recommendations, and actions taken by the Design Review Advisory Board

AUBURN

BOSTON

PORTLAND

PORTSMOUTH



(DRAB) and the Zoning Board of Appeals (ZBA). This appendix includes two tables; the first looks at how many applications were recommended, recommended pending changes, or not recommended by DRAB from 2018 to present. The second table summarizes the outcomes of waiver application reviewed by the ZBA over the past three years.

- **Appendix D: Stakeholder Interviews** is a full summary of the interview process and outcomes of the discussions. Some of the topics discussed in these interviews are included as findings in the next section of this memo.

Findings

Given the existing conditions discussed later in this document, some key observations have been identified as areas for reconsideration or further exploration as the Town and the Planning Team collaborate to update the Sign Code.

As part of the review and evaluation of issues and practices in administering Dedham's Sign Code, the Planning Team undertook interviews of stakeholders identified by the staff of the Town's Planning & Zoning Department. The following assessments organized by topic came primarily from those discussions coupled with other observations from the review process:

- **Clarity, completeness, and interpretation of the code** – The current effort should be considered as a targeted refinement focused on making the Code (and the process of implementing it) clearer and more consistent. This is particularly regarding Definitions, Tables, standards for sign area allocations and sign sizes, and consideration of multi-tenant and multi-frontages or buildings that have multiple entrances. Some methods are being used to controvert signage Code purposes, such as using lighting, graphics, and architecture so that the entire facade or portions of a facade become a branded communication device, greater in area than the sign size limitations. In this regard, architectural design and sign design review need to be coordinated.
- **Quality of design and problematic signs** – The updated Code needs to better address types of signs that raise significant concerns about quality and related enforcement. Categories include large pylon and highway-business type signs, temporary signs and banners serving as business signs, window signs. Examples from other communities may be informative.
- **Process of application, review, and approval** – Dedham and applicants would benefit from more clear information and directions about the process. Everyone would benefit from the ability to use digital technologies for application, reviews, and permit fee payments, rather than hard copies of documents.



- **Requirements that are too specific** – And example is the colors listed in the existing Sign Code *Attachment 1: Appendix A – Awning Colors* which reference *Sunbrella* products or equivalent. A review of their website suggests that their color designations have changed. The table states that equivalent materials must be used but does not list specific materials from the *Sunbrella* line.

Sign Code Attachment 1: Appendix A – Awning Colors

Color	Shades
<i>Sunbrella or Equivalent color and material</i>	
Blue	Admiral Navy; Regatta; Regatta Tweed
Green	Forest Green; Forest Green Tweed
Red	Crimson Red; Burgundy; Terracotta
Black	
Neutrals or Combined w/ White Stripe	Sand; Toasty Beige; Grey

- **Role and influence of the Design Review Advisory Board** – DRAB seems to be performing a very helpful function in many instances. Their ability to improve the quality of the physical and business environment through good design practices may need to be better integrated and communicated. The idea of a single review board as the design review and waiver granting authority should be revisited, but few commenters have recommended this.
- **Role and Influence of the Zoning Board of Appeals** – The waiver criteria can be clarified in the Code, and consultations and discussions with other related boards, committees, and staff could be helpful. The prospect and implications of adding an appeal process to its decisions should be considered.
- **Enforcement** – Methods and instances of enforcement, including types of signs, methods, and prioritization should be reviewed.
- **Potential Future Uses** – An improved Sign Code needs to anticipate evolving technologies and associated policy and implementation issues to meet Town goals and provide for a clear set of standards for application and approval. As the Town encourages and supports an artistic community and civic life, the sign-related aspects of this need to be considered.
- **Sign-related issues and opportunities** – The process and overall design quality could be improved if there were clear guidance and explanatory documents to accompany the Code. An active referral program to a list of quality, experienced graphic designers and sign fabricators would also be helpful if it were readily available either through the Town or through local advocacy groups. Some joint meetings or discussions among the staff and board participants



in the process could build better understanding and appreciation regarding key issues, practices, and purposes.

Recommendations

The recommended changes to the Sign Code below have been drawn from the analyses summarized in the existing conditions section of this memo and are organized by the same topics.

Formatting, Style, and Content

- Reformat the updated Sign Code to be consistent with the style of other official Town Documents.
- Add a Table of Contents to the updated Sign Code.
- Reformat attachments and tables for stylistic consistency.

Enabling Legislation

- No change recommended.

Definitions

- Improve the clarity of the definitions identified in the Existing Conditions section of this memo.
- Define *Owner* as it is defined in the Massachusetts Building Code.
- Define *Mural*.
- Define *Identification Sign* and differentiate it from “Business” or “Center” identification signs.

Application and Approval Process

- Simplify the process and the number of steps an applicant must take to obtain a permit or a waiver.
- Create documents and infographics to guide applicants and review boards and clarify the roles and relationships of various boards, entities, and parties involved in the process and the expectations for the applicant.
- Streamline the application process and access to relevant documents and materials online.

Dimensional and Location Standards

- In cases where existing signs are non-compliant (*see Appendix A: Photographic Inventory*), especially if there are multiple instances of non-compliance such as in the case of neon signs,



regulations should be clarified and enforced if the related code is found to be serving the purposes of the Sign Code. If it is found that the regulation is overly restrictive, it should be re-written to better align with the purposes of the document.

Enforcement

- Update and clarify regulations to help business owners avoid Code violations.
- Update and clarify enforcement protocols.

Existing Conditions

Existing Zoning By-law Review

Relationship of Zoning By-law to Sign Code

There is very little in Dedham's Zoning By-laws that relates to signs and the Town's Sign Code is the primary document governing signage regulations. The by-laws state that in non-residential districts, structures must either be at least 20-feet from the outside edge of the road, or a distance equal to the permitted setback of a building on the lot. Whichever of those two distances is **less** governs the setback. This provision may cause confusion or conflict with the Sign Code in some instances. For example, the Sign Code states that a free-standing sign in a Highway Business district must have a twenty-five-foot setback, and the dimensional requirements in the Zoning By-law state that the minimum building setback must be thirty feet, so it becomes unclear whether the appropriate setback is twenty or twenty-five feet from the road.

By-law provision *5.3.1 General* states that all commercial and related uses (except for principal or accessory residential and agricultural uses) must be conducted entirely inside enclosed buildings; however, signs and sign supports are one of the exceptions to this rule.

The only other mention of signs in the By-laws relates to Site Plan Reviews for the construction of communication infrastructure. When infrastructure for new communication equipment is constructed (with the exception of indoor wireless devices) a Site Plan Review is required. The planning board employs the following guidelines related to signs when reviewing such application:

- There can be no advertising on or in the vicinity of the sign.
- The sign may not be larger than 4 square feet per sign.



- The sign should display the phone number of the person responsible for maintaining and installing the sign and must be reachable 24 hours a day.
- All other signs must comply with the sign code.

Existing Sign Code Review

This section offers observations and analyses of the elements of the existing sign code. The review is organized thematically as follows:

- Formatting, Style, and Content
- Enabling Legislation
- Application and Approval Process
- Definitions
- Dimensional and Location Standards
- Enforcement

Formatting, Style, and Content

The style and format of the Sign Code is not consistent with other official Town documents, such as the Zoning By-laws. The cover page contains little information other than the words “Chapter 237 SIGNS”. It does not indicate that it is the Sign Code for the Town of Dedham or when the legislation was adopted. A Table of Contents is missing, and the attachments have their own styles and formats with tables and footnotes that are also not stylistically consistent.

Enabling Legislation

The Sign Code was adopted pursuant to Massachusetts General Law Chapters 93 and 43 B which state the following:

- *Powers of outdoor advertising board, rules and regulations, permits, hearings, including "Cities and towns may further regulate and restrict said billboards, signs or other devices within their respective limits by ordinance or by-law, not inconsistent with sections twenty-nine to thirty-three, inclusive, or with said rules and regulations".*
- *Prohibition of certain billboards, conformance to rules and regulations, application; signs must conform with applicable state requirements and local bylaws and ordinances, with grandfathering of certain business and advertising signs if owned by the same entity since 1925, were installed prior to 1925, and were in place between 1925 and 1945.*
- *Provides for removal of non-conforming signs and billboards erected after 1925.*



- *Jurisdiction over sign related issues is the supreme judicial court and the superior courts*
- *Exemptions include signs on rolling stock on common carriers. Private carriers which carries goods or materials only for its own purposes would not be exempt.*
- *Limits first time penalties to max. \$100; subsequently max. of \$500.*

Chapter 43B states:

- *“Home rule law,” generally establishes the authority of local governments to enact bylaws and ordinances and the powers to administer them.*

The Town’s Sign code has a clause providing that all signs in the Town of Dedham must conform with the Sign Code and **none are exempted**. This section also clarifies that the effect of the sign code is to establish a permit system, allow signs that are not expressly prohibited, and to provide enforcement of sign code regulations, which is in accordance with Massachusetts General Law and Building Code regulations and supports the document’s purpose.

The *Purpose* of Dedham’s Sign Code is to regulate the design, construction, installation, and maintenance of signage. The purpose is broken down into the following four intentions:

- Commercial communication and economic benefits for the Town:** *Encourage the use of signs as an effective means of communication, to promote public access and awareness of goods and services and to improve the Town’s ability to attract sources of economic development and growth;*
- Aesthetic environment:** *Maintain and enhance the aesthetic environment by promoting visual order and clarity on Town streets and appropriate relationship between signs and the buildings and environment to which they relate.*
- Safety:** *Promote pedestrian and traffic safety by controlling the location, design, and placement of signs on Town streets.*
- Protection of property values:** *Protect property values by ensuring the appropriate location, size, number and use of signs in neighborhoods and business districts.*

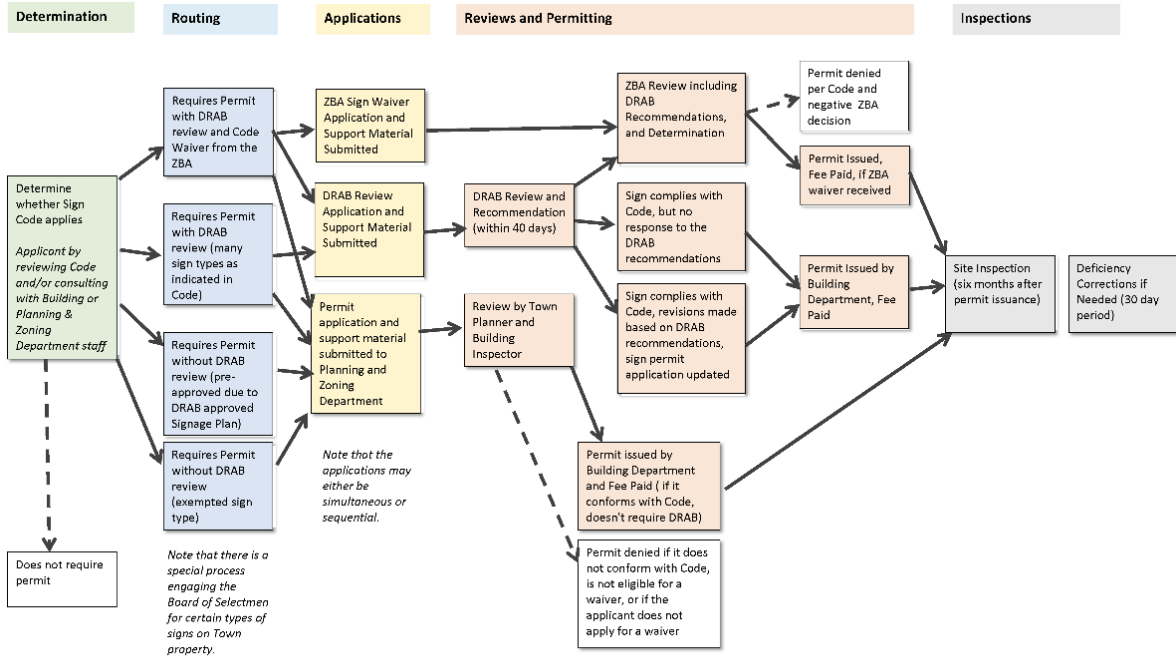
Application and Approval Process

The Dedham sign review and permit approval process involves five phases of action: 1-Determination, 2-Routing, 3-Applications, 4-Review and Permitting, and 5-Inspections. The flow chart on the following page breaks down this process. To view the full-size flowchart and read a more detailed analysis of the application and approval process, see *Appendix B – Signage Procedures*.



While the Town’s website offers multiple paths to finding the sign permit application and waiver forms, Dedham does not currently offer a comprehensive overview of the steps and processes involved in applying for a sign permit to guide interested applicants. For someone unfamiliar with the process, there is no document clearly mapping the relationships of the various boards, staff roles, application forms, review periods, and fees involved in the process.

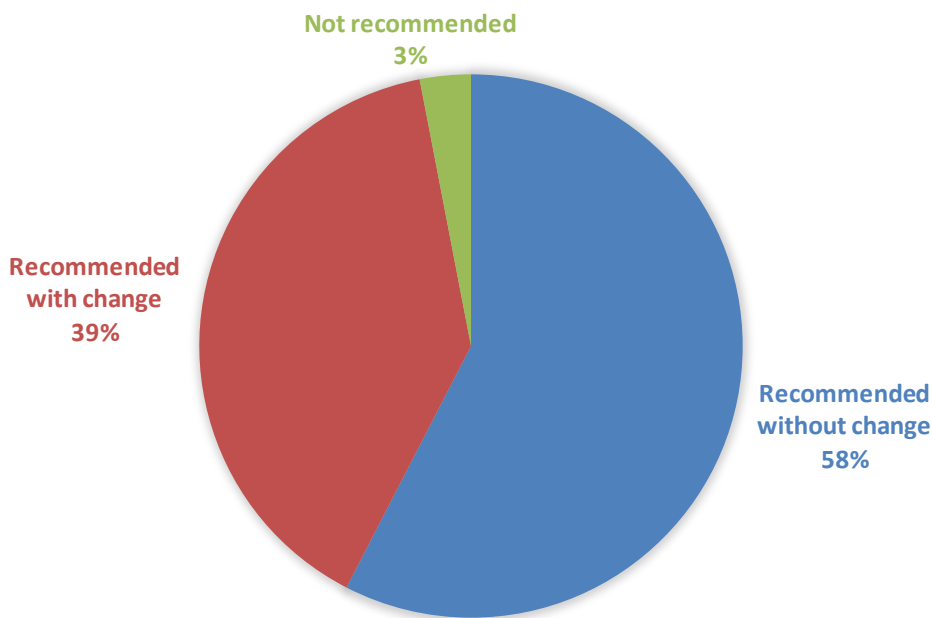
Dedham Sign Review and Permit Approval Process





Since 2018, DRAB has reviewed a total of eighty-three applications. Fifty-eight percent of those were recommended by DRAB without any change, thirty-nine percent were recommended pending changes, and three percent were not recommended at all.

Percent of Sign Applications Recommended by DRAB



Every sign must obtain a permit from the Commissioner (Building Official) as well as receive DRAB approval unless specifically stated elsewhere in the code. Due to the high volume of sign applications, this may be impractical to achieve with DRAB. The current process is as follows:

- **Application fees** are set by DRAB.
- **Applications are submitted to** the Planning and Zoning Board office; DRAB sets a deadline and meeting schedule annually; a 30-day review process commences beginning with submission of the deadline and meeting schedule.
- **DRAB reviews** the submitted application within 30 days and votes on whether to issue a recommendation letter; written recommendations are provided to the Building Commissioner and the applicant within 10 business days from the vote.
- **Following the DRAB review**, if recommended, the applicant can submit to the Building Department for a sign permit or wait for a waiver decision from the ZBA.



An inspection is to be held within 6 months of the issuance of a permit. If not completed or deficient, notification will allow an additional 30 days. If the issues are not corrected at the end of that extension, the permit lapses. Compliant signs within this period are acknowledged in a certificate of compliance. If an owner has a recommended Sign Package on file at the DRAB, the Building Department can directly issue a permit if it conforms to the Sign Package.

This Design Guidelines clause states that DRAB will apply the design guidelines from “Building Better: A Design Manual for Building Improvements and Design Bulletins” by RBA Group, which was adopted April 11, 2013, but the guidelines are not readily available online. These guidelines may be outdated.

All the prohibited sign types listed in § 237-15 are not allowed to be granted waivers by the Board. All other permissible waiver requests must follow specific procedures. Applicants must first submit a waiver request on a Board application along with a Waiver Application Packet for DRAB to review so that they may provide recommendation on whether to grant a waiver request. The Board cannot act until they have the recommendation from DRAB. Seven copies of the Waiver Application and DRAB’s recommendation letter are to be filed with the Town Clerk. If there is a simultaneous application to DRAB and ZBA, the Planning and Zoning Office will forward a copy of the DRAB’s recommendation prior to the hearing. The hearing is to be held within sixty-five days of the filing of these documents and a decision must be made within one-hundred days from the date of filing. A notice to abutters must be provided to those within 300 feet of the property line of the premise being granted a waiver. The board must have four affirmative votes to grant a waiver.

To grant a waiver, the Board must state in writing that they found that compliance with the Sign Code is either impractical or unfeasible. DRAB will recommend waivers for such cases if there is no substantial detriment to the public good, or contradiction to the intent or purpose of the Sign Code.

If denied a waiver, an applicant may appeal within thirty days (presumably from the date the board notified the applicant of the decision.) A hearing for the appeal shall be held within 65 days (again, it is not indisputably clear what the start date of this count is) and a decision shall be made within one-hundred days. Notice of the hearing shall be published in a local newspaper and sent to abutters and parties of interest within three-hundred feet of the property. The language defining “abutters to abutters” and “parties of interest” is unclear, both seem to be defined as “within 300 feet of the property line of the application”. The full sentence is below in italics with the confusing language underlined:

The board shall cause notice of such a hearing to be published in a newspaper of general circulation and said notice sent to applicant, abutters and abutters to abutters within 300 feet of the property line of the



application parties of interest within 300 feet of the property line of the application as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town.

Definitions

This Definitions section of the Sign Code begins by stating that if a word or phrase is not strictly defined in the Dedham code, but *is* defined in the Massachusetts Building Code, then the Town will apply the Massachusetts Building Code definition. A review of the Massachusetts Code 9th Edition Chapter 2 (*Definitions, Amendments,*) does not have any obvious new terms that would be relevant, apart from the definition of “Owner”. Dedham’s existing Sign Code does not provide a definition of owner, which the MBC defines as

Every person who alone or jointly or severally with others

- a. Has legal title to any building or structure*
- b. Has care, charge or control of any building or structure in any capacity including, but not limited to agent, executor, executrix, administrator, administration, trustee, or guardian of the estate of the holder of legal title; or*
- c. Lessee under a written letter agreement; or*
- d. Mortgagee in possession; or*
- e. Agent, trustee, or other person appointed by the courts.*

Each such person is bound to comply with the provisions of 780 CMR.

Neither Dedham’s Sign Code nor the Massachusetts building code identify a definition for “mural,” which is an allowable sign type in Dedham and often a point of controversy in many communities.

The following definitions from Dedham’s Sign Code may warrant further clarification when writing the updated code.

- **Awning Sign** – Commercial messages less than six inches tall are allowed and not considered signs for the purposes of this code.
- **Business Identification Sign** – This broad definition could be considered to include virtually any information about a business, including “the name of the building, development, business, product, activity or service sold, provided, or offered”. This would include brand names for products sold on the premises, such as the “Coca Cola” window signs that can proliferate and are not acceptable in some communities. The regulations would not restrict the number of



such messages within the permitted sign area. It is not clear from the existing code how this definition is applied.

- **Changeable Copy Sign** – This could be any sign which changes up to eight times per day and is animated. Clocks and temperature gauges do not count as a changeable sign and are acceptable parts of a sign.
- **Commercial Message** – This broad definition could be considered to include brand names for products sold on the premises, such as the “Coca Cola” window signs or product brand signs that can proliferate and are not acceptable in some communities.
- **Design Review Advisory Board (DRAB)** – The specific applicability and role of DRAB needs to be considered in the updated Sign Code and is discussed later in this document.
- **Incidental Sign** – “A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located such as 'no parking', 'entrance', 'loading only' or similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental”.
- **LED Illuminated Sign** – “A sign that is illuminated from a light emitting diode”. This definition was added in 2015, As a new sign type, it will be important to track in relation to the updated sign code.
- **Neon Sign** – Neon signs are a flashpoint in many local codes and are prohibited according to Dedham’s existing code. There are; however, non-conforming neon signs on display in Dedham currently (see figures 93, 94, 95, 96, and 97 in Appendix A.)
- **Nonconforming Sign, Pre-Existing** – Any sign erected before April 8, 1996 or which conformed to an earlier version of the Dedham Sign Code when erected.
- Normal Grade
- **Pennant** – Signs hung from rope, wire, or string. The pennant signs that hang from fiberglass poles (i.e., *SALE! OPEN!*) do not qualify.
- **Pole or Pylon Sign** – A sign that is not attached to a building but is more than three feet above grade. The flexible signs on fiberglass poles may not consistently meet this requirement.
- **Portable Sign** – This includes A-frame signs, balloons, inflatable signs, signs on wheels, and signs on vehicles if they are not used as part of day-to-day operations.
- **Principal Façade** – The definition for principal façade suggests that there is one per building and is determined based on a combination of features including principal entry, storefront, and visibility.
- **Roof Sign** – Any sign which, even in part, projects above the lowest point of the eaves or above the roof parapet.



- **Sign** – A very broad definition that catches almost everything, "Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public".
- **Sign Package** – This is defined as an optional master sign plan for an entire lot or multi-tenant building. The planning team is separately reviewing the existing Sign Code Packages for Legacy Place, Dedham Plaza, Dedham Marketplace, and Ursuline Academy and will release a follow-up memorandum addressing similarities and differences with the Town's Sign Code and any potential conflicts.
- **Sign Panel** – This definition sets the basis for calculating sign area.
- **Temporary Sign** – Window signs are excluded from this definition.
- **Window Sign** – This is a very broad definition including taped posters and other directly window-mounted signs displaying some form of advertisement or communication. The subsequent regulations in Table 2 would suggest that all of these signs, if calculated as Sign Panels, would be subject to area regulations, but would be permitted in all zones except residential.

Dimensional and Location Standards

The existing Sign Code clearly states regulations pertaining to allowable sign height and area, and allowable type and time of lighting in sections 237-19 and 237-18 respectively, while allowable sign setback and density and setback are stated in Sign Code Table 2 and interspersed throughout the text. The following provisions in § 237-19 govern the computation of sign area and height as laid out in *Table 2*:

- Visibility and size calculations:** If more than one face of the sign can be seen from one place, then the total visible sign area is considered the area. If two faces are back-to-back, then the sign area is only one of the two.
- Sign area linked to lot frontage:** The sum of all sign areas is based on lot frontage per Table 2 (*see table 2*). Two frontages on streets will be considered two different facades for calculations, but sign area cannot be shifted between frontages.
- Freestanding sign perimeter area requirements:** Freestanding signs must have a curbed landscaped area at least three feet, unless in a larger landscaped area (presumably without curbs.)



- D. **Clearance for projecting signs:** Projecting signs must be between eight and fourteen feet above grade.
- E. **Signs for enterprises above ground level:** The maximum height for such as sign is either twenty-five feet above grade, the second-floor window frame, or the lowest point on the roof – whichever of those heights is the lowest. Note: this requirement refers to “businesses,” but it would also apply to non-commercial uses. This clause allows wall signs that are only window signs in businesses above the ground floor; this reference is somewhat confusing given that a “window sign” is defined differently from a “wall sign”.

Table2

District	Maximum Total Sign Area Per Lot (Note 1) sq. ft.	Sign Type	Maximum			Minimum	
			Number	Area of Signage	Height	Setback Front	Setback Side
Residential	4 sq. ft.	Wall	1 per residence	4 sq. ft.			
		Freestanding	1 per residence	4 sq. ft.	5 sq. ft. (Note 9)	3 ft.	5 ft.
		Identification	(Note 5)	4 sq. ft.			
Central Business	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	20 sq. ft.	8 ft. (Note 2)	5 ft.	5 ft..
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			
Local Business / General Business (Note 12)	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	20 sq. ft.	8 ft. (Note 2)	5 ft.	5 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of			



District	Maximum Total Sign Area Per Lot (Note 1) sq. ft.	Sign Type	Maximum			Minimum	
			Number	Area of Signage	Height	Setback Front	Setback Side
				awning			
		Window		25% of window area			
Highway Business (Note 12)	2 sq. ft. per 1 linear foot of street frontage	Wall	N/A	20 % of wall area	(Note 7)		
		Freestanding	1 per lot	100 sq. ft. (Note 5)	20 ft.	25 ft. (Note 8)	25 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			
Limited Manufacturing A and B (Note 12)	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	40 sq. ft.	12 ft.	25 ft. (Note 8)	25 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.	(Note 5)		
		Awning		25% of awning			
		Window					
Research Development and Office (Note 12)	2 sq. ft. per 1 linear foot of street frontage	Wall	N/A	5% of wall area	(Note 7)		
		Freestanding	1 per lot	40 sq. ft.	12 ft.	25 ft. (Note 8)	25 ft.
		Identification	1 per lot (Note 5)	4 sq. ft.			
		Awning		25% of awning			
		Window		25% of window area			
Planned Commercial	Identification	1 per lot (Note 5)	4 sq. ft.				



District	Maximum Total Sign Area Per Lot (Note 1) sq. ft.	Sign Type	Maximum			Minimum	
			Number	Area of Signage	Height	Setback Front	Setback Side
(Note 4)	Awning Window						
Senior Campus (Note 11)	1 sq. ft. per 1 linear foot of street frontage	Wall	N/A	10% of wall area	(Note 7)		
		Freestanding	1 per lot	40 sq. ft.	12 ft.	5 ft.	10ft.
		Identification	1 (Note 5)	4 sq. ft.			
		Window		25% of window area			

Sign Code Attachment 2: Table 2 – Sign Dimensions and Location regulates the height, area, and setbacks for different sign types by district. The following lists some of the key observations and take-aways from this table:

- The maximum total sign area is established for each lot and varies by zone.
- In general, freestanding signs are limited in number (1 per lot) and by square footage with an area varying by setback zone. They are also subject to listed height and setback requirements, which vary by zone.
- Wall signs are regulated by percentage of wall area, varying by zone.
- The size and height standards for freestanding signs are low relative to typical pylon signs for auto-oriented business environments. This results in many signs that are identified in the signage inventory as exceeding these standards considerably.
- Lot frontage is used as the basis for computing the total allowable number of signs; therefore, the calculated standards for some lots/buildings/tenants appears inconsistent relative to appearance, visibility, scale, and practical purposes.
- Awning signs are regulated by percentage of awning area and is the same in all zones where awnings are allowed (twenty-five percent maximum.)
- Window sign areas are limited by the percentage of windows and is the same for all zones where window signs area allowed (twenty-five percent maximum.)



The following observations provide an overview and commentary of the footnotes for Table 2:

- Note 1 is unclear; it states that the maximum total area of all signs on a lot will not exceed the lesser of the listed calculations, but only one method is listed for each category (zone) to establish the maximum sign area. Certain signs are excluded from the calculation such as incidental signs, building markers, identification signs, and flags.
- There is a special sign height limitation for properties next to a lot that is both zoned and used for residential purposes.
- Multi-tenant residential properties are limited to a freestanding or wall-mounted sign no greater than fifteen square feet.
- Note 4 allows for dimensions and locations in Planned Commercial (PC) zones to be determined during the approval process and are based on the underlying zoning. It is unclear what “based on” means. Legacy Place and other large retail complexes may be classified as a PC zone if they have a Major Nonresidential Project Special Permit.
- Note 5 repeats the same dimension and number restrictions stated elsewhere and may not be necessary to include. Note 5 is listed in the table for “Highway Business Signs” and “Freestanding Signs”. This appears to be incorrect because the note is addressing identification signs.
- Note 6 repeats the same calculation basis contained elsewhere for two-sided signs and may not be pertinent to include.
- There is a method of reducing height in combination with reduced setbacks for freestanding signs.
- Institutions in residential districts have special sign size restrictions stating that signs can be no greater than 20 square feet and no taller than 6 feet.
- Note 10 repeats the same calculation basis for RDO projects as in Table 1 notes and may not be necessary to include.
- Note 11 repeats the same exemption for SC Districts already stated in § 237-14 *Private property – exempt signs*.
- Note 12 provides a method for landlords to apportion their signage for tenants that do not have a storefront; however, the maximum sign area may not be increased.

The Central Business District has *additional* regulations pertaining to signs and awnings. Wall signs on buildings with an architectural sign band must be located within the band, which the code defines as, *the horizontal plane of the façade of the building defined by architectural details such as cornices, lintels, pediments, pilasters, and windows*. Sign materials must conform with materials identified in the Design



Guidelines Appendix A; however, review of the design guidelines revealed that there are no guidelines pertaining to sign materials, other than awning colors. The location of awnings must be unobtrusive to the architecture and entrances. Design may be triangular in section and may have a valance for lettering. Note: this creates some gray area around the use of the word “may”. For example, it is unclear whether a rounded shape would be acceptable. Color guidelines are loose, simply stating that the color palette must be compatible with the overall design scheme of the building and the CB District. Appendix A; however, establishes a stringent list of only 12 colors that are acceptable.

There are several provisions in the Code regulating lighting and illumination. The only one that has language which is unclear expresses that a light source must come from a “steady, stationary, non-neon light, shielded and directed at the sign”. This could be interpreted to include both internally and externally lit signs.

Enforcement

Signs must always comply with state building code, General By-laws, and the Town electrical codes. All signs must be made of permanent materials and be permanently attached except for banners, flags, temporary signs, and window signs. Note: There are non-conforming fabric signs in several location in Dedham Square.

To protect public health and safety, all signs are prohibited from the public right-of way with the following exceptions:

1. Permanent bus stop signs erected by a public transit company.
2. Permanent informational signs related to public utilities.
3. Awnings, projecting, and suspended signs conforming to code regulations.
4. Temporary emergency warning signs erected by a governmental agency, utility, or contractor authorized to work in the public ROW.
5. Sandwich board signs conforming to code regulations.
6. Banner signs are allowed, including those with commercial messages if they are approved by the Board of Selectmen.

Table 1 from the Sign Code clarifies which types of signs are allowed in which districts without a permit, with a permit, or not at all. The following signs do not require a permit:



- A. Public agency signs pursuant to federal, state, or local law.
- B. Government al legal notices, public information, and traffic/pedestrian signs.
- C. Any sign inside of a building that is not visible. Visibility is defined as the ability to see the sign more than three feet past the property line.
- D. On-premise traffic control signage that meets DOT standards and contains only the name or logo of the business

Signs that do not require a permit if they are on private property:

- A. Residence signs must be no more than two square feet and display the street number, resident’s name, and the like.
- B. Temporary residential signs such as “yard sale,” “for sale,” “for lease,” etc. can be a maximum of nine square feet.
- C. Temporary real estate signs are allowed one per location at a maximum of nine square feet.
- D. Constructions signs are allowed if they are not lit and no more than nine square feet each.
- E. Unlit non-commercial signs are allowed if they are unlit and nine square feet maximum.
- F. Signs in the SC District that are exempt include lit and unlit signage that is visible from outside the SC District. Each sign can be no more than fifteen square feet maximum and they do not count toward the maximum total sign area for a lot within the SC District. The SC District is the NewBridge on the Charles community development.
- G. Real Estate Open House signs are allowed to be temporarily installed, unlit, and must not block the sidewalk. They may only be erected the day of the open house and conform to the size standards in the sign code.

Table 1

Sign Type		Zoning Districts								
		R	LB	GB	CB	HB	LMA B	RDO (2)	PC	SC
Freestanding	Residential (8)	A	A	A	A	A	A	A	N	A
	Pole Pylon	N	N	P	P	P	P	P	P	P
	Monument	N	N	P	P	P	P	P	P	P



Sign Type		Zoning Districts								
		R	LB	GB	CB	HB	LMA B	RDO (2)	PC	SC
	Incidental (5)	N	A	A	A	A	A	A	A	A
	Identification (3)	A	A	A	A	A	A	A	A	A
	Sandwich Board (9)	N	P	P	P	N	N	N	N	N
Wall Mount	Awning Sign (1)	N	P	P	P	P	P	P	P	N
	Building Marker (5)	A	A	A	A	A	A	A	A	A
	Identification (3)	A	A	A	A	A	A	A	A	A
	Incidental	N	A	A	A	A	A	A	A	A
	Marquee	N	N	N	P	P	P	N	N	N
	Projecting	N	P	P	P	P	N	N	N	N
	Residential (6)	A	A	A	A	A	N	N	N	A
Window	Applied Lettering (7)	N	P	P	P	P	P	P	P	P
	Sign Panel	N	P	P	P	P	P	P	P	P
Misc.	Banner (4)	P	P	P	P	P	P	P	P	N
	Flag	P	P	P	P	P	P	P	P	P

Key:

- A = Allowed without a sign permit
- P = Allowed only with a sign permit
- N = not allowed

Zoning Districts

- R = All Residential Districts
- LB = Local Business District
- GB = General Business District
- CB = Central Business District
- HB = Highway Business District
- LMAB = Limited Manufacturing Districts A and B
- RDO = Research Development Office
- PC = Planned Commercial
- SC = Senior Campus

The following lists some of the key take-aways from the existing Sign Code *Attachment 2: Table 1 – Permitted Signs by Type and District*.



- Sandwich boards are not permitted in Highway-Business; there is likely to be non-conformance given the nature of this zone.
- It is unclear why a Marquee sign is not appropriate in either Local Business or General Business zones.
- *Table 1* refers to “identification signs” which are not specifically defined in the Sign Code. There is a definition provided for “Business Identification Sign” and “Center Identification Sign”. The table footnotes narrowly define an “identification sign” as being limited to only the name and address of the occupant and having a maximum area of four-square feet. This term should be included in the definitions section and differentiated from business and center identification signs.

The following observations provide an overview and commentary of the footnotes for Table 1:

- Awning graphics and backlighting are constrained to eliminate glowing or highly graphic versions.
- Retail complexes and other businesses in an RDO zone (including areas like Legacy Place) are subject to Highway Business sign standards. The properties along Routes 1 and 1A with direct access to those streets where there are two traffic lanes in each direction can only use those major frontages to calculate sign areas.
- Community and cultural banners are permitted for up to thirty-nine days if they are approved by the Building Commissioner. There is no DRAB review required if the BOS approves it.
- Building markers cannot contain commercial messages if they are visible off-premises.
- Residential wall-mounted lettering cannot exceed twenty-five percent of the building area.
- Residential signage is closely controlled for multi-family complexes.
- Sandwich board signs, where permitted, must be within thirty feet of the entrance and removed after closing. They do not count toward sign area calculations. They are restricted to two-feet by three-feet in size, letters/characters may not exceed 8,” and a chalkboard or corkboard is required for the message area. This requirement should be re-considered as it is not practical for rain or snow conditions. There are examples of sandwich board which do not comply with these restrictions in Dedham (*see figures 50 and 51*). Guidance on materials is provided that neither prohibits nor allows plastic but does prohibit cut plywood. Signs with changeable letters on tracks are prohibited. Logos are encouraged.

The following table highlights allowable and prohibited sign types in Dedham and references figure numbers from *Appendix A – Photographic Inventory*, which offers a deeper analysis of conforming and non-conforming signs. Some of these prohibitions may be overly restrictive and warrant closer



consideration, especially those categories for which non-conforming signs already exist within Dedham. Some of the allowable sign types are permissible only under certain conditions in some districts. See *Table 1* for allowable signs, signs allowable with a permit, and prohibited signs by district.

Allowable Sign Types		Prohibited Sign Types	
	Figure Reference		Figure Reference
Applied lettering	1; 2	Animated and flashing signs	71; 72
Awning sign	3; 4	Beacons	
Back-lighted sign	5	Billboards	78; 79; 80
Banner	6	Commercial signs attached to fences or rocks	92; 106
Building marker	7; 8	Neon signs	97; 98; 99; 100; 101
Building sign	9; 10	Pennants	
Business identification sign	11; 12	Portable commercial signs ¹	103; 104; 105; 106
Center identification sign	13; 14	Roof signs	98; 99; 100; 101
Changeable copy sign	15; 16	Signs with red or green lights erected within sight of a traffic signal ²	
Digital display sign	17	Signs which obscure or tend to block a clear view of traffic, warning and control signs or signals, pedestrian crosswalks, or handicap accessible ramps ³	
Directory sign	18; 19	Wind-drive, whirling, turning, or spinning signs ⁴	107
Externally illuminated sign	20; 21		
Flag	22		
Freestanding sign	23; 25; 26		
Identification sign	26		

¹ Other than sandwich board signs in Districts LB, GB, and CB with a sign permit

² Unless approved as non-hazardous by the Chief of Police

³ Or any sign that the Commissioner determines may endanger public safety

⁴ Note: this could be interpreted to mean the flexible fiberglass pole-type signs (“swooper”/ “feather”/ “flag”)



Allowable Sign Types		Prohibited Sign Types	
	Figure Reference		Figure Reference
Incidental sign	27; 28; 29		
Internally illuminated sign	30; 31		
LED illuminated sign	32; 33; 34		
Marquee	35		
Monument sign	36; 37		
Mural	38; 39		
Non-commercial sign	40		
Nonconforming sign, pre-existing			
Off-premises sign	41		
On-premises sign			
Pole or pylon sign	42; 43; 44		
Projecting sign	45; 46; 47		
Real estate open house sign			
Residential sign	48; 49		
Sandwich board sign	50; 51		
SC district sign	52		
Sign package	53; 54; 55; 56; 57		
Suspended sign	58		
Temporary sign	59		
Wall sign	60; 61; 62; 63; 64; 65; 66;		
Window sign	67; 68; 69; 70		

Each sign in violation of the code counts as a separate violation and will be separately penalized (a property owner with multiple signs committing the same violation does not just get one violation, the penalty is applied per the number of signs.) Each day that the violation continues is also considered a separate violation. It is unclear from which point “continues” starts. It could be interpreted as continuing from the time the violation was cited or continuing from the time the violation began when the sign was first erected.

Enforcement of sign code violations is in accordance with § 1-6 of the Town’s By-laws unless there is a specific public safety issue in which case there is a process of notification specified in the code. Any actions the Town takes to remedy sign code violations following proper notification protocols are to be cumulative and must not impair the authority of the Commissioner to take any action authorized or required by the State Building Code or other local, state, or federal law.



This existing Sign Code contains a typical severability clause stating that if one part of the Sign Code is found to be invalid, the rest of the Code is still applicable.

While the existing Sign Code does contain a Severability Clause, it is missing a Substitution Clause. A substitution clause adds language stating that if a commercial message is already being displayed, the entity displaying that message may also display a non-commercial message, so long as it is the same size, location, etc., without applying for a permit. This type of clause ensures that commercial speech is not favored over non-commercial speech and is becoming common practice to include in sign code.