

Town of Scituate
Special Town Meeting
November 16, 2020

WARRANT

ARTICLE 1. Unpaid Bills

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$34,329.52** for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

Sponsored by: Board of Selectmen

Consent Agenda MOTION ARTICLE 1. Unpaid Bills BOS Karen Canfield
I move that the Town appropriate the sum of **\$34,329.52** for the purpose of paying prior year unpaid bills and to fund such appropriation transfer **\$787.33** from Free Cash and transfer **\$33,542.19** from Transfer Station Enterprise Retained Earnings.

Quantum of vote: 9/10ths

VOTE- Consent Agenda - Unanimously in Favor

WARRANT

ARTICLE 2. Fiscal Year 2021 Budget Reconciliations

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury the sum of **\$53,923.70** for the purpose of balancing the Fiscal Year 2021 Operating Budget pursuant to Articles 4 and 6 of the June 27, 2020 Annual Town Meeting warrant; or take any other action relative thereto:

| <u>TO</u> | <u>AMOUNT</u> | <u>REASON</u> |
|--|---------------|--|
| DPW Highway 1422540.543300 Roadway Maintenance | \$1,611.70 | Town's share of ride share fees from Commonwealth. |
| Plymouth County Retirement Assessment 1911512.519900 Pension Assessment | \$6,812.00 | Adjustment to annual assessment. |
| Police Department –School Crossing Guards 1210510.518000 PT Salaries | \$10,000.00 | To provide additional funding for crossing guards for the double sessions due to COVID-19. |
| Widows Walk Enterprise 61661520.524000 Repair & Maintenance | \$20,000.00 | Repair costs for maintenance building. |
| 61661580.585100 Equipment | \$15,500.00 | Lightning detection and alert system. |

Sponsored by: Board of Selectmen

Consent Agenda MOTION ARTICLE 2.

Fiscal Year 2021 Budget Reconciliations BOS Karen Canfield

I move that the Town appropriate the sum of **\$53,923.70** for the purpose of balancing the Fiscal Year 2021 Operating Budget pursuant to Articles 4 and 6 of the June 27, 2020 Annual Town Meeting as follows:

| <u>TO</u> | <u>AMOUNT</u> | <u>REASON</u> |
|--|---------------|--|
| DPW Highway 1422540.543300 Roadway Maintenance | \$1,611.70 | Town's share of ride share fees from Commonwealth. |
| Plymouth County Retirement Assessment 1911512.519900 Pension Assessment | \$6,812.00 | Adjustment to annual assessment. |
| Police Department –School Crossing Guards 1210510.518000 PT Salaries | \$10,000.00 | To provide additional funding for crossing guards for the double sessions due to COVID-19. |
| Widows Walk Enterprise 61661520.524000 Repair & Maintenance | \$20,000.00 | Repair costs for maintenance building. |
| 61661580.585100 Equipment | \$15,500.00 | Lightning detection and alert system. |

and to fund such appropriation transfer **\$16,812.00** from Free Cash, transfer **\$1,611.70** from Ride Share Funds Reserved for Appropriation and **\$35,500.00** from Widows Walk Enterprise Retained Earnings.

Quantum of vote: Majority

VOTE- Consent Agenda - Unanimously in Favor

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ARTICLE 3. Hybrid Kindergarten Program for Fiscal Year 2021

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$450,000** for the purpose of providing kindergarten for the 2020-2021 school year; or take any other action relative thereto.

Sponsored by: School Committee

MOTION ARTICLE 3. Hybrid Kindergarten Program for Fiscal Year 2021

BOS Tony Vegnani

I move that the Town appropriate the sum of **\$450,000** for the purpose of providing kindergarten for the 2020-2021 school year and to fund such appropriation transfer **\$450,000** from the Stabilization Fund.

Advisory Committee Mike Westort

Quantum of vote: 2/3rds

VOTE-Unanimously in Favor

WARRANT

ARTICLE 4. Transfers to Reserves

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$1,118,658.00** for the following purposes; or take any other action relative thereto:

| <u>TO</u> | <u>AMOUNT</u> | <u>REASON</u> |
|---|---------------|---|
| Capital Stabilization Fund | \$454,232.00 | Town share of FEMA subsidized foreshore repairs |
| Widows Walk Capital Stabilization Fund | \$100,000.00 | For future capital costs |
| Sewer Capital Stabilization Fund | \$250,000.00 | For future capital costs |
| Water Capital Stabilization Fund | \$150,000.00 | For future capital costs |
| Transfer Station Capital Stabilization Fund | \$25,000.00 | For future capital costs |
| Other Post Employment Benefit Liability | \$139,426.00 | To address Town's unfunded liability |

Sponsored by: Board of Selectmen

Consent Agenda MOTION ARTICLE 4.

Transfers to Reserves

BOS Karen Canfield

I move that the Town appropriate the sum of **\$1,118,658.00** for the following purposes:

| <u>TO</u> | <u>AMOUNT</u> | <u>REASON</u> |
|---|---------------|---|
| Capital Stabilization Fund | \$454,232.00 | Town share of FEMA subsidized foreshore repairs |
| Widows Walk Capital Stabilization Fund | \$100,000.00 | For future capital costs |
| Sewer Capital Stabilization Fund | \$250,000.00 | For future capital costs |
| Water Capital Stabilization Fund | \$150,000.00 | For future capital costs |
| Transfer Station Capital Stabilization Fund | \$25,000.00 | For future capital costs |
| Other Post Employment Benefit Liability | \$139,426.00 | To address Town's unfunded liability |

and to fund such appropriation transfer **\$593,658.00** from Free Cash, transfer **\$100,000.00** from Widows Walk Enterprise Retained Earnings, transfer **\$250,000.00** from Wastewater Enterprise Retained Earnings, transfer **\$150,000.00** from Water Enterprise Retained Earnings, and transfer **\$25,000.00** from Transfer Station Enterprise Retained Earnings.

Quantum of vote: Majority

VOTE- Consent Agenda - Unanimously in Favor

WARRANT

ARTICLE 5. Retirement of Debt

To see if the Town will vote to transfer from available funds in the Treasury the sum of **\$300,000.00** for the purpose of retiring the debt for the following purposes

| Project | Authorized | Amount |
|-----------------|---------------------|---------------|
| Athletic Fields | ATM 04/2019, Art 3D | \$300,000.00 |

And further to see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied or take any other action relative thereto.

Sponsored By: Board of Selectmen

Consent Agenda MOTION ARTICLE 5 Retirement of Debt BOS Karen Canfield

I move that the Town appropriate the sum of **\$300,000.00** for the purpose of retiring the debt for the following purposes

| Project | Authorized | Amount |
|-----------------|---------------------|---------------|
| Athletic Fields | ATM 04/2019, Art 3D | \$300,000.00 |

and to fund such appropriation transfer **\$300,000.00** from Free Cash and I further move that the Town supplement each prior vote of the Town that authorized the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Quantum of vote: Majority

VOTE- Consent Agenda - Unanimously in Favor

WARRANT

ARTICLE 6. Rescission of Borrowing Authorizations

To see if the Town will vote to rescind the following borrowing authorizations for the following purposes:

| Project | Authorized | Amount | Reason |
|---------------------------|---------------------|---------------|----------------------------|
| Third Cliff FEMA Repairs | STM 11/19, Art 4 | \$3,000,000 | Loan not received |
| Library Renovation | STM 11/13, Art 12 | \$6,250,000 | MBLC grant & donations |
| Public Safety Complex | STM 11/2015, Art 8 | \$112,000 | Funds not needed |
| Middle School | STM 12/14, Art 18 | \$24,915,461 | MSBA funds & favorable bid |
| Finish Water Pumps & VFDs | ATM 04/16, Art 4U | \$95,000 | Grant received |
| Marine Park | ATM 03/07, Art 4-17 | \$280,000 | Old project authorization |

Or take any other action relative thereto.

Sponsored By: Board of Selectmen

Consent Agenda MOTION ARTICLE 6.

Rescission of Borrowing Authorizations

BOS Karen Canfield

I move that the Town rescind the following borrowing authorizations for the following purposes:

| Project | Authorized | Amount | Reason |
|---------------------------|---------------------|---------------|----------------------------|
| Third Cliff FEMA Repairs | STM 11/19, Art 4 | \$3,000,000 | Loan not received |
| Library Renovation | STM 11/13, Art 12 | \$6,250,000 | MBLC grant & donations |
| Public Safety Complex | STM 11/2015, Art 8 | \$112,000 | Funds not needed |
| Middle School | STM 12/14, Art 18 | \$24,915,461 | MSBA funds & favorable bid |
| Finish Water Pumps & VFDs | ATM 04/16, Art 4U | \$95,000 | Grant received |
| Marine Park | ATM 03/07, Art 4-17 | \$280,000 | Old project authorization |

Quantum of vote: Majority

VOTE- Consent Agenda - Unanimously in Favor

WARRANT

ARTICLE 7. Capital Improvement Plan

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$1,698,940.00** or any greater or lesser sums as may be necessary, for the purpose of funding the following capital project costs; or take any other action relative thereto:

| | |
|--|------------------|
| 1. <u>Humarock Fire Station</u> | <u>\$500,000</u> |
| 2. <u>Fire Station #1 Overhead Doors</u> | <u>\$70,000</u> |
| 3. <u>Minot Beach Parking Lot</u> | <u>\$292,000</u> |
| 4. <u>Septic Loan Program</u> | <u>\$200,000</u> |
| 5. <u>Permitting System</u> | <u>\$141,940</u> |
| 6. <u>Yard Jockey Replacement</u> | <u>\$120,000</u> |
| 7. <u>Reservoir Dam Project</u> | <u>\$375,000</u> |

Sponsored by: Board of Selectmen

MOTION ARTICLE 7. Capital Improvement Plan

BOS Maura Curran

I move that the Town raise and appropriate, borrow, or transfer from available funds in the Treasury, in accordance with M.G.L. c. 44, §§ 7 and 8 and any other enabling authority, the following sums of money totaling **\$1,698,940.00** for the purpose of funding the following capital project costs:

| | |
|--|------------------|
| 1. <u>Humarock Fire Station</u> | <u>\$500,000</u> |
| 2. <u>Fire Station #1 Overhead Doors</u> | <u>\$70,000</u> |
| 3. <u>Minot Beach Parking Lot</u> | <u>\$292,000</u> |
| 4. <u>Septic Loan Program</u> | <u>\$200,000</u> |
| 5. <u>Permitting System</u> | <u>\$141,940</u> |
| 6. <u>Yard Jockey Replacement</u> | <u>\$120,000</u> |
| 7. <u>Reservoir Dam Project</u> | <u>\$375,000</u> |

and to fund such appropriation raise and appropriate **\$211,940.00** from the FY 2021 tax levy, transfer **\$292,000.00** from the Beach Revolving Fund, transfer **\$375,000.00** from Water Enterprise Retained Earnings and borrow **\$820,000.00** and I further move that in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Advisory Committee Mike Westort

Quantum of vote: 2/3rds

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Amendment to motion from Peter Noyes to see if the Town will vote to raise and appropriate, borrow, transfer from available funds in the Treasury, in accordance with M. G. L. c44 S 7 and 8 and any other enabling authority, the following sums of money totaling \$1,992,940.00 or any greater or lesser sums as may be necessary, for the purchase of fully funding the following capital projects costs.

| | |
|-----------------------------------|------------------|
| 1. Humarock Fire Station | <u>\$794,000</u> |
| 2. Fire Station #1 Overhead Doors | <u>\$70,000</u> |
| 3. Minot Beach Parking Lot | <u>\$292,000</u> |
| 4. Septic Loan Program | <u>\$200,000</u> |
| 5. Permitting System | <u>\$141,940</u> |
| 6. Yard Jockey Replacement | <u>\$120,000</u> |
| 7. Reservoir Dam Project | <u>\$375,000</u> |

This amendment to the motion was rejected by the Moderator as not being within the scope of the article.

VOTE-Declared 2/3s in Favor of Main Motion.

WARRANT

ARTICLE 8. Community Preservation

To see if the Town will vote to hear and act on recommendations from the Community Preservation Committee (the "CPC") on the Fiscal Year 2021 Community Preservation budget and pursuant to M.G.L. c. 44B (the "Act") to appropriate and/or reserve the sums of money as indicated below (i) to meet the administrative expenses and all other necessary and proper expenses of the CPC for Fiscal Year 2021; (ii) for the acquisition, creation, and preservation of open Space; (iii) for the acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; (iv) for the acquisition, preservation, rehabilitation, and restoration of historic resources; and (v) for the creation, acquisition, preservation and support of community housing. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, then appropriated from Community Preservation FY 2021 estimated revenues, with any excess to be appropriated from Community Preservation unreserved funds unless otherwise specified below. All such sums appropriated are further to be expended subject to all if the terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items; or take any other action relative thereto.

1. \$62,550 For Historic Resources — Restoration of Historic 1924 Fire Truck;
2. \$ 9,000 Fund Balance – Closing costs for Mordecai Lincoln property
3. \$15,000 Fund Balance – Conservation restriction for Mordecai Lincoln property

Sponsored By: Community Preservation Committee

MOTION ARTICLE 8.

Community Preservation

BOS Karen Connolly

I move that the Town act on recommendations from the Community Preservation Committee (CPC) to appropriate the sums of money as indicated below. Appropriations for the items below are to be expended first from any existing reserves for the purposes of such item, with any excess to be appropriated from Community Preservation Reserves or Undesignated Funds. All such sums appropriated are further to be expended subject to all terms and conditions of the applications regarding such projects filed with the CPC and the votes of the CPC regarding approval of such items.

1. \$62,550 Restoration of Historic 1924 Fire Truck;
2. \$ 9,000 Closing costs for Mordecai Lincoln property;
3. \$15,000 Conservation restriction for Mordecai Lincoln property

*Advisory Committee Jamie Gilmore
Community Preservation Dan Fennelly*

Quantum of vote: Majority

**Amendment to Motion-Jennifer Kuhn to remove #1 from this motion to be voted separately.
Seconded. The amendment failed.**

VOTE-Majority in Favor of Main Motion

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ARTICLE 9. Local Option Acceptance – SPED Reserve Fund

To see if the Town will vote to accept M.G.L. c. 40, §13E to establish a Special Education (SPED) Reserve Fund to pay for unanticipated or unbudgeted costs for special education, out of district tuition or transportation; or take any other action relative thereto.

Sponsored By: School Committee

Consent Agenda **MOTION ARTICLE 9. Local Option Acceptance – SPED Reserve Fund**

BOS Karen Canfield

I move that the Town accept M.G.L. c. 40, §13E to establish a Special Education (SPED) Reserve Fund to pay for unanticipated or unbudgeted costs for special education, out of district tuition or transportation.

Quantum of vote: Majority

VOTE- *Consent Agenda* - Unanimously in Favor

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ARTICLE 10. Local Option Acceptance – Dog Licenses at No Cost to Persons Age 70 or Older

To see if the Town will vote to accept M.G.L. c. 140, §139(c) to provide a license for a dog owned by a person aged 70 years or over without fee; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Consent Agenda **MOTION ARTICLE 10. Local Option Acceptance – Dog Licenses at No Cost to Persons Age 70 or Older**

BOS Karen Canfield

I move that the Town accept M.G.L. c. 140, §139(c) to provide a license for a dog owned by a person aged 70 years or over without fee.

Quantum of vote: Majority

VOTE- *Consent Agenda* - Unanimously in Favor

WARRANT

ARTICLE 11. Sale/Lease of Council on Aging and Minot Fire Station properties

To see if the Town will vote to transfer to the Board of Selectmen for the purpose of selling and/ or leasing, and authorize the Board of Selectmen to sell and/ or lease for a term not to exceed 25 years on such terms and conditions as it deems in the best interests of the Town, the existing Council on Aging property as shown on assessors' map 50-6-0-A located at 27 Brook Street and the former Minot Fire Station property as shown on Assessors' map 15-3-A-0 located at 9 Mitchell Avenue; and further to appropriate the proceeds from any sales to reduce the cost of the new senior center authorized in Article 1 of the May 13, 2019 Special Town Meeting, and to authorize the Board of Selectmen to perform all actions necessary to carry out the purposes of this article; or take any other action relative thereto.

Sponsored By: Board of Selectmen

MOTION ARTICLE 11. Sale/Lease of Council on Aging and Minot Fire Station properties

BOS Andrew Goodrich

I move that the Town transfer to the Board of Selectmen for the purpose of selling and/ or leasing, and authorize the Board of Selectmen to sell and/ or lease for a term not to exceed 25 years on such terms and conditions as it deems in the best interests of the Town, the existing Council on Aging property as shown on assessors' map 50-6-0-A located at 27 Brook Street and the former Minot Fire Station property as shown on Assessors' map 15-3-A-0 located at 9 Mitchell Avenue; and further to appropriate the proceeds from any sales to reduce the cost of the new senior center authorized in Article 1 of the May 13, 2019 Special Town Meeting, and to authorize the Board of Selectmen to perform all actions necessary to carry out the purposes of this Article.

Advisory Committee Dan McGuiggin

Quantum of vote: 2/3rds

VOTE-Declared 2/3s in Favor of Main Motion

After Article 15 was voted there was a new motion by Peter Noyes to reconsider Article 11. The motion was seconded. Motion failed.

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ARTICLE 12. Cell Tower Leases

To see if the Town will vote to authorize the Board of Selectmen to execute lease terms for up to twenty-five (25) years for cellular towers located on Town property at Town Hall and the Transfer Station; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Consent Agenda **MOTION ARTICLE 12. Cell Tower Leases** BOS Karen Canfield

I move that Town authorize the Board of Selectmen to execute lease terms for up to twenty-five (25) years for cellular towers located on Town property at Town Hall and the Transfer Station.

Quantum of vote: 2/3rds

VOTE- *Consent Agenda* - Unanimously in Favor

WARRANT

ARTICLE 13. Zoning Bylaw Amendment – Signs (Section 710)

To see if the Town will amend the Zoning Bylaws by deleting Section 710 Signs and inserting the following new section in its place; or take any action related thereto.

Section 710. Signs

710.1. PURPOSE

The purposes of this section are to:

1. protect public health, safety and welfare;
2. reduce traffic hazards;
3. promote and protect the aesthetic nature of the town;
4. protect property values; and
5. promote economic development.

710.2. DEFINITIONS

- A. BUSINESS ESTABLISHMENT: A location where business is conducted, goods are made or stored or processed, or where services are rendered and may include a commercial and/or institutional land use; generally a site where the main objective is the receipt or generation of a financial return in exchange for goods or services. For purposes of this Section 710, “business establishment” shall not include a home occupation.
- B. SIGN: As defined in Section 200. The following, however, shall not be considered signs in this Bylaw:
 1. Flags and insignia of any government except when displayed in connection with commercial promotion.
 2. Legal notices, or informational devices erected or required by public agencies.
 3. Temporary window displays, covering not more than 30 percent of window area, illuminated by building illumination only.
 4. Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
 5. Integral decorative or architectural features of a building, except letters or numbers, trademarks, or moving parts.

6. Devices identifying a building as distinct from 1 or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, and not exceeding 4 square feet in area.
 7. Address identification through numerals or letters not exceeding 3 inches in height.
- C. SIGN, SANDWICH BOARD SIGN: A sign consisting of two faces in an "A" shape, connected at the top, that sits on, but is not secured to, the ground.
- D. SIGN, AREA OF: The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle, circle, or triangle which encompasses all of the letters and symbols.
- E. SIGN, BANNER: A sign on a textile, synthetic, plastic or similar material that is affixed and secured to a building or to a permanent pole, such as support pole for a building canopy or a parking lot light pole.
- F. SIGN, ELECTRONIC MESSAGE BOARD: A sign capable of displaying words, images, symbols and figures utilizing a series or grid of lights that may be changed through electrostatic means using light emitting diodes (LEDs) or other similar technology.
- G. SIGN, FREE-STANDING SIGN: A free-standing sign that is mounted on the ground, or on a wall or other base situated directly on the ground; or a sign mounted on a pole or poles or other similar support where the bottom edge of the sign is elevated off of the ground.
- H. SIGN, OFF-PREMISES: Any sign or other advertising device that is used to identify a building, use of land, or services sold or conducted in a location other than the property on which the sign is located.
- I. TEMPORARY SIGN: A structure or device used for the public display of visual messages or images, which is easily installed with or without common hand tools and which is not intended or suitable for long-term or permanent display due to lightweight or flimsy construction materials. Examples include but are not limited to banners, pennants, streamers, or similar non-permanent signs made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames.

710.3. ADMINISTRATION

- A. Building Commissioner. The Building Commissioner is charged with the enforcement of this Section 710. The Building Commissioner and any duly authorized agents employed by the Town shall, if permitted by the owner or otherwise lawfully authorized representative, or as otherwise permitted by law, and at reasonable times and upon presentation of credentials, enter upon the premises on which any sign is erected or maintained for the purpose of inspecting for compliance with the provision of Section 710.

- B. Permit Required. No sign shall be erected or installed until a permit is issued by the Building Commissioner, except as otherwise provided in this Section 710. A sign permit application shall be filed with the Building Commissioner containing all information, including photographs, plans, and scale drawings, as specified on the application form. The sign permit shall be issued if the Building Commissioner determines that the sign complies or will comply with all applicable provisions of this Section 710. A schedule of content-neutral fees for sign permits shall be as determined by the Board of Selectmen.
- C. Commercial and Non-commercial Signs. Wherever and however this Section 710 permits commercial signs, noncommercial messages, without restriction on content, shall also be permitted. No provision of this Section 710 shall be interpreted or administered in a manner that regulates or restricts signs containing non-commercial messages more stringently than signs advertising business or commercial activities and uses, or that prohibits noncommercial messages on signs permitted for commercial purposes.
- D. Sign Waivers. The Board of Appeals, acting as special permit granting authority, may approve, approve with conditions, or disapprove, requests to waive the requirements of Section 710. In no event shall the Board issue a waiver solely to allow larger signs or more signs than would otherwise be allowed.

710.4. PROHIBITED SIGNS

- A. Signs on parked motor vehicles and where the Building Commissioner determines that a vehicle's primary use is for the display of signage and not for transportation.
- B. Revolving, moving, flashing, or blinking signs, signs that appear to be in motion, animated signs, or signs with visible moving parts, except for signs which display public service information.
- C. Signs or parts thereof that contain or consist of animated parts, ribbons, streamers, spinners, or similar moving or fluttering devices, including feather banner and wind flag signs.
- D. Roof signs and signs protruding above the roofline of the building to which the sign is attached.
- E. Signs that obstruct the view of any traffic sign, signal, or other traffic device, or obstruct the view of a driver entering or exiting a street intersection or driveway intersecting with a street, except in accordance with Section 710.5(D).
- F. Off-premises signs except in accordance with Section 710.8.
- G. Interior illuminated signs.

710.5. EXEMPT SIGNS

This Section 710 shall not apply to the following:

- A. The message of a sign.
- B. Traffic control signs and safety signs, including disability access signs.

- C. Signs, banners, or markers, or electronic message boards required or erected by local, state, or federal government.
- D. Public utility identification markings.
- E. Flags not used for advertising or commercial purposes.
- F. Legal notice signs such as “no trespassing” and similar signs.
- G. Any sign limited solely to directing traffic or providing direction, such as arrows or entrance and exit signs or setting out restrictions on the use of parking areas and not exceeding 4 square feet in area.
- H. Temporary signs, except as required under Section 710.6.

710.6. TEMPORARY SIGNS

Temporary signs are permitted in all districts without a Sign Permit from the Building Commissioner, subject to the following requirements:

- A. No sign shall exceed 6 square feet in area and no portion of a sign shall be more than 4 feet in height from ground level.
- B. All signs shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.
- C. No sign shall obstruct traffic sight lines or pedestrian traffic.
- D. No sign shall be illuminated.
- E. Unless otherwise provided for in this section, temporary signs or banners shall not be installed for a period to exceed 60 days. The Board of Appeals may waive this provision in accordance with Section 710.3.
- F. No more than 4 temporary signs may be displayed on a lot, none of which shall exceed 6 square feet in area.

710.7. GENERAL PROVISIONS FOR SIGNS IN ALL DISTRICTS

- A. No signs shall be affixed upon or painted on any rock, tree, utility pole, or town sign on public property within the Town of Scituate.
- B. No signs shall be permitted on Town property without written permission from the Board of Selectmen or their designee. The Applicant shall provide a copy of the Board’s written permission to the Building Commissioner prior to displaying the sign.
- C. No sandwich board signs are allowed on public sidewalks or ways.
- D. Any permanent lawful sign existing at the time this amendment to the bylaw is adopted may be continued, although such signs do not conform to the provisions hereof.

- E. Any total replacement or substantial change of an existing sign shall be required to conform to this Section 710.
- F. Signs shall be affixed and maintained in such a way as to be safe and free of hazard to the public and shall be maintained in good repair.
- G. Fixed free-standing signs are subject to setback restrictions in Section 620.4.B.

710.8. OFF-PREMISES SIGNS ON TRAVELED WAYS

Off-premises business and commercial signs may be placed along traveled ways for the purposes of indicating direction to their facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be needed for directional purposes and shall not exceed 20 square feet in area.

710.9. SIGNS IN RESIDENTIAL DISTRICTS

- A. The following signs are permitted as of right subject to receipt of a sign permit from the Building Commissioner:
 - 1. In the R-1, R-2, or R-3, one non-flashing sign not over 8 square feet in area indicating the owner or occupant.
 - 2. One non-flashing sign not over 8 square feet in area pertaining to nonresidential premises shall be permitted provided that the sign complies with Section 620.4.B. A permit from the Building Commissioner or his designee is required after review and approval by the Planning Board.
- B. A special permit from the Board of Appeals is required for the following signs:
 - 1. Property protection signs larger than one square foot but not exceeding 10 square feet.
 - 2. For sale signs, for rent signs, rooms to let signs, etc. between 6 square feet and 20 square feet.
- C. No business and commercial sign of general advertising nature that does not pertain to a structure or use on the same premises as the sign's location shall be permitted except as provided in Section 710.8.

710.10. SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS

- A. In the GB, HB, B, and VCN Districts, all signs allowed as a matter of right in the residential district shall be allowed with a sign permit from the Building Commissioner. Additionally, exterior signs pertaining to uses on the same premises as the location of such sign are permitted upon the issuance of a permit by the Building Commissioner subject to the following restrictions:
 - 1. No sign shall obstruct visibility in such a way as to constitute a hazard to the safety of persons traveling upon a public way.

2. The top edge of such sign, whether freestanding or not, shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist. Such signs may be illuminated only from the exterior of the advertising matter.
 3. No sign shall exceed 100 square feet of sign area.
 4. Each business establishment is permitted not more than 2 signs, excluding signs necessary for public safety or convenience.
- B. Special permits by the Board of Appeals shall be granted only after a finding that the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.
1. For sale signs, for rent signs, rooms to let signs, etc. between 6 square feet and 20 square feet.
 2. No off-premises business or commercial sign of general advertising nature shall be allowed except as provided in Section 710.8.

710.11. ACCESSORY USE SIGNS

- A. In a residential district, one sign not over 2 square feet is allowed as of right for a home occupation or other permitted accessory use upon the issuance of a permit by Building Commissioner or his designee.
- B. The Board of Appeals may grant a special permit for an accessory use sign between 2 and 10 square feet.

710.12. SIGN MAINTENANCE

- A. Maintenance of Signs. All signs permitted under this Section 710 shall be appropriately maintained. Appropriate maintenance includes the replacement of missing letters, removal of peeling paint and repainting, replacement of any cracked or broken glass or plastic or similar, replacement of any failed lighting, and replacement of any broken, defective, worn out or damaged signs. If the Building Commissioner determines that a sign has not been maintained in accordance with this Section 710, a notice to repair or remove the sign may be issued to the sign owner to repair or replace the sign within 30 days.
- B. Unsafe or Unlawful Signs. When any sign becomes unsecured, in danger of falling, or otherwise derelict or unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of law, the sign owner or the person or firm maintaining the sign shall, upon written notice of the Building Commissioner, immediately in the case of imminent danger, and in any other case within not more than 10 days, make the sign conform to the provisions this Section 710 or shall remove it. If within 10 days the order is not complied with, the Building Commissioner may, in conformance with state law, remove the sign at the

expense of the owner or lessee. Costs may be recovered for the removal from the owner or lessor in the District Court.

- C. Derelict Signs. Signs which become decrepit, dilapidated, illegible, or dangerous to the public safety, shall be condemned and removed by the Building Commissioner. Costs may be recovered for the removal from the owner or lessor in the District Court.

Sponsored by: Planning Board

MOTION ARTICLE 13. Zoning Bylaw Amendment – Signs (Section 710)

I move that the Town amend the Zoning Bylaws by deleting Section 710 Signs and inserting the following new section in its place.

Section 710. Signs

710.13. PURPOSE

The purposes of this section are to:

1. protect public health, safety and welfare;
2. reduce traffic hazards;
3. promote and protect the aesthetic nature of the town;
4. protect property values; and
5. promote economic development.

710.14. DEFINITIONS

- A. BUSINESS ESTABLISHMENT: A location where business is conducted, goods are made or stored or processed, or where services are rendered and may include a commercial and/or institutional land use; generally a site where the main objective is the receipt or generation of a financial return in exchange for goods or services. For purposes of this Section 710, “business establishment” shall not include a home occupation.
- B. SIGN: As defined in Section 200. The following, however, shall not be considered signs in this Bylaw:
1. Flags and insignia of any government except when displayed in connection with commercial promotion.
 2. Legal notices, or informational devices erected or required by public agencies.

3. Temporary window displays, covering not more than 30 percent of window area, illuminated by building illumination only.
 4. Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.
 5. Integral decorative or architectural features of a building, except letters or numbers, trademarks, or moving parts.
 6. Devices identifying a building as distinct from 1 or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, and not exceeding 4 square feet in area.
 7. Address identification through numerals or letters not exceeding 3 inches in height.
- C. SIGN, SANDWICH BOARD SIGN: A sign consisting of two faces in an "A" shape, connected at the top, that sits on, but is not secured to, the ground.
- D. SIGN, AREA OF: The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle, circle, or triangle which encompasses all of the letters and symbols.
- E. SIGN, BANNER: A sign on a textile, synthetic, plastic or similar material that is affixed and secured to a building or to a permanent pole, such as support pole for a building canopy or a parking lot light pole.
- F. SIGN, ELECTRONIC MESSAGE BOARD: A sign capable of displaying words, images, symbols and figures utilizing a series or grid of lights that may be changed through electrostatic means using light emitting diodes (LEDs) or other similar technology.
- G. SIGN, FREE-STANDING SIGN: A free-standing sign that is mounted on the ground, or on a wall or other base situated directly on the ground; or a sign mounted on a pole or poles or other similar support where the bottom edge of the sign is elevated off of the ground.
- H. SIGN, OFF-PREMISES: Any sign or other advertising device that is used to identify a building, use of land, or services sold or conducted in a location other than the property on which the sign is located.
- I. TEMPORARY SIGN: A structure or device used for the public display of visual messages or images, which is easily installed with or without common hand tools and which is not intended or suitable for long-term or permanent display due to lightweight or flimsy construction materials. Examples include but are not limited to banners, pennants, streamers, or similar non-permanent signs made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames.

710.15. ADMINISTRATION

- A. Building Commissioner. The Building Commissioner is charged with the enforcement of this Section 710. The Building Commissioner and any duly authorized agents employed by the Town shall, if permitted by the owner or otherwise lawfully authorized representative, or as otherwise permitted by law, and at reasonable times and upon presentation of credentials, enter upon the premises on which any sign is erected or maintained for the purpose of inspecting for compliance with the provision of Section 710.
- B. Permit Required. No sign shall be erected or installed until a permit is issued by the Building Commissioner, except as otherwise provided in this Section 710. A sign permit application shall be filed with the Building Commissioner containing all information, including photographs, plans, and scale drawings, as specified on the application form. The sign permit shall be issued if the Building Commissioner determines that the sign complies or will comply with all applicable provisions of this Section 710. A schedule of content-neutral fees for sign permits shall be as determined by the Board of Selectmen.
- C. Commercial and Non-commercial Signs. Wherever and however this Section 710 permits commercial signs, noncommercial messages, without restriction on content, shall also be permitted. No provision of this Section 710 shall be interpreted or administered in a manner that regulates or restricts signs containing non-commercial messages more stringently than signs advertising business or commercial activities and uses, or that prohibits noncommercial messages on signs permitted for commercial purposes.
- D. Sign Waivers. The Board of Appeals, acting as special permit granting authority, may approve, approve with conditions, or disapprove, requests to waive the requirements of Section 710. In no event shall the Board issue a waiver solely to allow larger signs or more signs than would otherwise be allowed.

710.16. PROHIBITED SIGNS

- A. Signs on parked motor vehicles and where the Building Commissioner determines that a vehicle's primary use is for the display of signage and not for transportation.
- B. Revolving, moving, flashing, or blinking signs, signs that appear to be in motion, animated signs, or signs with visible moving parts, except for signs which display public service information.
- C. Signs or parts thereof that contain or consist of animated parts, ribbons, streamers, spinners, or similar moving or fluttering devices, including feather banner and wind flag signs.
- D. Roof signs and signs protruding above the roofline of the building to which the sign is attached.
- E. Signs that obstruct the view of any traffic sign, signal, or other traffic device, or obstruct the view of a driver entering or exiting a street intersection or driveway intersecting with a street, except in accordance with Section 710.5(D).
- F. Off-premises signs except in accordance with Section 710.8.

- G. Interior illuminated signs.

710.17. EXEMPT SIGNS

This Section 710 shall not apply to the following:

- A. The message of a sign.
- B. Traffic control signs and safety signs, including disability access signs.
- C. Signs, banners, or markers, or electronic message boards required or erected by local, state, or federal government.
- D. Public utility identification markings.
- E. Flags not used for advertising or commercial purposes.
- F. Legal notice signs such as “no trespassing” and similar signs.
- G. Any sign limited solely to directing traffic or providing direction, such as arrows or entrance and exit signs or setting out restrictions on the use of parking areas and not exceeding 4 square feet in area.
- H. Temporary signs, except as required under Section 710.6.

710.18. TEMPORARY SIGNS

Temporary signs are permitted in all districts without a Sign Permit from the Building Commissioner, subject to the following requirements:

- A. No sign shall exceed 6 square feet in area and no portion of a sign shall be more than 4 feet in height from ground level.
- B. All signs shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.
- C. No sign shall obstruct traffic sight lines or pedestrian traffic.
- D. No sign shall be illuminated.
- E. Unless otherwise provided for in this section, temporary signs or banners shall not be installed for a period to exceed 60 days. The Board of Appeals may waive this provision in accordance with Section 710.3.
- F. No more than 4 temporary signs may be displayed on a lot, none of which shall exceed 6 square feet in area.

710.19. GENERAL PROVISIONS FOR SIGNS IN ALL DISTRICTS

- A. No signs shall be affixed upon or painted on any rock, tree, utility pole, or town sign on public property within the Town of Scituate.
- B. No signs shall be permitted on Town property without written permission from the Board of Selectmen or their designee. The Applicant shall provide a copy of the Board's written permission to the Building Commissioner prior to displaying the sign.
- C. No sandwich board signs are allowed on public sidewalks or ways.
- D. Any permanent lawful sign existing at the time this amendment to the bylaw is adopted may be continued, although such signs do not conform to the provisions hereof.
- E. Any total replacement or substantial change of an existing sign shall be required to conform to this Section 710.
- F. Signs shall be affixed and maintained in such a way as to be safe and free of hazard to the public and shall be maintained in good repair.
- G. Fixed free-standing signs are subject to setback restrictions in Section 620.4.B.

710.20. OFF-PREMISES SIGNS ON TRAVELED WAYS

Off-premises business and commercial signs may be placed along traveled ways for the purposes of indicating direction to their facility by special permit of the Board of Appeals after review and comment by the Planning Board. Such signs must be needed for directional purposes and shall not exceed 20 square feet in area.

710.21. SIGNS IN RESIDENTIAL DISTRICTS

- A. The following signs are permitted as of right subject to receipt of a sign permit from the Building Commissioner:
 - 1. In the R-1, R-2, or R-3, one non-flashing sign not over 8 square feet in area indicating the owner or occupant.
 - 2. One non-flashing sign not over 8 square feet in area pertaining to nonresidential premises shall be permitted provided that the sign complies with Section 620.4.B. A permit from the Building Commissioner or his designee is required after review and approval by the Planning Board.
- B. A special permit from the Board of Appeals is required for the following signs:
 - 1. Property protection signs larger than one square foot but not exceeding 10 square feet.
 - 2. For sale signs, for rent signs, rooms to let signs, etc. between 6 square feet and 20 square feet.
- C. No business and commercial sign of general advertising nature that does not pertain to a structure or use on the same premises as the sign's location shall be permitted except as provided in Section 710.8.

710.22. SIGNS IN BUSINESS AND COMMERCIAL DISTRICTS

- A. In the GB, HB, B, and VCN Districts, all signs allowed as a matter of right in the residential district shall be allowed with a sign permit from the Building Commissioner. Additionally, exterior signs pertaining to uses on the same premises as the location of such sign are permitted upon the issuance of a permit by the Building Commissioner subject to the following restrictions:
1. No sign shall obstruct visibility in such a way as to constitute a hazard to the safety of persons traveling upon a public way.
 2. The top edge of such sign, whether freestanding or not, shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist. Such signs may be illuminated only from the exterior of the advertising matter.
 3. No sign shall exceed 100 square feet of sign area.
 4. Each business establishment is permitted not more than 2 signs, excluding signs necessary for public safety or convenience.
- B. Special permits by the Board of Appeals shall be granted only after a finding that the sign is reasonable in design and size, the sign is economically necessary, and the sign will not be a hazard to the public.
1. For sale signs, for rent signs, rooms to let signs, etc. between 6 square feet and 20 square feet.
 2. No off-premises business or commercial sign of general advertising nature shall be allowed except as provided in Section 710.8.

710.23. ACCESSORY USE SIGNS

- A. In a residential district, one sign not over 2 square feet is allowed as of right for a home occupation or other permitted accessory use upon the issuance of a permit by Building Commissioner or his designee.
- B. The Board of Appeals may grant a special permit for an accessory use sign between 2 and 10 square feet.

710.24. SIGN MAINTENANCE

- A. Maintenance of Signs. All signs permitted under this Section 710 shall be appropriately maintained. Appropriate maintenance includes the replacement of missing letters, removal of peeling paint and repainting, replacement of any cracked or broken glass or plastic or similar, replacement of any failed lighting, and replacement of any broken, defective, worn out or damaged signs. If the Building Commissioner determines that a sign has not been maintained in

accordance with this Section 710, a notice to repair or remove the sign maybe issued to the sign owner to repair or replace the sign within 30 days.

- B. Unsafe or Unlawful Signs. When any sign becomes unsecured, in danger of falling, or otherwise derelict or unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of law, the sign owner or the person or firm maintaining the sign shall, upon written notice of the Building Commissioner, immediately in the case of imminent danger, and in any other case within not more than 10 days, make the sign conform to the provisions this Section 710 or shall remove it. If within 10 days the order is not complied with, the Building Commissioner may, in conformance with state law, remove the sign at the expense of the owner or lessee. Costs may be recovered for the removal from the owner or lessor in the District Court.
- C. Derelict Signs. Signs which become decrepit, dilapidated, illegible, or dangerous to the public safety, shall be condemned and removed by the Building Commissioner. Costs may be recovered for the removal from the owner or lessor in the District Court.

Quantum of vote: 2/3rds

**Ann Burbine, Planning Board moved to refer this article back to the Planning Board.
Seconded.**

VOTE-Unanimously in Favor

Town of Scituate
Special Town Meeting
November 16, 2020

WARRANT

ARTICLE 14. Acceptance of Public Way – Studley Farm Road

To see if the Town will vote to accept Studley Farm Road as laid out by the Board of Selectmen as a public way; and authorize the Selectmen to accept and take by eminent domain easements for such public way and any appurtenant drainage or municipal services; or take any other action relative thereto.

Sponsored By: Board of Selectmen

Consent Agenda **MOTION ARTICLE 14. Acceptance of Public Way – Studley Farm Road**

BOS Karen Canfield

I move that the Town accept Studley Farm Road as laid out by the Board of Selectmen as a public way; and authorize the Selectmen to accept and take by eminent domain easements for such public way and any appurtenant drainage or municipal services.

Advisory Committee Jamie Gilmore

Quantum of vote: 2/3rds

VOTE- *Consent Agenda* - Unanimously in Favor

WARRANT

ARTICLE 15. Amend General Bylaws to be Gender Neutral

To see if the Town will vote to amend the Town's General Bylaws to change all gender specific pronouns to gender neutral pronouns in a manner consistent with the examples below; or take any action related thereto.

"Board of Selectmen" changes to "the Select Board"

"Selectmen" changes to "Select Board member" or "member of the Select Board"

"Chairman" changes to "the Chair" or "the Chairperson"

"Vice-Chairman" changes to "Vice-Chair" or "Vice-Chairperson"

"He/She" changes to "they"

"His/Hers" changes to "their"

"Him/Her" changes to "them"

Sponsored By: Board of Selectmen

Consent Agenda MOTION ARTICLE 15. Amend General Bylaws to be Gender Neutral

BOS Karen Canfield

I move that the Town amend the Town's General Bylaws to change all gender specific pronouns to gender neutral pronouns in a manner consistent with the examples below.

"Board of Selectmen" changes to "the Select Board"

"Selectmen" changes to "Select Board member" or "member of the Select Board"

"Chairman" changes to "the Chair" or "the Chairperson"

"Vice-Chairman" changes to "Vice-Chair" or "Vice-Chairperson"

"He/She" changes to "they"

"His/Hers" changes to "their"

"Him/Her" changes to "them"

Advisory Committee Mike Westort

Quantum of vote: Majority

After discussion Ann Burbine made a motion to move the question. The motion failed.

Discussion continued until a vote was declared as a majority in favor of the article and was challenged by 7 voters.

VOTE-Motion passed by Majority, standing count in favor 49-Yes, 18-No.

Town of Scituate
Special Town Meeting
November 16, 2020

WARRANT

ARTICLE 16. Petition - South Shore Community Action Council

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Five Thousand Dollars (\$5,000.00) to South Shore Community Action Council, Inc. for services to low-income children, families, and elderly residents in the Town of Scituate; or take any other action related thereto.

Sponsored By Petition

MOTION ARTICLE 16. Petition - South Shore Community Action Council

Jamie Gilmore

I move that the Town appropriate the sum of Five Thousand Dollars (\$5,000.00) to South Shore Community Action Council, Inc. for services to low-income children, families, and elderly residents in the Town of Scituate and to fund such appropriation transfer \$5,000.00 from Free Cash.

Advisory Committee Jamie Gilmore

Quantum of vote: Majority

VOTE-Declared Majority in Favor

I hereby certify the foregoing to be a True Copy Attest.


Kathleen A. Gardner
Town Clerk



