



TOWN OF WEST BOYLSTON PLANNING BOARD planningboard@westboylston-ma.gov
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PUBLIC HEARING MEETING MINUTES
Consider Amending Zoning Bylaw to DELETE Section 5.6a 5iii
May 12, 2021

Members Remote: Sarah Miles (Vice Chair), Marc Frieden, Vincent Vignaly, Barur Rajeshkumar

Members Absent: Paul Anderson (Chair)

Attendees Remote: George Tignor & Sheryl Keddy (Building Department)

The Vice Chair opened the public hearing at 7:05 p.m. The public hearing notice was read into record. There was no presenter from the Selectboard who proposed the change.

Mr. Frieden said it takes some of the strength out of the bylaw because applicants only have to get a permit once. Mr. Vignaly questioned how enforcement would be done. Is there another process in place to bring the signs that have permits now that are in violation into compliance? Selectman Rucho, who was taping the meeting, said they were charging a \$50 fee each year but nothing was being done and asked what he thought was expected of the fee every year. Mr. Vignaly said the fee has nothing to do with the zoning requirement for renewal every five years. The intent of the bylaw was to allow signs that were not in compliance to have the time before they renewed their permit to bring them into compliance before renewal again. The fee is not stated in the bylaw, but is up to the Selectboard. The issue is that the Planning Board wanted to get non-compliant signs brought into compliance; that's why there was a five-year renewal.

Ms. Miles asked what was the intent of the current bylaw, and what is the intent of the new one. Mr. Vignaly said the old intent was to have a process to check to make sure the signs are compliant with the zoning and, if not, get them to become compliant at least every five years. The bylaw does not require a payment; it allows a fee to be charged and set by the Selectboard, but in the past they have not wanted to do that. The bylaw was drafted in 2012, so there should be no non-compliant signs, but when asked to provide the Planning Board with a list of the signs that have been denied, there was no list available. There is a requirement for a 10-foot setback to the property line; most of the signs on Route 12 are not set back 10-feet from the property line; many are not on the people's property because the right-of-way is so wide. It was a way to try to get compliance for those signs because that's what the town meeting voted. This proposal is to take that out, and Mr. Vignaly was not sure how to get compliance later. Sheryl Keddy (Building Department) compiled a list for renewals, letters were sent out, and those that were in violation were supposed to submit documentation that they were grandfathered. Mr. Rajeshkumar said sign permits are issued, but getting the fees is impossible which is why the Selectboard wanted to remove the fee portion; he was not sure about removing the entire section though. Ms. Miles said Ms. Keddy is doing all the work, but the fees are not getting collected. Mr. Vignaly said it's one of those policies that's a good idea, but in practice it is not getting the desired effect. Some signs from 2011-2012 are still not in compliance with the current wording. If it's not being implemented the way it was intended; the permit nor the fee accomplished compliance. Mr. Rucho asked if the signs that are not in compliance on Route 12 could ever be in compliance. Mr. Vignaly said there were a few where they wouldn't be able to have the sign where it's

currently located, they would have to move it back 5-10-feet, and some would not be able to have the standing sign; they could have a wall mounted sign; or they could follow the process available which is to request a Variance from the Zoning Board of Appeals.

Mr. Vignaly said the process typically followed for a zoning change is that the Selectboard would talk to the Planning Board first before referring a zoning change. In his opinion, the Selectmen should have come to a meeting, or simply sent an email to the board to consider this change, before referring the Town Warrant Article for a report.

George Tignor (Building Inspector) discussed with the Selectboard streamlining the process because there are over 600 signs and it is an overwhelming task sending letters then sending enforcement letters. He said he visits the sites when any sign changes come in to see if there is a possibility at that time to move it. He said he is on top of it and trying to get compliance, but some of it is just impossible. Mr. Vignaly said compliance could also mean going to the ZBA for a variance; Mr. Tignor does not have to do all the work. The way it is being done now is not working. The situation has been the same for 10 years. Ms. Miles said if the goal is to bring non-compliant signs into compliance, why couldn't there be a fine every x number of years; they could choose to correct it or show proof that it is grandfathered, or pay the fine. Mr. Rajeshkumar said collecting fines is a lot of work and people ignore it. Mr. Vignaly said a fee for this activity is not needed; he wants to make sure that signs that are non-compliant be brought into compliance. By deleting the section, he does not know what the process is to make that happen. By requiring a renewal permit every five years, that's when applicants would provide evidence that it is or is not allowed; after five years of proper enforcement by the Building Inspector, hopefully all non-compliant signs will be compliant (moved or have a variance or a documented grandfathering statement). If not, it would have to be taken down. Ms. Miles asked how that would be enforced and was told if it is in violation of the zoning, it would be the responsibility of the Zoning Enforcement Officer. Mr. Rucho said everything he was talking about can happen without looking at it every five years and thought the bylaw could say something about those signs but didn't think every five years we have to expect the Building Inspector to look at all signs in town and renew them for five more years. Mr. Vignaly said we had these discussions almost 10 years ago and the result was to have this wording to try to encourage it so it was done gradually, but it hasn't happened. What's going to change to make it happen in the future? Mr. Tignor didn't see any benefit for the town to get this involved in some of the signs which, for the most part, are really not that discouraging to the town.

Mr. Vignaly commented that a lot of the people are saying they're changing their signs to be the electronic signs; some of the electronic signs on Route 12 are in violation of the setback. Mr. Tignor said the setback is difficult on some because they are replacing a sign that was already there. Ms. Miles said the bylaw we have is not working; it's a bylaw being applied to all which is meant to bring a very few into compliance. If the intent is to try to bring a small number into compliance which causes work for everybody else and isn't very enforceable, then it's probably not a good one. If we delete it, will we still have an opportunity to make something new that could be proposed that achieves the purpose that we're looking at? Mr. Vignaly said the bylaw says that the signs that are not in compliance need to come into compliance; he doesn't know where the enforcement is. Mr. Rucho said we know what the issue is, putting a five-year renewal on them doesn't fix this issue. Mr. Rajeshkumar said the Building Inspector could deny the permit. Mr. Tignor said he will do that if there is a sign that is really way out of whack. Mr. Vignaly if it is in violation, it is in violation; it's not a subjective decision; town meeting voted

certain bylaws and certain rules. Mr. Tignor said that's why they are asking to have this one pulled off because it's a very difficult bylaw to enforce. Mr. Rucho said no one is saying to get rid of the bylaw, all they are asking is that the Building Inspector doesn't review them every five years. Mr. Vignaly said there is a process to go to the ZBA for a variance, but no one is being pushed into that process. Mr. Rucho said why have a five-year renewal for the 90% that are in compliance. If one of them that was in compliance changes, the Building Inspector can do something about it then. Ms. Miles thought that was fair. Mr. Frieden had no problem changing the bylaw, but with removing what our attempt for enforcement is and not replacing it with something else is not the right direction. He thought we should work to find the solution and then change the bylaws; put the solution in place rather than remove the problem and let the bylaw wait for something else. He said the intent originally was to put the five-year renewal in to catch people that were not in compliance and it gave them five years to become compliant. Ms. Miles said she understood why a change needs to be made and said we need to focus on making a change proposal as opposed to just the deletion to move this forward.

Ms. Keddy said she agreed with the people who say it is a tax because nothing has changed, which is why they did away with the fee; it is now more a matter of the enforcement factor. She said a lot of things are handled after receiving a specific complaint. If someone has an issue with a sign and calls them about it, that's when the process would begin to either get a variance or remove sign. Ms. Miles did not think it was fair to punish everybody when there's only a select few that we're trying to bring into compliance. Mr. Frieden asked if the amendment to be changed, not that the five-year renewal goes away, but have auto renewal every five years for compliant signs so people who have non-compliant signs still have a reason to try to become compliant. Mr. Vignaly was not sure why notices were being sent since there is nothing in the bylaw that says they need to be notified; it is their responsibility. Ms. Miles liked Mr. Frieden's idea but did not know if we could make any amendments at this point. Mr. Frieden said this is the time to make changes. Mr. Vignaly said because the hearing notice says to delete it, the board cannot edit it. The bylaw currently has wording that if a sign is not compliant with the zoning, it is not a legal sign and can be enforced. The five-year is just a way to do it. He said we could delete the section and not have the five-year renewal condition. Mr. Tignor and Ms. Keddy know they need to be on top of the setbacks, sizing, etc. involved in the sign bylaw. The applicant would receive a zoning interpretation saying they are in violation of the zoning bylaw and they need to go to the ZBA; that starts the process for them to go to the ZBA.

Ms. Miles asked for public comment; there was none. Mr. Vignaly commented that he would like the process to be more open and interactive with the Selectboard and the Planning Board in the future if they are making any zoning changes; the board should be contacted to schedule a discussion to get these kinds of issues heard before posting it on the Town Meeting Warrant. Mr. Rajeshkumar made a motion to close the public hearing; Mr. Vignaly seconded; roll call vote: Frieden-yes; Rajeshkumar-yes; Vignaly-yes; Miles-yes; motion approved. Mr. Vignaly made a motion to recommend the approval of the warrant article to delete Section 5.6a 5iii; Mr. Rajeshkumar seconded; roll call vote: Frieden-yes; Rajeshkumar-no; Vignaly-yes; Miles-yes; motion approved.

Date Accepted: _____

By: _____

Vincent P. Vignaly, Clerk

Submitted by: _____

Melanie Rich