

MINUTES
SPECIAL PLANNING BOARD BUSINESS MEETING
Tuesday, May 1, 2007

Meeting was called to order at 6:05 PM. The purpose of this special business meeting, to which the Zoning Board of Appeals and the Building Inspector had been invited, was to discuss sign issues.

Planning Board members present were: R. Wood, (chair), Bart Elsbach, B. Gillooly, A. Gulotta and C. Tomich. ZBA members present were Barbara West (chair); Eric Blackburn, Eric Carlson, Jim Collingwood, Peter Rowntree and David West. Building Inspector Tom Carmody was also present. Sign in sheet attached. Nadia Milleron, board secretary, was unable to attend; R. Wood took minutes.

R. Wood thanked everyone for attending and indicated what she hoped to get out of this hour long meeting and asked everyone to indicate the same.

- T. Gulotta: better understanding of the original intent of the signage by-laws and how to measure a sign; how do the by-laws relate to the structure on which a sign is hung, placed or constructed?
- E. Blackburn: issue of grandfathered signs versus the signs which new businesses are allowed per the by-laws; how to fairly adjudicate such issues given the inherent differences in sign sizes.
- J. Collingwood: discussed the many issues involved in evaluating a sign and its appropriateness for a location; discussed these factors in making the ZBA's decision re: Webster-Ingersoll's sign.
- T. Carmody: how to measure a sign? Where to begin – the base or bottom of the sign – in taking such measurements?
- D. West: overdue need for a "Road Map" to advise those wanting to do something in town, (hereafter called applicant), how to do it and using a decision tree design, what the options are and who – what board, commission, office etc. – to contact. Focused on the process. Comments made on record keeping, avoidance of verbal discussions that aren't

documented or “official”. How do the ZBA, BI and PB work together to communicate amongst themselves, get the applicant on the right path quickly, without confusion or ambiguity.

- B. West: how to measure signs? Booklet to make things clear to applicants.
- C. Tomich: importance of joint meetings such as this; importance of road map; how does a historic site marker (such as K. Hyatt’s) get considered given current sign by-laws? How to weight the historical value of the site and its proposed signage?
- B. Gillooly: need to solve the Hyatt situation. How to measure a sign? How to provide fast path directions to applicants – get it done!
- B. Elsbach: sign measurement; where to start the “base/bottom” measurement? Concerned about sign aesthetics and intent and what to do when a sign is still not allowed per the by-laws? Where / how can latitude be allowed for opinion on worthiness of sign versus specific sign by-law statements?
- E. Carlson: would like have a clear understanding of who does what, internally for the three entities involved (BI & PB & ZBA) as well as for applicants. How can the three entities channel information between themselves more effectively and efficiently?
- P. Rowntree: need to create safe havens outside the current prescribed areas of determination, i.e. a safe haven for exceptions in measuring the area of a sign. Questioned whether we have or need to have an exception for historic signs/markers or signs/markers at historic sites/properties. Recommended that the three entities maintain professionalism in dealing with each other and avoid off-the-cuff comments.

D. West explained that the intent of the original sign by-laws was to not have the signs too big.

Next discussed were questions of: 1) “How is a sign measured?” and 2) “What is meant by “sign structure” in the area of a sign definition? Many attendees spoke of measuring from the ground, including T. Carmody and E. Blackburn. When the question of whether the measurement would be taken from the ground if a sign was hung on a tree, the consensus appeared to be “no” which also appeared to be the consensus when the sign was hung on a building. No roll call was taken on these questions however. When the question was asked regarding measurement if the sign was hung or placed on a stone wall or structure, there was no consensus or clear statement although the matter of stone structure, such as the end of a stone wall or finished abutment was brought into the discussion.

There was discussion about the different types of signs beyond the commercial and non-commercial categories. It was noted that some towns, such as Great Barrington, have specific types or classes of signs and specific regulations governing each type/class. The type of sign defines what regulations apply to it. One possible solution is to revise the by-laws to add categories of signs per district, appropriate to the district.

E. Carlson discussed the role of the ZBA and their function / authority during an appeal. Several participants provided their views, which led into a discussion of possible safe havens or exemptions. P. Rountree discussed that such discretion is not available to the ZBA except in the area of variances, i.e. better for the neighborhood, which would not apply to signs. R. Wood queried if this flexibility could rest with the Building Inspector. The consensus was that it belonged with the Planning Board given its special permit authority regarding by-right signs, Section 6.2.5.2. Such latitude would potentially allow for evaluating such items as better neighborhood issues and a review of the total picture of sign-related issues. It was agreed by all that this type of latitude is not specified in the current zoning by-laws and that Section 6.2 Signs needs work if the three entities are to avoid the sign problems that have presented themselves over recent years and provide the flexibility needed to provide exceptions or safe havens. It was felt that it is impossible to nail down every sign issue in any by-laws.

There was discussion re: communication of what's required re: signage and the sign approval process. General consensus was that communications with the public/ applicant on this process needed to be improved. It was also noted that there will likely always be applicants who do not avail themselves of available materials or make inquiries until the sign is made or installed. The revised sign information packet was briefly discussed and is attached to these minutes. Attendees were asked to provide feedback on the packet. The Sheffield Times was mentioned as a possible way of getting the sign message out to the town.

The Zoning By-Law Review committee was discussed as a possible source for developing proposed language to address the concerns raised in this meeting. The measurement issues was raised again and allocated to 2 categories: 1) totally new sign structure on which the sign will be mounted or hung – here it is measure from the ground up (associated issue – where does the ground start with berms created under signs?) and 2) what if the thing the sign will attach to is already there – i.e. tree, building, stone wall? This lead to a discussion of how long the thing – such as, stonewall / endcap – would need to be there before eligible for a sign. The group felt that this whole issue of measurement and what gets measured needed attention and clarification. (Bart Elsbach expressed an interest in joining The Zoning By-Law Review committee.)

R. Wood discussed what she had found out from Bob Ritchie's office re: typo under 6.2.5, namely that it had to be corrected at town meeting and had to go through the public hearing process etc. It could not be motioned at town meeting before this process. She was to follow up with Town Counsel re: how this impacted the planning board in the interim.

The legal options available to K. Hyatt were discussed and agreed upon.

Meeting attendees were asked to think about the next step, what needed to be done and if the three entities should meet again on this topic in late May. C. Tomich asked if the boards had meet together before (not that anyone present was able to recall) and suggested that the Building Inspector, ZBA and Planning Board plan to meet semi-annually to review and discuss issues of mutual interest.

R. Wood to distribute minutes to all attendees for review and correction. At 7:10 PM, the meeting adjourned. Respectfully submitted by Rene Wood.

Attachments