



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Doug Heim, Town Counsel

From: Erin Zwirko, Assistant Director, Planning and Community Development

CC: Jennifer Raitt, Director, Planning and Community Development

Date: March 18, 2019

RE: 2019 Annual Town Meeting Article 26

As noted in the Zoning Audit of the Master Plan and during recodification of the bylaw last year, there are sign rules and regulations in the Zoning Bylaw, Town Bylaw, and Arlington Historic Districts Commission bylaw, which create conflicts in interpretation and make the bylaws difficult to use. Section 6.2 of the Zoning Bylaw, which regulates the size and number of permanent and temporary signs allowed in each zoning district, has been amended many times and is not in compliance with a recent Supreme Court ruling.

Using a 2017 appropriation, the Town contracted with Lisa Wise Consulting (LWC) to draft new sign regulations that are well-organized, straightforward to understand and administer, consistent with state and federal law, and representative of best practices. Roger Eastman, the Project Manager, has 25 years of experience working on sign regulations, including on a similar project in Portland, Maine. As part of the scope of work, LWC and Department staff interviewed stakeholders, held a public forum, provided a draft analysis, discussed the analysis with Redevelopment Board members, provided an Analysis and Recommendations Report, and drafted the proposed amendments. The Department is overseeing this process with input and assistance from the Zoning Bylaw Working Group and Town Counsel.

In addition to overhauling the sign regulations, LWC was tasked with recommending whether the updated sign regulations should be in the Town Bylaw or the Zoning Bylaw. In the Analysis and Recommendations Report, LWC recommended that the sign regulations remain in the Zoning Bylaw for the following reasons:

1. It is a more typical national practice to include sign regulations in a Zoning Bylaw than to include them in a Town Bylaw;
2. The Building Inspector, who is charged with the administration and enforcement of the Zoning Bylaw, will retain primary responsibility over sign review. Therefore, it makes sense for sign procedures and enforcement to remain within the Zoning Bylaw;
3. Including the sign regulations in the Zoning Bylaw make it easier to cross reference to other zoning standards, such as zoning districts or applicable administrative procedures;

4. Town residents and business owners are used to reviewing the sign regulations in the Zoning Bylaw;
5. The Town has historically regulated signs in the Zoning Bylaw rather than the Town Bylaw; and
6. Regulation of signs is more closely related to community or neighborhood character than it is to general public health and welfare.

With that recommendation in mind, LWC noted that there were duplicative provisions in Section 6.2 of the Zoning Bylaw and Title V, Article 1 of the Town Bylaws. Title V, Article 1 establishes standards for billboards, signs, and other outdoor advertising devices. Section 6.2.13 contains many of the same provisions. LWC recommended that the language in Title V, Article 1, with the exception of paragraph J, be consolidated into the Zoning Bylaw. After consulting with the Zoning Bylaw Working Group, the Department staff, and Town Counsel, LWC carried forward this recommendation into the Zoning Bylaw amendments.

The revised sign regulations in the Zoning Bylaw are subject of Article 17 and the consolidated and updated text regarding billboards can be found in Section 6.2.5(F) of the amendments. In order to delete the duplicative text in the Town Bylaw, Article 26 was also submitted. Article 26 maintains paragraph J in Title V, Article 1 of the Town Bylaws, which allows the Select Board to review notices, specifically temporary signs erected by a person or non-profit organization for the purpose of advertising an individual yard sale, public event, or lost pet on public or private ways. The appropriate cross references in the amended Zoning Bylaw point readers to the Select Board's authority of these types of notices.

To support the overhaul of the sign regulations, the Department would appreciate the Select Board's positive recommendation of Article 26; however, should Article 17 fail at Town Meeting, it is recommended that no action is taken on Article 26.