

Chapter R:7

Permit Granting Authority's Rules & Regulations For Sign Regulations in Article XIII of Zoning By-Law

1.0 Introduction

These rules and regulations are intended to specify the rules, regulations and procedures relative to the Sign Regulations, contained in Article XIII of the Zoning By-Law (the "By-Law"). These rules and regulations are intended to supplement said Article XIII which also contains certain rules, regulations and procedures, and must therefore be read in conjunction with these rules and regulations.

2.0 Application Procedure –Inspector of Buildings

2.1 Application for Permit from Inspector of Buildings

- a. No Sign except one in conformance with the By-Law shall be erected, reworded or changed in the Town of Topsfield.
- b. All Signs not specifically exempted from a permit requirement pursuant to the By-Law shall require a permit from the Inspector of Buildings. In the event of a question as to whether or not a sign is exempted, the Inspector of Buildings shall issue such determination.
- c. Applications for sign permits shall be available at the Inspectional Services Office. Permit applications shall be filed with the Inspector of Buildings. The permit application shall be accompanied by the following: (i) two (2) scaled drawings of the sign, supporting structure, source of illumination and location; (ii) if the sign is in an Historic District, a certificate of appropriateness from the Historic Commission; (iii) any relevant Special Permit.

3.0 Decision on Application – Inspector of Buildings

- 3.1 The Inspector of Buildings shall issue a permit for the erection and maintenance of a sign or signs which the he/she determines is in compliance with the By-Law or deny the issuance thereof within thirty (30) days of the date on which the application for a permit was received.
- 3.2 Should the Building Inspector fail to take appropriate action within the above stated period the permit shall be deemed to have been approved, and the Town Clerk shall issue a certificate of constructive approval of the application.
- 3.3 Should the Inspector of Buildings deny the application, the Inspector shall state, in writing and with sufficient detail, the reason for the denial.
- 3.4 Any dispute of a decision by the Inspector of Buildings may be appealed to the Board of Selectmen by the applicant or any other party having standing pursuant to Section 13.3 of the Topsfield Zoning By-law.

4.0 Application Procedure – Special Permit Granting Authority (Board of Selectmen)

- 4.1 Pursuant to Section 13.3 of the Zoning By-law, applications for special permits for signs not in conformance with the provisions of said Article XIII and not exempted from a permit requirement pursuant to said Article XIII, shall be made to the Board of Selectmen
- 4.2 Applications for Non-Conforming Sign Permits shall be available at the Office of the Board of Selectmen.
- 4.3 An original Permit application and three (3) copies with all supporting documentation shall be filed with the Board of Selectmen and a copy of the application filed with the Town Clerk. The permit application shall be accompanied by the following: (a) three (3) prints of scaled drawings of the sign, including supporting structure, source of illumination and location; (b) if the sign is in an Historic District, a certificate of appropriateness from the Historic Commission; (c) any relevant Special Permit; (d) the names and addresses of all abutters within 300 feet from property lines (Certified

Abutters List); (e) three (3) copies of a picture of the existing sign if a change is being requested; and (f) a fee of \$100.00.

4.4 Upon receipt of the application, the Board of Selectmen shall schedule a hearing, and shall give notice thereof pursuant to G. L. c. 40A, Section 1, et. seq.

5.0 Public Hearing

5.1 The Board of Selectmen shall hold a public hearing on all Permit Applications for Non-Conforming Signs filed pursuant to Section 4.0, above. In conjunction with such a hearing, the burden shall be on the Applicant to establish the following: (a) that the sign is or will be in harmony with the interests cited in Section 1 of Article XIII of the Zoning By-Law (Sign Regulations); and, (b) that an overriding public benefit is derived and that the general purpose of the sign bylaw is not defeated.

6.0 Grant of Approval

6.1 The Board of Selectmen shall grant approval of a special permit for a non-conforming sign if it determines: (a) that the sign is or will be in harmony with the interests cited in Section 1 of Article XIII of the Zoning By-Law (Sign Regulations); and, (b) that an overriding public benefit is derived and that the general purpose of the sign bylaw is not defeated.

6.2 In granting approval of the application, the Board of Selectmen shall specify the size and location of the sign and impose such other terms, restrictions and conditions as it may deem to be in the public interest.

7.0 Appeals

Appeals from the denial of a special permit application for a non-conforming sign permit shall be made in accordance with Massachusetts General Laws Chapter 40A, Section 1, et. seq.

7.1 Removal of Delinquent Signs

Should the Inspector of Buildings determine that a sign has been erected or maintained in violation of the Sign Regulations of the Zoning By-Law, he/she shall issue an order requiring the removal thereof and shall mail said notice to the landowner and the owner of the sign if different. The landowner shall have 30 days to remove said sign. Notwithstanding the foregoing, the landowner may, within that 30 day period, make application for a sign permit as set forth in these rules and regulations. However, the filing of the application shall not affect the removal order issued by the Inspector of Buildings in the event approval is not obtained by the applicant prior to that 30 day period.