



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HUBBARDSTON**

**MINUTES ANNUAL TOWN MEETING    Tuesday, June 1, 2021    CENTER SCHOOL**  
STABILIZATION: \$426,623    FREE CASH: \$312,052  
MUNICIPAL CAPITAL STABILIZATION: \$58,076

Pursuant to the foregoing warrant, the voters of the Town of Hubbardston assembled at the Center School gymnasium to act on the articles in said warrant. Present were Moderator René Lafayette, Select Board members Daniel Galante (Chair), Jeffrey Williams, Kris Pareago and Kathryn (Katie) Young; Town Clerk Laurie Reed; Finance Committee members Susan Rayne (Chair), Charles Reed, Maria Tourigny and Peter Russell; Acting Town Administrator David Nixon; and representative for Town Counsel, Jeffrey Blake. Select Board Member Patrick Girouard and Finance Committee member Joshua Lerner were absent.

A total of 109 registered voters were checked in by Marcia Howlett and Shonna Larson. A quorum of 50 voters was present throughout the meeting.

Moderator René Lafayette thanked Public Safety Officials for their service. Meeting was called to order at 7:10pm. The Chair recognized Chief Robert Hays to lead the Pledge of Allegiance. Moderator René Lafayette declared a quorum present and appointed Maria Tourigny and Thomas Robinson official counters for the meeting. The Chair recognized the Chair of the Select Board, Daniel Galante to deliver the State of the Town report.

**Motion, Daniel Galante**, that the Town take up articles 1 through 6 under a consent agenda. This requires a unanimous vote of Town Meeting, and if passed, then we will vote on Articles 1 through 6 as a block under a single vote. If anyone objects to any single article being included in the Consent Agenda, we will remove that article from the Consent Agenda and vote the remaining articles under the Consent Agenda.

**Second: Jeffrey Williams**

**Motion Passes: Unanimous Affirmative Vote**

**Motion, Daniel Galante**, that the Town approve Articles 1 through 6 as printed in the Warrant, and further authorize the Department Heads to address Town Meeting for information purposes.

**Second: Jeffrey Williams**

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 1.** To choose all necessary officers.

Recommended by: Select Board and Finance Committee

**ARTICLE 2.** To hear the reports of the Town Officers and Committees and act thereon.

Recommended by: Select Board & Finance Committee

**ARTICLE 3.** To see if the Town will vote to authorize the Select Board enter into agreements with the Commonwealth of Massachusetts Department of Transportation for the construction and maintenance of public highways for the twelve-month period beginning July 1, 2021; or take any other action relative thereto.

Recommended by: Select Board & Finance Committee

**ARTICLE 4.** To see if the Town will vote to accept educational grants and aid for Fiscal Year 2022, to be expended for authorized purposes by the Montachusett Regional Vocational Technical School and the Quabbin Regional School District; or take any other action relative thereto.

Recommended by: Select Board & Finance Committee

**ARTICLE 5.** To see if the Town will vote to authorize the continuation of the Holden Hospital Account #2481-000-5780-0000 for Fiscal Year 2022, to be used for the purposes specified in the trust fund settlement; or take any other action relative thereto.

Recommended by: Select Board & Finance Committee

**ARTICLE 6.** To see if the Town will vote to amend the Town’s General Bylaw, Chapter IV, Section 6, entitled “Departmental Revolving Funds,” by deleting the language as set forth below, and to transfer any and all funds in the “Wiring Fund Account” revolving fund to the General Fund; or take any other action relative thereto.

Fund	Authorization By	Revenue Source	Use of Fund
Wiring Fund	Wiring Inspector	Electrical Permit Fees and Applications	Pay inspector for inspection services and clerical services

Recommended by: Select Board & Finance Committee

**ARTICLE 7. Motion, Jeffrey Williams,** to see if the Town will vote to fix the maximum amount as printed that may be spent during Fiscal Year 2022 beginning on July 1, 2021, for the revolving funds established pursuant to Chapter IV of the Hubbardston General By-Laws-laws for certain departments, boards, committees, agencies or officers as follows, in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action relative thereto.

Recommended by: Select Board & Finance Committee

**Second: Daniel Galante**

**Motion Passes: Unanimous Affirmative Vote**

**Motion, Jeffrey Williams,** to amend “Temporary Driveway Permit Fund” to increase fund by adding an additional \$10,000 to the printed total of \$2,500 for an amended total of **\$12,500.**

**Second: Daniel Galante**

**Amended Motion Passes: Unanimous Affirmative Vote**

Revolving Fund	Department, Board, Committee or Officer	FY22 Spending Limit
Con Com Fund	Conservation Committee	\$3,000
Temporary Driveway Permit Fund	DPW Director	<del>\$2,500</del> *\$12,500
		<i>*Amendment on Town Meeting floor</i>
Grave Fund	Cemetery Commission	\$10,000
Hazmat Fund	Fire Chief	\$3,000
Hazardous Building Demo Fund	Board of Health, Building Dept.	\$20,000

Hubbardston Special Events Fund	Town Administrator	\$50,000
Late Fee Dog License Fund	Town Clerk	\$10,000
MART Trans. Manage. Fund	Executive Assistant	\$35,000
Open Burn Pit Fund	Fire Chief	\$11,000
Planning Board Fund	Planning Board	\$20,000
Public Records	Town Clerk	\$5,000
Recycling Fund	Board of Health	\$5,000
Septic Fund	Board of Health	\$20,000
Tax Title Collection Fund	Treasurer/Collector	\$10,000
Vaccination Administration Fund	Board of Health	\$10,000

Recommended by: Select Board & Finance Committee

**BUDGET ARTICLES**

**ARTICLE 8. Motion, Daniel Galante,** to see if the Town will vote to raise and appropriate from taxation, transfer from available funds, or otherwise provide the following sums of money to meet the salaries and compensation of Town Employees, and Town Officers, as provided by MGL Ch. 41 §108, expenses, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2022 (July 1, 2021 through June 30, 2022) as printed in the attached Appendix A, and further, to accept and expend Federal and State Funds to offset certain salaries or expenses and outlay; or take any other action relative thereto.

<b>PURPOSE</b>	<b>AMOUNT</b>
General Government (100+500+600 Series)	\$804,624.00
Public Safety (200 Series)	\$1,492,237.00
Public Works (400 Series)	\$855,000.00
Indirect Costs (900 Series)	\$659,880.00
Debt (700 Series)	\$245,365.00
<b>Total General Fund and Operating Budget</b>	<b>\$4,057,106.00</b>

Recommended by: Select Board & Finance Committee

**Second: Jeffrey Williams**

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 9. Motion, Jeffrey Williams,** to see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$486,410.00** for the Montachusett Regional Vocational Technical School District assessment for Fiscal Year 2022; or to take any other action relative thereto.

Recommended by: Select Board & Finance Committee

**Second: Daniel Galante**

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 10. Daniel Galante,** to see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$5,049,651.00** to pay its share of the Quabbin Regional School District budget for FY 2022; or take any action relative thereto.

Recommended by: Select Board & Finance Committee

**Second: Jeffrey Williams**

**Discussion:** Ronald Ruston questioned why both Article 10 and Article 11 are both paying to the Quabbin Regional School District and not combined. David Nixon advised Article 10 is an Operational Budget and Article 11 is a Debt Service Budget. Ronald Ruston questioned the total of last years budget for Quabbin Regional School District. David Nixon advised last years Operational Budget to be \$4,879,833.00 with the Debt Service Budget to be \$29,846.00. Ronald Ruston questioned percentage increase estimating a 2% increase over last year. David Nixon advised the increase to be 3.4%.

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 11. Motion, Kris Pareago,** to see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$29,093.00** to pay its share of the Quabbin Regional School Debt for FY 2022; or take any action relative thereto.

Recommended by: Select Board & Finance Committee

**Second: Jeffrey Williams**

**Motion Passes: Majority Affirmative Vote**

**ARTICLE 12. Motion, Kathryn Young,** to see if the Town will vote to appropriate the sum of **\$20,000.00** for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2022, and to meet said appropriation, that the sum of \$20,000.00 be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.

Recommended by: Select Board & Finance Committee

**Second: Jeffrey Williams**

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 13. Motion, Daniel Galante,** to see if the Town will vote to appropriate and transfer the sum of **\$182,000.00** from Free Cash to pay for the following Fiscal Year 2022 cash capital expenses, including all costs incidental and related thereto, and further to appropriate and transfer **\$11,000.00** from the Holden Hospital Account to pay for expenses listed in Item 5 in the following table, or take any other action relative thereto.

<b>FY2022 Capital Spending Article Table</b>		
	<b>New Obligations</b>	<b>Amount</b>
1	To fund the replacement of the septic system for the DPW.	\$1,500.00
2	To fund the Exhaust Mitigation System for the DPW,	\$26,000.00
3	To fund the purchase of a Stihl trimmer for the Cemetery Department.	\$500.00
4	To fund the purchase of turnout gear for the Fire Department	\$17,000.00
5	To purchase and equip a utility pickup truck for the Fire Department.	\$46,000.00
6	To fund the repair of elevators for the Center School.	\$50,000.00

7	To fund the purchase and installation of cafeteria equipment cabinets for the Center School.	\$5,000.00
8	To purchase and equip a cruiser for the Police Department.	\$47,000.00
	<b>New Obligations Total</b>	<b>\$193,000.00</b>

Recommended by: Select Board, Finance Committee and Capital Improvement Committee

**Second: Jeffrey Williams**

**Discussion:** Kristofer Munroe questioned line one in the table “To fund the replacement of the septic system for the DPW” and the numbers as printed in the table and the warrant. David Nixon advised the \$1,500 as listed is for the design and not replacement as written.

**Motion Passes: Majority Affirmative Vote**

**ARTICLE 14. Motion, Daniel Galante,** to see if the Town will vote to raise and appropriate, transfer from Free Cash, or otherwise provide **\$8,115.00** to pay for a portion of capital costs associated with two trucks for animal control as per the provisions of an intermunicipal agreement with the City of Gardner, or take any action relative thereto.

Recommended by: Select Board & Finance Committee

**Second: Jeffrey Williams**

**Motion Passes: Unanimous Affirmative Vote**

### **CPA ARTICLES**

**ARTICLE 15. Motion, Kris Pareago,** to see if the Town will vote to appropriate the sum of **\$20,000.00** from accrued Community Preservation Act Housing Reserve to fund the cost of building materials to help facilitate construction of a single-family house on Ragged Hill Road (Assessors Map 2, Lot 217) by Habitat for Humanity North Central Massachusetts, or take any other action relative thereto.

Submitted by: Habitat for Humanity North Central MA

Recommended by: Select Board, Finance Committee, Planning Board as the Affordable Housing Committee and the Community Preservation Committee

**Second: Jeffrey Williams**

**Discussion:** Carolyn Read from the Habitat for Humanity spoke in favor of the article and discussed the mission of Habitat for Humanity. Alice Livdahl, Planning Board Chair discussed the current status of low-income housing in Hubbardston. Rosemary Southwick questioned the donation of the land as well as the value of the land.

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 16. Motion, Jeffrey Williams,** to see if the Town will vote to appropriate and transfer **\$21,458.00** from accrued Community Preservation Act Undesignated Reserve to fund the FY2022 annual debt service obligation for the roof replacement of the Hubbardston Public Library as previously approved under Article 14 of the June 2018 Annual Town Meeting; or take any other action relative thereto.

Submitted by: The Community Preservation Committee

Recommended by: Select Board, Finance Committee and Community Preservation Committee

**Second: Daniel Galante**

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 17. Motion, Kathryn Young,** to see if the Town will vote to appropriate and transfer **\$25,000.00** from the CPA Open Space Reserve Account and **\$50,000.00** from the CPA Undesignated Reserve Account; for the purpose of preserving open space consisting of the 245-acre Fieldstone Farm on Lombard Road, in partnership with the East Quabbin Land Trust and the Department of Conservation and Recreation (DCR) and further to effectuate this preservation by means of a conservation restriction in perpetuity meeting the requirements of G.L. c. 44B §12 and G.L. c. 184 §§31-33 to be held by the DCR for open space and passive recreation purposes; and to authorize the Select Board to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect the acquisition of this conservation restriction, or take any other action relative thereto.

Submitted by East Quabbin Land Trust

Recommended by: Community Preservation Committee, Select Board, Finance Committee and Open Space Committee

**Second: Jeffrey Williams**

**Discussion:** Robert Hatch, Open Space Committee Chair spoke in favor of the article. Ronald Ruston spoke against the article discussing DCR tax revenue, state aid, DCR history and wildlife concerns. Rick Jones, member of the Open Space Committee spoke in favor of the article discussing “PILOT” (payment in lieu of taxes) fund and property history. Kathryn Young, Select Board member spoke in favor of the article discussing conservation rights, eco-tourism, the Mid-State Trail and benefits for local businesses. Sara McMaster spoke in favor of the article in regards to open space in town. Susan Worth, Open Space Committee member discussed survey results in Hubbardston with top results to include; rural character and open space. Linda Parmenter spoke in favor of the article discussing connectivity. Roger Plourde spoke in favor of the article and discussed sustainable forestry. Steven Sawyer spoke in favor of the article discussing the connectivity of abutting land and how critical it is for land preservation.

**Motion Passes: Majority Affirmative Vote**

**ARTICLE 18. Motion, Daniel Galante,** to see if the Town will vote to appropriate or reserve from the Community Preservation annual revenue the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2022, with each item to be considered a separate appropriation; or take any other action relative thereto:

Appropriations:

From FY 2022 estimated revenues for Committee Administrative Expenses (5%) **\$4,250.00**

Reserves:

From FY 2022 estimated revenues for Historic Resources (10%) \$8,500.00

From FY 2022 estimated revenues for Community Housing (10%) \$8,500.00

From FY 2022 estimated revenues Open Space Reserve (10%) \$8,500.00

From FY 2022 estimated revenues for Undesignated Reserve (65%) \$55,250.00

Submitted by: Community Preservation Committee

Recommended by: Select Board and Finance Committee

**Second: Jeffrey Williams**

**Motion: Unanimous Affirmative Vote**

**ARTICLE 19. Motion, Daniel Galante**, to see if the Town will vote to appropriate the sum of **\$28,000.00** from the accrued Community Preservation Act Undesignated Reserve for the purpose of rehabilitating the interior of the main floor of the Hubbardston Public Library; including lighting, interior storm windows, and safety signage, or take any other action relative thereto.

Submitted by: Library Trustees

Recommended by: Community Preservation Committee, Select Board and Finance Committee

**Second: Jeffrey Williams**

**Motion: Unanimous Affirmative Vote**

**ARTICLE 20. Motion, Kris Pareago**, to see if the Town will vote to appropriate the sum of **\$20,000.00** from the accrued Community Preservation Act Undesignated Reserve for the purpose of restoring and rehabilitating the Hubbardston Public Library, specifically by brick repointing, repairing, and grading the northeast corner perimeter of the foundation thereof, or take any other action relative thereto.

Submitted by: Library Trustees

Recommended by: Community Preservation Committee, Select Board and Finance Committee

**Second: Jeffrey Williams**

**Motion Passes: Majority Affirmative Vote**

### **GENERAL ARTICLES**

**ARTICLE 21. Motion, Daniel Galante**, to see if the Town will vote to (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, retaining ways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Route 68 (Main Street/Gardner Road) Rehabilitation Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Main Street and Gardner Road and approximately shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Main Street & Gardner Road (Route 68) in the Town of Hubbardston Worcester County," prepared by TEC Engineering Corp. on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels; (b) transfer the care, custody, and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Select Board for public way and utility purposes and further to dedicate said portions of the Town-owned properties to the foregoing purposes, and, if applicable, authorize the Select Board to submit petitions to the General Court to allow the foregoing under Article 97 of the Massachusetts Constitution or otherwise; (c) raise and appropriate, transfer from available funds, or transfer from **Free Cash \$15,000.00** to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further (d) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or take any action relative thereto.

Recommended by: Select Board and Finance Committee

**Second: Jeffrey Williams**

**2/3 Vote Required**

**Discussion:** Daniel Galante spoke in favor of the article discussing; easements, project liaison and project funding.

**Motion Passes: Unanimous Affirmative Vote**

**ARTICLE 22. Motion, Jeffrey Williams,** to see if the Town will vote to transfer \$15,000.00 from Free Cash to the General Stabilization Account, or take any other action relative thereto.

Recommended by: Select Board and Finance Committee

**Second: Daniel Galante**

**Motion Passes: Unanimous Affirmative Vote**

**Article 23. Motion, Daniel Galante,** to see if the Town will vote to amend the Zoning Bylaws by amending the last sentence of Article 6 “Rate of Development”, Section 6.8 “Periodic Review and Expiration to extend the expiration date of the bylaw for one year, to read: “This bylaw shall expire July 1, 2022”, or take any action relative thereto.

**Second: Kathryn Young**

**2/3 Vote Required**

**Discussion:** Kristofer Munroe spoke in favor of the article discussing the recent number of new projects in town, the Master Plan, future growth management. Tom Robinson stated in the past the article has been renewed for five years and not one, questioning if an amendment can be made on the floor to change the expiration date of the bylaw until 2026. Town Counsel advised this request was beyond the scope of understanding in the printed warrant. Francois Steiger spoke in favor of the article stating its importance and advising that a final version would be completed by the July 1, 2022 deadline.

**Vote: Motion Passes; Yes-108, No-1**

**Article 24. Motion, Kathryn Young,** to see if the Town will vote to amend the Zoning Bylaws to delete Article 17 (Signs) in its entirety and substituting the following:

Table of Contents

17.01 PURPOSES

17.02 DEFINITIONS

17.03 APPLICABILITY

17.04 EXEMPTIONS AND EXCLUSIONS

17.05 GENERAL STANDARDS

17.06 SIGNS PROHIBITED IN ALL DISTRICTS

17.07 SIGNS REQUIRING A PERMITF

17.08 PERMIT APPLICATION AND ISSUING AUTHORITY

17.09 VARIANCES IN SPECIFIC CASES

17.10 QUANTITY AND DIMENSIONS OF NON-ILLUMINATED SIGNS PERMITTED

Quantity of Signs Per District Table (Section 7.10)

Dimensions of Signs Per District Table (Section 7.10)

17.11 ILLUMINATED SIGN RESTRICTIONS PER DISTRICT

Illuminated Sign Restrictions Table (Section 7.11)

17.12 LED SIGN RESTRICTIONS PER DISTRICT

LED Sign Restrictions Table (Section 7.12)

17.13 TEMPORARY SIGNS - ADDITIONAL RESTRICTIONS

#### 17.01 PURPOSES

The following constitute the purposes of this Sign Bylaw:

- to regulate the use of signs as a safe and effective means of information and communication in the Town of Hubbardston,
- to provide an orderly permitting process of permanent signs and an effective framework for the maintenance of temporary signs in the Town,



- to allow property owners the ability to identify their locations and promote their goods, services and/or products through on-premises signage,
- and to execute the above-mentioned purposes while maintaining the rural New England character of the Town.

## 17.02 DEFINITIONS

The following definitions will serve as a supplement to the definition of “Sign” as presented in Section 2.27 of these bylaws:

Abandoned Sign – A sign that no longer identifies a bona fide business, lessor, service, owner, product or activity OR for which the time of event is fourteen (14) days passed.

Awning / Canopy / Marquee - Any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Development / Construction Sign - A temporary sign of an architect, engineer, owner, or contractor, erected during the period such a person/entity is performing work on the premises at which such sign is erected. This type of sign qualifies as a “temporary” sign and must adhere to the limitations assigned in Section 17.13 of this bylaw.

Electronic Message Center (EMC) - An exterior computer programmable sign capable of displaying words, numbers, symbols, figures or images that can be altered or rearranged by remote means without altering the face or surface of the sign.

Externally Illuminated Sign – A sign with light upon it either upwardly or downwards from an outside source, as more specifically discussed in Section 7.11 of this Sign Bylaw.

Gateway Sign - A permanent sign used to direct attention to a site which includes a lot(s) considered as a unit for development purposes. This includes, without limitation: permanent subdivision, apartment or condominium complex signs, as well as signs for a campus of an academic institution, or industrial /office park or shopping plaza.

Identification Sign - A sign used solely to identify the name, address, and title of an individual family or firm occupying the premises on which the sign is located.

Incidental Sign – An informational or directive, the purpose of which is secondary to the use of the premises, site, or lot on which it is located, such as “No Parking” or other similar directives.

Internally Illuminated Sign – A sign illuminated from inside including balloon and neon signs but excluding Light Emitting Diode (LED) and Electronic Messaging (EMC) signs. For further information on Internally Illuminated Signs see Section 7.11.

LED Sign – A Light Emitting Diode Sign as more specifically discussed in Section 7.12.

Multi-Tenant Ladder Sign – A single free-standing sign that encompasses the signs of multiple business occupants of that building, premises, lot, or site.

Nonconforming Sign - Any sign that does not conform to the requirements of this bylaw.

Off-Premise Sign - Any sign that advertises or indicates a usage, an activity, or an event to be conducted by a person or entity other than the person or entity occupying the premises, lot or site on which the sign is erected or maintained, or a business or businesses other than that of the person or entity occupying the premises, lot or site or transacted thereon.

On-Premise Sign - Any sign that advertises or indicates the one or more usages, activities, or events conducted on the premises, lot or site on which the sign is erected or maintained.

Permanent Sign - A sign that is permanently mounted, including its support structure, and the purpose of which is use for a permanent, continuous display.

Political Sign - A noncommercial sign erected to show support for a candidate for public office or to express a political opinion. This sign is considered a temporary sign for the purposes of this bylaw.

Primary Sign - The principal permanent sign of a business, institution, service, or occupant, including without limitation a home business or commercial business, whether conducted by a person or an entity. The primary sign will include the name of the person or entity or, if a business, institution or service, the trade name under which the person or entity conducts such activity.

Real Estate Sign - A sign that advertises or indicates that the premises or the lots or sites on which the sign is erected, and/or the building located thereon, is for sale or lease, and includes signs advertising the conduct of an open house activity thereon. NOTE: A sign of this type that is not located on said premises shall be deemed an off-premises temporary sign for the purposes of this bylaw.

Roof Sign - A sign which is located above, or projected two (2) feet above, the lowest point of the eaves of the top story or the top of a parapet wall of any building, or which is painted on or fastened to a roof.

Service Station LED Sign – For the purposes of this bylaw, a Service Station LED sign shall be one that only displays the price/cost of a fuel product.

Street Spanning / Banner Sign – A Sign suspended above or immediately adjacent to a street or roadway, including without limitation Signs that traverse the air space above an entire street or roadway.

Temporary Sign - Any sign that is not permanent sign, as more specifically discussed in Section 7.13.

Wall Sign - Any sign attached parallel to, but within six (6) inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Window or door lettering, murals, decorative artwork are not to be considered or regulated as Wall Signs.

Window Sign - A sign physically adhered to the inside or outside of a window surface.

### 17.03 APPLICABILITY

The provisions of this sign bylaw apply to the construction, erection, alteration, use, location, and maintenance of all new signs. It is the intent of this bylaw to bring all signs into conformance as they are updated.

### 17.04 EXEMPTIONS AND EXCLUSIONS:

Exemptions: The provisions of this sign bylaw do not apply to:

- Street address and apartment numbers,
- State and municipal signs,
- Signs placed by a public officer or employee acting in his or her official capacity,
- Traffic or directional signs that are necessary for the safety and direction of the residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, institution, industry or residence

Exclusions: The provisions of this sign bylaw are not intended to regulate:

- The posting of legal notices
- Boundary markers
- No Trespassing Signs
- Warning Signs
- Incidental Signs
- Seasonal Decorations

### 17.05 GENERAL STANDARDS

- a. All signs in the Town shall comply with this bylaw and the Massachusetts State Building Code.
- b. The Zoning Enforcement Officer has jurisdiction over compliance and enforcement of this bylaw and may order the repair or removal of any sign he or she determines to be abandoned, deteriorated, unsafe, or in violation of this Sign Bylaw.
- c. A sign shall not, by reason of its location, shape, illumination, wording, or color interfere with foot or vehicular traffic or be confused with or obstruct the view or effectiveness of any federal, state, county, or municipal traffic sign, traffic signal or traffic marking.
- d. No sign shall be placed within a curb cut or ramp installed to provide improved access to a sidewalk for the disabled.
- e. No sign shall be placed on private property without express permission of the property owner.
- f. No sign, together with any supporting framework, shall extend to a height above the maximum building height in the associated zoning district.
- g. All provisions stated within this bylaw are effective as they pertain to each street on which the lot or site is located. If a premises, lot, or site is at the crossroad or intersection of two streets, these provisions and limitations apply to each byway separately.

### 17.06 SIGNS PROHIBITED IN ALL DISTRICTS

The following signs are prohibited in all districts:

- a. Signs containing moving parts,
- b. Neon signs, gas tubing signs,
- c. Signs containing reflective elements (except those erected by the Town or the Commonwealth or Federal government),
- d. Tethered balloons over 24 inches in diameter and other inflated signs,

- e. Internally illuminated signs (except those erected by the Town or non-profit entity under a permit issued pursuant to Section 17.07 below),
- f. Electronic Messaging Signs (EMC's) except those owned and operated by the Town,
- g. Abandoned, deteriorated, or unsafe signs,
- h. Signs on wheels or upon unregistered motor vehicles. (except those on registered motor vehicles or EMC signs maintained by the Town),
- i. Street Spanning/Banner Signs (except those erected by the Town, or by a non-profit entity authorized by the Town),
- j. Signs requiring a permit pursuant to Section 17.07 below for which no permit has been applied for or granted.

#### 17.07 SIGNS REQUIRING A PERMIT

The following signs require a permit:

- a. All Permanent Signs

#### 17.08 PERMIT APPLICATION AND ISSUING AUTHORITY

- a. The Hubbardston Building Department is the permit-issuing authority for all signs requiring a permit. Permits are available online or in person at the Building Department Office / Land Use Office.
- b. A sign permit is required prior to the installation of any permanent sign (except as exempted in Section 17.04).
- c. A sign permit application must be made to the Hubbardston Building Department and must include:
  - a. the building and sign dimensions, content, colors, and attachment methods,
  - b. an explanation of where the proposed sign is to be located (on lot and/or building),
  - c. and photographs or drawings or other renderings of the sign as constructed.
- d. An application for a sign permit may be made at the same time as the application for a building permit. When a building permit is not required, an application for a sign permit may be requested in conjunction with an application for a Certificate of Occupancy.

#### 17.09 VARIANCES IN SPECIFIC CASES

- a. The Zoning Board of Appeals (ZBA) may vary the provisions of this bylaw in specific cases where the ZBA finds that:
  - a. Granting such relief is necessary to comply with other applicable laws,
  - b. The circumstances involved with a particular sign were not contemplated or foreseen by the bylaw,
  - c. Unnecessary hardship will result to the owner of the sign, provided that the requested relief may be granted without substantially deviating from the intent and purpose of this bylaw.
- b. The Planning Board may issue a Special Permit for a permanent sign ONLY on the basis of dimension (and only within 10% of the dimensions listed within this Sign Bylaw). The Special Permit application must include the dimensions of the sign, the district in which the sign is located, and a visual concept of how the sign will not disrupt the surrounding local New England rural character of the town.

#### 17.10 QUANTITY AND DIMENSIONS OF NON-ILLUMINATED SIGNS PERMITTED

The following details the regulations regarding the quantity and dimension of non-illuminated signs permitted per district in the Town of Hubbardston.

NOTE: The following do not include Illuminated or LED Signs, for information regarding those types of signs please see Sections 7.11 and 7.12.

NOTE: Street-spanning banner signs are only permitted by non-profit and municipal / state organizations and thus are not covered in the dimensional charts below.

Quantity of Signs Per District Table (Section 7.10)

Per the General Standards of this bylaw these quantities apply to the frontage of each byway adjacent to a property.

SIGN TYPE	RESIDENTIAL DISTRICT	TOWN CENTER DISTRICT	COMMERCIAL DISTRICT
PRIMARY SIGN	1	1	1
CANOPY/MARQUEE	Not permitted	1	1
WINDOW SIGNS	Not to obstruct more than 50% of the window frontage	Not to obstruct more than 50% of the window frontage	Not to obstruct more than 50% of the window frontage
GATEWAY SIGNS	1	1	1
MULTI-TENANT LADDER SIGNS	Not Permitted	1	1
WALL SIGNS	1	1	1
TEMPORARY SIGNS	1	1 per 100 feet of lot frontage	1 per 100 feet of lot frontage

Dimensions of Signs Per District Table (Section 7.10) All dimensions are in square feet. These dimensions are to be taken from the edge of any lettering, color, logo or alternate material which designates the edge of the sign. In the case of a circular sign, the dimensions of the sign will be determined by an outermost rectangular perimeter (as stated in Section 2.0 of these Bylaws). Signs may be three dimensional, provided that no part protrudes more than twelve inches from the face of the sign.

SIGN TYPE	RESIDENTIAL DISTRICT	TOWN CENTER DISTRICT	COMMERCIAL DISTRICT
PRIMARY SIGN	10 square feet	50 square feet	50 square feet
CANOPY/MARQUEE	Not permitted	1	1
WINDOW SIGNS	Not to obstruct more than 50% of the window frontage	Not to exceed the width of the store frontage nor to exceed the maximum building height of the district	Not to exceed the width of the store frontage nor to exceed the maximum building height of the district
GATEWAY SIGNS	15 square feet	20 square feet	20 square feet
MULTI-TENANT LADDER SIGNS	Not Permitted	Not Permitted	80 square feet With a maximum height of 15 feet
WALL SIGNS	20 square feet	20 square feet	20 square feet
TEMPORARY SIGNS	20 square feet	20 square feet	20 square feet

17.11 ILLUMINATED SIGN RESTRICTIONS PER DISTRICT NOTE: This section does not include nor cover LED signs. For those provisions, please see Section 7.12 Furthermore, the following shall apply to internally and externally illuminated signs:

- a. **All Illuminated Signs:** Internal Illumination (as recommended by the US Department of Transportation) must not exceed a maximum illumination of .8 fc (foot candles). Also, no illuminated sign is permitted to flash.
- b. **Internally Illuminated Signs:** Internally Illuminated signs are permitted for use by municipal or nonprofit agency use only.
- c. **Externally Illuminated Signs:** All externally illuminated signs shall be illuminated in such a way so as not to direct unnecessary glare towards neighboring or contiguous parcels. Also, externally illuminated signs (whether mounted above or below the sign) shall illuminate only the surface of the sign with minimal glare.
- d. **Illuminated Sign Quantity:** Please see the following table for the number of signs permitted per street frontage of each parcel, per district.
- e. **Illumination Timing:** To ensure decreased light nuisance, the Town of Hubbardston has elected to impose time limits on signs in certain districts. Please see the following table for the times when signs are permitted to be illuminated. (NOTE: This timing requirement does not apply to Community Gateway Signs or Service Station LED Gas Signs).

Illuminated Sign Restrictions Table (Section 7.11)

SIGN RESTRICTIONS	RESIDENTIAL DISTRICT	TOWN CENTER DISTRICT	COMMERCIAL DISTRICT
QUANTITY	1 per Property	1 wall or roof sign and 1 free-standing sign per street frontage	1 wall or roof sign and 1 free-standing sign per street frontage*
ILLUMINATION SCHEDULE	Lighting must be turned off between 9 pm and 7 am	Lighting must be turned off between 10 pm and 5 am	Lighting must be turned off between 12 am and 5 am
DIMENSIONS	15 square feet	20 square feet	30 square feet

NOTE (\*): Persons or entities listed in a Multi-Tenant Ladder Sign that is also an illuminated sign shall not be permitted a free-standing sign that is also illuminated.

17.12 LED SIGN RESTRICTIONS PER DISTRICT

The following details the further regulations regarding the quantity and dimensions of LED Signs that may be permitted per district in the Town. Please note that the following restrictions apply to all LED signs in the Town:

- f. LED signs may not scroll to convey a longer message.
- g. The LED background may only be black.
- h. Brightness levels, shall not exceed a maximum illumination of .8 fc (foot candles).
- i. Service Station Signs that are LED Signs must be mounted on the ground and all lettering must be of one color.

LED Sign Restrictions Table (Section 7.12)

<b>SIGN RESTRICTIONS</b>	<b>RESIDENTIAL DISTRICT</b>	<b>TOWN CENTER DISTRICT</b>	<b>COMMERCIAL DISTRICT</b>
QUANTITY	Not Permitted	1	2
ILLUMINATION SCHEDULE	Not Permitted	Lighting must be turned off between 10 pm and 5 am	Lighting must be turned off between 12 am and 5 am
DIMENSIONS	Not Permitted	<u>Window LED</u> : 2 square foot maximum <u>Service Station LED</u> : each letter may not exceed 16 inches	<u>Window LED</u> : 2 square foot maximum <u>Service Station LED</u> : each letter may not exceed 16 inches

17.13 TEMPORARY SIGNS - ADDITIONAL RESTRICTIONS

In addition to the requirements listed in Section 7.10, the following restrictions apply to all temporary signs within the Town.

a. General Provisions:

- a. In addition to the General Standards set forth in 17.05, a temporary freestanding sign cannot exceed six (6) feet in height above ground. The height restriction does not apply to flags or hand-held signs.
- b. Any temporary sign advertising a seasonal or temporary event may only be displayed for thirty (30) days prior to the event and must be removed ten (10) days following the close of the event. This includes political election signs, construction signs, event signs, and real estate signs. b. On Private Property:
- c. All temporary signs placed on private property must be placed with the permission of the property owner, which may be granted or withheld in the sole discretion of the property owner. c. On Public Property:
- d. Temporary Signs that are held by an individual are permitted on public property provided that they do not violate any other provisions within this bylaw or other law, rule, or order of a court of government.
- e. Temporary Signs must be located at least five (5) ft. from the paved portion of any street or public way.
- f. No temporary sign shall be placed within the median of any public street.
- g. No temporary sign shall be placed upon any public property other than a public sidewalk, except that temporary signs may be placed in an unimproved right-of-way with consent of the owner of the adjoining property.
- h. No temporary sign shall be attached to or leaned against any utility facility (including poles and boxes) or any state or municipal sign.
- i. All temporary signs placed on public property must have on them the date on which they were placed and the contact number of the advertiser.
- j. All temporary signs placed on public property must be removed within fourteen (14) days.
- k. In the event a Temporary Sign does not conform to these requirements, then the Town may in its sole discretion authorize an inspector or agent to remove the Temporary Sign and deliver it to the Building / Land Use Department for destruction. A fee of \$10 may be charged for this removal / destruction. Or take any action relative thereto.

**Second: Jeffrey Williams**

**2/3 Vote Required**

**Discussion:** Kathryn Young spoke in favor of the article discussing the history of the sign bylaw in town and the current legal/illegal signs in town advising that this updated bylaw version would correct most issues in town with current signs. Alice Livdahl gave report per MGL as member of the Planning Board stating that a public hearing was held with and an in-favor vote was given for the updated sign bylaw. Alice also discussed the delay of the bylaw update due to COVID and advised the tables/charts that were created to simplify the bylaw. Rebecca Rector questioned personal signs and freedom of speech. Mark Kresge questioned procedural changes to include typographical errors making reference to various articles in the updated bylaw.

**Motion: Mark Kresge** moves to delete extraneous text under (a) General Provision section 17.13 removing subsection (b) On Private Property and 17.13 removing subsection (c) On Public Property.  
**Second: Ronald Ruston**

**Discussion:** Daniel Galante, Select Board Chair asked if the Planning Board had any objections to the changes. Alice Livdahl, Planning Board Chair advised there were no objections to the amendment.

**Vote on Motion to Amend: Motion Passes, Unanimous Affirmative Vote**

**Continuance of Discussion, Article 24:** Peter Walker advised he believed MGL has language regarding freedom of speech and signs in yards. Alice Livdahl discussed timeline restrictions on temporary signs. Town Council discussed freedom of speech advising that time/location can be limited and will need to be approved by the Attorney General's office before it can go into effect. Ron Ruston questioned the existing signs in town. Robert Hatch questions vulgarity of signage. Rosemary Southwick questioned who the enforcement officer is for illegal signs in town which she was advised was the Building Inspector, Roland Jean. Kathryn Young discussed how the bylaw revisions will help to address current illegal signs in Town. Tom Robinson asked for clarification on the 3' x 5' LED signs as written in the updated bylaw. Tom Robinson addressed the sign that was previously voted down by the Zoning Board of Appeals. Mark Kresge addressed the quantity of signs as stated in the bylaw. Alice Livdahl discussed the restrictions that are being proposed.

**Motion: Thomas Robinson,** moves to pass over Article 24.  
**Second: Robert Hatch**

**Vote to Pass Over Article 24: Motion Fails; Yes-21, No-88**

**Motion to approve Article 24 as amended by Mark Kresge: Motion Passes: Yes-52, No-15**

Having completed the business of the evening, the Chair declared Town Meeting adjourned at 9:12pm.

Respectfully Submitted,

Laurie J. Reed  
Town Clerk

(Town Seal)