

2015  
Commonwealth of Massachusetts  
Town of Essex  
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Monday, November 16, 2015 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to take any and all actions necessary to establish and confirm the common boundary between the portion of the Town-owned land at Conomo Point known as Robbins Island, which is shown on Assessors Map 108 as Lots 6,7,9,10,11,12,13, and 19 and Assessors Map 110, Lot 2, and the privately-owned land located at 36A Robbins Island Road, which is shown on Assessors Map 108 as Lot 8, including but not limited to such votes as may be needed to effectuate the release and an exchange of interests in land along the newly established boundary, and to grant the private owners of said land an access easement over the Town's land at Conomo Point and to authorize the Selectmen, in their capacity as Conomo Point Commissioners, to execute all documents and take all actions necessary to effectuate the purposes of this article, on such terms and conditions as deemed appropriate; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the management of property at Conomo Point including but not limited to renovation, demolition, and contents management of structures and maintenance of all outdoor areas; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to amend Section 6-7 of the Town of Essex Zoning Bylaws, **by deleting said section (which presently reads as follows), in its entirety:**

6-7 Signs

6-7.1 Signs and Billboards.

6-7.1.1. Billboards. Billboards shall not be permitted in the town of Essex.

6-7.1.2. Public Safety Provisions. In the interest of public safety, the following signs and devices are not permitted;

a. Signs with moving parts or flashing lights which suggest motion.

- b. Flashing illuminated signs.
- c. Noisemaking signs.
- d. Signs so located or colored or illuminated in any manner to attract attention from or obscure a traffic light or sign or to reduce in anyway its visibility and effect.
- e. Signs within view of a public street or highway so placed in such manner as to obstruct clear vision in any direction.
- f. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beams into the eyes of the oncoming motorist or pedestrians.

6-7.1.3. Nonconforming Signs.

- a. All signs in violation of this chapter, except as to size and number limitations, shall be removed or made conforming within one year from June 7, 1972.
- b. Any change of use or ownership shall required conformity to all sign regulations in this chapter within 30 days.
- c. Signs required for public safety shall not be included in the total sign area.

6-7.1.4. Measurement.

- 1. Area limitations refer to the total sign area.
- 2. In computing area only one side of a double-faced sign is to be included. Signs within a building are not included.
- 3. Signs shall comply with the following dimensional requirements for each land use:

Type of Use	Sign Dimensions
Residential (1 to 2 family)	Maximum 6 square feet in area.
Residential (multi-family / apartment)	Maximum 6 square feet in area.
Non-residential	Maximum total area of 32 square feet.

Internally illuminated signs shall not exceed 20 square feet.

**And by replacing said Section with the following:**

6-7 SIGNS

The purpose of this bylaw is to provide for a wide range of signage by right; to encourage safe, effective, informative signage; to protect property values, and to minimize the visual impact of signage.

6-7.1 APPLICATION

- A. For purposes of this bylaw, the term “SIGN” shall mean any two or three dimensional fabrication, or assembly, including its supporting structure, consisting of any letter, figure, character, symbol, emblem, mark, design, pictorial representation, stripe, line, trademark, reading matter or illuminating device, constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, business, public performance, article, machine or merchandise whatsoever, and displayed in any manner for recognized identification or advertising purposes.

- B. All permanent signs shall require a building permit and shall comply with the Massachusetts State Building Code, as amended.
- C. Any sign, permanent or temporary, to be placed on the property of another, including signs on Town or State-owned property, will require the prior written approval of the property owner or the owner's representative in control thereof.
- D. Signs associated with properties requiring special permit or site plan review approval shall also require approval by the Planning Board.
- E. Exemptions:
  - 1. Flags and temporary signs for any non-commercial purpose, including but not limited to political or charitable purposes, for public organizations, for states and political subdivisions thereof, and international and national flags are exempt from all provisions of this bylaw, except sections 6-7.4 (Public Safety Provisions) and 6-7.5 (Maintenance of Signs).
  - 2. Signs displaying the street number and name or names of the occupants of the premises, not exceeding two (2) square feet in area.
  - 3. Traffic and directional signs owned and installed by a government agency.

#### 6-7.2 REGULATION OF PERMANENT SIGNS:

##### A. AREA OF SIGN:

- 1. The area, including all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, the frame around the sign, and any "cut outs" or extensions, but not including any supporting structure or bracing. Calculation of sign areas shall use the following formulae:
  - a. For two-dimensional signs affixed to or fabricated from a mounting background or signboard: the area shall consist of the smallest rectangular plane that wholly contains the sign.
  - b. For two-dimensional signs consisting of individual letters or symbols affixed directly to the building wall, window, or awning: the area shall consist of the smallest area enclosed by a series of straight lines connected at right angles which encompasses all of the letters and symbols.
  - c. For two-dimensional double-faced signs less than four (4) inches thick: use the area of one face.
  - d. For three-dimensional signs, double-faced signs greater than four (4) inches thick, objects used as signs, and "V" shaped signs: the area shall be determined by the largest of either the front or side projected view of the sign.

## B. ILLUMINATION:

The act of supplying or brightening a sign with light. Lighted signs shall be illuminated only by a steady, stationary light without causing harmful glare for motorists, pedestrians or neighboring premises and/or internal lighting; but all flashing, changing, or intermittent illumination is prohibited, except for time/temperature signs, public safety signs and holiday decorations.

## C. LINEAL FRONTAGE:

The length in feet of a building or storefront which abuts a street or public right-of-way at its first floor or entrance level.

## D. PERMANENT SIGNS SHALL BE DIVIDED INTO THE FOLLOWING CATEGORIES:

1. Awning Sign: Any sign painted, sewn or attached onto an awning. The area of an awning sign(s) shall not exceed one-half (1 /2) square foot per foot of lineal frontage of the storefront or building upon which the awning is attached. Awnings shall conform to the Massachusetts State Building Code.
2. Banner Sign: Any sign constructed of fabric or flexible material and intended for permanent attachment to a structure. Banner signs may also be used as temporary signs as set forth in section 6-7.7. A permanent banner sign shall not exceed fifteen (15) square feet in area.
3. Directory Sign: Any sign which contains listings of two or more commercial uses or users and/or the name and address of a commercial or residential development. A directory sign shall be designed and constructed with provisions for changes of listing without reconstruction of the entire sign. Maximum area for header area shall not exceed twelve (12) square feet. Listings shall not be larger than eight (8) inches by thirty (30) inches.
4. Free-standing Sign: Any sign structurally separate from the building, being supported on itself, on a standard, or on legs. Free-standing signs shall be non-moveable and permanently anchored.
5. Hanging Sign: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign.
6. Wall Sign: Any sign painted on or affixed to a building wall is a wall sign. Wall signs consist of two basic categories:
  - a. Directly applied: painted or three-dimensional letters applied directly to a building surface.
  - b. Independent Wall Sign: painted, incised or three-dimensional letters affixed to a sign board which is then attached to a building surface.
7. Window sign: Any permanent sign affixed to the surface of the glass of any part of any building (See also Poster-type sign). Window sign(s) shall not occupy, in

total, more than fifty percent (50%) of the glass area and may not be attached to the exterior surface of the glass. Any interior sign which is within three (3) feet of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual products or merchandise for sale or rent on the business premises shall not be considered window signs.

### 6-7.3 BILLBOARDS.

- A. A Billboard is any permanent sign which advertises or otherwise directs attention to a product, service, activity, event, institution, or other business which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.
- B. Billboards shall not be permitted in the town of Essex.

### 6-7.4 PUBLIC SAFETY PROVISIONS.

- A. In the interest of public safety, the following signs and devices are not permitted:
  - 1. Signs with moving parts or flashing lights which suggest motion.
  - 2. Flashing illuminated signs.
  - 3. Noisemaking signs.
  - 4. Signs so located or colored or illuminated in any manner to attract attention from or obscure a traffic light or sign or to reduce in anyway its visibility and effect.
  - 5. Signs within view of a public street or highway so placed in such manner as to obstruct clear vision in any direction.
  - 6. Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beams into the eyes of the oncoming motorist or pedestrians.
  - 7. Signs shall not project above the roof or front parapet of a building.
  - 8. All signs shall comply with all public safety requirements imposed by the Board of Public Works, public utilities, and/or the police and fire departments.

### 6-7.5 MAINTENANCE OF SIGNS.

All signs must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety; or constitute a distraction or obstruction that may contribute to traffic accidents

### 6-7.6 MEASUREMENT.

- A. Area limitations refer to the total sign area associated with each lot.

B. In computing area only one side of a double-faced sign is to be included. Signs within a building are not included.

C. Signs shall comply with the following dimensional requirements for each land use:

Type of Use Sign Dimensions:

1. Residential (1 to 2 family): One (1) sign not exceeding six (6) square feet in area.
2. Residential (multi-family/apartment): One (1) sign not exceeding six (6) square feet in area per dwelling unit and one directory sign for the development not to exceed twenty (20) square feet in area.
3. Non-residential (single use): Maximum permanent sign total area of thirty-two (32) square feet.
4. Non-residential (multiple uses on a common lot): shall be limited to twenty (20) square feet total area per individual use, not including a directory sign area.

D. Internally illuminated signs shall not be permitted.

E. Signs required for public safety shall not be included in the total sign area.

#### 6-7.7 REGULATION OF TEMPORARY SIGNS:

A. A sign which is intended for a limited period of display. A temporary sign may be erected for a period not to exceed thirty (30) days in a calendar year, unless a more specific time frame is set forth below.

B. A temporary sign that does not meet the criteria in Section 6-7-7 shall be subject to the same requirements as for permanent signs.

C. All temporary signs shall comply with the provisions of Sections 6-7.4 (Public Safety Provisions) and 6-7.5 (Maintenance of Signs) of this bylaw.

D. Temporary signs shall not be counted toward the maximum sign areas allowed for permanent signs.

E. Poster-type signs, construction signs, real estate signs and banner signs are considered temporary signs provided they meet the following criteria:

1. Poster-type sign:

- a. May not occupy more than 50 percent (50%) of the window area and may not be attached to the exterior surface of the window. Any interior sign which is within three (3) feet of the window glass and which is visible from the outside of the building shall be considered a window sign even though it may not be affixed directly to the glass. Window displays of actual or sample products or merchandise offered for sale or

- rent on the business premises shall not be considered window/ poster signs.
  - b. Shall be related to use conducted or goods available on the premises.
  - c. May not be used for more than twenty-one (21) consecutive calendar days.
2. Construction sign:
- a. Identifies parties involved in construction on the same premises only
  - b. Shall not be utilized for more than one (1) year, or for the duration of work on the lot, whichever is longer
  - c. Shall be removed promptly by contractor within fourteen (14) calendar days of the completion of work.
3. Real Estate sign:
- a. Shall be related to sale, rental, or lease of same lot;
  - b. Shall be removed within fourteen (14) calendar days after sale, rental, or lease.
4. Banner sign:
- a. Shall be considered a temporary sign provided it meets the following criteria:
    - i. A banner sign intended to advertise a business establishment prior to permanent signing.
    - ii. To be erected without a building permit for a maximum of thirty (30) days in a calendar year.
    - iii. Shall comply with the dimensional requirements of 6-7.6.
    - iv. Shall be attached to the building.
  - b. A banner sign intended to advertise a special event:
    - i. Shall be no greater than seventy-five (75) square feet in area.
    - ii. May be erected without a building permit for a maximum of sixty (60) days in a calendar year, and
    - iii. Shall be removed within seven (7) calendar days after the event is over.
5. Sandwich board sign:
- a. A sign structurally separate from a building and being supported on itself, usually on legs; a sandwich board sign shall be moveable and without permanent anchoring. Said sign shall have no more than six (6) square feet in area on each side of a two-dimensional double-faced sign, shall be constructed of materials intended for outdoor use and shall not impair visibility or ability to use any public way or public area, and must be removed every day.
  - b. Sandwich Board signs may be left in place for a maximum of thirty (30) days in a calendar year without a building permit.
6. Flags:
- a. An advertising device constructed of fabric or flexible material intended to wave in the wind.

- b. A total of three (3) flags will be permitted including one (1) “OPEN” flag and up to two (2) additional targeted message flags.
- c. Total square area shall not exceed thirty (30) square feet and shall comply with the provisions of 6-7.4 and 6-7.5.
- d. All flags shall be removed at the end of each business day.

; or take any other action relating thereto.

#### ARTICLE 4

To see if the Town will vote to amend Section 4-3.6 of the Town of Essex Bylaws, as shown below, with newly-added language in bold; or take any other action relating thereto.

4-3.6 DISCHARGE OF FIREARMS. No person shall fire or discharge, without a written permit from the selectmen, any gun, pistol or other firearm in or across any street, sidewalk or public place, or within 50 yards thereof, nor within 500 feet of a dwelling in use. **No person shall fire or discharge a firearm outdoors within the Town of Essex for skeet, trap, target or test purposes between the hours of 6:00 p.m. and 6:00 a.m. the following day, and no person shall fire or discharge firearms for more than one, continuous, two-hour period or several intermittent periods totaling more than two hours in a twenty-four hour period.** This subsection shall not prevent the use of such weapons in the lawful defense of ones person, family or property, nor in the performance of any duty required or authorized by law.

#### ARTICLE 5

To see if the Town will vote to amend its acceptance of the Community Preservation Act, Massachusetts General Laws, Chapter 44B, sections 3-7, as approved by the voters at the May 14, 2007 Annual Town Election, by increasing the surcharge from 0.5% to 1.5%, and to authorize the appropriation of other municipal revenue to the Community Preservation Fund pursuant to Massachusetts General Laws, Chapter 44B, section 3 (b ½), to be implemented beginning in Fiscal Year 2017; provided, however, that before such surcharge increase and appropriation authorization may take effect, the change must be approved by the voters at the 2016 Annual Town Election to be held in the Town of Essex on May 9, 2016; or take any other action relating thereto.

#### ARTICLE 6

To see if the Town will vote to amend the 2012 Annual Town Report by correcting typographical errors associated with State election results; or take any other action relating thereto.

## ARTICLE 7

To see if the Town will vote to amend Section 2-8.4 BOARD OF APPEALS of the Town of Essex Bylaws, which currently reads:

2-8.4 *BOARD OF APPEALS*. The town shall establish a board of appeals for the planning board consisting of three members with powers as provided in Chapter 41, Section 81R of the General Laws.

The board of appeals shall be appointed for terms of such length, and so assigned that the terms of one member shall expire each year. Three associate members shall likewise be appointed with powers as provided in Chapter 41 of the General Laws.

; by correcting the reference to the Massachusetts General Laws in the second line, so that it reads: "Chapter 41, Section 81Z"; or take any other action relating thereto.

## ARTICLE 8

To see if the Town will vote to assign a section number, 2-25, to the Essex bylaw section entitled "Water Restriction Bylaw" and to change the section number for the Essex bylaw section entitled "Stretch Energy Code" from 2-23 to 2-24, to avoid a conflict with another section; or take any other action relating thereto.

## ARTICLE 9

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Assistant Town Clerk's wage line item in the fiscal year 2016 budget; or take any other action relating thereto.

## ARTICLE 10

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the completion of improvements to the Essex Senior Center; or take any other action relating thereto.

## ARTICLE 11

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund the Town's Other Post-Employment Benefits (OPEB) Trust Fund; or take any other action relating thereto.

## ARTICLE 12

To see if the Town will vote to appropriate from the Community Preservation Fund, including fiscal year 2016 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee; or take any other action relating thereto.

### ARTICLE 13

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Water Enterprise Fund maintenance line item for fiscal year 2016; or take any other action relating thereto.

### ARTICLE 14

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Sewer Enterprise Fund maintenance line item for fiscal year 2016; or take any other action relating thereto.

### ARTICLE 15

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase, wiring, and installation of street and/or pedestrian lighting to be installed in the vicinity of the Essex Causeway on Main Street; or take any other action relating thereto.

### ARTICLE 16

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for materials and labor necessary to repair, replace, or alter the Folsom Pavilion at the Centennial Grove; or take any other action relating thereto.

### ARTICLE 17

To see if the Board will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the removal of trees and the purchase and planting of a tree or trees on the grounds of the Town Hall/Library property at 30 Martin Street; or take any other action relating thereto.

### ARTICLE 18

To see if the Town to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Essex Bicentennial Celebration Fund; or take any other action relative thereto.

### ARTICLE 19

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum or sums of money to be added to the Town's building capital improvements fund, and/or recreational capital improvements fund, and/or purchase of vehicles and major equipment that qualify as capital purchases fund; or take any other action related thereto.

### ARTICLE 20

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replenish the Finance Committee's Reserve Fund for fiscal year 2016; or take any other action relating thereto.

ARTICLE 21

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to pay unpaid bills from past fiscal years; or take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 19<sup>th</sup> day of October, two thousand fifteen.

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Lisa J. O'Donnell, Chairman

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Susan Gould-Coviello

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David Doane

BOARD OF SELECTMEN  
TOWN OF ESSEX

Return of the Warrant:

Date: \_\_\_\_\_

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least fourteen days before the time for holding said meeting.

\_\_\_\_\_  
Constable