

## Framingham Planning Board

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### Planning Board Staff:

Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaella Morais-Peroba, Communications Outreach Coordinator

To: Andrew R. Dennington, Chairman, Town of Southborough Board of Appeals  
RE: Lamar Central Outdoor, LLC, 6-8 Turnpike Road – Digital Billboard Application  
Date: December 8, 2016

The Framingham Planning Board is in receipt of the Southborough Board of Appeals applications for a Use Variance and Special Permit to allow for the construction of a new dual sided, 24-hour digital billboard. Please be advised that at this time Framingham's General By-Laws prohibit the installation of billboards which is consistent with Southborough's Zoning Code. The Planning Board has reviewed the application and submits the following comments to be considered during review:

- The Project's legal ad (stamped with the Southborough Town Clerk on November 17, 2016) and the August 16, 2016 Southborough Building Commissioners letter states that the "Billboards" are specifically prohibited. Framingham, like Southborough prohibits billboards within Town boundaries. (Framingham General By-Laws, Article VII: Signs and Districts, Section 1.6 Prohibited Signs).
  - Framingham General By-Law - Prohibited Signs: 1.6.9: *Flashing/rotating, animated, moving or changing signs, including parked mobile changing signs and billboards. See Regulations Section 1.9.12. for one EXCEPTION<sup>1</sup>.*
- The project application states that "This billboard is on the eastbound lane of Route 9 where it appears it is in Framingham." As stated previously, Framingham prohibits flashing/rotating, animated, moving or changing signs – including billboards. Therefore, this project would not be permitted in Framingham at this time which is consistent with Southborough's Zoning Code regarding this use as well.
- Although the proposal is to mount the digital billboard on a single pole, it appears that there will be two displays including one display facing the east and one display facing the west. Although the application states the purpose of the billboard signage is for purposes of amber alerts, it is unclear if these two displays will be projecting the stated advertisement or different messages in addition to amber alerts. Please submit specific proof of the intent of the display messaging. In accordance with Section 174.11.C.(2)(c) of the Southborough Zoning Code – "Flashing, moving, changing, message and animated signs are prohibited." This is consistent with the Framingham General By-Laws, Article VII, Section 1.6.9 as referenced above that prohibits "Flashing/rotating, animated, moving or changing signs, including parked mobile changing signs and billboards."
- Section 174-8.C.(1) of the Southborough Zoning Code states that "Not more than one (1) principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District shall be deemed to be in a single principal permitted use. The Board of Appeals may, by Special Permit, allow several different uses if otherwise permitted in the district or several buildings on the same lot if such uses or buildings are deemed to be compatible meet the requirements of Section 174-9 and result in improved circulation and land use patterns." This section is consistent

<sup>1</sup> Article VII, Section 1.9.12: **STREET BANNERS** A street banner is allowed for civic and institutional organization events only and may be displayed for no more than 30-days at any one time.

with Section I.C. of the Framingham Zoning By-Law, which states "...No lot may be used for more than one principal use, except as otherwise specifically allowed by this Zoning By-Law." The information provided by the applicant is unclear, as to whether the billboard will be owned and operated by the property owner, managed by another party, and/or leased.

Based on the information provided it would appear that the 1 story commercial building shown on the Plat Plan for 6-8 Turnpike Road, dated July 22, 2016 would be considered one use and the billboard would be a second primary use which would result in two different uses of the property (one use that is allowed and one use that is prohibited).

- It is unclear based on the Certified Abutters List if MassDOT has been contacted and/or aware of this project. Being that Route 9 is a state owned roadway; MassDOT may require an additional review and approval of the proposed digital billboard. Review of the following sections may be warranted:
  - Office of Outdoor Advertising  
<https://www.massdot.state.ma.us/highway/Departments/OutdoorAdvertising.aspx>
  - M.G.L, Chapter 93D, Section 1-7
- Questions based on the lack of information provided in the project application:
  - The application states that the digital billboard will be LED – will there be a dimming feature that allows the illumination of lights to be dimmed during specific hours?
  - How often does the image/advertisement on the digital billboard change? Does the changing of the images/advertisements lead to distracted driving? Who controls the rotation of these images/advertisements?
  - In the event of an emergency, who would be servicing the digital billboard? Do they have the training and capacity?
  - The application states that the digital billboard will benefit Southborough – please specify what the benefits will be as a result of this project. Please specify if they will be duplicated for Framingham's benefit as well.
  - What is the total amount of time that will be granted to Southborough for the display of Town messages? Will other communities such as Framingham have access to the digital billboard to display important messages?
  - What is the source of power for the digital billboard? Will it be connected to a generator during times of power outage? Will the digital billboard be powered by solar or an alternative source of energy?
  - Please provide all available information that can be provided that shows a correlation between traffic accidents and the proximity of a digital billboard.
  - Please provide sight distances of visibility for the digital billboard from the east and from the west.

Thank you for providing an opportunity for the Framingham Planning Board to review and comment on the application for the proposed project at 6-8 Turnpike Road, Southborough. Please continue to forward any and all new information regarding this project to the Framingham Planning Board as it becomes available. If you have any questions, please contact the Planning Board Administrator, Amanda Loomis, at the Planning Board Office phone number (508) 532-5450.

Thank you,

Amanda Loomis

Planning Board Administrator

cc: Framingham Planning Board  
Framingham Building Commissioner