

**ANNUAL TOWN MEETING WARRANT  
COMMONWEALTH OF MASSACHUSETTS  
JUNE 13, 2016**

Plymouth, ss.

To the Constable(s) of the Town of Rochester in the County of Plymouth,

Greetings,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, the 13<sup>th</sup> of June 2016 at seven p.m. (7:00 p.m.) in the evening to act on the following articles:

**ARTICLE 1: ANNUAL REPORT OF TOWN OFFICERS AND COMMITTEES**

To see if the Town will accept the annual report of all town officers and committees, or take any other action in relation thereto.

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**ARTICLE 2: ELECTED OFFICIALS SALARIES**

To see if the Town will vote to fix the salaries of the elected officials of the Town for the Fiscal Year 2017 as follows or take any other action thereon.

	Previous FY 2016	Requested FY 2017	Recommended FY 2017
Moderator – Annual Town Meeting	100.00	100.00	100.00
Special Town Meeting	50.00	50.00	50.00
Board of Selectmen (3) each member	4,457.00	4,546.00	4,546.00
Board of Assessors Chairman	6,060.00	6,181.00	6,181.00
Board of Assessors Assessor	6,060.00	6,181.00	6,181.00
Board of Assessors, Clerk	6,060.00	6,161.00	6,161.00
Tax Collector	25,755.00	26,270.00	26,270.00
Town Clerk	28,280.00	30,886.00	30,886.00
Tree Warden	1,545.00	1,576.00	1,576.00
Constables (2)	9.50/hr.	9.69/hr.	9.69/hr.
Highway Surveyor	77,265.00	78,810.00	78,810.00
Board of Health Chairman	2,089.00	2,131.00	2,131.00
Board of Health (2) each member	1,744.00	1,779.00	1,779.00
Herring Inspector	441.00	450.00	450.00

**ARTICLE 3: PERSONNEL BY-LAW AMENDMENT – CLASSIFICATION AND  
COMPENSATION PLAN**

To see if the Town will vote to amend Part IV, Classification and Compensation Plan, or take any other action in relation thereto.

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**(SEE NEXT PAGE)**

**CLASSIFICATION AND COMPENSATION PLAN  
EFFECTIVE ON JULY 1, 2016 - with 2% COLA**

Position:	GRADE	MIN	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	MAX
Non-Exempt											
None	10	\$21.92	\$22.57	\$23.26	\$23.96	\$24.67	\$25.41	\$26.17	\$26.95	\$27.77	\$28.59
BOS Adm. Asst./Assessment Adm.	9	\$19.90	\$20.50	\$21.12	\$21.76	\$22.42	\$23.07	\$23.77	\$24.49	\$25.21	\$25.97
Adm. Asst. - General / Outreach	8	\$18.09	\$18.64	\$19.21	\$19.78	\$20.37	\$20.97	\$21.60	\$22.26	\$22.92	\$23.61
Adm. Asst.-Police/Payroll/Assessors Clerk	7	\$16.46	\$16.95	\$17.47	\$17.99	\$18.53	\$19.09	\$19.66	\$20.26	\$20.86	\$21.48
Clerk/Secretary to Department Head	6	\$14.94	\$15.39	\$15.85	\$16.33	\$16.81	\$17.32	\$17.84	\$18.38	\$18.92	\$19.50
BOH Secretary	5	\$13.61	\$14.03	\$14.43	\$14.87	\$15.32	\$15.77	\$16.25	\$16.74	\$17.25	\$17.76
Program Assistant COA	4	\$12.37	\$12.73	\$13.12	\$13.52	\$13.91	\$14.33	\$14.76	\$15.21	\$15.66	\$16.14
Van Driver	3	\$11.25	\$11.59	\$11.93	\$12.29	\$12.66	\$13.05	\$13.43	\$13.83	\$14.26	\$14.67
COA Custodian	9	\$12.73	\$13.12	\$13.52	\$13.91	\$14.33	\$14.77	\$15.21	\$15.66	\$16.14	\$16.62
Recycle Operator	5	\$17.52	\$18.05	\$18.59	\$19.16	\$19.73	\$20.32	\$20.92	\$21.55	\$22.20	\$22.87
Heavy Motor Equip	5	\$17.63	\$18.17	\$18.70	\$19.27	\$19.84	\$20.43	\$21.03	\$21.66	\$22.34	\$22.99
Operator/Laborer	4	\$22.51	\$23.18	\$23.88	\$24.60	\$25.34	\$26.10	\$26.88	\$27.69	\$28.51	\$29.38
Lead Heavy Motor Equip Op	3	\$24.16	\$24.89	\$25.65	\$26.41	\$27.20	\$28.01	\$28.87	\$29.73	\$30.62	\$31.55

**FY 2017  
CLASSIFICATION AND COMPENSATION PLAN**

**ARTICLE 4: TOWN OF ROCHESTER FY 2017 OPERATING BUDGET**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray Town charges and expenses for the Fiscal Year ending June 30, 2017, or take any other action in relation thereto.

**(SEE NEXT PAGE)**

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**ARTICLE 5: DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION**

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the Fiscal Year 2017, or take any other action in relation thereto.

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**(SEE NEXT PAGE)**

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2017 Spending Limit
Library Materials	Board of Library Trustees	Charges and fees for lost, damaged, and overdue library material, lost library cards, photocopies, computer printouts, and facsimile transmissions	Purchase library materials, print and non-print, including without limitation books, periodicals, audio & video tapes and computer software, as well as other library materials and equipment	\$10,000
Recycling Program	Board of Selectmen	Fees for recycling materials, bins, etc., and the fees generated from disposal and sale of recycling materials.	Costs associated with disposal of recycling and trash materials and equipment	\$20,000
Hazardous Waste Recovery	Fire Chief/Hazardous Waste Coordinator	Charges and fees for responses to hazardous material spills	Purchase materials used in response to hazardous material spills.	\$10,000
Rochester Country Fair Committee	Rochester Country Fair Committee	Entrance, advertising, vendor fees and fund raising activities.	Expenses incurred for fund raising activities, operating expenses of the annual fair, and scholarship awards	\$55,000
Cultural Council	Cultural Council Art Show	Vendor fees, application fees, and fund raising activities	Expenses incurred for operating the art show, and fund raising activities	\$6,000
Council on Aging	Council on Aging Director	Fees and receipts from fund raising, senior program activities, and rental fees for use of the building	Expenses incurred for senior programs and activities	\$10,000
Board of Health	Board of Health	Fees and reimbursements from Flu Clinics, receipts from vaccination reimbursements obtained from federal, state and private organizations, program users and insurance companies, for services provided at clinics sponsored by the Board of Health	Expenses incurred for Flu Clinics, medical services, vaccinations, informational clinics and related services.	\$25,000
Treasurer	Treasurer	Fees, charges from tax title accounts	Fees, charges from tax title accounts	\$2,500
Fire/EMS Equipment	Fire Chief	Donations or fund raising specifically for Fire/EMS equipment	Replace, repair or outfit Fire/EMS equipment	\$50,000
			<b>TOTAL SPENDING LIMITS</b>	<b>\$188,500</b>

**ARTICLE 6: NATURAL RESOURCE EXPENSES**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the following recurring Environmental and Natural Resources Expenses, or take any other action in relation thereto.

<b><u>FUND 2017 NATURAL RESOURCE EXPENSES</u></b>		
<b>DEPARTMENT</b>	<b>ITEM/PROJECT</b>	
Selectmen	Planting of Shellfish (Marion)	\$300
<b>TOTAL ASSESSMENT</b>		<b>\$300</b>

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**ARTICLE 7: CHAPTER 90 FUNDS APPROPRIATION**

To see if the Town will authorize the Board of Selectmen to accept and to enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts and/or the County of Plymouth for the construction, reconstruction and/or improvement of Town roads, or take any other action in relation thereto.

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**ARTICLE 8: PILOT AGREEMENT**

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes ("PILOT") pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, on such terms and conditions as the Board of Selectmen may deem in the best interest of the Town, for personal property attributable to a solar photovoltaic facility located (or to be located) on privately owned land located at 0 Snipituit Road (Assessors' Map 38, Lot 8), and to do all things necessary to implement such agreement; or take any other action in relation thereto.

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**ARTICLE 9: OPEB FUNDING**

To see if the Town will vote to transfer from Free Cash the sum of Fifteen Thousand Dollars (\$15,000) to fund the Town's future obligations for the cost of Other Post Employment Benefits (OPEB) identified by the Government Accounting Standards Board (GASB) Statement 45 Report, or take any other action in relation thereto.

**BOARD OF SELECTMEN  
MAJORITY VOTE**

**ARTICLE 10: SENIOR TAX WORK-OFF ABATEMENT**

To see if the Town will vote to increase the current Senior Tax Work-Off Abatement hourly wage from \$8.00 to \$10.00 to reflect the change in the State minimum wage, further to set said wage to adjust with any future increase in State minimum wage, or take any other action in relation thereto.

**COUNCIL ON AGING  
MAJORITY VOTE**

**ARTICLE 11: TOWN MEETING QUORUM**

To see if the Town will vote to amend Section XI(A)(1) – General Regulations, Town Meeting – Quorum as follows:

DELETE the current subsection 'a' and INSERT the following:

- a. A minimum of seventy-five (75) registered voters shall be required to conduct an Annual Town Meeting.

, or take any other action in relation thereto.

**TOWN MODERATOR  
MAJORITY VOTE**



**ARTICLE 12: PUBLIC SAFETY CAPITAL EQUIPMENT**

To see if the Town will vote to transfer from Free Cash the sum of Thirty six Thousand Five Hundred Dollars (\$36,500) for the following capital equipment for the Police and Fire Departments, or take any other action in relation thereto.

- a) Bullet Proof Vests for Police Department - Fourteen Thousand Five Hundred Dollars (\$14,500)
- b) Scott Air Packs for Fire Department – Ten Thousand Dollars (\$10,000)
- c) IV Pumps per changes for Statewide Treatment Protocols for the Fire Department – Twelve Thousand Dollars (\$12,000)

**POLICE AND FIRE CHIEFS  
MAJORITY VOTE**

**ARTICLE 13: AMBULANCE**

To see if the Town will vote to raise and appropriate by taxation, by transfer from available funds, by borrowing or any combination thereof, the sum of Two Hundred and Forty Thousand Dollars (\$240,000) for the costs of purchasing and equipping an ambulance and related equipment, and also including all costs incidental and related thereto; and to see whether to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, shall be authorized to borrow the full amount of such appropriation under General Laws Chapter 44 or any other general or special law, and to issue bonds or notes of the Town in connection therewith, or take any other action in relation thereto.

**FIRE CHIEF  
TWO THIRDS VOTE**

**ARTICLE 14: PERSONNEL BYLAW – SICK LEAVE**

To see if the Town will vote to remove the following language, **said removal to be effective July 1, 2017**, from Town of Rochester Personnel Bylaws – Part IX Sick Leave and Personal Leave:

Employees shall be paid 50% of their last rate of pay for each unused day, not to exceed 120 days, upon retirement or resignation. This same benefit shall be paid to the estate of an employee who dies while employee by the Town.

or take any other action in relation thereto.

**BOARD OF SELECTMEN/  
PERSONNEL BOARD  
MAJORITY VOTE**

## **ARTICLE 15: PROPOSED BY-LAW REGULATING WITHDRAWAL OF WATER**

To see if the Town will vote to amend the Town of Rochester By-Laws, as follows, or take any other action in relation thereto.

### **SURFACE WATER PROTECTION**

#### **A. Purpose**

The purpose of this by-law is to recognize that the contamination of any pond, stream, surface, or sub-surface water in the Town of Rochester would pose a significant hazard to the health of the inhabitants of the Town and, therefore, to protect such water sources from contamination.

#### **B. Water Withdrawal Prohibition**

Except as hereinafter provided, no person shall withdraw water from surface water (including but not limited to wetlands, stream channels, lakes, springs, ponds) within the Town of Rochester into any tank vehicle, or into any tank contained in or on any vehicle.

#### **C. Exceptions**

The prohibitions contained in Paragraph B above shall not apply to withdrawals associated with the following:

1. any withdrawal permitted under a permit issued by any agency of the Town of Rochester, Commonwealth of Massachusetts and/or the United States Government.
2. any withdrawal associated with agricultural operations by either the owner of a private water supply or any other person or entity having withdrawal rights in said water body.
3. withdrawals associated with firefighting or training activities associated with firefighting.
4. any withdrawal of by a riparian landowner for personal use provided said withdrawal is less than 100 gallons per day.

#### **D. Violation, Penalties; Enforcement**

Any person or entity in violation of the provisions herein shall be fined by a fine of \$100 for the first violation and \$500 for each subsequent violation. Each day on which a violation exists shall constitute a separate violation.

This By-law shall be enforced under the Non-Criminal Disposition provisions of M.G.L. Chapter 40, Section 21D and may be enforced by the Conservation Commission, Board of Health and Fire Department, or their designees. This By-law may also be enforced by the Rochester Police Department.

**WATER COMMISSION  
MAJORITY VOTE**

**ARTICLE 16: ZONING BY-LAW SECTION VI LIMITED COMMERCIAL DISTRICT**

To see if the Town will vote to amend the Town of Rochester **Zoning By-Laws, Section VI, Limited Commercial District**, as follows, or take any other action in relation thereto.

**Section VI: Limited Commercial District, Subsection E.2. Perimeter Vegetative Boundary**

**Insert the following at the end of the last sentence:**

“plus a wall or fence to a height not less than 6 feet”.

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**

**ARTICLE 17: ZONING BY-LAW SECTION XXI LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS**

To see if the Town will vote to amend the Town of Rochester **Zoning By-Laws, Section XXI, Large-Scale Solar Photovoltaic Installations**, as follows, or take any other action in relation thereto.

**Section XXI: Large-Scale Solar Photovoltaic Installations, Sub-section 1.9 Site Plan Details**

**Insert the following under “Landscaping”:**

“3. The site plan shall minimize the number of removed trees 12” caliper or larger.”

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**

**ARTICLE 18: ZONING BY-LAW SECTION XXI LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS**

To see if the Town will vote to amend the Town of Rochester **Zoning By-Laws, Section XXI, Large-Scale Solar Photovoltaic Installations**, as follows, or take any other action in relation thereto.

**Section XXI: Large-Scale Solar Photovoltaic Installations Subsection 1.2. Applicability**

**Insert the following:**

“Large-Scale ground mounted solar installations are not permitted in the Limited Commercial District and the Historic District. All other ground mounted solar installations in the Limited Commercial District and the Historic District require Site Plan Review”

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**

**ARTICLE 19: ZONING MAP**

To see if the Town will vote to amend the Town of Rochester **Zoning Map**, as follows. See attached Zoning Map.

Adjust the limits of the Limited Commercial District to match the property lines of the following properties:

- 1) Lot 24 on Assessors Map 30 (0 Rounseville Road);
- 2) Lot 25 on Assessors Map 30 (0 Rounseville Road);
- 3) Lot 25 B on Assessors Map 30 (0 Rounseville Road);
- 4) Lot 25 C on Assessors Map 30 (0 Rounseville Road);
- 5) Lot 25 D on Assessors Map 30 (565 Rounseville Road);
- 6) Lot 28 on Assessors Map 4 (0 New Bedford Road);

Insert Historic District outline.

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**

## **ARTICLE 20: ZONING MAP**

To see if the Town will vote to amend the **Rochester Zoning Map** by rezoning from Agricultural-Residential to General Commercial the following properties. See attached Zoning Map.

- 1) Lot 44 on Assessors Map 17 (611 County Road) (Title Reference: Book 44935, Page 150);
- 2) Lot 46 on Assessors Map 17 (617 County Road) (Title Reference: Book 4415, Page 329);
- 3) Lot 45 on Assessors Map 17 (619 County Road) (Title Reference: Book 46401, Page 304);
- 4) Lot 47 on Assessors Map 17 (621 County Road) (Title Reference: Book 37926, Page 163);
- 5) Lot 48 on Assessors Map 17 (631 County Road) (Title Reference: Book 14635, Page 275);
- 6) Lot 41A on Assessors Map 17 (637 County Road) (Title Reference: Book 38165, Page 100);
- 7) Lot 49 on Assessors Map 17 (655 County Road) (Title Reference: Book 2099, Page 251); and
- 8) Lot 50 on Assessors Map 17( 661 County Road) (Title Reference: Book 46539, Page 24)

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**



## Town of Rochester Zoning Map

### Zoning Districts

- RE/AG-Residential/Agriculture
- LC-Limited Commercial
- GC-General Commercial
- Industrial

- Groundwater Protection District
- Mattaposett River Valley Watershed  
The MRA Chapter 90I of 1987
- Scenic Road  
The Act and Resolves passed by the General Court of MA in the year 2000, Section 84.

- Historic District
- Water
- Municipal Boundaries

- Interstates
- Arterials and Collectors
- Local Roads



April 25, 2016

1 mile



## **ARTICLE 21: ZONING BY-LAW SECTION XXI LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS**

To see if the Town will vote to amend the Town of Rochester **Zoning By-Laws, Section XXI, Large-Scale Solar Photovoltaic Installations**, as follows, or take any other action in relation thereto.

**Insert the following:**

### **“1.9 Landscaping, Screening and Drainage**

- (1) All landscaped areas and plants required by the Planning Board in connection with any permit issued or site plan review must be permanently maintained in a healthy growing condition in order to accomplish the purpose for which they were required.
- (2) The owners, their agents and assigns are responsible for providing, protecting, and maintaining all landscaping material in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.
- (3) Dead or diseased plants must be replaced within 30 days of notification, or as soon as practical in regard to weather, or complex situations involving the removal and replacement of large trees.
- (4) Plant material must not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
- (5) All fencing, walls and other features used for screening purposes shall be kept in good repair and free of litter and debris.
- (6) All drainage systems must be kept in working order.
- (7) Maintenance Plan

A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, fencing, walls and/or drainage system, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping, fencing and/or drainage shall be a continuing condition of any approval that may be granted. A cost estimate for required maintenance shall be presented as part of any application and a 5 year maintenance bond, in an amount and form approved by Town Counsel and the Planning Board shall be a condition of approval.

### (7) Continuing Maintenance

The applicant and its successors and assigns shall be responsible for the ongoing maintenance of the landscaping, screening and/or drainage required as a condition of approval and as outlined in the Maintenance Plan. If it becomes necessary, after notice as required above, for the Town to take action in removal and/or replacement of required landscaping, screening and/or drainage system, the property owner will be billed for all costs associated with the

removal and/or replacement. Any unpaid amounts so billed shall constitute a lien on the property in question and will be collected as such.”

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**

## **ARTICLE 22: SIGN BY-LAW**

To see if the Town will vote to amend the Town of Rochester **Zoning By-Laws** as follows, or take any other action in relation thereto.

**Insert a new SECTION XXIV SIGNS, as follows:**

“**Section XXIV Signs** (including Banners, Flags, and Temporary Signs)

**A. Guiding Principle**

Allow for adequate information to be conveyed without compromising the rural character of Rochester.

**B. Specific Objectives**

1. Maintain the rural character of Rochester.
2. Minimize the number of signs.
3. Provide guidance for needed advertising.

**C. Sign Types**

- (a) Animated or Flashing Sign: any sign or attention-catching device which in part or whole moves or flashes or contains traveling lights or gives the impression of any movement or flashing whether such effect is generated by natural or artificial forces.
- (b) Banner Sign: any piece(s) of fabric displaying a distinctive insignia, identifying wording and/or symbolic representation of a business, service or activity.
- (c) Directional Sign: any sign whose only purpose is to direct traffic to proper entrance or exit.
- (d) Illuminated Sign: any sign, which is lighted by artificially, generated light, either directly or indirectly.
- (e) Monument Ground Sign: a sign that is anchored directly on the ground.
- (f) Pole or Pylon Sign: any sign supported by or suspended from a freestanding column or columns designed solely to support said sign and set directly on the ground.
- (h) Projecting Signs: any non-translucent sign, which is affixed at a right angle to the building wall.
- (i) Temporary Sign: any sign which is intended to be displayed for a short period of time only.



#### **D. General Regulations**

1. The rules and regulations for Signs, Banners, Flags, and Temporary Signs will vary in the four (4) districts in Rochester.
2. Electronic Messaging Centers (EMCs) whether portable or permanent, may be deployed for public safety purposes by safety service departments as needed. Other temporary portable EMCs require a Special permit from the Board of Selectmen.
3. Security and Warning Signs: On-premise signs regulating the use of the premises, such as “no trespassing”, “no hunting”, “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in the Agricultural/Residential District and the Limited Commercial District are allowed by right. One (1) sign five (5) square feet in area in the General Commercial District and the Industrial District is allowed by right. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law. Sign regulations for Personal Wireless Service Facilities are found in the Personal Wireless Service Facilities Section.
4. Cemetery monuments are regulated by the authority having jurisdiction(AHJ) over a cemetery and do not fall under the jurisdiction of Rochester zoning by-laws.
5. Signs may be placed on walls facing a street, or in the front yard
6. Signs must be placed on private property, not on any public way or utility poles.
7. Registered and unregistered vehicles including trailers are not permitted to be used as signs unless said vehicle is registered and used as a vehicle in the normal day to day operation of a business. Portable signs on wheels whether registered or not and kept in the same location for more than seventy-two (72) hours and not moved from the site in that time period are not allowed.
8. Maintenance of signs and sign structures is the responsibility of sign owners and the owners are to maintain the signs so that they are clearly legible. Corrective measures are required within 30 days after notice to that effect has been given by the Rochester Zoning Enforcement Officer.
9. Replacement of a sign with a new sign (swap) is permitted provided the new sign is of the same type and exactly the same dimensions and location of the sign being replaced. (building permit is still required) No neon, animated or flashing or attention-catching devices are permitted except as may be allowed by Special Permit by the Zoning Board of Appeals (ZBA). Business sign lighting may be externally or internally sourced and installed in a manner that will prevent direct light from shining onto any street or adjacent property. Permitted internal illumination is a maximum of 15 LUX at 2 feet from the center of the sign.
10. Signs are to be turned off when the business is not open.
11. Signs which advertise or calls attention to any product, business or activities which are no longer sold or carried on, whether generally or at a particular premise shall be removed by the property owner. Corrective measures are required within 30 days after notice to that effect has been given by the Rochester Zoning Enforcement Officer. For seasonal businesses, all temporary signs, flags, banners or other advertising devices must be removed at the close of the season.
12. No sign is allowed that obstructs the sight lines of motor vehicle operators, bicyclists, or pedestrians traveling on or entering onto a public way.

13. Signs erected on buildings shall not project more than twelve inches (12") above the highest line of the building roof peak or roof-line not to exceed the total height allowed in the district.
14. Permanent signs require a Building Permit.
15. These regulations shall not apply to any sign that expresses non-commercial opinions under the First Amendment of the United States Constitution.

## **E. Types of Signs, Banners, Flags, and Temporary Signs**

### **1. Business Sign**

#### **Agricultural/Residential District and Limited Commercial District:**

Allowed by Right, One sign, or combination of signs, not to exceed nine (9) square feet, externally or internally lit. It may be two sided.

#### **General Commercial District and Industrial District:**

Allowed by Right, One sign, or combination of signs, not to exceed fifty (50) square feet, externally or internally lit. It may be two sided.

#### **Limited Commercial District, General Commercial District, and Industrial District:**

Allowed by Right, one (1) internally lit "OPEN" LED sign may be displayed in the window of the business. It shall not exceed two (2) square feet in size and must be off the when the business is not open.

Exceptions to all of the above may be allowed with Special Permit from the Zoning Board of Appeals (ZBA).

### **2. Political Signs**

Signs must be placed on private property only with the permission of the property owner. Political signs may be no larger than five (5) square feet. All signs must be removed within forty-eight (48) hours following the vote on the related subject. An exception is allowed for political signs that are fixed to registered motor vehicles and/or registered trailers. All regulations for registered motor vehicles and registered trailers apply. A size exception is also allowed for political signs that are carried or held by individuals or groups of individuals.

Further exceptions may be permitted with a Special Permit issued by the Board of Selectmen.

### **3. Signs (including all related banners) indicating property for Sale, Rent, or Lease**

#### **Agriculture/Residential District and Limited Commercial Districts:**

Allowed by Right is one sign per property per public way. (example, a property on a street corner may have a sign on each street). Signs are not to exceed six (6) square feet not including the signpost. Signs may be two (2) sided for an area of six (6) square feet

per side. Signpost or stanchion area on the same plane as the sign is to be no larger than thirty (30) percent of the actual sign size. Signs must be removed within seven (7) days of the sale, rental, or lease.

**General Commercial and Industrial Districts:**

Allowed by Right is one sign per property per public way. (example, a property on a street corner may have a sign on each street). Signs are not to exceed fifty (50) square feet not including the signpost. Signs may be two (2) sided for an area of fifty (50) square feet per side. Signpost or stanchion area on the same plane as the sign is to be no larger than thirty (30) percent of the actual sign size. Signs must be removed within seven (7) days of the sale, rental, or lease.

**Open House**

Signs including sandwich boards are allowed only for the period of the open house. (See paragraph D. “General Regulations” for sign placement)

**Subdivision Signs**

Are considered Business Signs (See Business Signs above).

Exceptions to all of the above may be allowed by Special Permit issued by the Zoning Board of Appeal (ZBA)

**4. Contractor Signs**

Allowed by Right is one sign per property for any contractor performing work on the site. Signs are not to exceed five (5) square feet not including the signpost. Sign post or stanchion area on the same plane as the sign is to be no larger than thirty (30) percent of the actual sign size. Signs are to be removed within seven (7) days of the completion of work on the site by the contractor.

Exceptions may be allowed by Special Permit issued by the Zoning Board of Appeal (ZBA)

**5. All Temporary Signs such as “Yard Sale” or event “Directional Signs” etc.**

Allowed by Right for the period of the event. Signs are not to exceed six (6) square feet. Placement is allowed only with the property owner’s permission.

**6. Flags and Banners**

Flags and banners that comply with all state and federal regulations are generally allowed by Right for non-commercial purposes. Flags and banners that are displayed as advertising and/or calling attention to a business are considered to be signs and are regulated as such.

**7. Sandwich Boards**

Allowed by Right not to exceed six (6) square feet (each side), can be displayed only the day of the event and on the property to which the sandwich board relates. Sandwich

Board signs providing directions to another location are allowed, provided they are placed with the property owner's permission.

## **8. Illuminated Signs**

### **Agricultural/Residential District and Limited Commercial District:**

Allowed by Right not to exceed nine (9) square feet. Signs may be externally or internally lit. External light shielding is required to avoid any light illuminating or lighting any area outside of the sign surface. Permitted internal illumination is a maximum of 15 LUX at 2 feet from the center of the sign.

### **General Commercial District and Industrial District:**

Allowed by Right not to exceed fifty (50) square feet. Signs may be externally or internally lit. External light shielding is required to avoid any light illuminating or lighting any area outside of the sign surface. Permitted internal illumination is a maximum of 15 LUX at 2 feet from the center of the sign.

Exceptions to all of the above may be granted by Special permit issued by the Zoning Board of Appeals (ZBA).

## **9. Highway and Traffic Signs**

- a. All street names are to be assigned or approved by the Board of Selectmen.
- b. All highway and traffic signs are the responsibility of the appropriate authority having jurisdiction (AHJ), which may include the Rochester Highway Department and the Massachusetts Department of Transportation (DOT).

## **10. Handicap Parking Signs**

Allowed by right consistent with Massachusetts State regulations.

## **11. Display of Restaurant Menu**

An eating or drinking establishment by right may display a copy of its menu affixed to an exterior wall or placed inside a window of the establishment. The maximum display area of the menu shall not exceed two (2) square feet. Exception may be granted by Special Permit from the ZBA.

## **F. Administration**

Permanent signs allowed by right or that have been approved under Site Plan Review and/or Special Permit shall be entitled to a Sign Building Permit from the Building Commissioner, provided that the sign complies with said approval.

1. **Permit Application.** All applications for signs requiring a sign permit shall be made to the Building Commissioner in such form as required. The Building Commissioner shall have the authority to reject any sign building permit application that is not complete when submitted.
2. **Permit Processing Deadlines.** The Building Commissioner shall approve or disapprove any application for a Sign Building Permit within thirty (30) days of receipt of the application unless such signs require a Site Plan Review or

Special Permit. If a Sign Building Permit requires a Site Plan Review or Special Permit, the permit processing deadlines and requirements are as provided in G.L.c.40A §9.

3. **Fees.** The Building Commissioner shall establish and from time to time review a Sign Building Permit fee, which shall be published as part of a sign permit application.

#### **G. Signs Requiring a Special Permit from the Zoning Board of Appeals**

1. **Review Authority.** The Zoning Board of Appeals acting as the special permit granting authority under this section may approve, approve with conditions, or disapprove applications for signs that exceed the standards of this bylaw.
2. **Sign Special Permit Approval Criteria.**
  - a. A Special Permit under this section may be issued provided the Zoning Board of Appeals finds that the resulting deviation from the otherwise applicable requirements of this Section meets the following criteria:
    - (1) The sign will be consistent with the intent and purpose of § A & B;
    - (2) The sign will be consistent with the character and use of the area and with the Zoning District in which it is erected.
    - (3) The sign will not have a negative effect on traffic flow and safety, including parking and loading.
    - (4) The sign will be appropriate in scale and proportion in its design and in its visual relationship to buildings in the area and its general surroundings and in particular
  - b. The ZBA may issue a Special Permit with stipulations at the ZBA's discretion.
3. **Sign Special Permit Rules and Regulations.** The Zoning Board of Appeals may promulgate Rules and Regulations governing the granting of Special Permits under this Section, including but not limited to the contents of an application and application fees.

#### **Appendix A: Sign Area Computational Methodology / Ground Signs and Wall Signs**

##### Calculating Sign Area

1. **Signs Containing Integral Background Areas:**

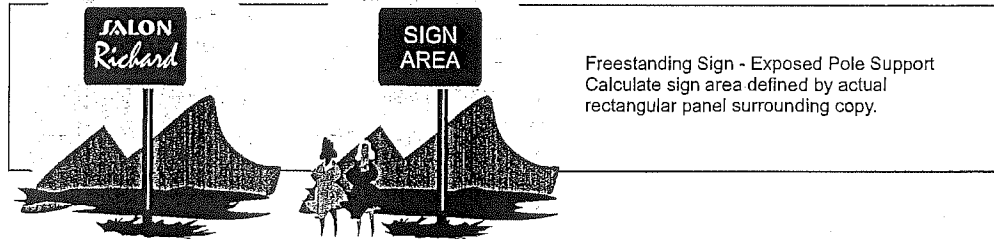
The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

2. Signs Without Integral Background Areas:

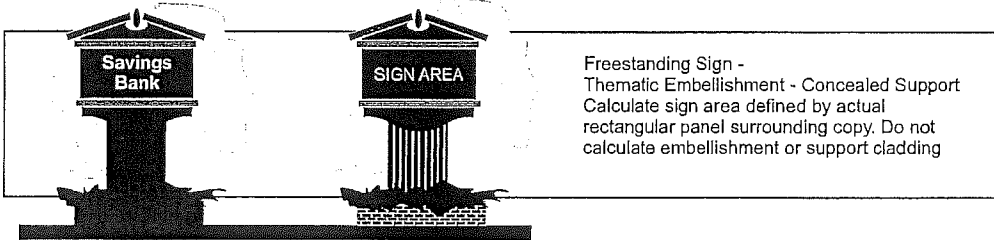
In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

(Appendix A and Illustration source: Model Code For Regulation Of On-Premise Signs, United States Sign Council, © 2011)

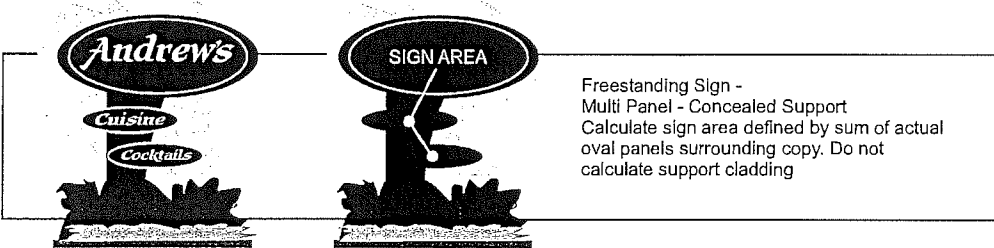
## Sign Area Computational Methodology / Ground Signs



Freestanding Sign - Exposed Pole Support  
Calculate sign area defined by actual rectangular panel surrounding copy.



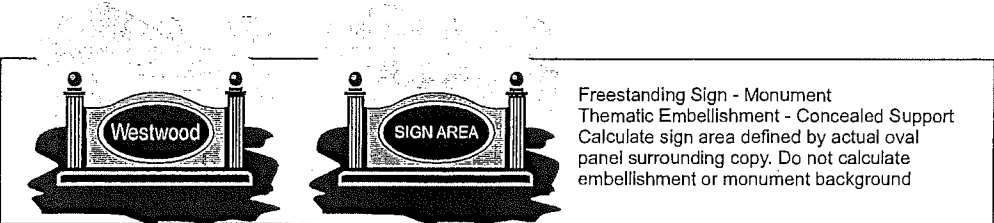
Freestanding Sign - Thematic Embellishment - Concealed Support  
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding



Freestanding Sign - Multi Panel - Concealed Support  
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding

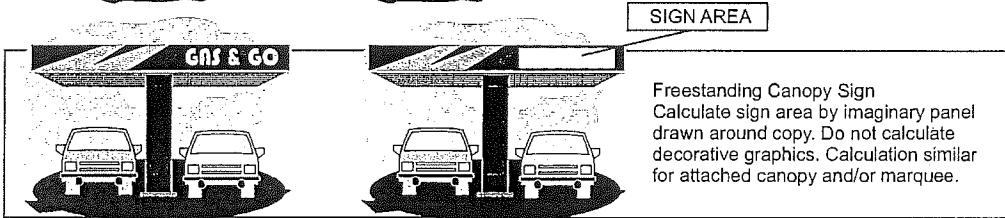
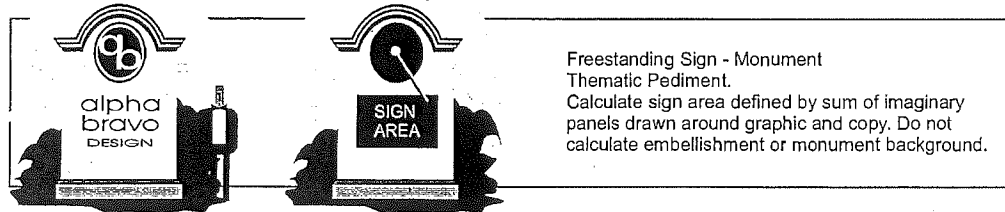


Freestanding Sign - Monument Thematic Embellishment - Concealed Support  
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background

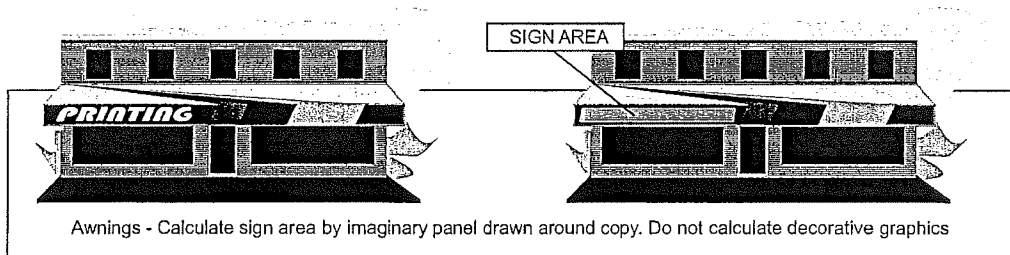
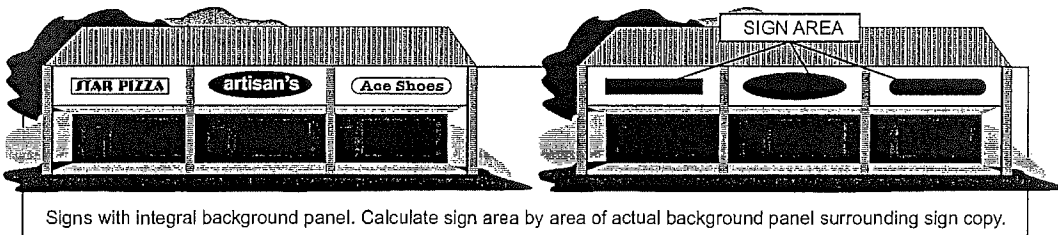
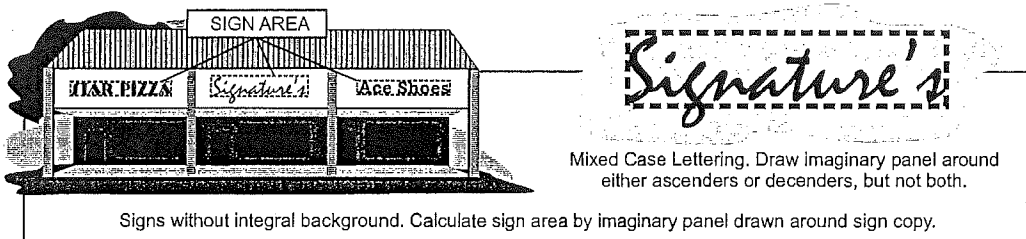


Freestanding Sign - Monument Thematic Embellishment - Concealed Support  
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background

## Sign Area Computational Methodology / Ground Signs



### Wall / Fascia Signs



Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**



## **ARTICLE 23: SIGNS**

### **SECTION III: DEFINITIONS**

#### **Insert a new Definition as follows:**

“Sign: A board, placard, or representation of any sort, generally bearing an inscription, symbol or picture conveying information of some kind. An arbitrary mark, symbol, or token used to indicate a word, etc., having its own specific meaning. (see Section XXIV C for Sign Types)”

### **SECTION IV: INDUSTRIAL DISTRICT**

#### **Delete the following:**

D.3. “Display of one sign pertaining to the use of the premises with a total area of less than fifty (50) square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted. *(Amended: Article XIX, October 24, 2005 Special Town Meeting)(Amended: Article II, March 10, 1986 Special Town Meeting)”*

Renumber the remaining sections accordingly.

#### **Delete the following:**

E.4. “Display of a sign pertaining to the use of the premises with a total area of more than fifty (50) square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted. *(Amended Article 10, Annual Town meeting May 21,2012)”*

Renumber the remaining sections accordingly.

### **SECTION V: GENERAL COMMERCIAL DISTRICT**

#### **Delete the following:**

D.12. “Display of one sign pertaining to the use of the premises with a total area of not more than nine square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted there. Flashing or rotating lights shall not be permitted. *(Amended: Article XIX, October 24, 2005 Special Town Meeting)”*

Renumber the remaining sections accordingly.

#### **Delete the following:**

E.3. “Display of a sign pertaining to the use of the premises with a total area in excess of nine square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.”

Reorder the remaining sections accordingly.

**Delete the following:**

F.5. “Display of a sign as provided under Section D.12 and E.3.”

Reorder the remaining sections accordingly.

**SECTION VI: LIMITED COMMERCIAL DISTRICT**

**Delete the following:**

D.7. “Display of one sign pertaining to the use of the premises with a total area of not more than nine square feet, the sign shall be limited to the identification of premises, their occupants or users, or the business conducted there. Flashing or rotating lights shall not be permitted.  
*(Amended: Article XIX, October 24, 2005 Special Town Meeting)*”

Reorder the remaining sections accordingly.

**Delete the following:**

E.2. “Display of a sign pertaining to the use of the premises with a total area in excess of nine square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.”

Reorder the remaining sections accordingly.

**Delete the following:**

F.2. “Signs permitted under Section D.7. Thereof.”

**SECTION VIII: AGRICULTURAL /RESIDENTIAL DISTRICT**

**Delete the following:**

C.5.d. “Display of one sign pertaining to the use of the premises with a total area of not more than nine square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted there. Flashing or rotating lights shall not be permitted.  
*(Amended: Article XIX, October 24, 2005 Special Town Meeting)*”

**Delete the following:**

D.3. “Display of a sign pertaining to the use of the premises with a total area in excess of nine square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.”

Re-number the remaining sections accordingly.

Or take any other action thereto.

**PLANNING BOARD  
TWO THIRDS VOTE**

**ARTICLE 24: CONVERSION OF SINGLE FAMILY DWELLING TO A TWO FAMILY DWELLING**

To see if the Town will vote to amend the Rochester Zoning By-Laws, Section VIII.D.9.a), by adding after the word application the following: **“and is located at least one thousand, two hundred feet from the nearest single family dwelling”**.

Or take any other action thereto.

**BY PETITION  
TWO THIRDS VOTE**

**ARTICLE 25: STABILIZATION FUND**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be added to the Stabilization Fund, or take any other action in relation thereto.

**FINANCE COMMITTEE  
MAJORITY VOTE**



**SPECIAL TOWN MEETING WARRANT  
COMMONWEALTH OF MASSACHUSETTS  
JUNE 13, 2016**

Plymouth, ss.

To the Constable(s) of the Town of Rochester in the County of Plymouth,  
Greetings,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, the 13th of June 2016 at six forty-five p.m. (6:45 p.m.) in the evening to act on the following articles:

**ARTICLE 1: STABILIZATION TRANSFER SNOW AND ICE DEFICIT**

To determine whether the Town will vote to transfer the sum of **\$67,318** from the Town Stabilization Fund to pay for the deficit incurred by the Town in connection with snow and ice removal during this fiscal year, with the understanding that any funds received by the Town from any state or federal entity as reimbursement for such expenses will be returned to the Stabilization Fund, or take any action relative thereto.

*The Town budgeted \$68,000.00 for snow and ice removal in FY 2016. M.G.L. Chapter 44, Section 31D allows the Town to incur liability and make expenditures in excess of available appropriations for snow and ice removal, upon the approval by the Selectmen and the Finance Committee. The excess liability can be either raised on the Recapitulation Sheet when the tax rate is set, or paid for via operating budget of Stabilization Fund transfer. The Town does not have levy capacity available to allow it to be raised, nor the available funds in the general budget to allow for transfer. A transfer from Stabilization fund transfer is currently the only mechanism to cover this deficit.*

**VOTE NEEDED:** Two Thirds Vote

**ARTICLE 2: ASSESSOR'S TRANSFER**

To see if the Town will vote to transfer and/or appropriate from available funds, the sum of \$24,984.99 to fund a 2013 overlay deficit, or take any action relative thereto.

**Board of Assessors**