



Thomas M. Bowes
President
District 3

Shannon L. Hume
At Large

CHARLES B. Ryan
At Large

CHARLES C. Kokoros
District 1

JOHN C. MULLANEY
District 2

Sean E. Powers
Vice President
At Large

Stephen C. O'Brien
District 4

Michael J. Owens
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

March 17, 2015

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, March 17, 2015 beginning at 7:30p.m.

Council President Bowes was in the chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, President
Sean Powers, Vice President
Shannon Hume
Michael Owens
Charles Kokoros
John Mullaney

Not Present: Paul Dan Clifford
Charles Ryan
Stephen O'Brien

Others: Peter Morin, Town Solicitor
Mike Coughlin, Chief of Staff
Erin V. Joyce, Planning Board

ANNOUNCEMENTS

Braintree Youth Hockey State Champions received Recognition Certificates.

Council President Bowes called a 5 minute recess at 7:55pm. Council was called back in to session at 8:02pm. Councilor Kokoros returned at 8:04pm.

APPROVAL OF MINUTES

- March 3, 2015

Motion: by Councilor Powers to approve minutes of March 3, 2015

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

OLD BUSINESS

• 14 066 Proposed Amendment to the Zoning Bylaw Relating to Billboards or take up any action relative thereto (PUBLIC HEARING)

Motion by Councilor Powers to open public hearing.

Motion: by Councilor Powers to open public hearing

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

Council President Bowes asked if any members of the Council or General Public would like to speak on Order 14 066.

Peter Morin, Town Solicitor, explained the proposed zoning locations will be parcels of land between Wood Road and the State Highway. It ends near the border of Quincy. They will be a distance from residential lots allowing the Town of Braintree to seek additional income from these types of Billboards.

Councilor Powers stated his hopes that the Town would get to use these Billboards and received financial benefits.

Councilor Kokoros stated that digital billboards are more with the times.

Councilor Powers, Vice-Chairman of the Committee on Ordinance & Rules reported that the committee recommended favorable action.

Motion by Councilor Powers to close public hearing.

Motion: by Councilor Powers to close public hearing

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

Councilor Powers read the following (15) motions:

MOTION: Section 102 of Chapter 135 of the Zoning Ordinance of the Town of Braintree is hereby amended by adding the following:

BILLBOARD A billboard is defined as a fixed or dynamic single or multiple-sided, freestanding sign larger than forty (40) square feet in gross area; which does not advertise a business or profession conducted, a service offered or a commodity sold upon the premises where such sign is located, and which is subjected to Massachusetts General Law Chapter 93 sections 29 to 33 and the rules and regulations of the Office of Outdoor Advertising.

DIGITAL/ELECTRONIC BILLBOARD. A digital billboard is defined as electronic message display utilizing light-emitting diodes (LEDs), plasma or other technology that present static or multiple static advertisements on a rotating basis, freestanding, which does not advertise a business or profession conducted, a service offered or commodity sold upon the premises where such sign is located, and which is subjected to the rules and regulations of the Office of Outdoor Advertising.

Motion: by Councilor Powers to approve 14 066 (1)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

MOTION: Section 301 of Chapter 135 is amended by adding the following after the line “Residence C Districts:”

Billboard Zoning Overlay District

Motion: by Councilor Powers to approve 14 066 (2)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 503 (l) of Chapter 135 is amended by deleting the parenthesis and inserting the following:

(These criteria do not apply to applications reviewed solely under section 135-711; the Board shall consider the additional criteria in Section 910 when considering applications for billboards of any type.)

Motion: by Councilor Powers to approve 14 066 (3)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 601 of Chapter 135 is amended by adding the following under “Business Uses” following “Bank:”

Billboards/Digital Electronic Billboards N N N N N SP* N N

*within Billboard Overlay District

Motion: by Councilor Powers to approve 14 066 (4)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 605 of Chapter 135 is amended by adding the following:

D. Billboards shall not be considered an accessory use.

Motion: by Councilor Powers to approve 14 066 (5)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 701 of Chapter 135 is amended by adding the following:

(10) All billboards shall require a front yard setback of twenty (20) feet, a side yard setback of twenty (20) feet and a rear yard setback of thirty (30) feet. Free standing billboards shall not be erected in excess of seventy-five (75) feet in height as measured from the ground to the top edge of the billboard.

Motion: by Councilor Powers to approve 14 066 (6)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 702(B) of Chapter 135 is amended by adding the following sentence to subsection (a):

Billboards of any type are prohibited in buffer zones

Motion: by Councilor Powers to approve 14 066 (7)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 901 of Chapter 135 is amended by deleting the words “regulation and restriction of billboards”, and adding the following after the word devices “other than billboards or digital/electronic billboards as defined in Section 102, which require a Special Permit and are allowed only within the Billboard Overlay District as described in Section 910.

Motion: by Councilor Powers to approve 14 066 (8)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 902 of Chapter 135:

The definition of “Ground Sign is amended by adding after the word sign “other than a billboard.”

The definition of “Nonaccessory Sign” is amended by deleting the word “billboard.”

The definition of “Off-Premises Sign” is amended by adding after the word sign “other than a billboard.”

The definition of “Projecting Sign” is amended by adding after the word “sign” other than a billboard.”

The definition of “Roof Sign” is amended by adding after the word “sign” “other than a billboard.”

Motion: by Councilor Powers to approve 14 066 (9)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 904.2 of Chapter 135 is amended as follows:

(8) Billboards and Digital/Electronic Billboards.

- (a) Billboards and Digital/Electronic Billboards, as defined in section 102, shall be allowed within Highway Business areas which are designated as the Billboard Zoning Overlay District as defined in section 910-01 through 910-05, only by grant of a Special Permit issued by the Planning Board. The Planning Board may limit the permit for a specific term of years.
- (b) No billboard shall be located more than 100’ (one hundred) feet from any interstate highway layout and shall not be within 300 (three hundred) feet of another billboard;
- (c) All billboards must be permanently affixed to a pedestal or other main support structure. No portable billboards are permitted. Billboards shall not be placed on roofs or walls of buildings;
- (d) Exposed back of signs, poles or other support structures must be painted and maintained in a manner that appropriately blends with the surrounding buildings and landscape;
- (e) A billboard may be double sided. An individual sign or sign face shall not exceed seven hundred fifty (750) square feet in total area on each side and shall not exceed fifteen (15) feet in height and fifty (50) feet in width, as calculated pursuant to this Chapter.
- (f) The top of the billboard shall not exceed seventy-five (75) feet in height from the ground.

Motion: by Councilor Powers to approve 14 066 (10)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O’Brien)

MOTION: Section 904.5 (A) (1) (a) (ii) of Chapter 135 is amended by deleting the section and replacing it with the following:

- (ii) In a highway business area, not within the Billboard Overlay Zone or industrial area said ground sign shall not exceed 150 square feet and shall be no higher than 40 feet above ground level.

Motion: by Councilor Powers to approve 14 066 (11)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

MOTION: Section 905 of Chapter 135 is amended by adding the following:

Billboards as permitted pursuant to Section 910 may, by Special Permit utilize light emitting diodes(LEDs), plasma or other technology to automatically change a display or message.”

Motion: by Councilor Powers to approve 14 066 (12)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

MOTION: Section 908 of Chapter 135 is amended by adding the following:

(3) Billboards are only allowed within the Billboard Overlay Zone as described in Section 910 by Special Permit issued by the Planning Board.

Motion: by Councilor Powers to approve 14 066 (13)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

MOTION: Section 910 of Chapter 135 is amended by being re-numbered to Section 911 and replaced with the following new section 910:

Section 910 -01 Billboard Zoning Overlay District

The Town of Braintree shall have designated Billboard Zoning Overlay District (BZOD)

As established pursuant to Section 135-301 (District Established) describe herein and

As shown on the Braintree Zoning Map as most recently amended and on file in the office of Town Clerk.

Section 910-02 Purpose

The Billboard Zoning Overlay District is a set of requirements which are superimposed over the Highway Business Zoning Districts located along Route 93 and Route 128 as shown on the approved Zoning Map as the designated Billboard Zoning Overlay District. The BZOD shall establish reasonable standards in accordance with the following purpose and intent;

1. Responsibly address the changing technology of digital displays and the Town desires to regulate this technology as applied in the use of off-premise signage.
2. To allow new technologies in a designated area while working through Special Permit and other means to address the removal of older static type billboards Town wide in lieu of new installations.

3. To regulate the quality, scale and impact of off-premises commercial billboards in designated receiving areas in order to maintain both a competitive business market and aesthetically attractive residential community.
4. To encourage the installation of commercial billboards along the designated highways in accordance with the federal Highway Beautification Act as most recently amended.
5. To encourage the siting of commercial billboards and electronic /digital billboards in such locations that will not cause driver distraction but can provide public service announcements in emergency situations for the safety and welfare of the general public.
6. To preserve the residential character of the Town and protect the environmental, historic and open space resources of the community by designating defined areas of location that minimizes potential adverse impacts to the Town.

Section 910-03 Special Permit Granting Authority

The Special Permit Granting Authority (SPGA) for this section of the zoning ordinance shall be the Braintree Planning Board.

Section 910-04 Applicability

Any installation of an off-premise billboard shall require Special Permit approval.

All Special Permit applications shall be submitted in accordance with the administrative procedures specified under Article V and outline in MGL Chapter 40A

Section 910-05 Special Permit Criteria

The SPGA shall not render a decision on an application for a special permit until it has made its findings. Said findings shall include but not limited to the following:

1. Demonstrate compliance with the regulations of the Office of Outdoor Advertising.
2. Demonstrate that no residentially zoned property or pre-existing non-conforming property or other property used for residential purposes, excluding hotels or motels, is within a one thousand (1000) foot radius of the proposed location;
3. Demonstrate that the proposed location does not adversely interfere with the use of adjacent properties; including but not limited to, increasing noise or vibration, casting a shadow on or causing a flicker on adjacent properties;
4. Demonstrate that the proposed billboard is in harmony with or suitable for the surrounding area and would not do significant damage to the visual environment. In making the determination, the special permit granting authority may consider among other factors, health, safety, general welfare of the public, the scenic beauty of the area, the physical, environmental, cultural, historical or architectural characteristics of the location and area, proximity of the proposed billboard to schools, or places of worship or open space; architectural characteristics of the location and area, the structure, height, size of the sign, the number of signs on the premises and in the area where the billboard is to be located.
5. No flashing lighting shall be allowed. Flashing shall be defined as changing natural or artificial light or color effects by any means except as may occur when panels or messages change on electronic/digital billboards.
6. No sexually orientated, sexually provocative or adult oriented businesses as defined in Article XIII Section 135-1302 shall be advertised on a billboard.

7. The Planning Board shall determine the amount of annual hours the billboard shall devote to public service announcements during a calendar year.
8. Financial or other compensation to the Town, including but not limited to removal of existing non-conforming billboards, to mitigate the impact of the proposed billboard on the Town, in a form and/or amount identified in an agreement approved by the Office of the Mayor and the Town Solicitor.

The remaining sections shall be re-numbered accordingly.

Motion: by Councilor Powers to approve 14 066 (14)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

MOTION: The Town Zoning Bylaws and Map dated May 1940 as most recently amended, is hereby amended by adding a Billboard Zoning Overlay District, which includes all the areas designated in the Council Order Map on file with the Office of the Town Clerk.

Motion: by Councilor Powers to approve 14 066 (15)

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

• **15 008 Mayor: Appointment Planning Board – Erin V. Joyce or take up any action relative thereto**

Councilor Mullaney, Chairman of the Committee on Ways & Means reported that the committee recommended favorable action.

Councilor Powers read the following motion:

To approve the appointment of Erin V. Joyce to the planning board in accordance with sections 3-3 of the Braintree Town Charter.

Motion: by Councilor Powers to approve the appointment of Erin V. Joyce to the Planning Board

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

• **15 009 Mayor: PILOT agreement between the Town and Ameresco's subsidiary or take up any action relative thereto**

Councilor Mullaney, Chairman of the Committee on Ways & Means reported that the committee recommended favorable action.

Councilor Owens stated he would like a portion of these funds generated to enhance beautification along that site area and to put up new fencing.

Council President Bowes asked Clerk of the Council to reach out to BELD and ask how much profit they will make and if selling of this energy will affect consumer rates.

Councilor Powers read the following motion:

That the Town vote to authorize and approve the negotiated agreement pursuant to Massachusetts General Law Chapter 59 Section 38(H)(b), or any other enabling authority, between the Mayor, the Board of Assessors and Ivory Street Solar, LLC and Ameresco Inc. or their successors in interest should they transfer their interest during the term of the agreement, for personal and property and/or real property taxes in connection with a renewable energy facility located on the former Braintree landfill at 257 Ivory Street, Braintree as depicted on a map attached to the Agreement as Exhibit A, a copy of which is on file with the Board of Assessors, and to take any and all actions necessary to implement and administer such agreement.

Motion: by Councilor Powers to approve

Second: by Councilor Kokoros

Vote: For (6), Against (0), Absent (3-Clifford, Ryan, O'Brien)

NEW BUSINESS

None

Refer to Committee on Ways & Means

- 15 010 Mayor: FY15 Supplemental Appropriations or take up any action relative thereto

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:34 p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- March 3, 2015 Council Meeting Minutes
- 14 066 Proposed Amendment to the Zoning Bylaw Relating to Billboards or take up any action relative thereto (**PUBLIC HEARING**)
- 15 008 Mayor: Appointment Planning Board – Erin V. Joyce or take up any action relative thereto
- 15 009 Mayor: PILOT agreement between the Town and Ameresco's subsidiary or take up any action relative thereto