



Braintree Town Council

ORDER NO: 14 066 (1)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

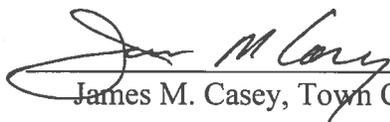
NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:


James M. Casey, Town Clerk

3-20-15
Date Approved


Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (2)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAintree, THROUGH THE BRAintree TOWN COUNCIL, IT IS SO ORDERED:

Section 301 of Chapter 135 is amended by adding the following after the line
"Residence C Districts:"
Billboard Zoning Overlay District

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

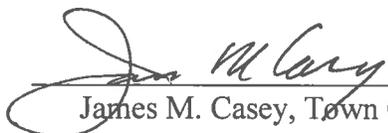
PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved


James M. Casey, Town Clerk


Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (3)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAintree, THROUGH THE BRAintree TOWN COUNCIL, IT IS SO ORDERED:

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.)

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15
Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (4)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

**UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE,
THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:**

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

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (5)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

**UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE,
THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:**

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

D. Billboards shall not be considered an accessory use.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

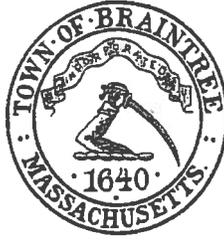
A True Record, Attest:

3-20-15

Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (6)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved


James M. Casey, Town Clerk


Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (7)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

**UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE,
THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:**

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

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

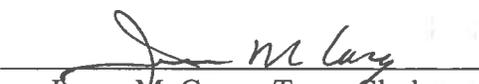
PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

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Date Approved


James M. Casey, Town Clerk


Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (8)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (9)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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."

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

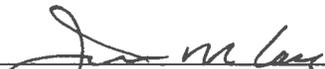
NAYS: NONE

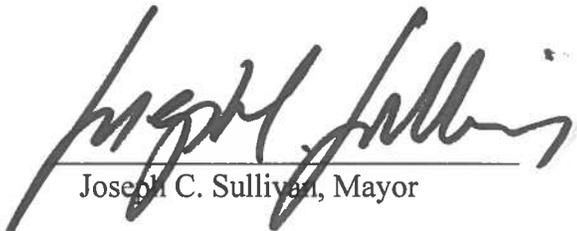
ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:


James M. Casey, Town Clerk

3-20-15
Date Approved

Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (10)

DATE FILED: OCTOBER 16, 2014

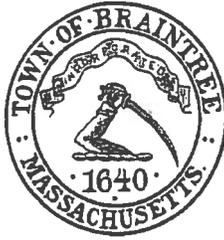
REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.



Braintree Town Council

ORDER NO: 14 066 (10)

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(f) The top of the billboard shall not exceed seventy-five (75) feet in height from the ground.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph L. Sullivan
Joseph L. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (11)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

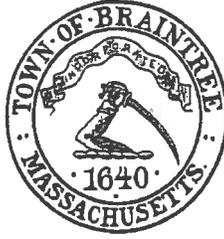
A True Record, Attest:

3-20-15

Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (12)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAintree, THROUGH THE BRAintree TOWN COUNCIL, IT IS SO ORDERED:

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:"

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

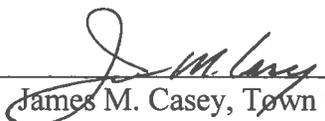
NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

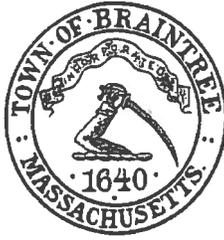
PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:


James M. Casey, Town Clerk

3-20-15
Date Approved


Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (13)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved

James M. Casey
James M. Casey, Town Clerk

Joseph C. Sullivan
Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (14)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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)

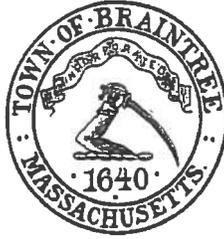
As established pursuant to Section 135-301 (District Established) describe herein and

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.



Braintree Town Council

ORDER NO: 14 066 (14)

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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;



Braintree Town Council

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PAGE 3 of 4

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.



Braintree Town Council

ORDER NO: 14 066 (14)

PAGE 4 of 4

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

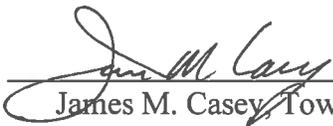
PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved


James M. Casey, Town Clerk


Joseph C. Sullivan, Mayor



Braintree Town Council

ORDER NO: 14 066 (15)

DATE FILED: OCTOBER 16, 2014

REQUEST OF: THE MAYOR

UPON THE REQUEST OF HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

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.

YEAS: Bowes, Hume, Kokoros, Mullaney, Owens, Powers

NAYS: NONE

ABSENT: Clifford, O'Brien, Ryan

PASSED IN COUNCIL: MARCH 17, 2015

PRESENTED TO MAYOR: MARCH 18, 2015

A True Record, Attest:

3-20-15

Date Approved


James M. Casey, Town Clerk


Joseph C. Sullivan, Mayor