

The Brockton Planning Board held a meeting on October 7, 2014 at 7:00 PM in the GAR Room, City Hall. Members present: Acting Chair James McCarthy, Gary Keith, Ollie Spears, David Wheeler, Paul Morin, and Ross Messina. Also present were Pamela Gurley Planning Board, secretary and Rob May, Director of Economic Development and Planning.

**1. Endorsement of Plans/ Minutes
(ANR Plans, Subdivision Plans and/or Lot Releases)**

Lot Release
ANR

2. Site Plan Approval

Applicant: Aldi
Property: Pleasant St./Rt. 27
Representative: JK Holmgren Engineering

Continued to November 5, 2014 by agreement of the parties.

3. Site Plan Approval

Applicant: William Adams
Property: 799 Crescent Street (Bill Adams)
Representative: Bob Crowell, Crowell Engineering
Attorney James Burke

Mr. Crowell said the proposal is to demolish the existing building and construct a new commercial building for an auto parts store. He said the site is all paved except for an area by the sign and there is no drainage. They are proposing to remove the existing pavement along the 25' no touch to the wetlands on this property and the adjoining property (also owned by Mr. Adams) and a split rail fence will be installed along the 25' no touch to mark the area. A new recharge chamber will be installed; they have added series of catch basins and all roof runoff will be collected to a gutter into a new leaching system. The project shows 32 parking spaces and there is an access easement shared between 799 & 793 Crescent Street.

Mr. Spears said that an area of proposed green space is an existing walkway to Housing Authority property from when it was the Lobster Hut restaurant. Mr. Keith said he was happy to see the proposed improvements to the storm water system. Mr. McCarthy said that the dumpster needs to be enclosed per Ordinance.

Mr. Messina said he was happy to see the applicant and engineer working along with the City to refine the plan; he said it will be a nice improvement...much greener.

A motion was properly made (Keith), seconded (Spears) and unanimously passed to grant the standard special permit for site plan approval.

4. Definitive Subdivision

Applicant: Michael Haikal

Property: Plots 15 & 17 George Street

Representative: Bruce Malcolm, Land Surveys Inc.

The secretary stated that just prior to the meeting the Mr. Malcolm presented a letter asking for a continuance to the next meeting. Continued to November 5, 2014 by agreement of the parties.

5. Definitive Subdivision

Applicant: Shawn Fitzgerald

Property: 495 Pearl Street

Representative: Bruce Malcolm, Land Surveys Inc.

The secretary stated that just prior to the meeting the Mr. Malcolm presented a letter asking for a continuance to the next meeting. Continued to November 5, 2014 by agreement of the parties.

Mr. McCarthy announced to the public that both that both the George St. and Pearl Street hearings had been continued to November 5, 2014.

6. Zoning Change

Sec 27-73 Electronic Advertising Boards

Mr. Morin read Mayor Carpenter's letter of support into the record.

Councillor Timothy Cruise said he was the proponent for this ordinance and was here to speak in favor. He said these advertising boards could be a revenue stream for the city. He said there will be opportunities for the city and non profit for postings. He said the city is being pro-active in passing this ordinance. There will be no neighborhood impact as the locations are limited. He said he was looking for suggestions from the Board at this time to be presented to the Ordinance Committee before this is finalized.

Councillor Shirley Asack said she was also in support and the one of the signs is proposed for Ward 7.

ZBA Chairperson Kenneth Galligan said that he was hoping for a presentation by the sign company. He said he supports the idea of an ordinance but feels that this proposal is in conflict with state regulations in some areas:

- Height – he asked if the 100' represents from the ground to the top of the board or ground to the top of the pole. Mr. McCarthy said his interpretation was that the overall height cannot be more than 100'.

- Current state regulations prohibit advertising boards on opposite sides of a road

Mr. Spears said he would like to add prohibition to advertising of marijuana.
Mr. McCarthy said that the Planner has suggested some proposed changes.

Attorney Walter Mirrione said that the state requires 15 hours of public service time per month be dedicated to the state and they are proposing to add and additional six hours to be dedicated to the city.

Mr. May said that he has some proposed changes to the ordinance:

- See attached.

A representative from the sign company said the height of the sign has more to do with topography and should be reviewed on a case by case basis.

Attorney Mirrione said that the signs are going along Route 24 and safety and visibility from the road are important to them.

Mr. Spears asked Attorney Mirrione how many sites have they permitted and was told two sites. Mr. Messina asked how many billboards Brockton be looking at. Mr. May estimated there may be space for four. Mr. Messina asked the representative from the sign company if the design of the electronics allows the sign to dim at all. He was told the sign dims and brighten as to conditions. Mr. Wheeler asked if the state regulates “wind resistance” and was told that is regulated by state building code. The Board was also told that an applicant needs to apply each year for a renewal; and that they would have no issue with a license fee paid yearly, but were not comfortable with a multiyear fee in case the state changes their policy and the board would need to come down.

Mr. McCarthy asked about the possibility of the billboard being off during early morning hours as currently in our zoning rules. He said he is also concerned about location of the billboard in respect to homes. Attorney Mirrione said that any impact on a neighborhood is grounds for denial by the ZBA. Mr. May said he is not opposed to 24 hours but said that city advertising should be contained in license agreement as he wants to make sure that the “city hours” are not between midnight and seven a.m.

Mr. Spears asked who “sets the policies for the billboard. Councillor Cruise said he envisions either the Mayor’s Office, licensing or building and that the Ordinance should contain the policies. He said that maybe it should be the Mayor’s Office that should control COB notifications.

Mr. Galligan asked that the Ordinance contain a balloon testing provision to determine what 100’ looks like; wording to regulate who authorizes notifications and address proof of play (POP) the owner of the sign has to give written report

to the state showing what was put up and what time it was put up (a copy of this report should be sent to the city).

Attorney Jack Yunits said he has no issue with the agreement containing the times of local display.

Councillor Cruise asked that the Board write up its recommendations in time for the ordinance meeting next week.

A motion was properly made (Wheeler), seconded (Spears) recommend favorably with conditions the following conditions: Mr. May is to represent the Board at the Ordinance Committee meeting. All Board recommendations are to be sent to the Planning Department no later than the 15th so that they can be drafted into a memo for the Council. Passed unanimously.

Other Business

Updates from Board members relative to attendance at Conservation Commission, Traffic Commission, ZBA, Technical Review Committee

Aldi's – Mr. May said he met with representatives of MassDot and they advised that the plan is under review; he asked for a letter from MassDot saying they were implementing the suggestions in the traffic report and also noted that it will require a vote from the petition traffic commission for stop sign.

Sec. 27-73 Electronic Advertising Boards

- (1) *Introduction.* This section 27-73 hereby amends article XIV, Sign Control of the Revised Ordinances of the City of Brockton by adding section 27-73. Any and all restrictions and provisions contained in sections 27-65 through 27-67 shall not apply to section 27-73.
- (2) *Purpose.* This section 27-73 is for the regulation and implementation thereof, of all Electronic Advertising Boards. The intention of this section is to facilitate a safer, cleaner and more attractive Route 24 corridor by regulating Electronic Advertising Boards while providing advertising opportunities that do not presently exist to enhance and promote city businesses and non-profit charitable organizations while also providing a platform for city public service announcements.
- (3) *Definitions.* The following definitions shall apply only to this section 27-73. The provisions of section 27-63 shall apply except where specifically amended herein:

Electronic Advertising Board. A sign that changes its message or copy at intervals by programmable electronic, digital, or mechanical processes or remote control.

Mass DOT. The Massachusetts Department of Transportation, a body politic and corporate established pursuant to Massachusetts General Laws Chapter 6C.

State Regulations. 700 CMR 3.00: Control and Restriction of Billboards, Signs and Other Advertising Devices, as amended or its successor regulations.

(4) *Special Permit.* Electronic Advertising Boards shall be allowed in the City of Brockton by special permit issued by the zoning board of appeals but only if the proposed Electronic Advertising Board meets all of the requirements of this section 27-73 of the Brockton Zoning Ordinance. There shall be no more than four (4) Electronic Advertising Boards permitted at any time.

(5) *General Requirements.*

- (a) Electronic Advertising Boards shall be permitted only in C-2, I-2 and I-3 Zones on parcels of land which directly abut Route 24.
- (b) Electronic Advertising Boards shall comply with the State Regulations.
- (c) Electronic Advertising Boards shall be oriented for visibility from Route 24.
- (d) No Electronic Advertising Board shall be placed within one thousand (1,000) linear feet of an existing Electronic Advertising Board.
- (e) Electronic Advertising Boards shall only be permanent freestanding signs. No portable Electronic Advertising Boards shall be permitted.
- (f) The height of an Electronic Advertising Board shall be established by the Zoning Board of Appeals as part of its review process; however, no Electronic Advertising Board shall extend more than 100 feet above the base of said Electronic Advertising Board at ground level. Said 100 feet shall be computed by

drawing a horizontal line from the top of the Electronic Advertising Board to the top of the pole supporting the Electronic Advertising Board and measuring from that point to the point where the supporting pole meets the ground. If the support pole is located on a slope, the distance shall be measured from the highest elevation where the support pole meets the ground. In determining the appropriate height for an Electronic Advertising of Board due consideration shall be given to the safety factors relative to visibility of the Electronic Advertising Boards from vehicular traffic traveling on Route 24 which will be viewing the Electronic Advertising Board. Additionally, the Zoning Board of Appeals shall require applicants for a special permit to conduct a "balloon test" to illustrate the visual impact of the proposed Electronic Advertising Board at various heights.

- (g) Electronic Advertising Boards may one sided or two sided and may be v-shaped to afford visibility to both the northbound and southbound lanes of Rout 24.
 - (h) Electronic Advertising Boards shall not be revolving.
 - (i) The maximum square footage of the display face of an Electronic Advertising Board shall be 672 square feet excluding frames, aprons, catwalks, safety apparatus and other appurtenances.
 - (j) Electronic Advertising Boards shall be placed a minimum of ten (10) feet from all property lines and buildings. The ten (10) feet shall be measured from the face of the base of the main support structure of the Electronic Advertising Board to the applicable property line or building.
 - (k) Electronic Advertising Boards shall be permitted on a lot in addition to any other sign(s) that would otherwise be permitted under the Brockton Zoning Ordinance.
- (6) *Electronic Advertising Board Design Criteria.* The zoning board of appeals shall only grant a special permit for an Electronic Advertising Board if the Applicant satisfies the following design criteria:
- (a) The proposed site is an appropriate location for the proposed Electronic Advertising Board and the design and layout complies with the standards and requirements set forth in this section 27-73. In determining an appropriate location, the zoning board of appeals shall consider, amongst other things, that the location is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
 - (b) Adequate and appropriate facilities shall be provided for the proper operation of the Electronic Advertising Board.
 - (c) The Electronic Advertising Board shall not create a material visual impact to any residential district in the City of Brockton.
 - (d) The Electronic Advertising Board shall be permanently affixed to a main support structure. No portable Electronic Advertising Boards shall be permitted.
 - (e) No sexually orientated or sexually provocative advertising or messages shall be permitted.
 - (f) Exposed back of Electronic Advertising Boards, poles and other support structures must be painted in a color and finished so as to present an attractive and finished appearance.

- (g) Electronic Advertising Boards shall use automatic level controls to regulate light levels and shall comply with the brightness standards set forth in the State Regulations.
- (h) Electronic Advertising Boards shall not cast glare onto any residentially used property nor onto any portion of a public way so as to create a traffic hazard.
- (i) Electronic Advertising Boards shall not be erected in such a location so as to obstruct the free and clear vision of vehicles traveling on city streets; or in any location where by reason of its position, shape or color, it may interfere with, or obstruct the view of any authorized sign, signal or other traffic regulating device.

(7) *Prohibitions.*

(a) The following types of signs are not allowed pursuant to this section 27-73:

- i. Animated, projected, moving or giving the illusion of movement (including moving parts), scrolling, flashing, revolving, blinking, and intermittently illuminated signs;
- ii. Billboards with physical movement of any kind;
- iii. Changeable copy or message billboards that change at intervals greater/faster than those set forth in the State Regulations;
- iv. Tri-vision billboards;
- v. Video billboards or billboards that otherwise give the illusion of video or moving images;
- vi. Billboards with sound;
- vii. Billboards with pyrotechnics; and
- viii. Billboards which by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with any traffic control signal or device or which may otherwise obstruct or interfere with traffic.

(8) *Special Permit Conditions.* The zoning board of appeals may impose reasonable conditions and safeguards as it deems necessary to secure the objectives of this section 27-73, and to protect the welfare and inhabitants of the City of Brockton.

(9) *Licensing.* The operations of Electronic Advertising Board is subject to an annual license that under the prevue of the Licensing Commission.