

BOARD OF SELECTMEN
March 18, 2014
Needham Town Hall
Agenda

1.	7:00	Public Hearing – Electronic Billboards
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APPOINTMENTS

1.	Traffic Management Advisory Committee	Stephen Delisi (term expires 6/30/2015)
2.	Council of Economic Advisors	Richard Putprush (term expires 6/30/2016)

CONSENT AGENDA *=Backup attached

1.*	Approve 2014 Mobile Food Truck license for Blue Ribbon Barbeque, Inc. Catering. All required forms have been completed and are on file.
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**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 3/18/2014

Agenda Item	Public Hearing – Electronic Billboards
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<p>The Board of Selectmen will hold a public hearing regarding a proposed amendment to the Town’s by-laws that would allow electronic billboards to be erected along property that abuts the Needham stretch of Route 128/Route 95.</p> <p>There is an article on the May Annual Town Meeting Warrant to amend the Town’s By-Law for inclusion of electronic billboards in Section 5.2 of the Sign By-Law.</p> <p>The Board will invite public comment.</p>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
<p>a. Public notice in Needham Times b. Warrant article language for by-law amendment</p>			

Public hearing on electronic billboards

The Board of Selectmen will hold a public hearing regarding a proposed amendment to the town's by-laws that would allow

electronic billboards to be erected along property that abuts the Needham stretch of Route 128/Route 95.

The hearing will be Tuesday, March 18 at 7 p.m. in Powers Hall in Needham Town Hall, 1471 Highland

Avenue.

Written comments may also be submitted to the Board of Selectmen, c/o Needham Town Hall, 1471 Highland Avenue, Needham, MA or by email to selectmen@needhamma.gov.

ARTICLE : AMEND GENERAL BY-LAW – SIGN BY-LAW

To see if the Town will vote to amend the Town's General By-Laws as follows:

1. To amend Section 5.2 of the Sign By-Law ("Definitions") by adding the following at the end of the section:

"Electronic Billboard: A billboard that changes its message or copy at intervals by programmable electronic, digital, or mechanical processes or remote control.

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

State Billboard Regulations: shall mean 700 CMR 3.00: Control and Restrictions of Billboards, Signs and Other Advertising Devices or its successor."

2. To amend Section 5.3 of the Sign By-Law ("Administration") as follows:

- (a) By adding to the first sentence of Section 5.3.1 the following: "Except for Electronic Billboards governed, reviewed and approved by the Board of Selectmen pursuant to Section 5.7, in which case the term "Board" shall mean the Board of Selectmen, and not the Design Review Board, the" and deleting the word "The" at the beginning of the first sentence, so that it reads in pertinent part: "Except for Electronic Billboards governed, reviewed and approved by the Board of Selectmen pursuant to Section 5.7, in which case the term "Board" shall mean the Board of Selectmen and not the Design Review Board, the review of all sign permit applications, and requests for special permits shall be performed by the Design Review Board (herein referred to as the "Board"), as further defined in Section 7.7 of the Needham Zoning By-Law."

- (b) By deleting the first sentence of Section 5.3.4 in its entirety and replacing it with the following: "If an applicant wishes to obtain a permit for a sign that does not comply with this article (except for a special permit for an electronic billboard), he shall apply to the Design Review Board for a Special Permit from the requirements of this article in accordance with the procedure established under sub-section 5.3.3 of this article. In the case of a request for a special permit for an Electronic Billboard, he shall apply to the Board of Selectmen for a special permit in accordance with the procedure established under Section 5.3.4 of this article."

- (c) By adding to the end of Section 5.3.4 the following: "Simultaneously with the filing for a special permit to the Board of Selectmen for an Electronic Billboard, the applicant shall file five copies of the permit application, including five copies of all application materials, with the Design Review Board. The Design Review Board may review requests for special permits for Electronic Billboards and shall, within fourteen days of the receipt of the application materials, transmit its advisory recommendations regarding the design of the Electronic Billboard to the Board of Selectmen, the Building Inspector and the applicant."

3. To amend the Sign By-Law by adding a new Section 5.7:

"Section 5.7 Electronic Billboard Permits

Section 5.7.1 General Regulations

Electronic Billboard Permits shall be allowed in the Town of Needham only under the following terms and circumstances:

- (a) Electronic Billboards may be placed only within areas of Needham that are not Residential Zoning Districts, as set forth in Section 2.1 of the Town of Needham Zoning By-Law.
- (b) Electronic Billboard shall be oriented for visibility from Route 128 (I-95).
- (c) No Electronic Billboard can be placed within one thousand (1,000) linear feet of an existing Electronic Billboard along the same side of the interstate highway layout.
- (d) Electronic Billboards may only be Permanent Freestanding Signs. No portable billboards shall be permitted.
- (e) No Electronic Billboard shall extend more than 50 feet above the base of said free-standing sign at ground level. Said 50 feet shall be computed by drawing a horizontal line from the top of the Electronic Billboard to the top of the pole supporting said Electronic Billboard and measuring from that point to the point where the support 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.
- (f) Electronic Billboards may be v-shaped to afford visibility to both the northbound and southbound lanes of Route 128 (I-95).
- (g) Electronic Billboards shall not be revolving.
- (h) The maximum square footage of the display face of an Electronic Billboard shall be 672 square feet. Frames, aprons, catwalks, safety apparatus and other appurtenances shall be excluded from maximum square footage.

Section 5.7.2 Special Permit

Electronic Billboards shall be governed, reviewed and approved by the Board of Selectmen. Electronic Billboards shall be allowed by special permit, but only if the proposed Electronic Billboard meets all of the Electronic Billboard Design Guidelines set forth herein. The Special Permit finding set forth in Section 5.3.4 of this By-Law that "owing to physical peculiarities of the specific location, literal enforcement of the terms of this article would result in substantial hardship to the applicant, or substantial detriment to the vicinity, and that such a Special Permit will be consistent with the stated objectives of this article" shall not be applicable to Electronic Billboards, but a Special Permit shall be granted only if the Board finds that the Electronic Billboards Design Criteria set forth in Section 5.7.3 are met. Notwithstanding the provisions of Section 5.3.4, Electronic Billboards shall be transferable.

Section 5.7.3 Electronic Billboards Design Criteria

The criteria of Section 5.3.5 of this By-Law (Design Guidelines) shall not be applicable to Electronic Billboards, but the following Design Guidelines shall apply. Electronic Billboards shall only be allowed if the Applicant satisfies the following Electronic Billboards Design Guidelines:

- (a) The specific site is an appropriate location for the proposed Electronic Billboard and the design and layout complies with the standards and requirements set forth in this Section 5.7.3.
- (b) Adequate and appropriate facilities will be provided for the proper operation of the Electronic Billboard.
- (c) The Electronic Billboard shall not create a material visual impact to any residential district in the Town of Needham.
- (d) The Electronic Billboard shall be permanently affixed to a main support structure. No portable billboards shall be permitted.
- (e) No sexually oriented or sexually provocative advertising or messages shall be permitted.
- (f) Exposed back of billboards, poles and other support structures must be painted in a color and finished so as to present an attractive and finished appearance.

5.7.4 Prohibitions

The provisions of Section 5.4 (“Prohibitions”) shall not be applicable to Electronic Billboards, but the following prohibitions shall be applicable.

5.7.4.1 Illumination

- (a) Electronic Billboards shall use automatic level controls to regulate light levels, and shall comply with the brightness standards set forth in the State Billboard Regulations.
- (b) No illumination shall be permitted which casts glare onto any residentially used premises or onto any portion of public way so as to create a traffic hazard.

5.7.4.2 Location

- (a) No Electronic Billboard shall be erected at the intersection of any streets or of a street and driveway in such a manner as to obstruct free and clear vision; or at any location where by reason of its position, shape or color, it may interfere with, or obstruct the view of, or be confused with any authorized traffic sign, signal or device.

5.7.4.3 Type

- (a) The following types of billboards are prohibited:

- (i) Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing, revolving, blinking, and intermittently illuminated signs, beacons (or any light directed at any location other than the sign itself), searchlights, pennants, and inflatable signs, including balloons;
 - (ii) Billboards with physical movements of any kind;
 - (iii) Changeable copy or message billboards that change at intervals greater/faster than those set forth in State Billboard 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.
- (b) A v-shaped Electronic Billboard consisting of two single-faced billboards to afford visibility to both north and southbound traffic shall be permitted, provided that only one face shall be visible from each direction of travel.

5.7.5 Number of Billboards on Individual Lot

The approval of an Electronic Billboard as provided in this Section 5.7 shall be in addition to any billboard that would otherwise be permitted pursuant to this By-Law, including but not limited to Section 5.5.

5.7.6 Impact Fee Agreement

The granting of an Electronic Billboard shall be contingent upon the execution of a mutually satisfactory Impact Fee Agreement between the Applicant and the Town of Needham. The impact fee may include monetary compensation, dedicated advertising/public service announcement time for the Town of Needham, or a combination of both.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen



RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

Application for a Mobile Food Truck

2014 JAN 10 P 4: 36

Before completing the following application, please carefully review the "Food Truck Policy" document, which includes important details about the licensing requirements.

Date: 12-3-13 Applicant (company name): Blue Ribbon Barbecue Inc.

D/B/A (e.g. if food truck name is different from company name): _____

Primary Contact Name: Geoff Janowski Primary Contact Cell Phone: 617-699-0505

Primary Contact Business Phone: 617-244-2200 Primary Contact Email: geoff@blueribbonbbq.com

Name(s) of Owner(s), Partner(s), or Corporate President: Geoff Janowski

Mailing Address of Company: 45 Kenneth St. Newton, MA. 02461

Address of Vehicle Garaging (if different from above): Same

Address of Commissary (if different from above): Same

Truck License Plate State & Number: MA. B37267

Make/Model of vehicle: Towmaster Trailer

Proposed Location(s) /Day(s)/Hour(s) of Operation: Location description shall include address and physical description. Provide a separate site plan and photo(s) for each location(s). See Appendix II of policy for list of locations presently approved for food trucks.

1. Second Avenue across from Charles River Landing
FROM 10 am TO 7 pm (~~MON, TUE, WED, THU, FRI, SAT, SUN~~)

2. _____
FROM _____ TO _____ (MON, TUE, WED, THU, FRI, SAT, SUN)

3. _____
FROM _____ TO _____ (MON, TUE, WED, THU, FRI, SAT, SUN)

Required Documents (Attach to this application):

- Completed application
- Insurance Certificate/Worker's Comp Affidavit
- Site Plan
- A color photo of your truck in operation
- Copy of Needham Health Department License
- Copy of Fire Department Permit (propane)
Furg. Kane 781-455-7580
- Copy of MA Department of Motor Vehicles (DMV) Vehicle Registration
- CORI Request Form w/identification
(Must complete at Town Manager's Office, need an ID)
- Copy of a Menu
- Copy of State Hawkers and Peddlers License or Town Solicitor's License
- Current MA Business Registration Certificate

APPLICANT UNDERSTANDS AND AGREES TO COMPLY WITH ALL THE CONDITIONS NOTED ON THIS APPLICATION, THE BOARD OF SELECTMEN, POLICE DEPARTMENT, FIRE DEPARTMENT, HEALTH DEPARTMENT, AND OTHER LOCAL, STATE AND FEDERAL LAWS GOVERNING MOBILE FOOD FACILITIES AND ACCESSIBILITY AS THEY MAY APPLY TO THIS PERMIT.

Geoff Janowski 12-3-13
 Signature of Applicant / Authorized Representative Date

Geoff Janowski
 Print Name

Pursuant to MGL Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have read and am in compliance with the contents of M.G.L. Chapter 62C, Section 49A (on reverse side of this application).

Geoff Janowski 3-14-14
 Signature of Applicant (Mandatory) By Corporate Officer (if applicable)

[Redacted] Date (required)

Either a Social Security Number or Federal ID Number must be Supplied

Town of Needham Board of Selectmen

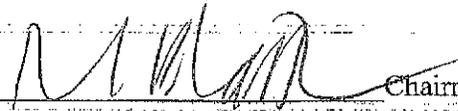
Policy Number: BOS-LIC-013

Policy: Regulation of Food Trucks

Date Approved: October 8, 2013

Date Revised:

Approved:



Chairman, Board of Selectman

Section 1: Definitions

Food Truck - A readily movable trailer or motorized wheeled vehicle, currently registered with the Massachusetts Division of Motor Vehicles, designed and equipped to cook, prepare, and serve food.

Section 2: Authorized Locations and Restrictions for Food Truck Sales in or on Designated Public Right of Way Areas

- 2.1 Food trucks may be located in public right of way areas which are underserved by "brick and mortar" restaurant facilities (hereafter "traditional restaurant facilities") during the period April 1 to November 30 on Mondays through Fridays from 7:00 a.m. to 8:00 p.m. A food truck may not be located in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.
- 2.2 Commercial areas listed in Appendix 1 are those identified as presently underserved by traditional restaurant facilities. The Board of Selectmen, in consultation with the Planning Board, shall have authority under this Policy to review and modify the areas deemed underserved by traditional restaurant facilities. The current locations identified for use by food trucks within the public right of way are listed in Appendix 2. The Board of Selectman may authorize additional locations within the underserved areas. The Board of Selectmen reserves the right to modify any of the areas listed in Appendix 1 or locations listed in Appendix 2 as needed.
- 2.3 Food trucks shall comply with applicable provisions of the Town of Needham General By-laws with respect to locations near schools and recreation facilities.
- 2.4 Food trucks must be positioned at least 200 feet from the customer entrance of a traditional restaurant, unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity.

- 2.5 Food trucks shall be positioned on designated right of way areas and shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Food trucks must also be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.6 Each year, the Board of Selectmen shall establish an open period from December 1 to January 30 of the following year for applications to operate a food truck in public right of way areas. Should the number of applicants exceed available locations within the public right of way, then the Town Manager will create an equitable distribution of available locations among qualified applicants. If locations are available after the close of the open period and after issuance to those applicants who applied during the open period, then applicants may apply after the open period but any permits issued will be on a first come first served basis.
- 2.7 Food Truck vendors shall comply with all local, county and state tax regulations, including but not limited to retail sales applicable to food and beverages.

Section 3: Public Safety and Nuisance Prevention

- 3.1 Food truck vendors must obtain requisite licenses or permits for operation from the Needham Health Department, Police Department, Fire Department, and Board of Selectmen.
- 3.2 Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be accordance with the State Building Code.
- 3.3 Grease must be contained and disposed of in accordance with State Sanitary Code.
- 3.4 Grey water must be contained and disposed of in accordance with State Sanitary Code.
- 3.5 Food trucks must have the following fire extinguisher on board during hours of operation: one 15 lb. multipurpose subject to the determination of the Fire Chief or his designee.
- 3.6 Food trucks may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.
- 3.7 Trash and recycling receptacles shall be provided for customers and trash and recyclables shall be removed from the site daily.
- 3.8 If a food truck is proposed to operate after dark, the vendor must provide appropriate lighting.
- 3.9 No signage shall be allowed other than signs permanently attached to the motor vehicle and a portable menu sign no more than 9 square feet in display area on the ground in the customer waiting area.

- 3.10 No food truck shall make or cause to be made any unreasonable or excessive noise or odor.
- 3.11 No food truck shall set up tables, chairs, umbrellas or similar facilities (except standing counters and tables without chairs or stools).

Section 4: Permitting

- 4.1 A food truck will be licensed by the Town's Health Department and Fire Department before issuance or renewal of the Food Truck Permit from the Board of Selectmen, which must be prominently displayed on the truck.
- 4.2 A fee in the amount of \$1000.00 for a five day a week seasonal Permit shall be paid upon issuance of the Food Truck Permit. Such fee shall be subject to prorating based on the number of days per week licensed.
- 4.3 Food truck vendors must obtain requisite insurance, bonding and workers compensation as required from time to time by the Board of Selectmen.
- 4.4 Food Truck vendors must obtain a Massachusetts Hawker and Peddler License (issued through the Police Department).
- 4.5 The Board of Selectmen may waive any conditions or requirements of this Policy if the Board determines such to be in the best interests of the Community.
- 4.6 Violation of any of the provisions of this Section may result in revocation of the permits and licenses issued to the vendor to operate in Needham.

Section 5: Exceptions (Food Truck Permits not Required)

With the exception of food safety and hawker and peddler requirements, if applicable, this policy shall not apply to canteen or coffee trucks that move from place to place and are stationary for no more than thirty minutes at a time or ice cream trucks which move from place to place and are stationary for no more than ten minutes. Further, this policy is not applicable to special one-day events on public property authorized by the Town.

APPENDIX 1

Underserved Commercial Areas

1. New England Business Center
2. Mixed Use-128
3. Industrial 1

APPENDIX 2

Locations Presently Approved for Food Trucks

The current locations identified for use by food trucks within the public right of ways areas are: Second Avenue across the street from Charles River Landing, First Avenue across the street from 40 A Street (which location may be revisited once construction begins at 400 First Avenue), and Cabot Place once all construction projects have been completed on the street.