

1. 7:30 P.M. Committee On Ordinance & Rules

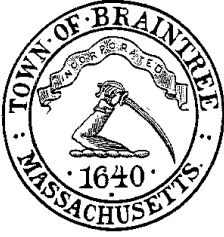
Documents:

[2022 SEPT 28 ZOOM ORDINANCE AND RULES AGENDA.PDF](#)

2. 7:30 P.M. Committee On Ordinance & Rules

Documents:

[2022 SEPT 28 OR MTG ZOOM.PDF](#)



# Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## MEMBERS

David Ringius, Chairman  
Shannon Hume, Vice-Chair  
Julia Flaherty, Member  
Charles Ryan, Member

## AGENDA

**Wednesday, SEPTEMBER 28, 2022**

**Starting Time – 7:30p.m.**

**Remote via Zoom**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85429181417>

Telephone: Dial US: +1 312 626 6799

Webinar ID: **854 2918 1417**

International numbers available: <https://us02web.zoom.us/j/85429181417>

### **Roll Call**

### **Approval of Minutes**

- May 25, 2022

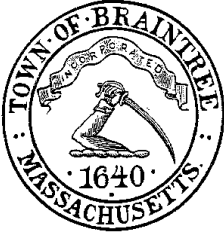
### **Old Business**

- None

### **New Business**

- 22 049 Mayor: Amendment to General Ordinance 5.600.010 (Prohibition of marijuana establishments) or take up any action relative thereto

### **Adjournment**



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- May 25, 2022

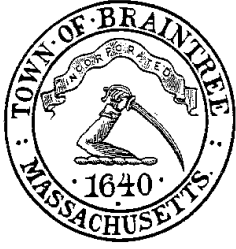
### **Old Business**

- None

### **New Business**

- 22 049 Mayor: Amendment to General Ordinance 5.600.010 (Prohibition of marijuana establishments) or take up any action relative thereto

### **Adjournment**



# Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## MEMBERS

David Ringius, Jr, Chairman  
Shannon Hume, Vice- Chairman  
Julia Flaherty, Member  
Charles Ryan, Member

## May 25, 2022 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Wednesday, May 25, 2022 beginning at 6:00pm.

Chairman Ringius was in the Chair.  
Clerk of the Council, Susan Cimino conducted the roll call.  
All votes were conducted by Roll Call Vote.

Present: David Ringius, Jr, Chairman  
Shannon Hume, Vice-Chairman  
Julia Flaherty, Member  
Charles Ryan, Member

David Ringius, Jr, Chairman of the Committee on Ordinance & Rules asked for a moment of silence for our first responders and all those serving home and abroad.

### Approval of Minutes

- None

### Old Business

- **20 034 Councilor O'Brien: 8.800 Single-Use Plastic Bag Reduction Bylaw or take up any action related thereto**

A Motion was made by Councilor Hume to Take off the TABLE Order 20 034

**Motion:** by Councilor Hume to Take off the TABLE Order 20 034

**Second:** by Councilor Ryan

**Roll Call Vote:** For (4 – Flaherty, Hume, Ringius, Ryan), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated this proposal from Councilor O'Brien was presented quite a while ago. We have sent out for opinions from our legislative delegation. Over the years there have been proposals like this on beacon hill. We did receive an email back from Senator Keenan's office in terms of where the State stands on a State-wide ban. We have also reached out to the Chamber. We have received comments from Chamber Chair Ms. Kroha, Mike Cavanaugh, President of Sustainable Braintree and Rachel Horak, Sustainable Braintree (Vice-President). We have heard from Crystal Evans, and from the Commission on Disabilities. We had a conversation on not only how this impacts our environment but how this impacts some of our folks in town who might be mobility impaired. Also how the use of certain bags could make it difficult for the elderly to use and any cost associated could be an undue burden.

Chairman Ringius stated if it is the will of the committee, we will table this. I know there will be further recommendations from the Commission on Disabilities and Sustainable Braintree. We would also like to hear from the Chamber and if they would take a side.

Quincy has already banned plastic bags. It would be good to hear from a representative of Quincy or another town.

We are still waiting for this proposal to be reviewed by our Town Solicitor.

A Motion was made by Councilor Hume to TABLE Order 20 034

**Motion:** by Councilor Hume to TABLE Order 20 034

**Second:** by Councilor Ryan

**Roll Call Vote:** For (4 – Flaherty, Hume, Ringius, Ryan), Against (0), Absent (0), Abstain (0)

### **New Business**

- **006 22 Council President: Town Council Rules or take up any action related thereto**

#### ***Rule Sixty-One: Adoption of Rules***

*These rules will be reviewed and adopted within 90 days after the first Council Meeting in every even year.*

This was sent back to O&R after we made a recommendation to the full Council. The request was made by Councilor O'Brien to have the committee review Town Council Rule #33.

Presently TC Rule #33 reads:

#### **Rule Thirty-Three: Agenda Requests from Other Town Departments**

**(Existing)** All items for the agenda including communications and reports from the Mayor, other Town Officers and Town Boards shall be submitted to the Town Clerk's Office **and to the Clerk of the Council** no later than 10:00 AM on Thursday preceding the regular Council meeting. A copy of said reports and agenda shall be delivered to the Council no later than Friday preceding the regular Council meeting. No measure shall be filed without all supporting documentation. Late items require a two-thirds vote of the members of the Town Council to be allowed at the Council meeting. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

**(Proposed)** All items for the agenda including referrals, communications and reports from the Mayor, other Town officers and Town boards shall be submitted to the Town Clerk's office and Clerk of the Council no later than 10:00 AM on Wednesday preceding the regular Council meeting. No measure shall be filed without all supporting documentation. In accordance with the Open Meeting Law, a copy of the reports and agenda shall be delivered to Council members 48 hours in advance of the regular Council meeting. Late items require a two-thirds vote of Council members to be considered. Any item authorized for the agenda must be specified on the agenda, by whom it is introduced.

Councilor Ryan stated my concern with this proposed motion is that you know the if something's coming from the Mayor's office, and they want to refer to the council I think they should be able to do that and I don't think we need all the information when something gets referred. I think we need all the information in a timely manner and that's not always when it gets referred. I think if something's going to a subcommittee you need to have all the information in advanced of the subcommittee meeting, and if someone is the chair of a subcommittee, they don't need to schedule a meeting until they have all the information. I think, and Council had a very good point the night this was discussed. We have an issue before us for the Mass school building authority (MSBA) and you have schedules to keep, and votes to take, and if we're not going to vote on some because we don't have all the information, we might be shooting ourselves in the foot. I will certainly be speaking against this at the full council meeting. I'm not in favor of this. I'm going to vote against it.

Councilor Hume stated there's things that come before us that we have strict deadlines. and when something's referred we've very rarely gotten all the documents and that's not necessary when it comes this rule. Subcommittee meetings such as this when this was referred, and as Counselor Ryan said, as well, if you're the chair of a subcommittee meeting it's within your right to hold a meaning when you see fit. We're not bound by any calendar to hold ordinance and rules tonight. If Chairman Ringius didn't have all the information he wanted to hold tonight's meeting it's within his right not to hold the meeting tonight, he chose this meeting and it worked with everybody else, as every subcommittee should. I'm not going to be supporting this. I think the rule as it stands is a good rule.

Councilor Flaherty stated I think it's hard to know what constitutes all the information, anyway. How do you know when you've got enough. There's so much information. We kill so many trees with the information that we have. I don't see how you could ever make sure that you were living up to the letter of this proposed change. So I'm not going to support it for that reason either.

Nicole Taub, Chief of Staff stated we have put together over the last couple of years I think is the system that works it's a system that complies with the open meeting law, as far as providing necessary information for purposes of the agenda, and in the circumstances where we cannot provide at least a memorandum detailing the referral. The office does it's best to provide an estimated timeline or reasonable expectation. for when that information is going to be provided, and it's funny, because, as we sit here, an item will appear on the agenda Tuesday evening for referral that's not going to have a memorandum accompanying it, because the trip that I've just taken was somewhat unexpected. The reality is that sometimes things come up that prevent the provision of kind of that additional paper to

support the referral on the agenda. What is always met are legal obligations under the open meeting law in order to provide the public and the Council with at least a description of the item that's being referred, and it is when that matter is substantively going to be taken up in committee that further information is always provided in advance of those conversations, and so I appreciate the commentary from the members of the committee, and I would hope that Clerk Cimino would agree that the system that we have in place is a system that is working and that we can continue to strive to ensure that the members of the Council have the necessary information in order to proceed and review materials as they come down from the mayor's office.

Susan Cimino, Clerk of the Council stated I agree with the Chief of Staff that the Clerk of the Council and the Chief of Staff have a very open line of communication. She will always try and let me know when something is in need of being referred, and if something is going to be later, then being included with the documentation at the full council meeting. So we do have a very open line of communication, and it seems to work on my end.

Chairman Ringius stated I was actually a little surprised that it that it did get referred back when I found out although I understand frustration that can arise from feeling that you don't have everything that you want to make an informed decision I think based on what what every speaker is said sometimes you can't anticipate. A deadline coming up, I think Counselor ryan hit the nail on the head, you know, and MSBA has deadlines that are very very fixed, and we don't want to be write a rule that puts us in a situation where we're now sort of going into our own rules, because we have to hit a deadline because of you know, when myself and Counselor Hume had from having been on the school committee. We plethora of deadlines and paperworks that have to be filed in a timely manner to get certain things done, and we don't want to be in a situation. We're missing out on for example MSBA money. I would hope that Clerk Cimino and the Chief of Staff would continue to work together to ensure that we do have everything needed for each meeting that we have items on the agenda, but I do think that it has worked does work always. Are we sometimes frustrated? Yes, but I think if we just continue to learn that relationship, and if individual counselors you know, have issues with timing of things I think hopefully they can bring that to Clerk Cimino's attention, and she can thus bring that back to the Chief of Staff and the Mayor's office. I would follow along with what my other members have expressed, and I would like to keep Rule 33, as it currently exists.

**MOTION:** to send Town Council Rule #33 back to the full Council with an unfavorable recommendation to amend.

A Motion was made by Councilor Hume to send Town Council Rule #33 back to the full Council with an unfavorable recommendation to amend

**Motion:** by Councilor Hume send Town Council Rule #33 back to the full Council with an unfavorable recommendation to amend

**Second:** by Councilor Ryan

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius, Ryan), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated this will be returned to the full Council with an unfavorable recommendation to amend.

- **22 037 Council President: Tree Protection Ordinance or take up any action related thereto**  
(Initial read through)

Chairman Ringius stated this will be an initial read through so we can discuss and see if there are stakeholders that we would like present at the next meeting on this proposed Ordinance. President Boericke who brought this forward sends along her apologies for not being at this initial meeting but had a family commitment for one of her children at the same day/time. Melissa SantucciRozzi is reviewing this Ordinance and will be meeting with President Boericke on this. Legal is reviewing this Ordinance and renumbering accordingly as well.

Chairman Ringius stated everyone should have had the proposed ordinance, along with the President Boericke's is letter. Any questions or comments on that?

Chairman Ringius asked for a motion to table Order 22 037 to a future meeting.

A Motion was made by Councilor Hume to TABLE Order 22 037

**Motion:** by Councilor Hume to TABLE Order 22 037

**Second:** by Councilor Ryan

**Roll Call Vote:** For (4 – Flaherty, Hume, Ringius, Ryan), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated we will be taking up the initial discussion related to proposed ordinance, language, change as to the cultivation in distribution of marijuana in the Town of Braintree. I did want folks to be aware of that, and we have anticipated that the discussion will probably take at least 2 nights, and we have scheduled a meeting for June 1<sup>st</sup> on Zoom. We will schedule additional live meetings for public comment.

It was unanimously voted by Roll Call to adjourn the meeting at 9:00 p.m.

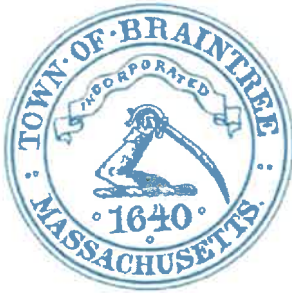
Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

### **Documents provided for Meeting**

- 20 034 Councilor O'Brien: 8.800 Single-Use Plastic Bag Reduction Bylaw or take up any action related thereto
- 006 22 Council President: Town Council Rules or take up any action relative thereto
- 22 037 Council President: Tree Protection Ordinance or take up any action related thereto



#22-049



## Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Charles C. Kokoros  
Mayor

781-794-8100

To: Meredith Boericke, President of the Council  
Susan Cimino, Clerk of the Council  
James Casey, Town Clerk

From: Charles C. Kokoros, Mayor *cc*

CC: Nicole I. Taub, Chief of Staff and Director of Operations  
Edward Spellman, Director of Municipal Finance  
Melissa Santucci-Rozzi, Director, Planning and Community Development

Date: September 6, 2022

Re: Amendment to General Ordinance 5.600.010 (Marijuana Not Medically Prescribed)

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Dear President Boericke, Clerk Cimino and Clerk Casey,

General Ordinance 5.600.010 currently prohibits the operation of any marijuana establishments in the Town of Braintree. Specifically, the ordinance prohibits the operation of any marijuana establishment, including, without limitation, "a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business." This prohibition does not apply to medical marijuana treatment centers.

As you are aware, the Town Council voted on August 2, 2022, to modify the Town's existing Zoning Ordinances relative to adult use or non-medical marijuana from a blanket prohibition, similar to the one contained in the General Ordinance, to a comprehensive ordinance allowing for certain non-retail marijuana uses. The amendments also provide further guidance for medical marijuana treatment centers.

The Zoning Ordinance, as amended, continues to prohibit Marijuana Retailers, as defined by M.G.L. c. 94G, s. 1, while allowing for certain non-retail uses to be allowed by special permit. As a result of the zoning amendments, the general ordinance requires revision in order to allow for uses consistent with the zoning ordinance.

#22 - 049

As drafted, the ordinance continues to specifically prohibit any marijuana retailer. A marijuana retailer is defined by M.G.L. c. 94G s. 1 as “an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.” This will not impact the revisions to the zoning ordinance and specifically the allowance of cultivation and delivery by special permit.

Therefore, your review and approval of the enclosed revised General Ordinance 5.600.010 is requested.

Thank you.

**Current Text:**

**Chapter 5.600**

**MARIJUANA NOT MEDICALLY PRESCRIBED**

**GENERAL REFERENCES**

Prohibition of nonmedical marijuana establishments — See Ordinances.  
Ch. 135, Art. XVIII, of the Town Zoning Bylaws and

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**5.600.010. Prohibition of marijuana establishments.**

The operation within the Town of any marijuana establishment, as defined in MGL c. 94G, § 1, including, without limitation, "a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business," is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012 and regulations adopted thereto or any successor statute.

**Change text:**

**Chapter 5.600**

**MARIJUANA RETAILERS**

**GENERAL REFERENCES**

Medical and Adult Use or Non-Medical Marijuana  
Establishments — See Ch. 135, Art. XVIII, of the Town  
Zoning Ordinances.

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**5.600.010. Prohibition of marijuana retailers.**

The operation within the Town of any marijuana retailer, as defined in MGL c. 94G, § 1, is prohibited.