

1. 6:30 P.M. Committee On Ordinance & Rules

Documents:

[2021 NOV 3 ORDINANCE AND RULES AGENDA.PDF](#)

2. 6:30 P.M. Committee On Ordinance & Rules

Documents:

[2021 NOV 3 OR MTG.PDF](#)



# Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## MEMBERS

David Ringius, Chairman  
Steven Sciascia, Vice-Chairman  
Julia Flaherty, Member  
Lawrence Mackin, Member

## AGENDA

**Tuesday, NOVEMBER 3, 2021**

**Starting Time – 6:30 p.m.**

**Johnson Chambers**

### Roll Call

### Approval of Minutes

- September 21, 2021

### Old Business

- 21 028 Mayor: Ordinance to Establish Anti Blight Program or take up any action related thereto
- 20 034 Councilor O'Brien: 8.800 Single-Use Plastic Bag Reduction Bylaw or take up any action related thereto (Update)
- 002 21 Councilor Sciascia/Councilor Connors: Amendment to By-law Section 135-1101 or take up any action relative thereto (Update)
- 003 21 Councilor Sciascia: Inclusionary Amendment or take up any action relative thereto (Update)

### New Business

- None

### Adjournment

*Governor Charles Baker has declared a state of emergency in Massachusetts to support the state's response to COVID-19 (Coronavirus). According to the Town of Braintree's "Temporary Emergency Policy for Remote Participation Under the Open Meeting Law Pursuant to Massachusetts Executive Order of March 12, 2020," the Town Council will meet fully remotely for the health and safety of Councilors and the public during the Massachusetts State of Emergency. The Town Council will be using Zoom software to run meetings online for the immediate future. The Town continues to monitor the situation through the Health Department and specific questions should be directed to Jean McGinty, Public Health Nurse at 781-794-8094 or Marybeth McGrath, Director of Health, at 781-794-8095.*



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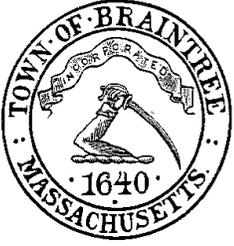
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One JFK Memorial Drive  
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## MEMBERS

David Ringius, Jr, Chairman  
Steven Sciascia, Vice- Chairman  
Julia Flaherty, Member  
Lawrence Mackin, Jr, Member

## September 21, 2021 MINUTES

A meeting of the Committee on Ordinance & Rules was held in Johnson Chambers on Tuesday, September 21, 2021 beginning at 6:00pm.

Chairman Ringius was in the Chair.

Clerk of the Council, Susan Cimino conducted the roll call.

Present: David Ringius, Jr, Chairman  
Steven Sciascia, Vice-Chairman  
Julia Flaherty, Member  
Lawrence Mackin, Jr, Member

Also Present: Nicole Taub, Chief of Staff/Town Solicitor  
Crystal Huff, Assistant Town Solicitor  
Stephen C. O'Brien, Councilor District 4

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

### Approval of Minutes

#### • May 3, 2021

A Motion was made by Councilor Sciascia to take off the TABLE Minutes of May 3, 2021

**Motion:** by Councilor Sciascia to take off the TABLE Minutes of May 3, 2021

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

A Motion was made by Councilor Sciascia Approve Minutes of May 3, 2021

**Motion:** by Councilor Sciascia to Approve Minutes of May 3, 2021

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

#### • June 14, 2021

A Motion was made by Councilor Sciascia to Approve Minutes of June 14, 2021

**Motion:** by Councilor Sciascia to Approve Minutes of June 14, 2021

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

## Old Business

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

Chairman Ringius asked for a Motion to Take off the Table Order 20 034

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

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

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated this evening I would like to get updates as to how we move forward on these items before us.

Chairman Ringius stated at our last Town Council meeting we had a presentation from the Girl Scouts. This is a project they have been doing. Councilor O'Brien had come up with this idea and for the girl scouts to address this. Then COVID came and there was a restriction to only use plastic bags so it became a moot point. O&R placed this on the Table until we could have the Girl Scouts before a live audience. I have had various organizations reach out to me including those with disabilities and small businesses. The Chamber reached out and has some things they would like to talk about in regards to a ban like this. There is also a Bill pending up at the State level in regards to this as well. Tonight, I would like to hear from you on who we might like to see come before us to discuss this and whether or not we want to bring the Girl Scouts back and/or other groups.

Councilor Sciascia stated I would like to hear from the business community especially stores heavily reliant on plastic bags. If the State Reps can chime in on if/when there will be a State level ban.

Councilor Flaherty stated I think we should bring Sustainable Braintree forward and have them speak.

Nicole Taub, Chief of Staff stated I agree there will be several Stakeholders that will be impacted by this. No doubt there will be a positive environmental effect but I would urge we talk to the business community, the elderly community, the disabled community. These are all residents that could feel the effects of something like this. In the Legislative history this has been something the State has been trying to take up since I think 2019. There are a couple drafts currently pending up at the State House. I do not know when we will see a State level ban but I do agree if we do get a sense that one is coming, there is certainly value in waiting a little bit so we are not working to passing something that will be pre-empted or in conflict with the State law. We can look at the legalities of the current draft and other communities that have some kind of single-use ban or restriction. We can look to see if we do support something like this that it is the best of what is out there.

Chairman Ringius stated we should have the business community, the Chamber, State delegation, Sustainable Braintree; we might want to invite the Girl Scouts back depending on their schedule but to follow through and get this kick started. Jeff Kunz would be a great person to have here as well.

Chairman Ringius stated it would be good to get some of these groups on the line and see if they could come before us.

Chairman Ringius stated Clerk Cimino and I could draft a letter to our State delegation to get an update from either the Senators or Rep Cusack on where this stands on the State level. We could also touch-base with the other Stakeholders and see if they might be available.

Chairman Ringius asked if there was a Motion to Table Order 20 034 to a future meeting.

A Motion was made by Councilor Sciascia to TABLE Order 20 034.

**Motion:** by Councilor Sciascia to TABLE Order 20 034 to a future meeting

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

- **21 028 Mayor: Ordinance to Establish Anti Blight Program or take up any action relative thereto**

Chairman Ringius asked for a Motion to Take off the Table Order 21 028

A Motion was made by Councilor Sciascia to Take off the TABLE Order 21 028

**Motion:** by Councilor Sciascia to Take off the TABLE Order 21 028

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated this was discussed at O&R on June 14, 2021. Committee voted to send it to the full Council with a favorable recommendation (3 in favor/1 opposed). On June 15, 2021 at the full Council meeting this was referred back to O&R. We are waiting on an updated memo with revisions from the Mayor's office.

Chairman Ringius asked if anyone from the Mayor's staff would like to speak this evening.

Nicole Taub stated after the last meeting the Mayor and I met with the Chamber discussing what impacts this might have on the business community and started a dialogue about possible revisions to the language that was before this committee previously. We should have a new proposal for this committee in the next couple weeks. We are also thinking about item 002 21 Councilor Sciascia's proposal and thinking how to address issues with residential properties as with abandoned and vacant properties. We are looking to draft a commercial vacant property and a residential vacant property distinction. We hope to have this to you by the second October Town Council meeting.

Chairman Ringius stated the Chamber had some issues they would like addressed as in definitions. Ms. Taub asked for that contact information.

Chairman Ringius asked if there was a Motion to Table Order 21 028 to a future meeting.

A Motion was made by Councilor Sciascia to TABLE Order 21 028

**Motion:** by Councilor Sciascia to TABLE Order 21 028 to a future meeting

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

• **002 21 Councilor Sciascia/Councilor Connors: Amendment to By-law Section 135-1101 or take up any action relative thereto**

Chairman Ringius asked for a Motion to Take off the Table item 002 21

A Motion was made by Councilor Sciascia to Take off the TABLE item 002 21

**Motion:** by Councilor Sciascia to Take off the TABLE item 002 21

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated this item is a proposal for the residential side of things as Order 21 028 is more for the commercial side of things.

Councilor Sciascia stated yes we want to see both components in the final product.

Chairman Ringius stated the Mayor is meeting and discussing this with Councilor Sciascia and Councilor Connors.

Nicole Taub stated yes and there are some portions of this draft that the Mayor would not necessarily incorporate into his. We will do the revisions for the Anti-Blight and then do a side-by-side and see what fits together and what should stand alone.

Chairman Ringius asked if there was a Motion to Table item 002 21 to a future meeting.

A Motion was made by Councilor Sciascia to TABLE item 002 21

**Motion:** by Councilor Sciascia to TABLE item 002 21

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

- **054 20 Councilor Mackin: Motion to Establish an Independent Peterson Pool Oversight Authority/Committee or take up any action relative thereto**

Chairman Ringius asked for a Motion to Take off the Table item 054 20

A Motion was made by Councilor Sciascia to Take off the TABLE item 054 20

**Motion:** by Councilor Sciascia to Take off the TABLE item 054 20

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

Chairman Ringius stated this was proposed by Councilor Mackin but he mentioned broadening this oversight committee.

Councilor Mackin stated he would like to change this proposal and would like to think a little bigger on this committee. Make a committee on municipal oversight. Rather than have a narrowly focused Petersen Pool Committee it would be better to expand it a little bit to all large Town projects that would happen going forward. I did write something up but only submitted it to the Chairman.

Clerk Cimino stated she did not receive this new documentation. It is suggested to withdraw the Petersen Oversight Committee and submit the new request to the Clerk of the Council so it can follow the proper steps and be referred to the Committee on Ordinance & Rules on a Town Council agenda. We need to have some language before us on which to discuss and vote.

Councilor Mackin stated he would like to **WITHDRAW** this current item 054 20.

### **New Business**

- **003 21 Councilor Sciascia: Inclusionary Amendment or take up any action relative thereto**

Chairman Ringius stated this was put on hold as we wait for a legal opinion from Solicitor Huff. Crystal Huff, Assistant Town Solicitor stated I found this to be legally sufficient. I did not find anything that violated any of the other Town ordinances. Councilor Sciascia's amendment brings proposes some definition amendments. He brings forward an inclusionary housing amendment which would include certain requirements for units to be eligible under subsidized housing and has some other relevant terms in here and conditions related thereto. He puts it in a threshold of 3 units to trigger the affordability.

Nicole Taub stated there have been conversations with the Mayor about the importance of this and formalizing this in the by-laws. There has been discussion and a revision of drafts including from the Planning Department, the Mayor and Solicitor Huff. What we shared with Councilor Sciascia is a revised proposal from the Mayor that is an Inclusionary Housing By-Law but it is different in some respects from the one proposed from Councilor Sciascia. We are trying to broaden this to not tie our

hands down the road. I will share this proposal with this Committee. We will continue to work with Councilor Sciascia and the Planning Department on.

Councilor Sciascia stated I am happy to continue working on this with the Mayor's office. I have not read the Mayor's proposal in the entirety. I have noticed some of the points of disagreement are still the way the Planning Department wanted it. I feel pretty strongly about some of those things. At the end of the day, I want this to pass. If I have to give in on something then that is fine. I feel some of these changes being proposed are ill advised.

Chairman Ringius asked Councilor Sciascia if there is a specific note you would like to address.

Councilor Sciascia stated there are a couple areas. Definitions I will leave that up to Legal. The Planning Department has proposed changing the existing Zoning Law. Zoning states you have single family house, 2 family and then apartment buildings.

Solicitor Huff stated it goes Dwelling: 1 family, 2 family and Multi (which is anything more than 2). Apartment house is also anything more than 2 as well. Apartment house and Multi dwelling is redundant and confusing. It makes sense to lump both definitions together and eliminate Apartment house definition.

Councilor Sciascia stated there is a proposal to amend the Use Table. That is the part I do not think we should get into.

Solicitor Huff stated we are looking to separate Multi-family from 2-family. Right now they are lumped together. This is an opportune moment to move 2-family away from Multi-family. We had to do this to clean it all up.

Councilor Sciascia stated my suggestion was to change the definition of Apartment house.

Solicitor Huff stated we would then have to change the Table of Uses. It is not in there.

Councilor Sciascia stated if we can do this without changing the Table of Uses it would be a strong preference to not change it.

Councilor Sciascia stated 15% that applies to Multi-family housing. My proposal applies that 15% to any Multi-family housing with a net addition of 5 units or more.

Solicitor Huff stated it would be difficult to get a permit to increase the number of units.

Nicole Taub stated we will clarify how the fractions will round up.

Councilor Flaherty asked if any ground work has been done with the residents. There was a big push to not make any Zoning changes without a Master Plan. Will we let residents know this is being considered? I would like to see something put into place.

Nicole Taub stated because this is a Zoning Amendment only certain bodies can do this. It will follow the correct process and there will be Public Hearings along the way. We can see if Neighborhood meetings could happen along the way.

Councilor Flaherty stated you cannot talk about and educate the public at the same time.

Councilor Sciascia stated I am still committed to having additional meetings on this. We are not trying to sneak this by anybody. We want everyone on board.

Chairman Ringius stated I think this does have broad support throughout the Town.

Councilor Sciascia stated we should table this and bring it back for discussion at a later date with the revisions.

Chairman Ringius asked if there was a Motion to Table item 003 21 to a future meeting.

A Motion was made by Councilor Sciascia to TABLE item 003 21

**Motion:** by Councilor Sciascia to TABLE item 003 21

**Second:** by Councilor Flaherty

**Vote:** For (4 – Flaherty, Mackin, Ringius, Sciascia), Against (0), Absent (0), Abstain (0)

It was unanimously voted by Roll Call to adjourn the meeting at 6:55 p.m.

Respectfully submitted,  
Susan M. Cimino  
Clerk of the Council

### **Documents provided for Meeting**

- Minutes of May 3 ,2021
- Minutes of June 14 ,2021
- 20 034 Councilor O'Brien: 8.800 Single-Use Plastic Bag Reduction Bylaw or take up any action relative thereto
- 054 20 Councilor Mackin: Motion to Establish an Independent Peterson Pool Oversight Authority/Committee or take up any action relative thereto
- 002 21 Councilor Sciascia/Councilor Connors: Amendment to By-law Section 135-1101 or take up any action relative thereto
- 21 028 Mayor: Ordinance to Establish Anti Blight Program or take up any action related thereto
- 003 21 Councilor Sciascia: Inclusionary Amendment or take up any action relative thereto



**TOWN OF BRAINTREE**  
**OFFICE OF THE TOWN SOLICITOR**  
One JFK Memorial Drive  
Braintree, Massachusetts 02184  
Tel: 781-794-8153 Fax: 781-794-8305

Charles C. Kokoros  
Mayor

Nicole I. Taub  
Town Solicitor

**MEMORANDUM**

To: Shannon L. Hume, President of the Council  
David Ringius, Chair, Ordinance & Rules  
Sue Cimino, Clerk of the Council

From: Nicole I. Taub   
Chief of Staff/Town Solicitor

Re: 21 028: Anti Blight Ordinance  
Revised Draft

Date: October 19, 2021

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President Hume, Chairman Ringius and Clerk Cimino,

Enclosed please find a revised draft of the Mayor's proposed Anti Blight Ordinance. The changes incorporate comments provided by the Ordinance and Rules Committee, as well as the Braintree Chamber of Commerce. With these changes, the Chamber supports the Ordinance and will be providing further correspondence to the Council to that effect.

The following is a summary of the revisions, all of which are tracked in red line, for your consideration:

***Definitions:***

***Blighted Premises***

- Removal of duplicative references to litter, rubbish, etc.
- Addition of exemption for items customarily used in connection with a lawfully operating business.
- Addition of exemption for actions serving a conservation purpose.

***Vacant Building***

- Revised to "Vacant Property."
- Redefined to include vacant residential properties to allow enforcement of unoccupied residential properties meeting the definition. This change will not impact occupied residential properties as the Ordinance will not apply.

**Enforcement:**

*Order to take corrective action:*

- The district councilor where the property is located will now receive a copy of the notice and order to take corrective action.

*Recovery of costs:*

- Lenders foreclosing on a property may seek a waiver of any costs outstanding.
- The Town has the sole discretion to consider such a request.

**Penalties:**

- Lenders foreclosing on a property may seek a waiver of any costs outstanding.
- The Town has the sole discretion to consider such a request.

A clean copy of the draft has also been provided.

Please do not hesitate to contact me if you have any questions.

Thank you.

## Title 8: Health and Safety

### Chapter 8.800: Anti-Blight Program

#### 8.800.010: Purpose

The purpose of this chapter is to address commercial and industrial properties throughout the Town of Braintree that are in a blighted and/or vacant condition. Many of these properties are essentially abandoned and in violation of multiple aspects of state and local building and sanitary codes. Blighted conditions contribute to the decline of neighborhoods, negatively impact the economic well-being of the Town and have the potential to cause adverse conditions to the health, safety and welfare of the residents. Additionally, such blighted and/or vacant properties may provide a location for temporary occupancy by transients and persons engaged in criminal activity. These properties create significant costs to the Town by virtue of the need for consistent monitoring and frequent boarding and securing.

Many blighted and/or vacant properties can be rehabilitated, redeveloped, demolished and/or reused to provide safe, decent and sanitary uses, thereby increasing the quality of life for the public, occupants, abutters and neighborhoods.

#### 8.800.020: Definitions

The following definitions shall apply in the interpretation and implementation of this chapter:

##### **Blighted Premises**

Any commercial or industrial building, structure, parcel of land, or any part of a commercial or industrial building or structure that is a separate unit in which at least one of the following conditions exist:

- A. It is not being adequately maintained and secured as documented by the enforcement officer (as defined herein) based upon, but not limited to, the following factors:
1. missing, broken or boarded up windows or doors for more than thirty (30) days;
  2. collapsing or missing walls, roof or floor;
  3. siding that is seriously damaged or missing;
  4. extensive fire or water damage;
  5. a foundation that is structurally faulty;
  - ~~6.~~ ~~accumulation of litter, rubbish, debris or trash;~~
  - ~~7-6.~~ the failure to remedy graffiti within thirty (30) days;
  - ~~8-7.~~ the exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators or other cast off material of any kind whether or not the same

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could be put to any reasonable use unless such items are customarily used in connection with a lawfully operating business;

~~9-8.~~ gravel, rocks and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve (12) months upon the owner's premises unless such items are customarily used in connection with a lawfully operating business;

~~10-9.~~ storage of abandoned or unregistered vehicles or trailers unless such items are customarily used in connection with a lawfully operating business;

~~11-10.~~ overgrown vegetation that may harbor vermin or pests, conceal pools of stagnant water or other nuisances or which is otherwise detrimental to neighboring properties or property values and which is not grown to serve conservation purposes;

~~12-11.~~ dead, decayed, diseased or hazardous trees, shrubs or any vegetation that may pose a hazard to the health and safety of any person in the vicinity of the property or which is otherwise detrimental to neighboring properties or property values and which has not been removed to serve conservation purposes; or

~~13-12.~~ overgrown grass of at least two feet that is not grown to serve conservation purposes; or

~~0.~~ excessive garbage or trash.

~~E-B.~~ It has been cited for violations as documented by the Building Inspector, the Director of the Board of Health, the Chief of Police, the Fire Chief and/or their designated agents, which violations have not been corrected;

~~D-C.~~ Conditions causing a public nuisance, harboring vermin or pests, presenting a threat to public health or safety, or which is a fire hazard as determined by the Fire Chief or his designee, or is attracting illegal activity as determined by the Police Department;

~~E-D.~~ Because of fire, wind or other natural disaster, or because of physical deterioration, it is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;

~~F-E.~~ Is a vacant property as defined hereunder that is not being maintained in accordance with Section 8.800.030; or

~~G-F.~~ It is determined by the Building Inspector and/or the Director of the Board of Health that the building, structure or parcel of land is in a condition that poses a serious threat to safety, health, morals and general welfare of the Town.

#### **Enforcement Officer**

The Building Inspector and Director of the Board of Health and/or their designated agents.

#### **Owner**

Any individual, business entity, voluntary association or non-profit organization, and quasi-governmental entities (i.e., Braintree Housing Authority and Braintree Electric Light Department) that alone or jointly or severally with others:

- A. Has legal or equitable title to any building, structure or property or parcel of land, vacant or otherwise;
- B. Has care, charge or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- C. Is a lessee under a written agreement;
- D. Is a mortgagee in possession of any such property;
- E. Is an agent, trustee or other person appointed by the courts and vested with possession or control of such building, structure or property; or
- F. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

**Property**

Any privately owned commercial or industrial property or portion thereof, located in the Town, including any buildings, structures or other personal property on the parcel.

**Vacant Property Building**

Any [commercial or industrial](#) property that is unoccupied for a period greater than one hundred eighty (180) consecutive days [and any residential property that is unoccupied for a period greater than ninety \(90\) days](#) by the person or persons with legal right to occupancy thereof, except for bona fide temporary absences.

**8.800.030 Creation or Maintenance of Blighted Premises Prohibited**

- A. No owner of property located within the Town shall allow, create, maintain or cause to be created or maintained any blighted premises.
- B. Maintenance of Vacant Properties – Requirements

Owners of vacant properties, [including commercial, industrial and residential](#), must fulfill the following minimum adequate maintenance requirements for any such property they own:

1. Maintain vacant properties in accordance with the relevant sanitary, building and fire codes;
2. Secure vacant properties so as to prevent unauthorized entry and exposure to the elements;
3. Maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to, the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery and other landscape features;
4. Repair or replace broken windows or doors. The boarding up of any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days; and

5. For properties vacant for six (6) months or more, the utilities must be shut off, removed or cut and capped to prevent accidents.

### C. Enforcement

1. Investigation. The enforcement officer(s) shall undertake an investigation of any alleged violation of this section upon their own initiative or upon receipt of a complaint from any individual, civic organization, neighborhood group, governmental entity or other affected agency. In conducting investigations, the Building Inspector shall coordinate inspections by and among the Board of Health, the Chief of Police and the Fire Chief, or their designees, as the Building Inspector deems appropriate to ensure that this Ordinance is enforced.

In making such inspection, the Building Inspector, and/or the Board of Health, the Chief of Police and the Fire Chief, or their designees, shall have such right of access to premises that may be lawfully exercised by him/her under the laws and constitution of the Commonwealth or of the United States.

2. Order to take corrective action. In the event that a violation of this chapter has occurred, the enforcement officer shall serve notice of the violation and an order to correct such violation on the owner of the property by certified mail or by handing a copy of the notice and order to the intended recipient. A copy of the notice and order shall also be provided to the district councilor representing the district where the property is located. The order shall require the owner to bring the property into compliance with the requirements of the notice within thirty (30) days of receipt. In the event of demonstrated hardship, an extension or extensions may be granted at the discretion of the enforcement officer.

If the Building Inspector determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this chapter, s/he shall refer the matter to the Board of Health or any other appropriate state or local officials for action.

Failure to comply. Should the property owner fail to comply, or neglect or refuse to take the corrective action specified in the notice, the Building Inspector may make complaint to the Superior Court or any court of competent jurisdiction seeking an injunction or order restraining any further use of the property and the continuation of the violation and shall take such other action as is necessary to enforce the provisions of this chapter.

Further, if the violation continues, the Town may undertake such repairs or other corrective action when in its judgment a failure to do so will endanger the health, safety or welfare of the public. Notice of the intention of the Town to

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make such repairs or other corrective action shall be served on the owner by the means provided for service in section B(2) herein.

3. Recovery of costs. When repairs are made or other corrective action is taken by the Town, the costs of such repairs and enforcement action shall constitute a debt in favor of the town against the owner of the blighted premises. In the event that the property owner fails, neglects or refuses to pay the debt within thirty (30) days of the debt receipt, the Town shall take action to collect the debt. Such action may include placing a lien on the property and/or initiating a civil action in a court of competent jurisdiction for the balance due. Lenders foreclosing on a property may seek waiver of such costs that accrued before possession by lender, which the Town may consider in its sole discretion.
4. Enforcement authority. The enforcement authority under this section shall be in addition to and not in place of any other existing authority under any relevant ordinance or General Law. If any conflict exists under this section and any other authority, then the legal authority that provides the Town with the greatest authority and the maximum flexibility in enforcement shall govern.

#### D. Penalties

Each separate offense of this chapter shall be punishable by a fine of \$300.00. Each violation of any provision of this chapter shall be considered a separate offense and each day that any violation continues shall constitute a separate offense.

The imposition of any fine from this section shall not be construed to prevent enforcement of any other ordinances, laws or regulations of the same property nor prevent other enforcement measures or fines, including civil or legal action against the owner to require compliance with the order. Failure to pay any fine arising from the enforcement of this chapter shall constitute a debt in favor of the Town. The Town may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. Lenders foreclosing on a property may seek waiver of any such fines that accrued before possession by lender, which the Town may consider in its sole discretion.

## Title 8: Health and Safety

### Chapter 8.800: Anti-Blight Program

#### 8.800.010: Purpose

The purpose of this chapter is to address commercial and industrial properties throughout the Town of Braintree that are in a blighted and/or vacant condition. Many of these properties are essentially abandoned and in violation of multiple aspects of state and local building and sanitary codes. Blighted conditions contribute to the decline of neighborhoods, negatively impact the economic well-being of the Town and have the potential to cause adverse conditions to the health, safety and welfare of the residents. Additionally, such blighted and/or vacant properties may provide a location for temporary occupancy by transients and persons engaged in criminal activity. These properties create significant costs to the Town by virtue of the need for consistent monitoring and frequent boarding and securing.

Many blighted and/or vacant properties can be rehabilitated, redeveloped, demolished and/or reused to provide safe, decent and sanitary uses, thereby increasing the quality of life for the public, occupants, abutters and neighborhoods.

#### 8.800.020: Definitions

The following definitions shall apply in the interpretation and implementation of this chapter:

##### **Blighted Premises**

Any commercial or industrial building, structure, parcel of land, or any part of a commercial or industrial building or structure that is a separate unit in which at least one of the following conditions exist:

- A. It is not being adequately maintained and secured as documented by the enforcement officer (as defined herein) based upon, but not limited to, the following factors:
  1. missing, broken or boarded up windows or doors for more than thirty (30) days;
  2. collapsing or missing walls, roof or floor;
  3. siding that is seriously damaged or missing;
  4. extensive fire or water damage;
  5. a foundation that is structurally faulty;
6. the failure to remedy graffiti within thirty (30) days;
7. the exterior storage or accumulation of junk, trash, litter, bottles, cans, rubbish or refuse of any kind, except for domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed fifteen (15) days. The term "junk" shall include parts of machinery or motor vehicles, used stoves, refrigerators or other cast off material of any kind whether or not the same could be put to any

reasonable use unless such items are customarily used in connection with a lawfully operating business;

8. gravel, rocks and dirt piles stored by the owner for purposes of construction and/or landscaping and said item(s) remain stored for more than twelve (12) months upon the owner's premises unless such items are customarily used in connection with a lawfully operating business;
  9. storage of abandoned or unregistered vehicles or trailers unless such items are customarily used in connection with a lawfully operating business;
  10. overgrown vegetation that may harbor vermin or pests, conceal pools of stagnant water or other nuisances or which is otherwise detrimental to neighboring properties or property values and which is not grown to serve conservation purposes;
  11. dead, decayed, diseased or hazardous trees, shrubs or any vegetation that may pose a hazard to the health and safety of any person in the vicinity of the property or which is otherwise detrimental to neighboring properties or property values and which has not been removed to serve conservation purposes; or
  12. overgrown grass of at least two feet that is not grown to serve conservation purposes.
- B. It has been cited for violations as documented by the Building Inspector, the Director of the Board of Health, the Chief of Police, the Fire Chief and/or their designated agents, which violations have not been corrected;
  - C. Conditions causing a public nuisance, harboring vermin or pests, presenting a threat to public health or safety, or which is a fire hazard as determined by the Fire Chief or his designee, or is attracting illegal activity as determined by the Police Department;
  - D. Because of fire, wind or other natural disaster, or because of physical deterioration, it is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;
  - E. Is a vacant property as defined hereunder that is not being maintained in accordance with Section 8.800.030; or
  - F. It is determined by the Building Inspector and/or the Director of the Board of Health that the building, structure or parcel of land is in a condition that poses a serious threat to safety, health, morals and general welfare of the Town.

### **Enforcement Officer**

The Building Inspector and Director of the Board of Health and/or their designated agents.

### **Owner**

Any individual, business entity, voluntary association or non-profit organization, and quasi-governmental entities (i.e., Braintree Housing Authority and Braintree Electric Light Department) that alone or jointly or severally with others:

- A. Has legal or equitable title to any building, structure or property or parcel of land, vacant or otherwise;

- B. Has care, charge or control of any such building, structure or property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- C. Is a lessee under a written agreement;
- D. Is a mortgagee in possession of any such property;
- E. Is an agent, trustee or other person appointed by the courts and vested with possession or control of such building, structure or property; or
- F. Is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated the foreclosure process.

### **Property**

Any privately owned commercial or industrial property or portion thereof, located in the Town, including any buildings, structures or other personal property on the parcel.

### **Vacant Property**

Any commercial or industrial property that is unoccupied for a period greater than one hundred eighty (180) consecutive days and any residential property that is unoccupied for a period greater than ninety (90) days by the person or persons with legal right to occupancy thereof, except for bona fide temporary absences.

### **8.800.030 Creation or Maintenance of Blighted Premises Prohibited**

- A. No owner of property located within the Town shall allow, create, maintain or cause to be created or maintained any blighted premises.
- B. Maintenance of Vacant Properties – Requirements

Owners of vacant properties, including commercial, industrial and residential, must fulfill the following minimum adequate maintenance requirements for any such property they own:

1. Maintain vacant properties in accordance with the relevant sanitary, building and fire codes;
2. Secure vacant properties so as to prevent unauthorized entry and exposure to the elements;
3. Maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to, the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery and other landscape features;
4. Repair or replace broken windows or doors. The boarding up of any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days; and
5. For properties vacant for six (6) months or more, the utilities must be shut off, removed or cut and capped to prevent accidents.

## C. Enforcement

1. Investigation. The enforcement officer(s) shall undertake an investigation of any alleged violation of this section upon their own initiative or upon receipt of a complaint from any individual, civic organization, neighborhood group, governmental entity or other affected agency. In conducting investigations, the Building Inspector shall coordinate inspections by and among the Board of Health, the Chief of Police and the Fire Chief, or their designees, as the Building Inspector deems appropriate to ensure that this Ordinance is enforced.

In making such inspection, the Building Inspector, and/or the Board of Health, the Chief of Police and the Fire Chief, or their designees, shall have such right of access to premises that may be lawfully exercised by him/her under the laws and constitution of the Commonwealth or of the United States.

2. Order to take corrective action. In the event that a violation of this chapter has occurred, the enforcement officer shall serve notice of the violation and an order to correct such violation on the owner of the property by certified mail or by handing a copy of the notice and order to the intended recipient. A copy of the notice and order shall also be provided to the district councilor representing the district where the property is located. The order shall require the owner to bring the property into compliance with the requirements of the notice within thirty (30) days of receipt. In the event of demonstrated hardship, an extension or extensions may be granted at the discretion of the enforcement officer.

If the Building Inspector determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this chapter, s/he shall refer the matter to the Board of Health or any other appropriate state or local officials for action.

Failure to comply. Should the property owner fail to comply, or neglect or refuse to take the corrective action specified in the notice, the Building Inspector may make complaint to the Superior Court or any court of competent jurisdiction seeking an injunction or order restraining any further use of the property and the continuation of the violation and shall take such other action as is necessary to enforce the provisions of this chapter.

Further, if the violation continues, the Town may undertake such repairs or other corrective action when in its judgment a failure to do so will endanger the health, safety or welfare of the public. Notice of the intention of the Town to make such repairs or other corrective action shall be served on the owner by the means provided for service in section B(2) herein.

3. Recovery of costs. When repairs are made or other corrective action is taken by the Town, the costs of such repairs and enforcement action shall constitute a debt in favor of the town against the owner of the blighted premises. In the event that the property owner fails, neglects or refuses to pay the debt within thirty (30) days of the debt receipt, the Town shall take action to collect the debt. Such action may include placing a lien on the property and/or initiating a civil action in a court of competent jurisdiction for the balance due. Lenders foreclosing on a property may seek waiver of such costs that accrued before possession by lender, which the Town may consider in its sole discretion.
4. Enforcement authority. The enforcement authority under this section shall be in addition to and not in place of any other existing authority under any relevant ordinance or General Law. If any conflict exists under this section and any other authority, then the legal authority that provides the Town with the greatest authority and the maximum flexibility in enforcement shall govern.

#### D. Penalties

Each separate offense of this chapter shall be punishable by a fine of \$300.00. Each violation of any provision of this chapter shall be considered a separate offense and each day that any violation continues shall constitute a separate offense.

The imposition of any fine from this section shall not be construed to prevent enforcement of any other ordinances, laws or regulations of the same property nor prevent other enforcement measures or fines, including civil or legal action against the owner to require compliance with the order. Failure to pay any fine arising from the enforcement of this chapter shall constitute a debt in favor of the Town. The Town may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. Lenders foreclosing on a property may seek waiver of any such fines that accrued before possession by lender, which the Town may consider in its sole discretion.



October 21, 2021

Via email: [towncouncil@braintreema.gov](mailto:towncouncil@braintreema.gov)

Braintree Town Council  
1 John F. Kennedy Memorial Drive  
Braintree, MA 02184

Re: Proposed Ordinance, Anti-Blight Program

Dear Councilors,

This letter from the Board of the Braintree Chamber of Commerce is sent in support of the revised Anti-Blight Ordinance (21 028) presented to Town Council for review.

On June 15, 2021, the Braintree Chamber voiced its concerns about a prior version of the ordinance to town council and the mayor's office, and we are appreciative of the time that Mayor Kokoros and his staff have taken to discuss our concerns and incorporate solutions. The revised ordinance includes suggested revisions from the Braintree Chamber on behalf of its members and other commercial and industrial property owners and lenders tied to Braintree property.

The Braintree Chamber supports the current version of the ordinance because it provides a mechanism to compel updates to dangerous and blighted buildings while protecting against many of the unintended consequences noted in our prior letter. Well maintained buildings preserve value and aesthetics of the Town, and we believe the revised ordinance will benefit Braintree businesses and residents.

Thank you for your time and consideration of our feedback.

Braintree Chamber of Commerce

*Kelley Kline*  
*Kimberly Kohn*  
*Suzanne C. Lully*  
*Michael W. Coy*  
*John D. ...*  
*Charles J. ...*  
Cc: Mayor Kokoros