

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, July 26, 2023

Starting Time – 5:00 p.m.

Remote via Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81890222185>

Telephone: Dial +1 312 626 6799 US

Webinar ID: **818 9022 2185**

International numbers available: <https://us02web.zoom.us/j/81890222185>

Roll Call

Approval of Minutes

- February 1, 2023
- April 5, 2023

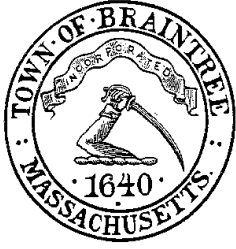
Old Business

- None

New Business

- 23 041 Braintree Planning Board: Proposed Zoning Bylaw Text Amendments Section 135-102 Definitions or take up any action related thereto
- 23 042 Braintree Planning Board: Proposed Zoning Bylaw Text Amendments Section 135-601 Table of Principle Uses or take up any action related thereto
- 23 043 Braintree Planning Board: Proposed Zoning Bylaw Text Amendments Section 135-806 Schedule of Off-Street Parking Requirement or take up any action related 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

February 1, 2023 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Wednesday, February 1, 2023, beginning at 5:30pm.

Chairman Ringius was in the Chair.

Clerk of the Council, Susan Cimino conducted the roll call to begin the meeting

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

Not Present: Charles Ryan, Member

Also Present: Connor Murphy, Asst Director Planning & Community Development
Melissa SantucciRozzi, Director Planning & Community Development

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

• June 22, 2022

A Motion was made by Councilor Hume to Approve the Minutes of June 22, 2022

Motion: by Councilor Hume to Approve the Minutes of June 22, 2022

Second: by Councilor Flaherty

Roll Call Vote: For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

• July 11, 2022

A Motion was made by Councilor Hume to Approve the Minutes of July 11, 2022

Motion: by Councilor Hume to Approve the Minutes of July 11, 2022

Second: by Councilor Flaherty

Roll Call Vote: For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

- August 1, 2022

A Motion was made by Councilor Hume to Approve the Minutes of August 1, 2022

Motion: by Councilor Hume to Approve the Minutes of August 1, 2022

Second: by Councilor Flaherty

Roll Call Vote: For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

- October 18, 2022

A Motion was made by Councilor Hume to Approve the Minutes of October 18, 2022

Motion: by Councilor Hume to Approve the Minutes of October 18, 2022

Second: by Councilor Flaherty

Roll Call Vote: For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

Old Business

- None

New Business

- **22 012 Mayor: Zoning Bylaw Text Amendment - Inclusionary Housing and Associated Revisions or take up any action relative thereto (PH continued to 3/7/23)**

Chairman Ringius stated we did receive the Planning Board recommendation.

Recommendation

Member Kroha **MOTIONS** to submit a favorable recommendation to Town Council with an inclusionary zoning feasibility study to provide data to determine if the ordinance, as drafted, will function as stated in the purpose and to remove the change related to the Commercial District (i.e., for Special Permit to stay in Commercial)

MOTION seconded by Member Connolly **VOTE** 4:1:0. - Member Grove was the negative vote

Chairman Ringius stated what stood out to me was the recommendation with the attached Feasibility Study.

Connor Murphy stated in regards to Inclusionary Housing there are a lot of questions and there deserves to be answers to those questions. We need all the data that we have in order to be able to make the best decision possible. We are trying to get the information possible. On behalf of the department and tonight we are looking to continue this to a future committee meeting with more information to present to you.

Councilor Flaherty confirmed all units at Wyndjammer Cover have been converted. Allen Street we are waiting in the wings. Hancock Street is totally undecided.

Connor Murphy stated we need to submit certain forms to DHCP to get them on the SHI.

Melissa SantucciRozzi stated in regards to windjammer the units are ready and available for occupancy there is a process in which we need to submit paperwork to DHCD so we will be undertaking that in short order. The lottery that was complete did fill a decent amount of the units but they exhausted the lottery applicants they're on a first come first serve basis now to fill the units. They are deed restricted in coordinates with the CPA requirements.

Chairman Ringius asked where would Windjammer units bring us in terms of our percentage?
Connor Murphy stated I do not have that off the top of my head. We can get that for the next meeting.

Chairman Ringius stated President Boericke and other councilors have submitted questions to legal for further clarification on some of the recommendations and planning. We have not received any reply on these questions yet.

Chairman Ringius stated the best thing tonight is to table this. There are unanswered questions from legal and planning and who would pay for the Feasibility Study. The Council doesn't have money at our disposal. Any expenditure would have to go through Ways & Means.

Chairman Ringius asked if there is a motion to Table Order 22 012 to a future meeting of the Committee on Ordinance & Rules.

Motion read by Councilor Hume:

MOTION: to Table Order 22 012 to a future meeting of the Committee on Ordinance & Rules.

A Motion was made by Councilor Hume

Motion: by Councilor Hume to table Order 22 012 to a future meeting of the Committee on Ordinance & Rules.

Second: by Councilor Flaherty

Roll Call Vote: For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

- **22 073 Planning Board: Zoning Bylaw Text Amendments related to Floodplain or take up any action relative thereto (PH 2/7/23)**

Connor Murphy explained in February of 2021 the Town of Braintree was selected through FEMA's (Federal Emergency Management Associations) analysis tool to receive an official Community Assistance Visit (CAV) this year.

The CAV is a visit to a community by a state agency on behalf of FEMA; the visit serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain areas, an inspection of community permit files, and meetings with local appointed and elected officials. The last time that Braintree experienced this type of visit was on August 14, 2002.

The Departments of Planning and Community Development, Municipal Inspections, DPW and Legal have been meeting with Joy Duperault, CFM - Director, Flood Hazard Management Program with the Department of Conservation & Recreation for most of 2021. Over the course of 2021, there have several been meetings, review/audit of floodplain files and permits issued by the Building Inspector, Conservation Commission and the Planning Board, discussions related to revisions to the FEMA Flood Maps and a full review of the Zoning Ordinance for compliance with FEMA.

Based on the CAV two (2) things need to happen in Braintree to stay compliant with the NFIP. First the Zoning Ordinance must be updated to include all the components of the FEMA Model Bylaw and second the FEMA Floodplain Map references need to be updated in the Ordinance. At this time the FEMA Model Bylaw is an available tool and the FEMA Floodplain Maps are still under review by various state and federal agencies.

Chairman Ringius asked if this would bring us into full compliance with FEMA (other than amending the maps in the future)?

Connor Murphy stated yes that is correct.

Chairman Ringius asked if there is a motion for Order 22 073.

Motion read by Councilor Hume for favorable recommendation to the full Council

MOTION: That the Town Council vote to amend the Braintree Zoning Ordinances by accepting the Text Amendments related to Floodplain: §135-301 "Districts Established" and §135-608 "Floodplain Protection District" which adopt the pertinent sections of the FEMA Model Bylaw required to maintain compliance with the National Flood Insurance Program. The Zoning Text Amendments have been favorably recommended by the Planning Board as detailed in its report to the Town Council dated January 17, 2023. The Zoning Text Amendments read as submitted.

A Motion was made by Councilor Hume

Motion: by Councilor Hume for favorable recommendation to the full Council to approve Order 22 073 as submitted

Second: by Councilor Flaherty

Roll Call Vote: For (3 – Flaherty, Hume, Ringius), Against (0), Absent (1 - Ryan), Abstain (0)

Chairman Ringius stated prior to adjournment can we please have a moment of silence for our law enforcement agencies personnel who had to respond to a significant tragedy recently and I know a lot of those folks are out on leave right now from what they encountered at that residence. So in this moment of silence let's think of them as well as the family involved in that tragedy.

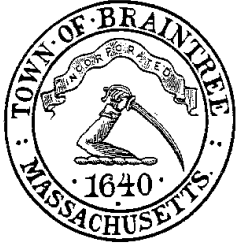
Chairman Ringius stated February 1st is the beginning of Black History Month. It is this month each year dedicated to remembering the sacrifices made by African Americans and the contributions they have made to history. There is a theme every year and this year is black resistance. Chairman Ringius read a statement, "African Americans have resisted historic oppression in all forms. These efforts have been to advocate for a dignified self-determined life and adjust democratic society in the United States and beyond the United States political jurisdiction." We should be mindful of that as we move through this month.

It was unanimously voted by Roll Call to adjourn the meeting at 6:00 p.m.

Respectfully submitted,
Susan M. Cimino, Clerk of the Council

Documents provided for Meeting

- 22 012 Mayor: Zoning Bylaw Text Amendment - Inclusionary Housing and Associated Revisions or take up any action relative thereto (*PH continued to 3/7/23*)
- 22 073 Planning Board: Zoning Bylaw Text Amendments related to Floodplain or take up any action relative thereto (*PH 2/7/23*)



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

April 5, 2023 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Wednesday, April 5, 2023, beginning at 7:02pm.

Chairman Ringius was in the Chair.

Clerk of the Council, Susan Cimino conducted the roll call to begin the meeting

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

Also Present: Meredith Boericke, Council President
Crystal Huff, Town Solicitor
Jim Arsenault, DPW Director
Ben Hulke, Asst DPW Director

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

• 22 037 President Boericke: Tree Ordinance or take up any action relative thereto

Chairman Ringius asked if there is a motion to Take off the Table Order 22 037

A Motion was made by Councilor Hume

MOTION: to Take off the Table Order 22 037

Motion: by Councilor Hume to Take off the Table Order 22 037

Second: by Councilor Ryan

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

President Boericke stated the overarching goal of this Ordinance is to strengthen Massachusetts State Law Chapter 87, Tree Protection Law. To provide Braintree residents with a transparent and timely notification process for public tree removal and a way to create a formal mechanism to replace trees when they do need to be removed whether through replanting or in a case of private developers payment into a tree replacement fund. The key tenants provides for public trees along public ways and town owned lands. It does not apply to land within the Conservation Commission jurisdiction. It is also exempt in the time of an emergency. Public notification and a public hearing are required before trees come down to let residents in the area as well as a district councilors know that sometimes there is a good reason for trees to be removed and again to let residents know ahead of time and the reason and how we will replace them. Those replacement trees would be planted within 18 months in close proximity to where they were removed as possible.

President Boericke stated thank you to the Mayor's staff in helping with their expertise and crafting this.

Councilor Ryan asked if this was created from looking at another communities ordinance. Crystal Huff, Town Solicitor stated this was an organically create ordinance. At first Council President Boericke brought this compiled from similar communities. Through the course of our many meetings we've drafted some organic and kind of one-off and truly unique for Braintree.

President Boericke stated this began with looking at not only the Massachusetts State law but also tree protection ordinances in municipalities mostly in metro Boston. Councilor Ryan stated I wanted to see if this was modeled after other communities that had already gone through this process. I will be supporting this.

Councilor Flaherty stated I appreciate this defines which kinds of trees should be used to replace trees that are removed. I see that there is a tree replacement fund. Will this fund be to replace trees? How will this be budgeted/funded.

President Boericke stated this originally was to be applied to the town and the developers clearing land. Primarily the developers would pay into the Tree Replacement Fund based on a formula which is based on inches per diameter, breast height around and the statute is up to \$500 per inch. One of the first things we

discussed with staff is to break apart the tree protection for developers that's going to be separate. An amendment to the zoning bylaws to be held as part of the site plan review process. We will need to set up a Revolving fund for the Tree Replacement fund. The residents and district councilors will be notified and then the tree committee will oversee where the tree will be replanted if they can't be in the same spot.

Councilor Flaherty stated I am happy to support this.

Councilor Hume asked about BELD, seeing they will be on this tree committee, how will this work. President Boericke stated one of my first stops for trees was with BELD because vegetation management is one of the key components of electric reliability. I wanted to make sure BELD was involved in the discussions from the beginning of this process and that they're tree replacement program is separate from this. Having a BELD Commissioner on the committee will really facilitate dialogue.

Councilor Hume asked if this will work as other boards do under the Charter once appointed by the Mayor. Solicitor Huff stated yes. The same process appointed by the mayor and approved by the Council.

Councilor Hume stated Madame President, I know you did a lot of work on this. I will be supporting this tonight.

Chairman Ringius asked if there is a motion for Order 22 037.

Motion read by Councilor Ryan for favorable recommendation to the full Council

MOTION: To approve Order 22 037 President Boericke: Tree Ordinance or take up any action relative thereto as submitted

A Motion was made by Councilor Ryan

Motion: by Councilor Ryan for favorable recommendation to the full Council to approve Order 22 037 as submitted

Second: by Councilor Hume

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

New Business

• **007 23 Councilor Maglio: LGBTQ+ Pride Ordinance or take up any action relative thereto**

Councilor Maglio stated this idea stems from the fact that last year for Pride Braintree actually raised its first flag in recognition, awareness and support and advocacy for LGBTQ plus members of our community. It was well received and well embraced. Being able to have that take place every year without having to depend on whether you have a counselor who kicks off this process or if there's a mayor who does. I looked at a lot of other communities and their pride ordinances and language and came up with something that would fit our needs. Solicitor Huff has been able to make some

recommendations on it. Timing is great because pride is coming up again this June, as it will every year.

DRAFT READS:

LGBTQ+ Pride ORDINANCE

The Town of Braintree supports the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals and acknowledges that LGBTQ rights are human rights.

Through the Mayor's Office, the Town of Braintree will support efforts to ensure the safety of our LGBTQ+ residents, as well as ensure the protection of rights and freedoms of LGBTQ+ residents. Through the Mayor's Office and in collaboration with the Town Council, every June the Town of Braintree will celebrate "LGBTQ+ Pride Month" to provide an annual, public opportunity to learn about the contributions and strengths of the LGBTQ+ community, as well as to end the violence, discrimination, and inequality the LGBTQ+ community continues to endure. The celebration will include flying the Progressive Rainbow flag in front of Town Hall.

There was a legal review by Crystal Huff our Town Solicitor with comments from her:

As requested, I have conducted legal review of the proposed LGBTQ+ Pride ordinance. The proposed ordinance would establish an annual LGBTQ+ Pride Month in June, which would include educational activities, and the display of the Progressive Rainbow Flag in front of Town Hall. Upon careful and thorough review, it is my legal opinion that the proposed LGBTQ+ Pride ordinance, with the inclusion of some minor revisions as set forth below, will be legally acceptable.

As currently drafted, the proposed ordinance violates the separation of powers enshrined in the Town Charter, Article 1, §1.3, which states in relevant part that:

The administration of the fiscal, prudential and municipal affairs of Braintree, with the government thereof, shall be vested in an executive/administrative branch headed by a mayor and a legislative branch to consist of a town council. The legislative branch shall never exercise any executive/administrative power, and the executive/administrative branch shall never exercise any legislative power.

Consequently I recommend that reference to the Mayor's Office in the ordinance be struck as remedy. The Council may also want to consider the insertion of language to establish a committee to organize and plan the June LGBTQ+ Pride Month celebration, as the Council has authority to do so. Additionally, I recommend one textual change consisting of the insertion of language in red into the first sentence of the second paragraph for clarity: *The Town of Braintree will support efforts to ensure the safety of our LGBTQ+ residents, as well as support efforts to ensure the protection of rights and freedoms of LGBTQ+ residents.*

In summation, the proposed LGBTQ+ Pride Month Ordinance with the inclusion of the recommended revisions from the Solicitor's Office is valid.

Crystal Huff stated the Council also has the right to form a committee for this.

Councilor Flaherty asked if other groups like someone wanting to celebrate Hitler's birthday wanted to fly a flag.

Crystal Huff stated we did discuss this and we did not want to get into a situation where we would have to fly any groups flag. The town has control over our government speech. It does not make this a public free speech flagpole.

Chairman Ringius stated I wanted to piggy-back on what Solicitor Huff stated that we are without ramifications to have something flown that we don't want to get flown.

Councilor Ryan stated the Town of Braintree takes great pride in the fact we are an inclusionary community.

Councilor Hume stated I agree with this theory. I am just not sure it is appropriate to be an Ordinance. I am looking for clarification on this.

Councilor Maglio stated last year there was a lot of discussion on how to go about the first flag raising. There seemed to be a lot of lack of clarity. It was decided to work on an Ordinance for the second year so it is not up to the whims of whoever is in the office at the time and that we all support and institutionalize.

Solicitor Huff stated the draft has some directives in it which separates it from a proclamation. It facilitates that these events will actually happen. It is difficult to enforce action directives in a proclamation.

Councilor Hume asked who will be directing this?

Solicitor Huff stated this year it will be the Mayor. It will be up to the Council. The Council has the authority to create a pride month committee.

Councilor Hume stated I think that is more appropriate to create a committee.

Councilor Hume stated we have an inclusion committee that has an annual event for inclusion and awards and there is no ordinance on that. Same thing with the New England Organ Donor – different groups supporting a cause with flags. I support the idea but thinking a committee. The committee could guide the events.

Chairman Ringius asked if there was a next mayor who did not want to be part of this then they could choose not to but with an Ordinance the Council can still move forward.

Councilor Ryan stated I wonder if we are better off doing a proclamation instead. We don't need another committee of the Town Council for this. We need to show we are an inclusionary town and we support everyone.

Councilor Flaherty stated I think that the importance of inclusion in Braintree is great enough that it merits and ordinance, because I do not want the celebration of pride to be vulnerable to the political winds as they shift back and forth. Unless we issue a proclamation each year it doesn't have any force. I think the Ordinance is merited and I'm going to support it.

Chairman Ringius stated an Ordinance is a permanent thing until it gets rescinded. A Proclamation would have to be reissued every year. So when we're truly looking to protect the rights and show

those members of our community that identify as LGBTQ plus that we choose to support them and our town is truly behind them and mindful of what they go through/have gone through and that we stand in solidarity and welcome them as members of our community, an Ordinance makes it permanent. We do need to remove reference to the mayor's office.

Councilor Maglio stated this was not meant to form another committee of the Council. It is if nothing else a flag would be raised and that there's an option for education, awareness for as much or as little. Ultimately, the Mayor is in charge of the flag. This makes it something that will happen every year for basic civil and human rights.

Chairman Ringius asked if there is a motion for Item 007 23.

Motion made by Councilor Flaherty for favorable recommendation to the full Council Item 007 23.

MOTION:

UPON THE REQUEST OF COUNCILOR MAGLIO, THE TOWN OF BRAINTREE THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

The Town of Braintree supports the rights, freedoms, and equal treatment of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individuals and acknowledges that LGBTQ rights are human rights. The Town of Braintree will support efforts to ensure the safety of our LGBTQ+ residents, as well as ensure the protection of rights and freedoms of LGBTQ+ residents. Every June the Town of Braintree will celebrate "LGBTQ+ Pride Month" to provide an annual, public opportunity to learn about the contributions and strengths of the LGBTQ+ community, as well as to support efforts to ensure the protection of rights and freedoms of LGBTQ+ residents. The celebration will include flying the Progressive Rainbow flag in front of Town Hall.

Motion: by Councilor Flaherty for favorable recommendation to the full Council to approve Item 007 23

Second: by Councilor Ryan

Roll Call Vote: For (3 – Flaherty, Ringius, Ryan), Against (0), Absent (1 - Ryan), Abstain (1 - Hume)

It was unanimously voted by Roll Call to adjourn the meeting at 7:54 p.m.

Respectfully submitted,
Susan M. Cimino, Clerk of the Council

Documents provided for Meeting

- 22 037 President Boericke: Tree Ordinance or take up any action relative thereto
- 007 23 Councilor Maglio: LGBTQ+ Pride Ordinance or take up any action relative thereto



Department of Planning and Community Development

Melissa M. SantucciRozzi, Director
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Mayor
Charles C. Kokoros

PLANNING BOARD

Vacant, Chair
Kimberly Kroha, Vice-Chair
Darryl K. Mikami, Clerk
William J. Grove, Member
Thomas M. Kent, Member
Jennifer J. Connolly, Alternate

TO: Council President Boericke and The Town Council Members
Mayor Charles Kokoros
Margaret LaForest, Chief of Staff
Crystal Huff, Town Solicitor

FROM: Melissa M. SantucciRozzi, Director
On behalf of the Planning Board

DATE: July 20, 2023

RE: **Planning Board Recommendation**
Town Council Orders 23-041, 23-042, 23-043
Proposed Zoning Bylaw Text Amendments
Sponsored By: Braintree Planning Board

1. New "Definitions" Section 135-102
2. New Uses "Table of Principle Uses" Section 135-601
3. New "Schedule Off-Street Parking Requirement" Section 135-806

APPLICATION TIMELINE

On May 23, 2023, The Planning Board, filed the above noted Application with the Town Council, said Application was transmitted to the Planning Board for a recommendation on May 23, 2023 and is referenced as Town Council Orders 23-041, 23-042 and 23-043 as noted above. The Planning Board fulfilled all the public noticing requirements pursuant to Chapter 40A Sections 5 and 11 and a public hearing was advertised for Tuesday – June 13, 2023 at 7:15 PM. The legal notice was placed in the Patriot Ledger on May 26th and June 2nd and the parties outlined in MGL Chapter 40A Section 5 were mailed legal notices on May 26, 2023. The hearing was opened on June 13, 2023 and continued without testimony to July 11, 2023 at which time the hearing was conducted, closed and a vote on a recommendation to the Town Council was provided.

PROPOSED AMENDMENTS

As discussed at the last two Planning Board Meetings the Department continues to evaluate potential ways to improve the quality of life for residents in Braintree, its fiscal health and its offerings to the region. The uses proposed all have the opportunity for job creation, small business development, meals tax revenues and promote social health.

Production Studio

A full-service enterprise offering the entire range of production and post-production services necessary to create a motion picture and all other forms of movie, television and streaming material, including costumes, props, cameras, sound recording, crafts, sets, lighting, special effects, dressing and bathing facilities and food service.

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Production Studio	NO	NO	NO	NO	NO	YES	YES	NO	NO

Use:	Parking Requirement
Production Studio	1 Parking Space per 700 Sq. Ft.

ANALYSIS

The State of MA offers what is known as the Film Incentive Tax Credit. This incentive helps with production costs and payrolls costs. This type of use will create jobs and generate dollars spent on local food, hospitality, and service industries. The Town has several vacant warehouse style buildings that could be retrofitted and leased for this use. This type of use produces very little truck traffic compared to a traditional warehouse. This use will be seamless in the Highway Business and Commercial Zoning Districts.

Brewery with Tap Room

An establishment that produces and packages alcoholic and non-alcoholic ales, beers, hard ciders, and/or other craft beverages to be purchased, served and consumed on-site and off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. Brewery Production Tours and Tastings are allowed to be served and consumed on site. Service of craft beverages must be in conjunction with and provide for the service of food (in house or mobile).

Brewery Production

An establishment that produces ales, beers, hard ciders, and/or other crafty beverages to be consumed off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. On site service and consumption is allowed only for Brewery Production Tours and Tastings.

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Brewery with Tap Room	NO	NO	NO	NO	SP	YES	YES	NO	SP
Brewery Production	NO	NO	NO	NO	NO	YES	YES	NO	NO

Use:	Parking Requirement
Brewery with Tap Room	Production Area: 1 Parking Space per 1,000 Sq. Ft. Tap Room: 1 Parking Space per 3.5 Seats
Brewery Production	Production Area: 1 Parking Space per 1,000 Sq. Ft. Dedicated Tasting Area: 1 Parking Space per 500 Sq. Ft.

ANALYSIS

These definitions are proposed to eliminate the need to classify a brewery as light manufacturing. The definition, while by interpretation applies, it conflicts with the use given the interaction with the public and creative uses of the space for accessory food and events. In order to separate out the manufacturing and production facilities and the experience orientated customer driven facilities, there are two definitions proposed. This will allow the tap room (by special permit) to locate in the squares or in the landing (GB and BWLD). However, the Brewery Production use is restricted to the Highway Business and Commercial Districts.

Function/Conference Facility

An establishment that contains rooms and spaces both Indoor and Outdoor, which is available for rent or lease by the public for the holding of banquets, meetings, conferences, receptions, parties, or other similar events.

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Function/Conference Facility	NO	NO	NO	NO	NO	SP	SP	NO	NO

Use:	Parking Requirement
Function/Conference Facility	To be set by the Planning Board per 135-806B

ANALYSIS

Aside from the lodge and fraternal clubs Braintree offers very little in the way of large function and venue space. The Sheraton Tara used to be a premiere location for large events and weddings for decades and F1 also provided a great function venue as well. Not in Braintree, but a strong regional provider of these services, Lombardo’s will be closing this year as well. Currently the Town is lacking in this service for its residents and business owners. Furthermore, the Town is losing out on an opportunity to promote uses that generate substantial meals taxes. This use will also aid is supporting the local hotel industry with several quality options right within Braintree. There is a market in this area for this type of use, given the previous event trends and space utilization. Especially post covid, events and in person conferences are making a strong comeback.

DIRECTOR COMMENTS

The Planning Director recommends the Public Hearing be conducted to allow the proposed Zoning Text Amendments to be presented and discussed as well as allowing for Board Member/Public Commentary. The Planning Director supports the inclusion of these types of uses in the Zoning Bylaw. The use table needs to continue to evolve as trends in uses change. The more uses we have in the Zoning Bylaw the more attractive we are to investors. The more exposure the Town gets through its zoning bylaw the more diverse the interest will be. The uses proposed support clean industry and improve quality of life for Braintree residents by providing job growth, tax growth and establishments commonly used by many residents, which creates convenience and serves the public welfare and improves quality of life. For the reasons noted in the report the Planning Director recommends the Planning Board provide a favorable recommendation to the Town Council on the above referenced orders.

PUBLIC HEARING SUMMARY

At the Public Hearing on July 11, 2023, the Planning Board (4 Members Present, Mikami, Kent, Grove and Connolly) the Planning Board discussed the proposed definitions, uses and parking amendments. A majority of the Planning Board was of the opinion that these proposed zoning amendments were a good idea and provided for additional uses that would improve the use table and also serve and benefit the public if created. Member Grove expressed a concern over the proposed parking ratio for the Function/Conference Facility “To be set by the Planning Board per 135-806B”. Stating that we should have something as a guideline in the Zoning Bylaw and the Planning Board could modify from there. He also noted that the Board Members could change.

The Planning Staff explained that given the wide variety of spaces and options that the various types of facilities could provide (Examples: indoor, outdoor, cocktail, stadium, typical seated) it would be best to review the parking needs of a proposed Function/Conference Facility during the Special Permit process. It was also pointed out that the parking ratios in the Bylaw are Zoning Requirements and not guidelines and to vary from that a variance would be required from the Zoning Board of Appeals. All elected and appointed Commissions and Boards change members over the course of time and that isn’t something that is factored into writing ordinances and bylaws in cities and towns.

No members of the Public attended or provided comments or testimony on June 13th or July 11th and no written comments were received to be entered into the public record.

PLANNING BOARD RECOMMENDATION

On July 11th a Motion was made for a Favorable Recommendation by Member Connolly and Seconded by Member Kent.
Vote: 3-1-0

ORDER #:# 2 3 - 0 4 1

2 3 - 0 4 2
2 3 - 0 4 3

Town of Braintree: Application for Rezoning – Worksheet

SECTION TO BE COMPLETED BY PETITIONER

Petitioner

Name: Braintree Planning Board
Attention: Melissa SantucciRozzi, Director
Address: Town Hall
1 JFK Memorial Drive
Braintree MA 02184
Phone: 781-794-8234
Email: msantucci@braintreeema.gov

Contact/Billing Information

Name: Braintree Planning Board
Attention: Melissa SantucciRozzi, Director
Address: Town Hall
1 JFK Memorial Drive
Braintree MA 02184
Phone: 781-794-8234
Email: msantucci@braintreeema.gov

***Petition Submitted By: Braintree Planning Board
c/o Director SantucciRozzi**

* M.G.L. Chapter 40A Section 5/Attorney General's Handbook: Petitioner who can initiate submissions for adoption and or changes to the zoning bylaws include City/Town Council, board of Appeals, **Planning Board**, Property Owner (not a tenant or lessee), 10 registered voters, Regional Planning Agency, Municipal Charter/Enabling Legislation.

Date Received

RECEIVED TOWN CLERK
BRAINTREE, MA
2023 MAY 23 AM 10: 22



Mayor
Charles C. Kokoros

2 3 - 0 4 1
Department of Planning and Community Development

2 3 - 0 4 2

2 3 - 0 4 3

Melissa M. SantucciRozzi, Director
1 JFK Memorial Drive
Braintree, Massachusetts 02184
msantucci@braintreema.gov
Phone: 781-794-8234

PLANNING BOARD

Kimberly Kroha, Vice-Chair
Darryl K. Mikami, Clerk
William J. Grove, Member
Thomas M. Kent, Member
Jennifer J. Connolly, Alternate

TO: Town Council President Meredith Boericke and The Honorable Town Council
Mayor Charles Kokoros
Margaret LaForest, Chief of Staff
Crystal Huff, Town Solicitor

FROM:  Melissa M. SantucciRozzi, Director on behalf of the Planning Board

DATE: May 22, 2023

RE: **Proposed Zoning Bylaw Text Amendments**
Sponsored By: Braintree Planning Board
1. New "Definitions" Section 135-102
2. New Uses "Table of Principle Uses" Section 135-601
3. New "Schedule Off-Street Parking Requirement" Section 135-806

Pursuant to MGL Chapter 40A Section 5 and the BZO Section 135 Article XV The Braintree Planning Board submits the following Zoning Amendments in an effort to modernize the USE Table.

1. **Amend Section 135-102 Definitions** # 2 3 - 0 4 1

Production Studio

A full-service enterprise offering the entire range of production and post-production services necessary to create a motion picture and all other forms of movie, television and streaming material, including costumes, props, cameras, sound recording, crafts, sets, lighting, special effects, dressing and bathing facilities and food service.

Brewery with Tap Room

An establishment that produces and packages alcoholic and non-alcoholic ales, beers, hard ciders, and/or other craft beverages to be purchased, served and consumed on-site and off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. Brewery Production Tours and Tastings are allowed to be served and consumed on site. Service of craft beverages must be in conjunction with and provide for the service of food (in house or mobile).

Brewery Production

An establishment that produces ales, beers, hard ciders, and/or other crafty beverages to be consumed off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. On site service and consumption is allowed only for Brewery Production Tours and Tastings.

Function/Conference Facility

An establishment that contains rooms and spaces both Indoor and Outdoor, which is available for rent or lease by the public for the holding of banquets, meetings, conferences, receptions, parties, or other similar events.

2. Amend Section 135-601 Table of Principle Uses # 2 3 - 0 4 2
Add the Following New Uses

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Production Studio	NO	NO	NO	NO	NO	YES	YES	NO	NO
Brewery with Tap Room	NO	NO	NO	NO	SP	YES	YES	NO	SP
Brewery Production	NO	NO	NO	NO	NO	YES	YES	NO	NO
Function/Conference Facility	NO	NO	NO	NO	NO	SP	SP	NO	NO

3. Amend Section 135-806 Schedule of Off-Street Parking Requirements # 2 3 - 0 4 3

To Add the following Parking Requirement(s)

Use:	Parking Requirement
Production Studio	1 Parking Space per 700 Sq. Ft.
Brewery with Tap Room	Production Area: 1 Parking Space per 1,000 Sq. Ft. Tap Room: 1 Parking Space per 3.5 Seats
Brewery Production	Production Area: 1 Parking Space per 1,000 Sq. Ft. Dedicated Tasting Area: 1 Parking Space per 500 Sq. Ft.
Function/Conference Facility	To be set by the Planning Board per 135-806B

Proposed Text Amendment Schedule

File Text Amendments with Town Council
 Town Council Referral to O & R
 Planning Board Advertising
 Planning Board Public Hearing for Zoning Amendment
 Ordinance and Rules Meeting for Zoning Amendments
 Town Council Advertising
 Full Council Meeting

May 22
 June 6
 May 26 and June 2
 June 13
 June 14 to June 20
 June 2 and June 9
 June 20



Department of Planning and Community Development

Melissa M. SantucciRozzi, Director
1 JFK Memorial Drive
Braintree, Massachusetts 02184
msantucci@braintreema.gov
Phone: 781-794-8234

Mayor
Charles C. Kokoros

PLANNING BOARD

Vacant, Chair
Kimberly Kroha, Vice-Chair
Darryl K. Mikami, Clerk
William J. Grove, Member
Thomas M. Kent, Member
Jennifer J. Connolly, Alternate

TO: Braintree Planning Board
Mayor Charles Kokoros
Margaret LaForest, Chief of Staff
Crystal Huff, Town Solicitor

FROM: Melissa M. SantucciRozzi, Director

DATE: June 11, 2023

RE: **Staff Report - Town Council Orders 23-041, 23-042, 23-043**

Proposed Zoning Bylaw Text Amendments

Sponsored By: Braintree Planning Board

1. New "Definitions" Section 135-102
2. New Uses "Table of Principle Uses" Section 135-601
3. New "Schedule Off-Street Parking Requirement" Section 135-806

APPLICATION

On May 23, 2023, the Braintree Planning Board filed an Application for the above referenced Zoning Amendments, with the Town Council. As part of the Zoning Amendment process both State and Local laws regarding Zoning Amendments require the Planning Board to hold a Public Hearing. The hearing scheduled for 7:15 PM on June 13, 2023 was advertised in the Patriot Ledger on May 26th and June 2nd and the parties outlined in MGL Chapter 40A Section 5 were mailed legal notices on May 26, 2023.

Town Council Orders 23-041, 23-042, 23-043

New "Definitions" Section 135-102

New Uses "Table of Principle Uses" Section 135-601

New "Schedule Off-Street Parking Requirement" Section 135-806

Pursuant to MGL Chapter 40A Section 5 and the BZO Section 135 Article XV the Planning Director submits the following report for consideration by the Braintree Planning Board in their recommendation on the above referenced Zoning Amendments:

PROPOSED AMENDMENTS

As discussed at the last two Planning Board Meetings the Department continues to evaluate potential ways to improve the quality of life for residents in Braintree, its fiscal health and its offerings to the region. The uses proposed all have the opportunity for job creation, small business development, meals tax revenues and promote social health.

Production Studio

A full-service enterprise offering the entire range of production and post-production services necessary to create a motion picture and all other forms of movie, television and streaming material, including costumes, props, cameras, sound recording, crafts, sets, lighting, special effects, dressing and bathing facilities and food service.

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Production Studio	NO	NO	NO	NO	NO	YES	YES	NO	NO

Use:	Parking Requirement
Production Studio	1 Parking Space per 700 Sq. Ft.

ANALYSIS

The State of MA offers what is known as the Film Incentive Tax Credit. This incentive helps with production costs and payrolls costs. This type of use will create jobs and generate dollars spent on local food, hospitality and service industries. The Town has several vacant warehouse style buildings that could be retrofitted and leased for this use. This type of use produces very little truck traffic compared to a traditional warehouse. This use will be seamless in the Highway Business and Commercial Zoning Districts.

Brewery with Tap Room

An establishment that produces and packages alcoholic and non-alcoholic ales, beers, hard ciders, and/or other craft beverages to be purchased, served and consumed on-site and off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. Brewery Production Tours and Tastings are allowed to be served and consumed on site. Service of craft beverages must be in conjunction with and provide for the service of food (in house or mobile).

Brewery Production

An establishment that produces ales, beers, hard ciders, and/or other crafty beverages to be consumed off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. On site service and consumption is allowed only for Brewery Production Tours and Tastings.

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Brewery with Tap Room	NO	NO	NO	NO	SP	YES	YES	NO	SP
Brewery Production	NO	NO	NO	NO	NO	YES	YES	NO	NO

Use:	Parking Requirement
Brewery with Tap Room	Production Area: 1 Parking Space per 1,000 Sq. Ft. Tap Room: 1 Parking Space per 3.5 Seats
Brewery Production	Production Area: 1 Parking Space per 1,000 Sq. Ft. Dedicated Tasting Area: 1 Parking Space per 500 Sq. Ft.

ANALYSIS

These definitions are proposed to eliminate the need to classify a brewery as light manufacturing. The definition, while by interpretation applies, it conflicts with the use given the interaction with the public and creatives use of the space for accessory food and events. In order to separate out the manufacturing and production facilities and the experience orientated customer driven facilities, there are two definitions proposed. This will allow the tap room (by special permit) to locate in the squares or in the landing (GB and BWLD). However, the Brewery Production use is restricted to the Highway Business and Commercial Districts.

Function/Conference Facility

An establishment that contains rooms and spaces both Indoor and Outdoor, which is available for rent or lease by the public for the holding of banquets, meetings, conferences, receptions, parties, or other similar events.

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Function/Conference Facility	NO	NO	NO	NO	NO	SP	SP	NO	NO

Use:	Parking Requirement
Function/Conference Facility	To be set by the Planning Board per 135-806B

ANALYSIS

Aside from the lodge and fraternal clubs Braintree offers very little in the way of large function and venue space. The Sheraton Tara used to be a premiere location for large events and weddings for decades and F1 also provided a great function venue as well. Not in Braintree, but a strong regional provider of these services, Lombardo's will be closing this year as well. Currently the Town is lacking in this service for its residents and business owners. Furthermore, the Town is losing out on an opportunity to promote uses that generate substantial meals taxes. This use will also aid in supporting the local hotel industry with several quality options right within Braintree. There is a market in this area for this type of use, given the previous event trends and space utilization. Especially post covid, events and in person conferences are making a strong comeback.

STAFF RECOMMENDATION

The Planning Director recommends the Public Hearing be conducted to allow the proposed Zoning Text Amendments to be presented and discussed as well as allowing for Board Member/Public Commentary. The Planning Director supports the inclusion of these types of uses in the Zoning Bylaw. The use table needs to continue to evolve as trends in uses change. The more uses we have in the Zoning Bylaw the more attractive we are to investors. The more exposure the Town gets through its zoning bylaw the more diverse the interest will be. The uses proposed support clean industry and improve quality of life for Braintree residents by providing job growth, tax growth and establishments commonly used by many residents, which creates convenience and serves the public welfare and improves quality of life. For the reasons noted in the report the Planning Director recommends the Planning Board provide a favorable recommendation to the Town Council on the above referenced orders.