



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

March 28, 2022 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Monday, March 28, 2022 beginning at 7:30pm.

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

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

Also Present: Melissa SantucciRozzi, Director Planning & Community Development
Frank Marinelli, Attorney
Kristi D'Andrea, Business Owner
Josh Katz, Landing 53 Owner

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

- Minutes of December 7, 2021

A Motion was made by Councilor Hume to approve Minutes of December 7, 2021

Motion: by Councilor Hume to approve Minutes of December 7, 2021

Second: by Councilor Ryan

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

- Minutes of December 13, 2021

A Motion was made by Councilor Hume to approve Minutes of December 13, 2021

Motion: by Councilor Hume to approve Minutes of December 13, 2021

Second: by Councilor Ryan

Roll Call Vote: For (4 – Flaherty, Hume, Ringius, Ryan), 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 related thereto (Update)**

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

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

Second: by Councilor Ryan

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

Chairman Ringius stated this proposal from Councilor O’Brien was presented quite awhile ago. Then during COVID the Governor’s orders stated there should not be any use of reusable bags to avoid transmitting COVID so the idea of banning plastic bags became mute. This was also coinciding with a presentation a group of Girl Scouts and had them come before the full Town Council to give their thoughts and opinions and why it would be important for Braintree to take up a plastic bag ban. We have sent out for opinions from our legislative delegation. Over the years there have been proposals like this on beacon hill. We did receive an email back from Senator Keenan’s office in terms of where the State stands on a State-wide ban. We have also reached out to the Chamber. We have received comments from Chamber Chair Ms. Kroha, Mike Cavanaugh, President of Sustainable Braintree and Rachel Horak, Sustainable Braintree (Vice-President). We have heard from Crystal Evans, from the Commission on Disabilities. We had a robust conversation on not only how this impacts our environment but how this impacts some of our folks in town who might be mobility impaired. Also how the use of certain bags could make it difficult for the elderly to use and any cost associated could be an undue burden.

Chairman Ringius stated if it is the will of the committee we will table this. I know there will be further recommendations from the Commission on Disabilities and Sustainable Braintree. We will have these then reviewed by our Town Solicitor.

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

Motion: by Councilor Hume to TABLE Order 20 034

Second: by Councilor Ryan

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

- **002 21 Councilor Sciascia/Councilor Connors: Amendment to Bylaw Section 135-1101 or take up any action relative thereto (Update)**

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

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

Second: by Councilor Flaherty

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

Chairman Ringius stated former Councilor Sciascia and former Councilor Connors brought this forward as an amendment in response to some drainage issues where property owners were draining from their sump pump into neighbor’s property or over sidewalks. Solicitor Huff took the language and changed it with basically one sentence stating you cannot drain onto your neighbor’s property or across the sidewalk. I spoke with Assistant Town Solicitor Huff today and former Councilor Sciascia are still discussing this with the Mayor’s office. They are working on language currently and there is some hope with slight changes to the existing bylaw that we might actually not have to act on this. We are waiting to hear from the Town Solicitors office.

Previous Update from Chief of Staff Taub:

As reported previously, we will work on the text change to the existing bylaw that will address these concerns. It is my understanding that this motion will no longer be necessary once that is complete. Thanks! NT

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

Motion: by Councilor Hume to TABLE Order 20 034

Second: by Councilor Ryan

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

New Business

- **22 011 Landing Apartments LLC: Zoning Petition – Amendment to the Table of Principal Uses Section 135-601 take up any action relative thereto**

Chairman Ringius stated Frank Marinelli is with us this evening as well as Melissa SantucciRozzi, Director of Planning & Community Development. The Planning Board met on March 8, 2022 and voted to approve this and move it forward. The Planning Board Recommendation has been sent to members.

Frank Marinelli, Attorney stated we are here for the change in the Use Table to allow Veterinary Use by Special Permit. Landing Apartments were approved by the Planning Board in 2015. That includes the 12,000 square feet of Commercial Use. The apartments leased quickly. What languished was the commercial space was slow to rent. I am here with Kristie D’Andrea who has her Doctorate in Veterinary Medicine from Tufts University. Kristie seeks to lease the remaining 3,000 square feet of commercial space on the first floor at Landing 53. If you go on VetUrgentCare.com you can see everything about this business.

Melissa SantucciRozzi, Director of Planning & Community Development stated the Planning Board Recommendation and Draft Minutes were provided as well as the Parking analysis from Mr. Katz. It was noted a detailed review of the parking will be further discussed during the Public Hearing for the Special Permit including a deep dive into the parking compliance and actual needs of that particular business.

Planning Board Hearing and Recommendation

As noticed and advertised the Planning Board held a Public Hearing on March 8, 2022 as required to deliberate the matter in order to provide a recommendation to the Town Council.

The Planning Director provided a brief introduction given the limited Amendment. Attorney Marinelli provided a more detailed over view on behalf of the Property Owner and Citizen Petition. The Amendment is simple in that it proposes to Amend Section 135-601 Table of Principal Uses by changing the "N" designation in the Braintree Weymouth Landing District for the "Animal Clinic or Hospital" use to an "SP". This modification will now allow a potential "Animal Clinic or Hospital" that would seek to locate within the BWLD to apply for a Special Permit.

The Planning Director and Board acknowledged the letter received from Mayor Hedlund of Weymouth. The letter relayed concerns about parking in the Braintree/Weymouth Landing overall and in particular questioned parking related to this business if it was located in the Landing 53 mixed-use development. The Planning Director informed the Board that discussions were had with the Mr. Katzen and that a full review of the parking will be conducted for the Landing 53 Development as part of the As-Built process and that revisions and modification on the management of the spaces may be required if an entity pursues use of the last 3,000 Sq. Ft. commercial tenant space within the Landing 53 Development.

No Members of the Public spoke during the Public Hearing.

After deliberating the proposed text amendment, the Planning Board closed the Public Hearing.

The Planning Board on a motion duly made and seconded voted 5-0-0 on March 8, 2022 to recommend **approval/favorable action** to the Town Council on Application TCO 22-011 to Amend "Table of Principle Uses' Section 135-601 to Change the "N" in the Use Table for "Animal Clinic or Hospital" to "SP".

DRAFT PLANNING BOARD MINUTES FROM MARCH 8, 2022.

NOT APPROVED BY THE PLANNING BOARD – as of March 28, 2022...

Attorney Frank Marinelli appears on behalf of Landing Apartments LLC. He explains that this is concerning the request for a minor adjustment to the Use Table, specifically making Animal Clinic/Hospital a Special Permit use in the BW Landing District. Attorney Marinelli explains, as Director SantucciRozzi pointed out, the petition is for a minor adjustment pursuant to their appearance on February 8. There are over 950 digital supporters of the proposed zoning adjustment to the Use Table. Landing Apartments was approved in 2015 by the Planning Board. Following construction, all of the apartments leased quickly, but what languished was the first floor 12,000 square feet of commercial space, which after 4+ years was leased to Rivershed Restaurant and Keller Williams Real Estate Brokerage. Now we have 3.000 square feet remaining.

Kristi D'Andrea is the founder and owner of Veterinary Urgent Care Centers (VUCC); she has her doctorate in veterinary medicine from Tufts University. Her business, VUCC, seeks to lease the remaining 3,000 square feet of commercial space at Landing 53. They have filed everything with Town Council for this adjustment. One of the exhibits is Kristi's curriculum vitae; Attorney Marinelli reviews Kristi's qualifications and business background. He describes the services of Veterinary Urgent Care Centers, which has three locations: Quincy, North Easton and Plymouth. She would move to Landing 53 from 291 Quincy Avenue. A significant percentage of the 172 residents at Landing 53 that have pets. This is a benign proposed use. It is certainly less intense than some uses allowed by right. It is a great use for the remaining 3,000 Square Feet. It is located in the Braintree Weymouth Landing District (BWLD). Attorney Marinelli reviews the purpose of the BWLD. He feels this new use is a less intense use than a medical clinic, which is allowed by Special Permit. A doggy daycare, which was passed in June 2021, is allowed by right. They feel that this particular use as a veterinary clinic is less intense use; it was an "N" on the Use Table and they would like to change that to "SP" to require a Special Permit to propose this use before the Planning Board, which would make it more consistent with the other uses.

This would be the first use of that 3,000 square feet. It is brand new commercial space that has never been occupied. The use is predominantly drop-off and pickup. It would have great synergy with other uses in the Landing District, which is to create a vibrant community. Attorney Marinelli respectfully requests a favorable recommendation from the Planning Board to the Town Council, which is required under Chapter 40A, and they respectfully submit that the proposed adjustment is for a use that is not even close in intensity compared to some of the other uses allowed by right or by Special Permit already.

Chairwoman Joyce thanks Attorney Marinelli for explaining that we make a recommendation to Town Council. The Chairwoman explains that Town Council would ultimately vote on the amendment to the bylaw. If this is approved by Town Council the Planning Board would then review this as a Special Permit application. This change would allow the use to be allowed by Special Permit. It allows someone with this use to come before the Planning Board, and at that time, the Planning Board would look at the project specifically as a whole as it relates to parking and functionality.

Member Mikami asks if we have received any negative comments. Attorney Marinelli refers to the letter from the Mayor of Weymouth which doesn't say they are against it but it says they have concerns regarding parking. Attorney Marinelli refers to the animal hospital on Columbian Street which is close to 30,000 square feet (ten times this space). Attorney Marinelli has already submitted to the Planning Department that parking requirements complies. They have 198 car-garage on two levels. Attorney Marinelli refers to the spaces available at the MBTA lot. This is a different use. This is a mixed-use development, and the commercial use is difficult to fill due to growth of online retail. Member Mikami advises, just to be clear, we are just recommending to Town Council a potential change. If it is changed, the Applicant would need to go before the Planning Board for a Special Permit for this particular business.

Member Kroha agrees that changing this in the Use Table makes sense. There are other uses that are similar. Member Kroha is separating the two, per letter from Mayor of Weymouth, as this would be a Special Permit and not a use-by-right. From the basis of looking at the Use Table and what is allowed by-right and what is allowed by Special Permit, Member Kroha would be in favor of this change.

Member Grove agrees with Member Kroha that the Zoning use is good and appropriate. Any specific difficulties with the site will be addressed at the time of the Special Permit.

Member Kent and Member Connolly have no comments.

Chairwoman Joyce asks if we would respond to Mayor Hedland's letter; she appreciates the communication between the two towns. Director SantucciRozzi explains that the Town of Weymouth received a copy of the Legal Notice as part of our requirements for notifying abutting communities; she advises that the issues that are raised are Special Permit issues, and these will be items that will come up during the Special Permit process. That is the time and place when these matters will be reviewed, as subject to the Special Permit. The Director would be happy to draft a letter from the Planning Board pointing out the items that the Board will be looking at. The Director would like to keep issues related to the Special Permit separate from a recommendation regarding the Zoning Ordinance Amendment. Chairwoman Joyce agrees that we should respond that these items will be addressed at the time of Special Permit. Attorney Marinelli doesn't consider the letter negative in any way. It points out that there is a need to work together in a live/work community.

There are no comments from the public.

END OF DRAFT PLANNING BOARD MINUTES

Chairman Ringius read into the record a letter dated March 25, 2022 from the Town of Weymouth Mayor Robert Hedlund:

Dear Councilor Ringius:

I am writing as a follow up to my letter of March 1, 2022, to which I have yet to receive a response. In that letter, I expressed concern over the proposed amendment (22 011) to the Braintree Zoning Ordinance that would add Animal Clinics or Hospitals to the Table of Principal Uses governing the Weymouth Landing area.

As you are aware, parking in Weymouth Landing has increasingly become an issue as a result of the redevelopment activity in the area. Weymouth is working to manage and increase municipal parking spots in conjunction with the Delegas redevelopment project which abuts the area of the proposed zoning change, but are limited in the number of new public spaces that can be created.

From the content of the Citizen's Petition, we are aware that this request specifically relates to the addition of a 3,000 square foot Veterinary Urgent Care Center within the Landing 53 mixed-use development. Given this knowledge, I expect that the proposed zoning change will be reviewed with the specific needs of that development in mind. Those needs include providing the required number of parking spaces, as well as ensuring safe pedestrian and automotive access for pick-ups and drop-offs of both people and their pets. I again ask whether the Planning Board or Town Council have received a parking plan for the proposal. Per your zoning, how many parking spaces are required for a 3,000 square foot clinic? Where are those spaces to be located? Please provide any additional details that you may have so that we can better understand the project and potential impacts to our mutual interests in Weymouth Landing.

I look forward to continuing working with the Town of Braintree with the mutual goal of creating a vibrant live/work community in Weymouth Landing.

Sincerely, Mayor Robert Hedlund

Chairman Ringius stated Mayor Hedlund should check with his staff because I have not received a letter dated March 1, 2022. He should get that in order before making any accusations.

Councilor Hume stated I do understand you are looking for an amendment to the Table of Principal Uses and the parking requirements have been met. I do have a big concern with the parking because the parking that is there now is not sufficient. This has nothing to do with the small business that wants to come to Braintree. I think small businesses are great. We just need to get clear on the current parking situation.

Frank Marinelli stated the rule of law is point 8 spaces per resident per apartment. We have a 196 parking garage at the Landing Apartments. The requirement for the residence is 138. Respectfully, we are getting way into the things that would be addressed in the Special Permit process.

Josh Katzen, Landing 53 owner stated these are the concerns from the beginning and trying to balance the needs of the residents against the needs of the community. There was a concern when we purchased the municipal lot to build the apartments and how long someone should be allowed to park there whether it be 2 or 3 hours. The MBTA lot is under utilized and that presents a real opportunity for us. The Weymouth side of the municipal parking will be coming back soon with their building coming to completion.

Kristie D'Andrea stated her business is mostly a drop-off. The customers are not in a parking space for very long.

Councilor Flaherty stated there is currently 3,000 square feet of commercial space available and I do not think it is in Braintree's best interest to keep that retail space empty. The question right now is whether to vote to allow a Veterinary clinic to apply to the Planning Board for a special permit to occupy that space. At that time the Planning Board would require an extensive review of the parking requirements of the facility in question. Is there any reason a Veterinary clinic would be a parking burden?

Councilor Ryan stated we have a vacant commercial space and we want to attract small businesses to Braintree. I am going to support this. It can be vetted at the Planning Board.

Chairman Ringius stated we are elected officials and we respond to the residents' concerns. We are looking at this tonight as a change to policy and what use might be allowed in a BWLD district. There are already uses by right in the BWLD that might draw more traffic to the area. I do think there are some issues of parking there but it is important the idea was to fill this space. I see this as not creating as much traffic and congestion as some other businesses that could go in there. I hope through the Planning Board process there is still conversation that has to occur and some improvements on the parking. My purview tonight is to look at this solely as a zoning prospective.

A Motion was made by Councilor Hume for favorable recommendation to the full Council.

MOTION: To approve Zoning Petition, Amendment to the Table of Principal Uses (the “Use Table”), Section 135-601, Braintree Zoning Ordinances (“BZO”) to change principal use category “Animal Clinic or Hospital” from “N” to “SP” in the Braintree Weymouth Landing District (“BWLD”).

Motion: by Councilor Hume for favorable recommendation to the full Council Order 22 011

Second: by Councilor Ryan

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

• **006 22 Council President: Town Council Rules or take up any action relative thereto**

Chairman Ringius noted this pertains to Town Council Rule Sixty-One: Adoption of Rules which states: These rules will be reviewed and adopted within 90 days after the first Council Meeting in every even year.

Chairman Ringius stated these rules were reviewed along with Council Flaherty two years ago before COVID became a thing. At the time the review was quite thorough.

Council President Boericke attended the meeting stating it occurred to her the Council does not have any committee that addresses sustainability and the environment. My recommendation would be to amend the guidelines for the Community Planning Committee.

Rule Thirty-Eight: Standing Committees reads with the amendment in red.

The Community Planning Committee may consider and report upon all matters relating to short-term planning and community renewal projects as well as long term community planning and visioning, and issues of sustainability and the environment.

Chairman Ringius asked if any other member has any amendments to the Town Council Rules.

Councilor Flaherty stated I am proud of the review we conducted on the Town Council Rules last time. I do not think we go everything right. I think Rule #8 should be amended. Rule 8, as it stands would allow for Committees to be revised by the full Council.

Rule Eight: Committee Appointments reads with the amendment to strike in red.

The Council President shall appoint all members of all committees of the Town Council, whether special or standing. ~~(Appointments are subject to Rule Three: Appeals from Decision of the President).~~

Councilor Hume asked if there was any discussion about eliminating some of the standing committees. Chairman Ringius stated there was discussion. It makes sense but if we chose to do it now we would be taking positions away from folks and appointments after the legislative session began. It would be better done at the full Council.

Councilor Hume agreed we need to take a broader look at committees and maybe consolidate some of them but also it is a time to go to these subcommittees and advocate for them and the department needs.

Councilor Ringius stated no one person should have all the power. I will not support the amendment to rule #8 but do support the adoption of the Town Council Rules as a whole.

A Motion was made by Councilor Hume for favorable recommendation to the full Council to adopt the Town Council Rules as amended, as stated to Rule #8 and as amended, as stated to Rule #38.

A Motion was made by Councilor Hume to adopt Town Council Rules as amended

Motion: by Councilor Hume to adopt Town Council Rules as amended

Second: by Councilor Flaherty

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

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

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 20 034 Councilor O'Brien: 8.800 Single-Use Plastic Bag Reduction Bylaw or take up any action related thereto
- 002 21 Councilor Sciascia/Councilor Connors: Amendment to By-law Section 135-1101 or take up any action relative thereto (Update)
- 22 011 Landing Apartments LLC: Zoning Petition – Amendment to the Table of Principal Uses Section 135-601 take up any action relative thereto
- 006 22 Council President: Town Council Rules or take up any action relative thereto