



Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

Sean Powers, Chairman
David Ringius, Jr, Vice- Chairman
Charles Kokoros, Member
Timothy Carey, Member
Charles B. Ryan, Ex-officio

May 21, 2019 MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium on Tuesday, May 21, 2019 beginning at 6:00pm.

Chairman Powers was in the Chair.

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

Present: Sean Powers, Chairman
David Ringius, Jr, Vice- Chairman left meeting at 7:21pm
Charles Kokoros, Member arrived at 6:35pm
Timothy Carey, Member

Also Present: Christine Stickney, Director Planning & Community Development
Melissa Santucci-Rozzi, Assistant Director Planning & Community Development
Russ Forsberg, Building Inspector
Residents including:
Jill Coyle, Liz Page, Linda Raiss, Alan Flowers

There was a moment of silence for all those serving in our armed services, past and present, and the meeting was opened with the pledge of allegiance to the flag.

Approval of Minutes

- May 1, 2019
 - Motion:** by Councilor Ringius to approve minutes of May 1, 2019
 - Second:** by Councilor Carey
 - Vote:** For (3 – Carey, , Powers, Ringius), Against (0), Absent (1 - Kokoros), Abstain (0)

New Business

- **19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto**

MOTION by Councilor Ringius to TAKE off the TABLE Order 19 011

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Second: by Councilor Carey

Vote: For (3 - Carey, Powers, Ringius), Against (0), Absent (1 - Kokoros), Abstain (0)

Councilor Powers, Chairman of the Committee on Ordinance & Rules stated they will begin at Section 4.6 Table of Uses.

Councilor Powers read along with the *“Readers Guide”* (italics below). The Chairman will ask if there are any questions from members and residents as we go along and each Section is explained.

§ 4.6 Table of Uses

- *This includes where uses are permitted (Y), prohibited (N), or permitted with a special permit (SP). It also includes references to any relevant Special Use Regulations, and the required parking standards.*
- *The Table is split into two parts: 1) Primary Uses and 2) Accessory Uses*
- *The uses in the Table have been streamlined and modernized.*
- *Certain uses in the current bylaws have been combined into broader use categories where they had the same or very similar use permissions. For example, many personal service businesses, motor vehicle related businesses, and industrial uses that currently have their own categories have been combined.*
- *Some new uses have been added to capture uses that aren’t easy to categorize today. Some examples of new primary uses include Small Scale Multi-Family Dwellings (fewer than 6 units), Artisan and Craft Workshop, Artisan Food Production, and Alcoholic Beverage Production.*

A Table of Principal Uses was updated by Planning Department and copies were provided, from the original Draft proposed to include existing/proposed uses. This is to make it easier for committee members to read along with the Planning members as discussion takes place.

DRAFT PROPOSED ZONING ORDINANCE---

§ 4.6 Table of Uses

A. The Table of Uses is split into two parts. Part 1 includes all primary uses, and Part 2 includes strictly accessory uses (see § 4.7 below).

B. The symbols in both parts of Table 1 have the following meanings:

Y: Use permitted by right

N: Prohibited use

SP: Use requires a Special Permit issued by the Planning Board or Zoning Board of Appeals as specified within the Zoning Ordinance.

C. The Table of Uses includes a column titled “Ref”, which is an abbreviation for References. The sections noted in this column cross reference to Special Use Regulations or Special District Regulations for each use, as relevant.

D. The Table of Uses includes a column titled “Pkng”, which is an abbreviation for Parking. The number noted in this column cross references to § 7.1 Off-street Parking and Loading and identifies the minimum parking standard applicable to each use.

END OF DRAFT PROPOSED ORDINANCE ---

DISCUSSION:

4.6 Table of Uses

Christine Stickney stated she created a table of uses with existing and proposed uses. The red are the existing uses. The last page includes all the zones and square footage pertaining to each. We ask to hold off discussions on the Transition and Village Centers at this time (TD/VC columns).

Melissa Santucci-Rozzi starting reading the Table of Uses:

Residential Uses:

Dwelling, single-family detached under column GB was allowed under Special Permit (SP) but now is No.

Dwelling, two-family under column GB was allowed under Special Permit (SP) but now is proposed No.

Dwelling, single-family conversion to two-family under column GB and BWLD was allowed under Special Permit but now is proposed No.

Dwelling, multifamily – no changes

Dwelling, multifamily small scale (is for under 6 units) – no changes

Dwelling units in mixed-use development column GB is proposed Yes from SP and HB is proposed Yes from No.

Flexible development is the “new” Cluster. Cluster is being eliminated. Flexible Development also known as a conservation sub-division is allowed by Special Permit (SP) in Res A, B and C.

Long-term care facility conversion (in current by-law) is the conversion of a closed nursing home that was in operation for at least 10 years and closed for at least one year. The definition is very specific in you have to use the existing building and existing site.

Councilor Powers asked how parking is calculated for that use.

Melissa Santucci-Rozzi stated all you can do is use the existing site. It is what you can accommodate in parking and what can you accommodate inside the building. It is up to the availability of parking. You can't buy next door for example just for parking.

Councilor Ringius asked why this is proposed to be SP instead of the current No under Res A and are there any currently in Res A.

Melissa Santucci-Rozzi stated the two previous conversions that have been done we have received no problems from past practice and nothing negative thus far. If there are none in Res A we could change this to a No. We can look into that.

Alan Flowers, resident stated if there are none currently existing in Res A I would encourage you to have it a No and not have it a SP.

Institutional Residential Uses:

Congregate housing – best described as a group home with limited facilities. We are looking at this carefully and looking to revise the definition. Under column Res A was allowed under Special Permit (SP) but now is proposed No. Under column GB was Yes but proposed Special Permit (SP). Under column BWLD was a No but proposed is Special Permit (SP). Under HB and C proposed is No which is currently a SP.

Continuing care retirement community – best described as assisted living. This is new. The existing by-law did not have “assisted living”.

Long-term care facility is a nursing home is becoming more restrictive. No longer allowed in Res B or Res C. Column BWLD is a No but proposed Special Permit.

Institutional/Semi-Public Uses:

Assembly hall changes proposed HB from SP to Yes and C from SP to No.

Cemetery and Cemetery with crematorium. Currently Blue Hills is zoned OSC. On west side of West Street is zoned residential. Res A existing is No to proposed SP. Res C is SP proposed is No. GB existing is SP proposed No. HB existing is SP proposed No. C is Yes proposed No. OSC is Yes proposed Special Permit (SP).

Alan Flowers, resident stated no sense to allow a cemetery in Res A. Assisted Living facility should also not be allowed in Res A. I would strongly suggest this as a No. Museum should be a Special Permit in Res A.

Councilor Kokoros stated I agree with this previous speaker. Library or museum should be SP not Yes for Res A and Res B. Cemetery and Cemetery with crematorium I would like to see a No in Res A and Res B.

Christine Stickney stated a crematorium can go on cemetery property. It is the Board of Health that makes decisions on this.

Councilor Ringius left the meeting at 7:21pm

Liz Page, resident stated thank you to Councilor Kokoros noting Special Permit’s do not take care of things. I do not get a lot of reassurance out of the words “Special Permit”.

Community center staying the same except use by right in BWLD is No proposed Yes.

Library or museums are very similar in uses now together both to be allowed by use except HB and C.

Municipal facility (DPW/Town Hall etc). Res A existing No proposed Yes. Res B existing SP proposed Yes. Res C existing SP proposed Yes. GB existing SP proposed Yes. HB existing SP proposed Yes. Councilor Kokoros stated I object to any changes to Municipal facilities. The original Res A and Res B should be No. The Town should not have any special rights that others do not. I do not see the need for it.

Melissa Santucci-Rozzi stated to keep in mind the Town's needs for offices and other uses. Councilor Kokoros asked for the inventory of buildings and where they are located around town so we could see the potential impact. The Assessors department could run this report.

Christine Stickney stated they would have the tax code but may not have the zoning which is two different things.

Councilor Carey stated with all due respect we are asking for a lot of information because this is where we live. This is our home and where we live. There are 5 zones going to a yes so the optics of this are that we are municipal so we can do what we want. I disagree with these changes.

Christine Stickney stated to put back to a Special Permit there is a cost associated with engineering and plans as well. There is a financial cost where a use by right you can go to the Building Department and get an occupancy permit.

Alan Flowers stated I have heard no good reason for Municipal facility to be allowed by right in Res A. It should be NO.

Christine Stickney stated you are requesting Res A and Res B to be No and Special Permit in Res C, GB and HB? Councilor Kokoros stated that is correct.

Municipal public park only change is GB from No to Yes.

Place of worship – exempt from zoning per MGL

School – exempt from zoning per MGL

Recreation and Agricultural Uses:

Agriculture, horticulture, and floriculture – exempt from zoning per MGL

Boathouse, marina existing is SP proposed is No under Res C. OSC from No to Yes.

Golf course proposed changes to No in Res C, GB, HB and C.

Recreation facility, commercial – gyms, sports clubs – no changes

Riding stable proposed change from Yes to No in HB

Rod and gun club proposed change No from Yes in C. (This is proposed zoning change is to OSC)

Councilor Kokoros asked if they want to make changes to a club house etc. can they? The gun club has been there since the 1860's and the residential came after. They have become boxed in.

Melissa stated if they need to expand their facilities they are allowed to do this with site plan review.

Christine Stickney stated we are trying to protect the community that if this was zoned Commercial it could be flipped at some point. To be clear you want this to be put back to Commercial Councilor Kokoros?

Melissa stated they have 90 acres. They could put a 10 acre building on this site at 75%.

Councilor Kokoros stated in the past we have always taken on a rezone piece by piece. It was never this complete zoning map change. It doesn't give individuals the opportunity who own the property give their input. It only works if each piece is looked at and the property owner has an input and this Council can make an educated decision.

Christine Stickney stated then we do not need a Master Plan.

Councilor Kokoros stated the way we are being asked to do this Comprehensive Rezone is going away from the way we have always done rezoning. There is more of a chance of making an error when we don't see these as individual pieces to be rezoned.

Councilor Kokoros stated he would like the Rod and gun club rezone to stay C not change to OSC.

Yacht club is a new use on the table of uses.

Councilor Powers stated the "Zoning Working Group" of residents asked for this Comprehensive Zoning Ordinance to be withdrawn until a Master Plan can be updated. Is there any new information on this?

Christine Stickney stated the chairperson met with the Mayor. We have not received any direction that this is to be withdrawn at this time.

Business; Retail Uses:

Artisan and craft workshop is a new use. (see new definition page 132)

Lawn and garden center proposed SP from No in GB and in HB proposed SP from Y.

Retail store, <10,000 sq. ft. – column C is proposed No from SP

Retail store, 10,000-30,000 sq. ft. – column C is proposed No from SP

Retail store, >30,000 sq. ft. – column C is proposed No from SP and in GB proposed Yes from existing No.

Shopping center – is under 80,000 square feet. The column C is existing No proposed to be SP.

Shopping center; regional – this is a new use. (more of a lifestyle center)

Business; Food Service Uses:

Catering service – proposing the Y be a SP in HB

Restaurant, sit-down; fewer than 75 seats – C is proposed No from SP

Restaurant, sit-down; 75 or more seats – C is proposed No from SP

Restaurant, fast food – C is proposed No from SP

Restaurant, take-out – C is proposed No from SP, in GB existing is SP proposed Yes.

Councilor Kokoros is asking Planning staff to look at all the restaurants in Commercial to have them remain Special Permit and not changed to the proposed No with the exception of more than 75 seats.

Business; Motor Vehicle-Related Uses:

Car wash – proposed new use

Fuel station (excluding repair service) – HB and C proposed to SP from Yes.

Motor vehicle and equipment related business, heavy – eliminate from HB and in C proposed SP

Motor vehicle and equipment related business, light

Parking facility, commercial – BWLD proposed SP from existing No

Business; Personal and Business Services:

Animal retail, grooming service - new

Animal hospital, Veterinarian - new

Animal kennel or day care

Day care, adult – new

Liz Page, resident asked why this would be allowed in Res A, B and C. Is it appropriate there.

Christine Stickney stated the Marge Crispin Center is looking to move to a Res area where there is an existing building. It would require a Special Permit.

Councilor Powers stated we will go back and re-examine this.

Day care, commercial

Funeral home - Res B existing is No proposed SP, Res C existing is SP proposed No, HB existing is Yes proposed No, C existing is SP proposed No.
Councilor Kokoros is suggesting leave HB as Yes and C as SP.

Personal services – modify definition

Personal services, body-related – modify definition

Business; Office Uses:

Bank or similar financial institution – GB existing is SP proposed Yes

Billboards (standard or digital/electronic)

Business or professional office – no changes

Kiosk, freestanding (including freestanding Automated Teller Machine (ATM)) – this is new

Office park – change in GB from No to SP

Business; Health Care Uses:

Hospital – Res B, Res C, GB and C going from SP to No

Medical facility – BWLD existing SP proposed No

Registered medical marijuana dispensary – this is a new use (This section is under review by Town Solicitor, John Goldrosen)

Councilor Kokoros stated HB should be No.

Jill Coyle, resident stated the residents spoke loud and clear in opposition of marijuana. I would appreciate it be removed from the use table or put in no across the board.

Christine Stickney, stated due to state statues we are not allowed to have it as a no across the board for medical marijuana.

Councilor Powers asked if HB could be a No.

Christine Stickney stated the Mayor suggested some HB zones could potentially be an area for businesses like this. It would take quite a bit of property and potential tax revenue. State statues have off-sets to all educational uses.

Councilor Kokoros stated HB abuts the High School

Liz Page, resident stated to agree with Councilor Kokoros HB also abuts the Flaherty School.

Business; Hospitality, Tourism Uses:

Conference center – a new use

Hotel

Councilor Kokoros asked about AirBNB or short-term rentals. This should be added and only allowed BWLD with SP, HB Yes, C with SP and No in OSC. I wish not to allow people to do it specifically to keep people from renting in neighborhoods. I have had complaints on this in Res A and Res B. We should address it under Hospitality, Tourism Uses. This is something we need to address. We need to keep people from renting in neighborhoods.

Melissa stated this is usually in residential homes.

Christine Stickney stated we need to work with the Legal Department on this.

Business; Arts and Entertainment:

Art gallery – new use

Cinema – new use (used to be lumped into amusement)

Theatre; live performances – modified

Business; Public Services:

Postal service and/or Copy center

Educational use, non-exempt

Professional, arts and educational schools and studios, non-degree (currently we are looking at this in detail and clarifying definitions)

Business; Other:

Adult uses – there is an entire section in the by-law on adult use. This is a SP in C.

Production Uses:

Alcoholic beverage production – requests for brewery/distilleries in bars and restaurants

Councilor Powers asked Planning to look at the size of these. More information on this like tap rooms, that are replacing social clubs because they are local. What about GB or BWLD. Possibly limit the production size. We can look at VC and GB but want to look at size and see if it would work.

Christine Stickney stated to be careful on this. Other towns have nightclubs and bars.

Melissa stated do we want to occupy store fronts and parking lots all day long. Many of these have outdoor patio's, horseshoe, etc.

Contractor's yard

Flex building – new category

Liz Page, resident stated Tricia Keegan on West Street has a real issue on the Flex Building and Industrial Light. The C – Commercial zones should be by Special Permit (SP) not the proposed Yes.

Fuel storage, bulk – new category

Hazardous waste facility/transfer station - SIMA overlay district (having our law dept look at this and only allow where currently located)

Heliport

Industrial, heavy – new with No across the board

Industrial, light – C existing is Yes

Mrs. Keegan has a problem with Industrial light and the definition. Tricia Keegan would like this to be changed to a Special Permit.

Councilor Kokoros would like to put a hold on this to give Tricia Keegan a chance to speak on this.

Melissa stated Braintree is a lot of manufacturing.

Marine-dependent use

Public utility yard

Quarry – C existing SP proposed No

Recycling station/redemption center – new (off Ivory Street part of the SEAMASS – currently operating under a Special Permit)

Research and development – GB existing SP proposed N, HB existing Y proposed SP

Self-storage facility – C existing SP proposed N

Solid waste disposal facility or transfer station

Transportation terminal – HB existing SP proposed No

Warehouse and distribution, wholesale/bulk

Warehouse and distribution, retail – C existing Y proposed SP

Wireless communication facility – C existing N proposed SP (page 155 definition)

Bill Needham stated the higher they go the less the interference.

Melissa Santucci-Rozzi stated we cannot have categories and completely restrict all uses. Please note this as people look at this use table.

MOTION by Councilor Kokoros to TABLE Order 19 011 to June 17, 2019 at 6:30pm

Motion: by Councilor Kokoros to TABLE Order 19 011 to June 17, 2019 at 6:30pm

Second: by Councilor Carey

Vote: For (3 - Carey, Kokoros, Powers), Against (0), Absent (1 - Ringius), Abstain (0)

Old Business

- None

It was unanimously voted to adjourn the meeting at 9:10 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto
- 19 011 Section 4.6 Table of Uses
- A Readers Guide to Major Proposed Changes