



Shannon L. Hume
President
At Large
Charles B. Ryan
At Large
Julia Camille Flaherty
District 1
Steven A. Sciascia
District 2
Donna L. Connors
District 3

David M. Ringius, Jr.
Vice-President
At Large
Stephen C. O'Brien
District 4
Meredith L. Boericke
District 5
Lawrence C. Mackin, Jr.
District 6

OFFICE OF THE TOWN COUNCIL

Tuesday, June 15, 2021

MINUTES

A meeting of the Town Council was held via Zoom Webinar, on Tuesday, June 15, 2021 beginning at 7:30p.m.

Council President Hume was in the chair.

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

Present: Shannon L. Hume, President
David M. Ringius, Jr., Vice-President
Charles B. Ryan
Julia C. Flaherty
Steven A. Sciascia
Donna L. Connors
Stephen C. O'Brien (not present)
Meredith L. Boericke
Lawrence C. Mackin, Jr. (not present)

Others: Charles C. Kokoros, Mayor
Nicole Taub, Chief of Staff/Town Solicitor
Crystal Huff, Asst Town Solicitor
Ed Spellman, Director of Municipal Finance
Melissa SantucciRozzi, Director of Planning & Community Development
John Thompson, Town Engineer/Asst DPW Director
Stephen Leary, Assistant to the Mayor
Dan Farmer, Resident

COUNCIL MEETING COMMUNICATIONS

- Agenda/Documents link to website: <https://braintreema.gov/AgendaCenter>
- Email: towncouncil@braintreema.gov
- Meeting Notice Posting link: <https://ma-braintree.civicplus.com/calendar.aspx?CID=43&showPastEvents=false>
- Facebook: [Braintree Town Council](#)
- "How Do I" sign up to receive meeting/town information: <https://braintreema.gov/786/Sign-up-for>
- To be added to the Town Council Agenda Distribution list please send an email request: scimino@braintreema.gov
- Zoom Webinar Questions: If you want to ask a question but cannot access webinar - call direct: 339-987-2726

ANNOUNCEMENTS

Council President Hume asked for a moment of silence for the tragic loss of K9 Kitt and remember him. His end of service June 4, 2021. K9 Kitt saved the lives of our officers.

There are two funds set up and being overseen by the Braintree Police Department:

GoFundMe: In memory of K9 Kitt (working dog foundation)

Braintree Police Officers Support Fund – Support the Braintree Police Officers

Congratulations to all students at Braintree Public Schools. Today is their last day of school. This was truly a challenging year for all students, parents, teachers and administrators.

APPROVAL OF MINUTES

• April 6, 2021

Motion: by Councilor Ringius to approve the Minutes of April 6, 2021

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

• April 27, 2021

Motion: by Councilor Ringius to approve the Minutes of April 27, 2021

Second: by Councilor Ryan

Roll Call Vote: For (9 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

• 012 20 Council President: COVID-19 Update

Marybeth McGrath, Director of the Department of Municipal Licenses & Inspections was unable to attend this evening but sent an update for President Hume to read:

Good afternoon Council President Hume,

I am not available this evening to present the COVID-19 update, so wanted to send along an update by email for you and the Council Members.

-Today (Tuesday June 15, 2021), we have zero COVID-19 cases to report for the day.

-The total cumulative confirmed cases from last March 2020 through present (June 15, 2021) is: 4620.

-Although, we have had no recent COVID-19 related deaths to report, the total number of COVID-19 related deaths of Braintree residents is: 136

As you are aware, effective May 29, 2021, all COVID-19 industry sector specific requirements for businesses, places of worship, etc. have been rescinded.

The state and Town of Braintree have aligned with the CDC advisory for face coverings, which is: individuals who are vaccinated do not need to wear a face covering. It is an advisory that those individuals that are not vaccinated wear a face covering.

However, please be advised that per the state, face coverings are still required in schools, medical offices, hospitals, nursing/long-term care facilities, transportation (planes, trains, airports, taxi cabs, ride-share vehicles).

Also, establishment operators can also choose themselves to require face coverings for anyone entering/in their business, if they so desire.

As a whole, since the restrictions were rescinded on May 29, 2021 for establishments, the department has had relatively few COVID-19 related issues that have needed investigation/enforcement action. It is our hope that this trend in a positive direction regarding the pandemic continues.

• **012 21 Council President: Petersen Pool Update from Mayor Kokoros**

Mayor Kokoros stated we set some milestones for E Street LLC. We received some documents today on the date of our deadline. We have not yet had time to review the documents received. Once we do we will let you know where we stand.

• **017 21 Council President: Housing Choice Act with Town Solicitor Huff/Legislative update**

Housing Choice refers to a number of changes to the state’s zoning law, MGL Ch. 40A that were enacted at the end of the recent legislative session through the [Economic Development Bond Bill \(H.5250\)](#). The governor originally filed many of the Housing Choice provisions and the Legislature made some modifications and introduced new concepts into the version of the bill that is now law.

The law makes major changes to zoning statues in **three** categories:

1. Elimination of the 2/3 majority vote for certain zoning changes related to housing production;
2. Multifamily zoning requirement for MBTA municipalities; and
3. Other changes to streamline permitting and discourage meritless legal challenges including the voting majority for certain special permits.

The changes to the voting majority are not a local option. If an eligible zoning amendment or special permit is proposed, it will be enacted if a simple majority votes in favor. But the law also does not require any of the zoning provisions to be locally adopted, with the exception of a multifamily district for MBTA communities.

DHCD is required to issue guidance for these changes to Ch. 40A. The changes are effective immediately and apply to all municipalities except Boston. We anticipate that DHCD will allow municipalities affected some reasonable amount of time to plan for and zone for new multifamily districts if they are required to make changes to be in compliance with the new law.

[Preliminary guidance](#) issued on January 29 indicates that DHCD will presume all municipalities are in compliance until more detailed guidance is issued.

ZONING APPROVAL MA JORITY CHANGES

Housing Choice lowers the required vote from a two-thirds majority to a simple majority for adopting or amending any of the following zoning ordinances or bylaws:

- **By-right** multifamily housing¹ or mixed-use development that includes residential in an eligible location²
- **By-right** accessory dwelling units, whether within a home or in a detached structure on the same lot;
- **By-right** Open Space Residential Development;
- Chapter 40R smart growth zoning districts or starter home zoning districts;
- Transfer of Development Rights or natural resource protection bylaws that do not reduce the overall number of housing units that can be built; and
- Modifications to bulk, height, yard size, setbacks, open space, parking, and building coverage

regulations that would allow for additional housing units to be built.

Zoning amendments that would allow the following by **special permit** will now be adopted with a simple majority vote:

- Multifamily housing or mixed-use development in an eligible smart-growth location;
- An increase to the permissible density or population or intensity of a particular use in multifamily or mixed-use development;
- Accessory dwelling units in a detached structure on the same lot; and
- A reduction in the amount of parking required for a residential or mixed-use development.

MULTIFAMILY ZONING REQUIREMENT FOR MBTA COMMUNITIES

Another major change is in **Section 18** of the law, which establishes a new requirement for all “MBTA communities” (175 cities and towns,³ as defined in statute and listed below) to have a zoning district of “reasonable size” that allows for multifamily residential development “by right”. This district must be located within a half mile of a transit station, if one is present, but communities without transit stations are still required to have such a multifamily district.

The statute requires the district to:

- Have a minimum density of 15 units per acre, subject to any further limitations imposed by the Wetlands Protections Act and state wastewater regulations;
- Be located within a 1/2 mile from a commuter rail station, subway station, ferry terminal or bus station, if applicable; and
- Not be age-restricted and be suitable for families with children.

“Reasonable size” and “if applicable” are not defined and we expect the guidance will provide clarity on these terms. If a municipality does not comply with this requirement, the municipality will be ineligible to receive funds from the:

- [Housing Choice Initiative](#) (note: must be a Housing Choice community to be eligible, as well);
- Local Capital Projects Funds; and
- [MassWorks Infrastructure Development Program](#)

OTHER CHANGES

Special Permit Votes. The law changes the vote requirement for certain special permits, reducing it from a super-majority to a simple majority for the following:

- Multifamily housing within 1/2 mile of a commuter rail station, subway station, ferry terminal or bus station with at least 10% of the housing affordable to households whose income is less than 80% of area median income (AMI) and deed restricted for at least 30 years;
- Mixed-use developments in centers of commercial activity with at least 10% of the housing affordable to 80% AMI; and
- Reducing parking ratio requirements if the reduction will produce additional housing units

Protesting Zoning Changes. In a municipality with a council of less than 25 members, if the owners of more than half of the land impacted by the zoning amendment or abutting neighbors within 300 feet of the affected land protest a zoning change, the required vote to adopt an ordinance will be by a two-thirds majority. This change applies to the protest of any zoning amendment, not just Housing Choice provisions. We anticipate that DCHD will help clarify this provision through guidance.

Abutter Appeals Reform. The law also made a change in appeals to land use decisions. Under the changes to Ch. 40A, a judge has the option to require a party appealing a decision to approve a special permit, variance, or site plan to post up to a \$50,000 bond to secure the payment of costs if the court finds that the harm to the defendant or to the public interest resulting from delays caused by the appeal outweighs the financial burden of the surety or cash bond on the plaintiffs.

The court is directed to consider the relative merits of the appeal and the relative financial means of the plaintiff and the defendant.

Special Permit Parking Reductions. Another change permits zoning ordinances/bylaws to allow special permits to be granted for reduced parking-space to residential-unit-ratio requirements. The special permit granting authority may grant this relief after finding that the public good would be served and that the area in which the development is located would not suffer a substantial adverse effect from the reduction in parking.

Regional Development Agreements. The law also allows contiguous municipalities to enter into agreements to allocate public infrastructure costs, municipal service costs, and local tax revenue associated with the development of an identified parcel or parcels or development within the contiguous communities. Agreements must be authorized by a majority vote of their legislative bodies, and with the approval of the mayor, board of selectmen, or other chief executive officer. Agreements must be approved by the Department of Revenue.

- **018 21 Council President: KWDiversity Training**

Council President stated we have talked about having some diversity training. Now that we are back in session we are partnering with a consulting firm KWDiversity. These meetings will be on non-Council meetings. These meetings will be extended to the Department Heads. The schedule is still a work in progress.

OLD BUSINESS

- **21 009 Mayor: Appointment of Kimberly Kroha to the Planning Board or take up any action relative thereto**

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke, Chairwoman of the Committee of Ways & Means stated the committee earlier this evening. We are sending this to the full Council with 3 in favor and 2 opposed.

Council President Hume asked if there is anyone else wishing to speak?

Nicole Taub, Chief of Staff stated you have all received Ms. Kroha's resume. She truly values what this community means. She has heard loud and clear what the residents want Braintree to be. She has professional experience to enhance her knowledge and expertise when making decisions on the Planning Board.

Kim Kroha stated I have been in Braintree since 2008. I do represent developers of other towns. I understand what the law says. I would make sure the character of the neighborhoods stays the same and that we do not put developments in a spot that they do not make any sense.

Councilor Sciascia stated Ms. Kroha is clearly capable. I have been listening for years that we have had developers and attorneys on the Planning Board for years. Residents feel that is a conflict and that these people do not represent their views as residents. Ms. Kroha is an attorney for 40B developers. As Braintree fights a 40B development, I will not be supporting this appointment.

Councilor Connors stated in the Committee of Ways & Means I was also one of the opposing. When it comes to the Planning Board, having an attorney who works for developers is such a fine line and it crosses that line.

Councilor Boericke stated you will do a great job. Having your professional expertise is exactly what we need. It is a big commitment and I will be supporting your nomination.

Councilor Flaherty stated the expertise necessary to serve effectively on the Planning Board should not be underestimated especially fighting 40B. I want an expert on my side. We are lucky to have you. You have my support.

Councilor Ringius stated I as an attorney feel somewhat bothered when they pigeon hole an attorney. I feel for both sides when serving as an attorney. We have here someone with an outstanding resume from a legal standpoint. The expertise here is immense. She lives here. I do not see any conflict of interest because of her day job. I will be supporting this appointment tonight.

Motion was read by Council Vice-President Ringius:

MOTION: Upon the request of his honor, the Mayor, the Town of Braintree, through the Braintree Town Council, and in accordance with Sections 3-3 of the Charter of the Town of Braintree Approves the Appointment of Kimberly Kroha to the Planning Board.

Motion: by Councilor Ringius to Approve Council Order 21 009

Second: by Councilor Ryan

Roll Call Vote: For (5 – Boericke, Flaherty, Hume, Ringius, Ryan),
Against (2 - Connors, Sciascia), Absent (2 - Mackin, O'Brien), Abstain (0)

- **21 023 Superintendent of Schools: MSBA Statement of Interest Core Project Braintree High School or take up any action relative thereto** (TABLED at previous meeting)

President Hume asked is there a Motion to Take off the Table Order 21 023.

Councilor Ringius made a Motion to Take off the Table Order 21 023

Motion: by Councilor Ringius to Take off the Table Order 21 023

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O'Brien), Abstain (0)

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke, Chairwoman of the Committee of Ways & Means stated the committee earlier this evening. We are sending this to the full Council with a unanimous favorable recommendation. The MSBA requires approval from the local government for the Superintendent to submit a statement of interest.

Motion was read by Councilor Ringius.

MOTION: BRAINTREE PUBLIC SCHOOLS STATEMENT OF INTEREST

UPON THE REQUEST OF THE SUPERINTENDENT OF BRAINTREE PUBLIC SCHOOLS, FRANK HACKETT, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, RESOLVES:

Having convened in an open meeting on June 15, 2021, prior to the closing date, the Town Council of Braintree, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent of the Braintree Public School Department to submit to the Massachusetts School Building Authority Statements of Interests dated June 15, 2021 for Braintree High School located at 128 Town Street, Braintree, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority #3: Prevention of the loss of accreditation; Priority #5: Replacement, renovation, or modernization of the school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; Priority #7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Braintree or the Braintree School Department to filing an application for funding with the Massachusetts School Building Authority.

Motion: by Councilor Ringius to Approve Order 21 023

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

• **21 025 National Grid Petition: Hawthorn Road or take up any action relative thereto**

President Hume referred to Councilor Ryan, Chairman of the Committee on the Department of Public Works for a recommendation.

Councilor Ryan stated the Committee on the Department of Public Works met this evening and sends this to the full Council with a unanimous favorable recommendation. Hawthorn Road is not under the moratorium. The street was last resurfaced with a mill and overlay in 2008. The Engineering Division was planning on completing a sidewalk reconstruction project, along with a subsequent resurfacing of the roadway for the 2021 construction season. It is recommended that the petition be granted as soon as possible.

Motion was read by Councilor Ringius.

MOTION: To Relay approximately 1040 feet of 2-inch, bare steel (1931) and approximately 1400 feet of 2-inch, plastic (1979) with approximately 2440 feet of 4-inch, plastic in Hawthorn Rd from the existing 2-inch, plastic at Washington St to the existing 2-inch, plastic at Elm Street with the following staff recommendations:

BELD: BELD has No conflicts on this road

DPW: The DPW has reviewed the subject petition and the accompanying sketch for the new gas main location and have the following recommendations:

Hawthorn Road is not under the moratorium. The street was last resurfaced with a mill and overlay in 2008. The Engineering Division was planning on completing a sidewalk reconstruction project, along with a subsequent resurfacing of the roadway for the 2021 construction season. We would recommend that the petition be granted as soon as possible so that the gas main replacement can be completed ahead of the Town's planned resurfacing work. It should be noted that given the late nature of National Grid's request, the sidewalk and roadway reconstruction work will likely be rescheduled to the 2022 construction season to allow ample time for any utility trench settlement.

The petition should be granted under the normal conditions, with emphasis on the requirements that the trench pavement not be left low for any length of time, and that the gas main shall not encroach on any town-owned utilities. We also recommend that the following requirements be added to the permit, if it is to be granted:

"National Grid must arrange a pre-construction meeting with Braintree DPW, Braintree Police and BELD prior to any excavation to discuss utility corridor assignment and traffic management for the project."

"Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor's engineer and approved by the DPW and Police Department."

Motion: by Councilor Ringius to Approve Order 21 025

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O'Brien), Abstain (0)

- **21 028 Mayor: Ordinance to Establish Anti Blight Program or take up any action related thereto** (Public Hearing) (TABLED at previous meeting)

President Hume stated the Mayor has requested we Continue to Table Order 21 028.

Councilor Ringius made a Motion to Continue to Table Order 21 028

Motion: by Councilor Ringius to Continue Table Order 21 028

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O'Brien), Abstain (0)

- **21 029 Mayor: Amendment to General Ordinance 6.100.040 (Personal Kennel License) or take up any action related thereto** (Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 029.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 029

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

President Hume referred to Councilor Ringius, Chairman of the Committee on Ordinance & Rules for a recommendation.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated the committee met and we are sending this to the full Council with a vote of 3 in favor one opposed. Of note: there are a number of additional Orders related to this discussion. The Planning Board passed this in memory of K9 Kitt and if the full Council was to do so we would want to also pass this in memory of K9 Kitt.

Nicole Taub, Chief of Staff stated the timing on this Ordinance was sadly fitting. This will bring to our community all great things including our businesses and tax base. These items came as a joint petition with the Planning Board and a Citizen Petition. This is a true gap in services we bring to our residents. Mr. Farmer is in attendance hoping to open a business but is contingent on the Ordinances and Zoning Amendments before you this evening. When a business applies it is the Planning Board who decides whether or not a business moves forward during the permitting process. There is a zoning by-law an individual would have to comply with if seeking permitting for this type of establishment.

Dan Farmer, Dog Daycare Petitioner stated this is an enrichment program and facility that fits the needs of today’s dogs who are treated as family members. This facility will include Daycare, Enrichment, Park, Resort and Spa. Mr. Farmer presented a PowerPoint presentation.

Councilor Connors stated as a animal shelter volunteer I love this idea.

Councilor Sciascia stated I was the no vote in Ways & Means but after receiving information from Director SantucciRozzi stating Section 135-503 would require special permit granting authority to review the off-site impact of the noise before anything be approved. That is the critical element that will make me support this tonight. I wish you the best.

Councilor Boericke stated this was a citizen petition which underscores the ability of citizens to make positive change. I think having a new business use in this Town with high demand will generate additional revenue, provide a service to our residents, create new jobs and opportunities. I admire your initiative. I look forward to supporting this.

President Hume stated great presentation. You have the vision as a small business owner. You will bring revenue and jobs to this community and a service that isn’t here. You have my full support.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 029?

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 029?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 029

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 029

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O'Brien), Abstain (0)

Motion was read by Councilor Ringius:

6.100.040

Personal kennel license.

- A.** Any reference within this chapter to a "kennel" or "kennel license" is meant to refer to a personal kennel as defined under MGL c. 140, § 136A.
- B.** Licenses issued for personal kennels shall be issued in packs of five license tags. Each pack of five licenses shall be priced at \$50.
- C.** Nothing under this section shall prohibit any owner of more than four dogs from purchasing individual dog licenses as described in § 6.100.030 nor shall it prohibit an owner or keeper of less than four dogs, three months or older, who does not maintain a personal kennel from securing a personal kennel license under this section as outlined in MGL c. 140, § 137A.

Motion: by Councilor Ringius to Approve Order 21 029

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O'Brien), Abstain (0)

President Hume noted these motions will be in memory of K9 Kitt.

- **21 031 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-102 or take up any action related thereto**
(Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 031.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 031

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

President Hume referred to Councilor Ringius, Chairman of the Committee on Ordinance & Rules for a recommendation.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated the committee met last night and we are sending this to the full Council with a favorable recommendation of a vote of 3 in favor one opposed.

Melissa SantucciRozzi, Director of Planning & Community Development stated we submitted an application to the Town Council on May 14, 2021. This included some zoning amendments. The Planning Board held a Public Hearing on June 8, 2021 to give their recommendation which was a favorable recommendation. Ms. SantucciRozzi explained the technical language on this proposal. As we go through the permitting part of the application we will give lists of things the applicant must comply with. We have the right to add to that list.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 031?

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 031?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 031

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 031

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

Motion was read by Councilor Ringius.

MOTION:

Amend Section 135-102 Definitions (TCO 21-031)

A. Remove the Following Definition

Animal Clinic or Hospital: An establishment for the dispensing of medical services to domesticated animals. Said establishment shall not be used as a kennel for the boarding of five or more healthy animals.

and Replace it With:

Animal Clinic or Hospital: Any facility maintained ~~by or for the use of~~ **or used by** a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases **and that provides other medical services** where the animals include but are not limited to dogs, cats or other comparable household pets or other domesticated animals, where the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal. *Such establishment shall not allow Animal Boarding (day or overnight).*

B. Add the Following New Definition

Animal Retail and Animal Grooming Service: Any commercial establishment engaged in the business of operating a pet shop as defined by M.G.L. c. 129 s. 39A and the supporting regulations and/or has retail operations that specialize in food, grooming products, toys, and other such merchandise for household pets or other domesticated animals and/or that is engaged in the washing, brushing, trimming of fur or nails, or other such cosmetic and spa services for domestic pets. *Such establishments may not perform medical services or allow Animal Boarding (day or overnight).*

C. Add the Following New Definition

Full Service Animal Establishment: Any commercial establishment that provides for any combination of Animal Retail, Animal Grooming Service, Animal Clinic or Hospital and also provides any of the following services and amenities: Animal Boarding (day and overnight), Animal Play Groups, Animal Instruction/Training/Exercise Programs and other animal care services, both indoors and outdoors where services are provided in exchange for a Fee and the Animal Owner is and is not on site. This Use shall not include an animal shelter or animal control facility.

Motion: by Councilor Ringius to Approve Order 21 031

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O'Brien), Abstain (0)

- **21 032 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-601 or take up any action related thereto**
(Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 032.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 032

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

President Hume referred to Councilor Ringius, Chairman of the Committee on Ordinance & Rules for a recommendation.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated the committee met and we are sending this to the full Council with a tie vote of 2 in favor and 2 opposed.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 032?

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 032?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 032

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 032

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

Motion was read by Councilor Ringius.
 MOTION:

Amend Section 135-601 Table of Principle Uses (TCO 21-032)

Add the Following New Uses

Use:	RA	RB	RC	C123	GB	HB	C	OSC	BWLD
Animal Retail and Animal Grooming Service <15,000 Sq. Ft.	NO	NO	NO	NO	YES	YES	YES	NO	YES
Animal Retail and Animal Grooming Service 15,000 Sq. Ft. or >	NO	NO	NO	NO	NO	YES	YES	NO	NO
Full Service Animal Establishment	NO	NO	NO	NO	NO	SP	SP	NO	NO

Motion: by Councilor Ringius to Approve Order 21 032

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
 Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

- **21 033 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-806 or take up any action related thereto**
 (Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 033.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 033

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
 Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

President Hume referred to Councilor Ringius, Chairman of the Committee on Ordinance & Rules for a recommendation.

Councilor Ringius, Chairman of the Committee on Ordinance & Rules stated the committee met last night and we are sending this to the full Council with a favorable recommendation with a vote of 3 in favor one opposed.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 033?

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 033?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 033

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 033

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

Motion was read by Councilor Ringius.

MOTION:

Amend Section 135-806 Schedule of Off-Street Parking Requirements (TCO 21-033)

To Amend the following Parking Requirement

Animal Clinic or Hospital 1 Space / Per 250 gross Sq. Ft.

To Add the following Parking Requirement(s)

Animal Retail and Animal Grooming Service <15,000 Sq. Ft. 1 Space / Per 250 gross Sq. Ft.

Animal Retail and Animal Grooming Service 15,000 Sq. Ft. or > 1 Space / Per 250 gross Sq. Ft.

Full Service Animal Establishment 1 Space / Per 350 gross Sq. Ft.

Motion: by Councilor Ringius to Approve Order 21 033

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

- **21 034 Mayor: Transfer of Funds from Land Sale Account to General Fund or take up any action relative thereto** (Public Hearing)

President Hume asked is there a Motion to Open the Public Hearing for Order 21 034.

Councilor Ringius made a Motion to OPEN the Public Hearing

Motion: by Councilor Ringius to OPEN the Public Hearing for Order 21 034

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

President Hume referred to Councilor Boericke, Chairwoman of the Committee of Ways & Means for a recommendation.

Councilor Boericke, Chairwoman of the Committee of Ways & Means stated the committee earlier this evening. This is the transfer of the sale of the Allen Street property. We are sending this to the full Council with a unanimous favorable recommendation.

Council President Hume asked if any member of the Council or General Public want to speak on Order 21 034?

Council President Hume asked if there is anyone else wishing to speak? Hearing none.

Council President Hume asked is there a motion to Close the Public Hearing for Order 21 034?

Councilor Ringius made a Motion to CLOSE the Public Hearing on Order 21 034

Motion: by Councilor Ringius to CLOSE the Public Hearing on Order 21 034

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

Motion was read by Councilor Ringius.

MOTION: That the sum of \$150,000.00 be received from the sale of the property located at 44 Allen Street, Braintree, MA be transferred from the land sale fund to the general fund.

Motion: by Councilor Ringius to Approve Order 21 034

Second: by Councilor Ryan

Roll Call Vote: For (7 – Boericke, Connors, Flaherty, Hume, Ringius, Ryan, Sciascia),
Against (0), Absent (2 - Mackin, O’Brien), Abstain (0)

NEW BUSINESS

- None

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting scheduled on: **Tuesday, July 13, 2021@7:30pm**

ADJOURNMENT

It was unanimously voted by roll call vote to adjourn the meeting at 9:05p.m.

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

Meeting Documents

- Minutes of April 6, 2021
- Minutes of April 27, 2021
- 017 21 Council President: Housing Choice Act with Town Solicitor Huff/Legislative update
- 21 009 Mayor: Appointment of Kimberly Kroha to the Planning Board or take up any action relative thereto
- 21 023 Superintendent of Schools: MSBA Statement of Interest Core Project Braintree High School or take up any action relative thereto (TABLED at previous meeting)
- 21 025 National Grid Petition: Hawthorn Road or take up any action relative thereto
- 21 028 Mayor: Ordinance to Establish Anti Blight Program or take up any action related thereto (Public Hearing) (TABLED at previous meeting)
- 21 029 Mayor: Amendment to General Ordinance 6.100.040 (Personal Kennel License) or take up any action related thereto (Public Hearing)
- 21 031 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-102 or take up any action related thereto (Public Hearing)
- 21 032 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-601 or take up any action related thereto (Public Hearing)
- 21 033 Braintree Planning Board / Citizen Petition: Proposed Zoning Bylaw Text Amendments Related to Animal Care, Retail and Services Section 135-806 or take up any action related thereto (Public Hearing)
- 21 034 Mayor: Transfer of Funds from Land Sale Account to General Fund or take up any action relative thereto (Public Hearing)