



# Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## MEMBERS

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

## November 10, 2021 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Wednesday, November 10, 2021 beginning at 7:00pm.

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  
Steven Sciascia, Vice-Chairman  
Julia Flaherty, Member  
Not Present Lawrence Mackin, Jr, Member

Also Present: Nicole Taub, Chief of Staff/Town Solicitor  
Melissa SantucciRozzi, Director Planning & Community Development  
Connor Murphy, Zoning Planner

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

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

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

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

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

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Ringius, Sciascia), Against (0), Absent (1 - Mackin), Abstain (0)

Chairman Ringius stated at our last meeting we mentioned we sent a letter to our State Delegates being Senator Keenan, Senator Timilty and Representative Cusack. Senator Keenan sent back an email in terms of where the State stands on a State-wide ban. We will schedule this at a future O&R meeting. Tonight, was just a quick update.

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

**Motion:** by Councilor Sciascia to TABLE Order 20 034

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Ringius, Sciascia), Against (0), Absent (1 - Mackin), Abstain (0)

### **New Business**

#### **• 21 054 Planning Board/ZBA: Zoning Bylaw Text Amendment or take up any action related thereto**

Chairman Ringius asked if anyone from the Mayor's office would like to speak.

Melissa SantucciRozzi, Director Planning & Community Development stated this used to involve 3 departments being the Building Department who took in the permit and wrote the Legal Notice and transmitted it to the Planning staff. The Planning staff wrote a staff recommendation and a report that was provided to the Planning Board. At the Planning Board meeting the Petitioners would appear and talk about their proposals. The Planning Board would make a recommendation which was then forwarded on to the Zoning Board of Appeals. The ZBA would then conduct a formal hearing with the applicant/petitioner and abutters were noticed for that portion of the process. The ZBA forwarded their decision to the Planning staff who wrote a report and sent it to legal counsel for the decision to be formulated.

With Mayor Sullivan and the new form of government the Planning Board decided the petitioner did not need to be present with the new position of the Zoning Planner who could explain the applicants request.

In March 2021 Ms. Santucci and Mr. Murphy discussed the streamlining of this procedure. This was brought to the Zoning Board of Appeals and the Planning Board with all in favor but one opposition. This Zoning Amendment was submitted to the Town Council in October 2021. The Planning Board held its hearing on November 9, 2021 with no public present and no public comment received. It was noted a 2-board application is unusual and the removal of this requirement is long overdue. The vote from the Planning Board was 4 in favor and 1 opposed.

Councilor Sciascia stated I understand why the Planning Board and ZBA would want to do this. It makes absolute sense from a process perspective. There is one piece that does not see the light of day. It is the Planning Department's recommendation. It is not included on the website with the materials for the meeting or in the minutes of the meeting. It has been almost impossible to get the information on what the Planning Department is recommending. If we pass this we are limiting any transparency as to the recommendations. This should be a comprehensive review. I feel strongly about not voting for this.

Melissa SantucciRozzi, Director Planning & Community Development stated the Planning Board recommendation has never been noticed to the public because it is only a recommendation. Even back in 2005 when the applicant came before the PB the public was not there because the public was not noticed of it. There was not requirement to do that. If there is a desire to put staff recommendations on the website that is something we can do.

Councilor Flaherty asked are we taking out the requirement that the Planning Board would have to write a report with recommendations on a matter before the ZBA could take final action on a request for a variance.

Ms. SantucciRozzi stated correct but the Planning Board doesn't actually write it, Connor writes it and they say they agree with the staff or they don't. The Planning Board recommendation is in favor or opposed and sometimes with a caveat.

Councilor Flaherty asked if the ZBA will still get the staff recommendation.

Ms. SantucciRozzi stated yes. It will be the full report.

Nicole Taub, Chief of Staff asked Melissa SantucciRozzi if someone filled out a Public Records Request would they receive everything from the file including the staff recommendations?

Ms. SantucciRozzi stated yes.

Nicole Taub, Chief of Staff stated am I hearing when all the documents are given to the ZBA on Friday's before a Monday meeting all the documents including staff reports will be uploaded to the website as well so they can be accessed by all. Is this correct.

Ms. SantucciRozzi stated yes. We have no problem doing that whatsoever.

Chairman Ringius asked Councilor Sciascia if that was adhered to would it address the concerns you have.

Councilor Sciascia stated I believe it would but I would want to talk to some of the residents in the Civic Association and I would not support that until that was actually being done. I still think the better solution is to look at the whole process. This was not unanimous from the Planning Board and I read through member Grove's comments. There is a lot of validity in what he is saying. My issue is the transparency.

Connor Murphy, Zoning Planner stated in regards to ZBA applications I have been fairly conservative in regards to recommendations. Anything that pushes the envelope in terms of variances it is usually a denial.

Chairman Ringius asked Ms. SantucciRozzi to give an update on why Mr. Grove opposed this at the Planning Board meeting last night.

Ms. SantucciRozzi stated Mr. Grove said another board provides protections. He thinks we are taking something away from the public and again they have never been at these type of hearings.

Ms. SantucciRozzi stated at the ZBA meetings it has been stated they (ZBA) are the decision makers and the Planning Board recommendation is not overly important to them.

Councilor Sciascia stated why is there such a rush for this. I would like to see this tabled.

Ms. SantucciRozzi stated I respectfully ask you take my word that all the documents will be posted to the website.

Chairman Ringius read the motion:

**MOTION:** That the Ordinance and Rules Subcommittee votes, at the Request of the Planning Board and Zoning Board of Appeals, to support amending the Braintree Zoning Bylaw Chapter 135-407(E) which states: "The Zoning Board of Appeal (permit granting authority) shall not take final action on a request for a variance or on a request for action on a nonconforming use until the Planning Board has submitted to the Zoning Board of Appeal (permit granting authority) in writing a report with recommendations on the matter or until the expiration of 30 days from the date of notice to the Planning Board" by removing this Section in its entirety. The Zoning Bylaw Text Amend Petition has been recommended favorably by the Planning Board in its report to the Town Council dated November 9, 2021.

A Motion was made by Councilor Flaherty for favorable recommendation to the full Council to Approve Order 21 054

**Motion:** by Councilor Flaherty for favorable recommendation to the full Council to Approve Order 21 054

**Second:** by Councilor Sciascia

**Roll Call Vote:** For (2–Flaherty, Ringius), Against (1-Sciascia), Absent (1-Mackin), Abstain (0)

• **031 21 Councilor Mackin: Municipal Oversight Committee or take up any action relative thereto**

Chairman Ringius asked if there is a Motion to table this to a future meeting.

A Motion was made by Councilor Sciascia to TABLE item 031 21 to a future meeting

**Motion:** by Councilor Sciascia to TABLE item 031 21

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Ringius, Sciascia), Against (0), Absent (1 - Mackin), Abstain (0)

It was unanimously voted by Roll Call to adjourn the meeting at 7:46 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 relative thereto (Update)
- 21 054 Planning Board/ZBA: Zoning Bylaw Text Amendment or take up any action related thereto
- 031 21 Councilor Mackin: Municipal Oversight Committee or take up any action relative thereto