

1. 7:00 P.M. Committee On Ordinance & Rules

Documents:

[19 JULY 22 ORDINANCE AND RULES AGENDA.PDF](#)

2. 7:00 P.M. Committee On Ordinance & Rules

Documents:

[19 JULY 22 OR MTG.PDF](#)



# **Braintree Town Council Committee on Ordinance & Rules**

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## **MEMBERS**

Sean Powers, Chairman  
David Ringius, Vice-Chairman  
Charles Kokoros, Member  
Timothy Carey, Member

## **AGENDA**

**Monday, JULY 22, 2019**

**Starting Time – 7:00 p.m.**

**Cahill Auditorium, Town Hall**

**Pledge of Allegiance**

**Moment of Silence**

**Roll Call**

**Approval of Minutes**

- May 21, 2019

**New Business**

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

**Old Business**

- None

**Adjournment**



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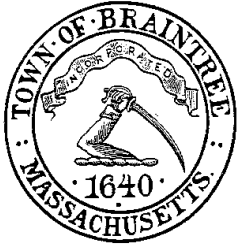
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- None

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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

**Motion:** by Councilor Ringius to TAKE off the TABLE Order 19 011

**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

# Draft Braintree Zoning Ordinance: A Reader's Guide to Major Proposed Changes

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This document is a companion piece to the 'Table of Contents Comparison' document that shows where topics from the existing zoning bylaws are addressed in the draft zoning ordinance. This reader's guide goes a step further by summarizing the major proposed changes by topic, or noting where certain topics have had minor edits or no substantive change. This document will continue to evolve over the course of the project and readers are encouraged to check the date in the footer to ensure materials are up to date.

Section	Status (Summary of Major Changes; Minor Edits; or No Substantive Change)
<b>Sec. 1. Purposes and Authority</b>	This section is one page long, and includes text largely standard across Massachusetts.
<b>Sec. 2. Establishment of Districts</b>	
§ 2.1 Districts	<ul style="list-style-type: none"> <li>• A description of the purpose of each zoning district has been added.</li> <li>• There is a new Transition District (TD), accommodating a mix of uses, and serving as a "transition" from village centers to residential areas.</li> <li>• The Village Overlay District is now proposed as a standalone Village Center (VC) zoning district.</li> </ul>
§ 2.2 Zoning Map	<ul style="list-style-type: none"> <li>• This section provides details on how to interpret where the boundaries of the zoning districts are.</li> <li>• The Zoning Map itself has been updated and digitized. It includes the new districts and also attempts to draw district boundaries to conform with parcel boundaries (to avoid lots that are split into two or more zoning districts).</li> </ul>
<b>Sec. 3. Administration and Enforcement</b>	
§ 3.1 Administration	This summarizes the content of Sec. 3.
§ 3.2 Building Inspector	This section now lays out the information that must be provided for every building permit, as well as additional requirements for building permits involving the erection of a structure.
§ 3.3 Enforcement	This section explains the process for the Building Inspector to address violations of the zoning ordinance.
§ 3.4 Appeals of Building Inspector Orders or Decisions	This section is much abbreviated, and largely directs people to follow relevant State regulations, including the timing for filing appeals and making decisions.

§ 3.5 Disposition of Violations	This section explains how fines for violations are applied to both criminal and non-criminal complaints.
§ 3.6 Zoning Board of Appeals	<ul style="list-style-type: none"> <li>• Describes how the ZBA is formed and the powers it has, including new Special Permit Granting Authority (SPGA).</li> <li>• Largely based on State regulations.</li> <li>• Notes that the ZBA in Braintree also has authority over appeals related to signs.</li> </ul>
§ 3.7 Variances	<ul style="list-style-type: none"> <li>• This language is largely taken from State law.</li> <li>• The current bylaws prohibit use variances. In other words, if a use isn't allowed in a particular zoning district, a variance cannot be applied to allow that use. The draft ordinance continues to prohibit use variances.</li> </ul>
§ 3.8 Planning Board	<ul style="list-style-type: none"> <li>• Describes how the Planning Board is formed and the powers it has, including the Special Permit Granting Authority.</li> <li>• Largely based on State law.</li> <li>• Notes that the Planning Board in Braintree also has authority over grading permits.</li> </ul>
§ 3.9 Special Permits	<ul style="list-style-type: none"> <li>• This draft eliminates the need for certain uses to go through the Special Permit process when located near schools and churches.</li> <li>• Updated criteria the Planning Board must consider to grant a Special Permit.</li> <li>• Much of the process for Special Permits is set by State law.</li> </ul>
§ 3.10 Site Plan Review	<ul style="list-style-type: none"> <li>• Site Plan Review (SPR) is not set in State law, so the Town has more flexibility with this section.</li> <li>• The intent is to clarify and improve the current process, keeping joint review of applications by various Town departments. This is efficient both for the Town and for applicants, and should lead to better outcomes.</li> <li>• This section now has criteria for when an application will be reviewed and approved by staff (Administrative SPR) vs. when it will be reviewed and approved by the Planning Board (Full SPR).</li> <li>• This section now has a list of activities that are exempt from either type of SPR.</li> <li>• All uses that are exempt from local zoning by State law (e.g. churches, day care, etc.) are still subject to Administrative SPR, as are most local, state, and federal government uses.</li> <li>• A Pre-Application Meeting is now encouraged to determine whether Administrative or Full SPR is applied, and to provide helpful guidance to applicants before they file. This should ultimately save time for applicants, by making sure they provide the right things to the right body from the get go.</li> <li>• This section establishes a Site Plan Review Committee, to be made up of various town departments and offices, and requires a meeting of this Committee to jointly review all applications.</li> <li>• Sets a new deadline of 10 days after submittal for the Town to review an application and alert the applicant as to whether or not it is complete. Again, this ensures that if there are any problems, the</li> </ul>



	<p>applicant is alerted quickly.</p> <ul style="list-style-type: none"> <li>• Requires that decisions be recorded with the Town Clerk and the Norfolk County Registry of Deeds, to make it easier for property owners to keep track of any decisions.</li> <li>• A new set of “purposes” and directly related “review criteria” have been added to make sure decisions can be justified as protecting the health, safety, and general welfare.</li> </ul>
§ 3.11 Site Plan Contents for Variance, Site Plan Review and Special Permits	<i>New.</i> Lays out the required contents for all site plans.
§ 3.12 Repetitive Petition	This is largely the same and follows State law.
§ 3.13 Zoning Amendments	This section describes the process for requesting and deciding on amendments to the zoning ordinance or map. It has been updated to follow state law relevant to communities with a city form of government (the current bylaws still follow the standards for a town form of government).
<b>Sec. 4. Use Regulations</b>	
§ 4.1 General	States that land uses and structures must comply with the Table of Uses.
§ 4.2 Uses Permitted in All Zoning Districts	Reiterates that government uses and uses exempt from zoning are permitted in all zoning districts. However, the Town still has the right to review these uses through the Site Plan Review process.
§ 4.3 More than One Use Classification	<ul style="list-style-type: none"> <li>• This acknowledges that multiple uses on one lot and/or in one building is becoming more and more common.</li> <li>• This section provides standards for how to determine which use (of two or more) is to be considered the principal use.</li> <li>• Alternatively, it includes standards for allowing more than one principal use.</li> </ul>
§ 4.4 Overlay Districts	This simply states that land within an overlay district is still subject to the underlying zoning.
§ 4.5 Prohibited Uses	<ul style="list-style-type: none"> <li>• This notes that any use not in the Table of Uses and any use that could harm human health, safety, and welfare is prohibited.</li> </ul>
§ 4.6 Table of Uses	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The Table is split into two parts: 1) Primary Uses and 2) Accessory Uses.</li> <li>• The uses in the Table have been streamlined and modernized.</li> <li>• 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.</li> </ul>

	<ul style="list-style-type: none"> <li>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 (3-5 units), Artisan and Craft Workshop, Artisan Food Production, and Alcoholic Beverage Production.</li> </ul>
§ 4.7 Accessory Uses	Examples of new accessory uses include Farm Stands, Docks, Drive-Through Service, and outdoor sales and storage.
§ 4.8 Nonconforming Uses, Structures, and Lots	<ul style="list-style-type: none"> <li>Substitution of one nonconforming use for another. Allowed by special permit only if the new use is "less detrimental" to the neighborhood than the existing use. Criteria have been added to help the ZBA determine this.</li> <li>Use variances for nonconforming uses remain prohibited.</li> <li>Criteria have been added for allowing a nonconforming building or structure to be altered or reconstructed.</li> <li>Reconstruction (including razing to a foundation and rebuilding) of a non-conforming single or two-unit dwelling must be reviewed by the ZBA through a special permit (as opposed to being approved by the Building Inspector).</li> <li>Alteration, reconstruction or structural changes to nonconforming single and two-family dwellings must conform with the new standards for FAR (see § 5.8 Table of Dimensional and Density Regulations).</li> </ul>
<b>Sec. 5. Dimensional Regulations</b>	
§ 5.1 General Requirements	<ul style="list-style-type: none"> <li>Describes how to handle lots in more than one district, though the updates to the Zoning Map have attempted to eliminate much of this.</li> <li>Maintains the existing standard that there may be no more than one dwelling per lot, but adds the caveat of "unless specifically authorized by other provisions of this chapter." This will allow for things like § 6.5 Flexible Development.</li> </ul>
§ 5.2 Lot Regulations	This section sets standards for Lot Frontage and Lot Width.
§ 5.3 Setbacks	Much of this text was pulled from the "Notes" of the current Table of Dimensional and Density Regulations.
§ 5.4 Height Regulations	Much of this text was pulled from the "Notes" of the current Table of Dimensional and Density Regulations and the current § 135-709. Height restrictions.
§ 5.5 Landscaped Open Space	<ul style="list-style-type: none"> <li>This has been renamed "Landscaped Open Space" to differentiate from other types of "open space" in general. Landscaped Open Space refers specifically to the required landscaped yard area for a given lot.</li> <li>Requirements for multifamily uses have been removed. This is addressed in § 6.2 Multifamily and Small Scale Multifamily Dwellings.</li> </ul>

<p>§ 5.6 Buffer Areas Between Zoning Districts</p>	<ul style="list-style-type: none"> <li>• This section sets standards for establishing natural or landscaped buffer areas between different zoning districts, in order to prevent conflict.</li> <li>• It also establishes a process and criteria for determining the appropriateness of requests to develop within the buffer.</li> </ul>
<p>§ 5.7 Other Requirements</p>	<ul style="list-style-type: none"> <li>• This is a catch-all for a number of existing requirements related to dimensions.</li> </ul>
<p>§ 5.8 Table of Dimensional and Density Regulations</p>	<ul style="list-style-type: none"> <li>• Staff has recommended deleting the proposed special permit provision that would have allowed 75' and 6 stories in the HB zoning district.</li> <li>• A Floor Area Ratio (FAR) standard is added for residential development. This means there is a limit to the total square footage of a residential building compared to the size of its lot. FAR can help ensure that the scale of new or renovated homes is not out of proportion with existing neighbors.</li> <li>• The standards for the BWLD zoning district have been added to this table, rather than being listed separately.</li> <li>• Standards have been added for the new, proposed Transitional District (TD). The minimum lot size is 7,500 square feet.</li> <li>• The existing Watershed standards have been removed from the Table, since that overlay has been changed to protect groundwater through performance standards rather than lot size and other dimensional standards.</li> <li>• The Cluster standards have been removed from the Table, since this has been replaced with "Flexible Development." Standards for lots that utilize flexible development are found in § 6.5.</li> </ul>
<p>§ 5.9 Table of Dimensional and Density Regulations for Accessory Buildings and Structures in Residential Districts</p>	<ul style="list-style-type: none"> <li>• This is a new Table that applies strictly to accessory buildings and structures.</li> <li>• This provides standards for setbacks and height, including a rear setback ratio (the taller the building or structure, the greater the setback).</li> </ul>
<p>§ 5.10 Calculating Floor Area Ratio (FAR)</p>	<p><i>New.</i> Since FAR has been added to the Table of Dimensional and Density Regulations, this section has been added to clarify to applicants how it should be calculated.</p>
<p><b>Sec. 6. Special Use Regulations</b></p>	
<p>§ 6.1 Inclusionary Housing</p>	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• Applies to any residential or mixed-use development requiring a special permit and resulting in a net increase of 6 or more dwelling units.</li> <li>• 15% of any dwellings will be affordable, rounded up to the nearest whole number.</li> </ul>

	<ul style="list-style-type: none"> <li>• Developers will <i>not</i> be allowed to make a payment in lieu of building affordable dwellings. Units may be built on site or elsewhere in Braintree.</li> </ul>
§ 6.2 Multifamily (6+ units) and Small Scale Multifamily (3-5 units) Dwellings	<ul style="list-style-type: none"> <li>• Standards for multifamily dwellings of any size have been changed significantly. The goal is to ensure that multifamily buildings meet exterior design standards and parking standards, without dictating the number or size of dwelling units inside a building.</li> <li>• Basic design guidelines have been added to discourage long, blank walls, to encourage variety and articulation for doors, roofs, windows, etc., and to set standards for distances between buildings.</li> <li>• The maximum number of units for Multifamily dwellings (6+ units) has been eliminated, but the maximum density has been capped at 20 dwelling units per acre.</li> <li>• A new use category allows “Small-scale” multifamily dwellings (3-5 units) in zoning districts where larger Multifamily dwellings (6+ units) are not allowed.</li> <li>• Minimum landscaped open space is now determined as a percentage of the lot (35%) as opposed to a certain number of square feet per unit.</li> <li>• Minimum outdoor recreation space is now determined as a percentage of the lot (7%) as opposed to a certain number of square feet per unit.</li> </ul>
§ 6.3 Two-Family Dwelling, Conversion	<ul style="list-style-type: none"> <li>• This section continues to allow single-family dwellings to convert to two-family dwellings, but provides standards for making sure these conversions look and act compatible with other surrounding homes, including for: Driveways and Parking; Entries; Building Form &amp; Style; and Doors, Windows, and Balconies.</li> </ul>
§ 6.4 Long-Term Care Facility Conversion	<ul style="list-style-type: none"> <li>• This was formerly called “Nursing Home Conversion,” but the name was changed to reflect the State’s nomenclature (Long-Term Care Facility).</li> <li>• Several current standards have been eliminated, including 1) the building must be vacant for a year before conversion, 2) the building must have been in existence as of May 10, 2006, 3) the conversion must not generate more than 50 vehicle trips for any peak hours, and 4) adequate screening between the site and abutting properties shall be provided.</li> <li>• Building expansion is still not allowed.</li> </ul>
§ 6.5 Flexible Development	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• This section replaces Braintree’s existing Cluster 1-2-3 districts, and is meant to allow flexibility in residential development in order to preserve more open space and protect important features of a site.</li> <li>• This is now applicable in the Residence A, B, and C zoning districts, for any development of three or more housing units.</li> </ul>

§ 6.6 Trailers as Dwellings	No Change
§ 6.7 Accessory Apartment	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• This section is proposed by staff to be deleted.</li> <li>• The intention of this section had been: Because there are many residents in Braintree who are adding accessory apartments to their homes illegally, Town Staff asked the consultant team to explore standards for such uses. If they are happening anyway, how can the Town ensure they are happening in a way that is safe for the residents and not disruptive to neighbors?</li> <li>• Accessory apartments would only be allowed where the existing structure conforms with all dimensional and density regulations.</li> <li>• Accessory apartments may be a maximum of 700 square feet, and may not have more than one bedroom.</li> <li>• The property owner must use the main house or the accessory apartment as a primary residence.</li> <li>• This draft has an amnesty clause for existing accessory apartments, and provides a mechanism for them to conform to these new regulations.</li> </ul>
§ 6.8 Home Occupation	<ul style="list-style-type: none"> <li>• This section provides standards for people working from home in a residential district. Examples of some of these standards include . . . <ul style="list-style-type: none"> <li>- Home occupations must be solely operated by the resident (i.e. no outside employees are allowed).</li> <li>- No more than 750 square feet of the home may be used by the home occupation.</li> <li>- No retail sales are allowed.</li> </ul> </li> </ul>
§ 6.9 Registered Marijuana Dispensary	<ul style="list-style-type: none"> <li>• This section provides standards for medical marijuana dispensaries, as defined by State law.</li> <li>• This section does NOT allow for recreational use of marijuana, which is prohibited within the Town of Braintree.</li> <li>• This includes standards for location, hours of operation, proximity to other uses, permitting, annual reporting, and more.</li> </ul>
§ 6.10 Adult Use	<ul style="list-style-type: none"> <li>• This is largely the same as the Town’s current bylaw.</li> <li>• A few edits have been made to ensure that adult uses are treated fairly and according to State law.</li> </ul>
§ 6.11 Wireless Communication Facility	This section has been updated to comply with current federal law and to reflect more current wireless communication technology.
§ 6.12 Drive-Through Service	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• This new section provides standards for drive-through service, whether at a restaurant, bank, pharmacy or other business.</li> <li>• Such services are only allowed on lots of 20,000 square feet or more, and are NOT allowed in the</li> </ul>



	<p>Braintree-Weymouth Landing or Village Center zoning districts.</p> <ul style="list-style-type: none"> <li>• This includes standards for location, curb cuts, stacking spaces, circulation, and exiting space.</li> </ul>
§ 6.13 Outdoor Dining	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• This new section applies to outdoor dining accessory to any type of restaurant.</li> <li>• This includes standards for location, obstruction, enclosures, furnishings, and awnings and umbrellas.</li> </ul>
§ 6.14 Fuel Stations	No Change, except that this is now referred to as “fuel station” rather than “service station.”
§ 6.15 Temporary Storage Container	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• This new section sets standards for temporary storage containers, including number, duration, location on the property, etc.</li> </ul>
<b>Sec. 7. General Regulations</b>	
§ 7.1 Off-street Parking & Loading	<ul style="list-style-type: none"> <li>• One of the most significant changes to this section is how staff review of parking is triggered. An ongoing problem has been the changing of uses in a building or property that lead to a greater demand for parking than what was formerly approved. The Site Plan Review (SPR) process is proposed to be triggered by (among other things) any reoccupation or change of use. § 7.1 now states that anything subject to SPR must submit a parking plan. Therefore, any reoccupation or change in use will trigger a parking plan. This should give staff the leverage they need to make sure that parking remains adequate as uses evolve.</li> <li>• Table 4: Schedule of Off-Street Parking Requirements has been updated significantly. It is now tied directly to § 4.6 Table of Uses. Every use listed in the Table of Uses is also listed in Table 4. Each use or set of uses is assigned a number, and these numbers are all now listed in a new column in the Use Table for ease of locating the applicable parking standards.</li> <li>• New standards have been added for the provision of bicycle parking in new or expanded commercial and institutional uses.</li> </ul>
§ 7.2 Site Design Standards	<ul style="list-style-type: none"> <li>• A. Landscaping Best Practice – Standards for plant selection, tree selection, and maintenance.</li> <li>• B. Landscaping Plan Requirements – Includes a site development plan, and type and placement of all plants and trees.</li> <li>• C. Outdoor Lighting – New text applicable to commercial and mixed uses. Sets standards for illumination levels and the contents of a Lighting Plan required for a building permit.</li> <li>• D. Lighting Plan – Lighting types and locations, and strategies for keeping light from spilling over into neighboring properties.</li> <li>• E. Stormwater Management – Requires compliance with the most recent General Permit for</li> </ul>

	<p>Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts and all Town of Braintree Stormwater Management Regulations.</p> <ul style="list-style-type: none"> <li>• F. Grading Standards – These are largely the same as the Town’s current grading standards.</li> </ul>
§ 7.3 Traffic Standards	Minimal edits
§ 7.4 Environmental Performance Standards	Standards related to noise significantly scaled back. Noise is better handled outside of zoning.
§ 7.5 Erosion and Sediment Control	Retained existing section with minimal edits.
§ 7.6 Rules and Regulations for Signs	No change. However, this section is not in compliance with the U.S. Supreme Court decision in Reed vs. Town of Gilbert, and will need to be addressed in the near future.
<b>Sec. 8. Special District Regulations</b>	
§ 8.1 Braintree-Weymouth Landing District (BWLD)	<ul style="list-style-type: none"> <li>• The BWLD ordinance adopted in 2010 has been recoded in order to conform to the structure of the revised ordinance, with minor revisions and corrections.</li> <li>• Some content from 2010 has been moved to the Table of Uses and Table of Dimensional and Density Regulations.</li> </ul>
§ 8.2 Village Center District	<ul style="list-style-type: none"> <li>• The most significant change here is that the Village Center is now a baseline zoning district, and not an overlay district.</li> <li>• Otherwise, the standards within the Village Center zoning district are largely the same.</li> </ul>
§ 8.3 Floodplain Protection Overlay District	<ul style="list-style-type: none"> <li>• This is the Wetlands and Floodplain Protection District as adopted by the Town in 2012, with minor wording changes and corrections, and recoding.</li> </ul>
§ 8.4 Drinking Water Protection Overlay District	<ul style="list-style-type: none"> <li>• This section has been changed significantly.</li> <li>• First and foremost, the area of Town subject to this overlay was decreased slightly to match the portions of Braintree identified in the Massachusetts Drinking Water Regulations. These new boundaries have been scientifically determined to have the greatest impact on the quality of the Town’s groundwater.</li> <li>• Next, the Town looked at areas that may be used for drinking water supply in the future. These areas have been added to the overlay.</li> <li>• As noted above, the Town’s current bylaw has a number of lot size and other dimensional requirements for this overlay that have been eliminated. Current science suggests that 1-acre minimum lot sizes do not protect water quality, and in a largely built out community like Braintree,</li> </ul>

	<p>prohibitions of certain uses and performance standards for permitted development can be far more effective.</p> <ul style="list-style-type: none"> <li>• Prohibited uses and activities include such things as hazardous materials, fueling facilities, automobile wrecking yards, and outdoor storage of eight or more nonfunctioning appliances.</li> <li>• Performance standards focus on such things as secondary containment for any allowed hazardous materials and a monitoring program for allowed hazardous materials.</li> </ul>
§ 8.5 Special Industrial Management Area Overlay District	<p><i>New</i></p> <ul style="list-style-type: none"> <li>• This new overlay covers the sites for CITGO and Clean Harbors. It is designed to allow those uses with a Special Permit.</li> <li>• The Special Permit process gives the Town more flexibility to impose standards on these uses to mitigate their impacts on the community.</li> </ul>
§ 8.6 Billboard Zoning Overlay District	<ul style="list-style-type: none"> <li>• This has been edited slightly to fit the context of the new draft ordinance but is otherwise largely the same.</li> </ul>
<b>Sec. 9. Definitions</b>	<ul style="list-style-type: none"> <li>• The definitions section has been updated significantly.</li> <li>• All uses in the Use Table now have a definition.</li> <li>• The current bylaw includes some definitions in their own sections. This draft combines most of the definitions located anywhere in the current bylaw in one place, all arranged alphabetically.</li> </ul>