1. 6:30 P.M. Committee On Ordinance & Rules
   Documents:
   
   19 SEPTEMBER 26 ORDINANCE AND RULES AGENDA.PDF

2. 6:30 P.M. Committee On Ordinance & Rules
   Documents:
   
   19 SEPT 26 OR MTG.PDF
AGENDA
Thursday, SEPTEMBER 26, 2019
Starting Time – 6:30 p.m.
Johnson Chambers, Town Hall

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes
• August 21, 2019

New Business
• 19 031 Mayor: Stretch Energy Code General Ordinance or take up any action relative thereto

Old Business
• None

Adjournment
AGENDA
Thursday, SEPTEMBER 26, 2019

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Approval of Minutes
  • August 21, 2019

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  • 19 031 Mayor: Stretch Energy Code General Ordinance or take up any action relative thereto

Old Business
  • None

Adjournment
August 21, 2019
MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium on Wednesday, August 21, 2019 beginning at 6:04 pm.

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
Charles Kokoros, Member
Timothy Carey, Member

Also Present: Christine Stickney, Director Planning & Community Development
Melissa Santucci-Rozzi, Assistant Director Planning & Community Development
Residents including:
Jill Coyle
Linda Kopkind
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
• June 17, 2019
  Motion: by Councilor Kokoros to approve minutes of June 17, 2019
  Second: by Councilor Ringius
  Vote: For (4 – Carey, Kokoros, Powers, Ringius), Against (0), Absent (0), Abstain (0)

New Business
• 19 011 Mayor: Comprehensive Zoning Ordinance or take up any action relative thereto
  MOTION by Councilor Kokoros to TAKE off the TABLE Order 19 011
  Motion: by Councilor Kokoros to TAKE off the TABLE Order 19 011
  Second: by Councilor Ringius
  Vote: For (4 - Carey, Kokoros, Powers, Ringius), Against (0), Absent (0), Abstain (0)
Councilor Powers, Chairman of the Committee on Ordinance & Rules stated they will begin at Section 5 – Dimensional Regulations

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.

Sec. 5. Dimensional Regulations

§ 5.1 General Requirements
• Describes how to handle lots in more than one district, though the updates to the Zoning Map will hopefully eliminate much of this.
• 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 accessory apartments.

§ 5.2 Lot Regulations
This section sets standards for Preexisting Lots, 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 Location
• 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.
• Requirements for multifamily uses have been removed. This is addressed in § 6.2 Multifamily and small scale multifamily dwellings.

§ 5.6 Other Requirements
• This is a catch-all for a number of existing requirements related to dimensions.

§ 5.7 Table of Dimensional and Density Regulations
• Maximum height for the Highway Business zoning district has increased from 45/50 feet or 4 stories, to 75 feet or 6 stories, but only with a Special Permit.
• 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.
• The standards for the BWLD zoning district have been added to this table, rather than being listed separately.
• Standards have been added for the new, proposed Transitional District (TD). The minimum lot size is 7,500 square feet.
• 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.
• The Cluster standards have been removed from the Table, since this has been replaced with “Flexible Development.” Standards for lots that utilize flexible development area found in § 6.6.

§ 5.8 Table of Dimensional and Density Regulations for Accessory Building in Residential Districts
• This is a new Table that applies strictly to accessory buildings and structures.
• This provides standards for setbacks and height, including a rear setback ratio (the taller the building or structure, the greater the setback).

§ 5.9 Calculating Floor Area Ratio (FAR)
New. 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.
§ 5.2 Lot Regulations

A. Lot Frontage.

(1) Minimum Lot Frontage Required. Every lot must have at least the minimum frontage set forth in Table 2 of this section for the district in which the lot is located on a street, as defined in § 9 Definitions. Frontage on unaccepted ways in existence prior to the adoption of the subdivision control law (1949) must be built to the standards of the Town’s Subdivision Rules and Regulations prior to the issuance of a building permit for new development on a lot. Ways laid out but not constructed shall not be used as frontage.

(2) Measurement of Lot Frontage. Frontage shall be measured in a continuous line along the sideline of the street layout between the points of intersection of the side lot lines with the street layout line. The measurement of lot frontage excludes jogs in the street width, backup strips, and other irregularities in the street line. In the case of a corner lot, the frontage may extend to the midpoint of the curve connecting street lines instead of to their intersection. Where the Town assigns frontage (and a street address) for a lot, future determination of compliance with the dimensional and density regulations of this zoning ordinance will be based on that assigned frontage, regardless of where the lot is actually accessed.

(3) Access. Every lot must provide access for vehicles from the frontage street to a principal building for emergency services, deliveries, and off-street parking. Alternatively, the owner may provide the access from another street provided it can be demonstrated that it is both physically and legally impossible to provide access from the designated frontage street.

B. Lot Width. At no point shall the lot width between the street frontage (per the Town assigned frontage) and the principal building be less than 65 percent of the minimum lot width required by Table 2, Table of Dimensional and Density Regulations. No portion of a principal building shall be located on a portion of a lot where the lot width is less than the minimum lot width and said minimum lot width shall be maintained to a point 20 feet beyond the rear portion of the principal building.

C. Change in Lot that Results in Noncompliance. No conforming lot may be changed to make it nonconforming.

§ 5.3 Setbacks

A. In an established residential neighborhood, the front yard setback on a residential lot may be the average of the setbacks of the other residential buildings within 300 feet of the midpoint of the front lot line on the same side of the street.

B. With the exception of driveways necessary for access and egress with a 4-foot pervious setback to the side property line, no required front setback in Residence A, B or C districts shall be used for
any accessory use or structure. Such driveways shall not be located in front of the front façade of the
home (except in front of a garage, carport, or other parking structure). A maximum of two (2) cars or
other light motor vehicles are allowed to be parked in the front setback on such driveway, per the
standards of § 7.1.N.1.b.

C. On corner lots, the area between the building or structure and each street line shall be defined
as a front yard. For corner lots where intersecting streets are rounded, no building or structure shall
be located fewer than 15 feet from the street measured radially from the circular arc.

D. Nothing herein shall prevent the projection into any required yard of steps, stoops not
exceeding 30 square feet in area, eaves to 18 inches, cornices, windowsills, or belt courses.

E. All billboards shall require a front yard setback of twenty (20) feet, a side yard setback of
twenty (20) feet, and a rear yard setback of thirty (30) feet.

F. For all non-residential uses listed in the Use Table (which includes all Use Categories except for
Residential Uses), any temporary storage containers, outdoor racking systems, truck ports, and any
other structures, whether temporary or permanent, must adhere to the setback standards for the
underlying zoning district per § 5.8 Table of Dimensional and Density Regulations.

G. In all zoning districts, nonresidential garages must adhere to the setback standards for the
underlying zoning district per § 5.8 Table of Dimensional and Density Regulations.

§ 5.4 Height Regulations

A. Height Exceptions.

(1) For one- and two-family dwellings, the limitation of height in Table 2, Table of Dimensional and
Density Regulations shall not apply to chimneys, ventilators, or other ornamental features which are
not used for living purposes. For other buildings, the limitation of height shall not apply to chimneys,
elevator penthouses or equipment rooms which extend 12 feet or less above the roof, parapets
which are four feet or less in height, and building-mounted wireless communication links (as
authorized under § 6.11) which extend 10 feet or less above the height of the building. The sum of
the footprints of all chimneys, elevator penthouses or equipment rooms, parapets, and building-
mounted wireless communication links shall not exceed twenty-five percent (25%) of the roof area of
any non-residential buildings.

(2) Municipal water storage towers or tanks shall be exempt from the height restrictions of this
section.

B. Structures Other than Buildings.

(1) The maximum height, in feet, for structures other than buildings may not exceed half (1/2) the
maximum height for buildings as set forth in Table 2, Table of Dimensional and Density Regulations.
(2) Structures other than buildings may be located in a required front, rear or side yard subject to limitations on accessory uses (§ 5.3.B) and provided the height of the structure is not greater than its horizontal distance from the nearest lot line.

(3) The height limitations in § 5.4.B.2 above do not apply to fences and walls. These structures shall be no greater than six feet in height (with supporting posts not greater than six feet, six inches in height) may be located up to any lot line provided they meet the requirements for visibility (sight triangle) in § 5.7.A. Solid Fences erected along driveways of any properties shall be limited in height to a maximum of 30 inches for a distance of no less than ten (10’) feet from any street layout line.

(4) The height limitations in § 5.4.B.2 above do not apply to billboards. These structures shall not be erected in excess of 75 feet in height as measured from the ground to the top edge of the billboard.

(5) Where different limitations are applied elsewhere in this ordinance for specific structures or situations, those requirements shall govern.

§ 5.5 Landscaped Open Space

A. Location. In the VC, TD, BWLD, GB, HB, and C districts, at least 50 percent of the minimum required landscaped open space (Table 2) may be located in front of or on one or both sides of the principal building and visible from the street unless it is demonstrated through Site Plan Review or a Special Permit review that locating the landscaping elsewhere will provide a clear benefit in the form of enhanced stormwater management, better site circulation, or better screening, or if a development is legally permitted to have a zero front and side setback.

B. Satisfying Zoning Requirements. In all zoning districts, no minimum required landscaped open space (Table 2), or part thereof, on a lot can be used to satisfy the zoning requirements for another lot as part of the landscaped open space similarly required to meet zoning requirements for another site.

§ 5.6 Buffer Areas Between Zoning Districts

A. Purpose. There are situations within the Town where certain zoning districts when they come together require a buffer between their zones for certain use of each zone to co-exist. Buffering provides a distance of space and screening of potential impacts from one use and zone to another. The purpose of this section is to establish certain regulations pertaining to these buffer areas for natural open and landscaped buffers between these zoning districts that:

(1) Encourage light and open natural space between uses of different zoning districts when they are directly abutting.
(2) Provide a visual divide and screening between incompatible uses such as commercial and residential uses.
(3) To minimize adverse impact of noise and glare from uses with different levels of intensity and operational hours.

B. Applicability.

(1) In Highway Business and Commercial Zoning districts, no building or structure or part thereof shall be erected or placed within 100 feet of any Residential or Open Space Conservancy District zoning line.

(2) In General Business and Transition Zoning District, no building or structure or part thereof shall be erected or placed within ten (10) feet of any Residential or Open Space Conservancy District zoning line.

C. Approval by Special Permit. Use of designated Buffers may be allowed with approval from the Planning Board acting as the Special Permit Granting Authority (SPGA) through issuance of a Special Permit in the following circumstances:

(1) The placement of any building and/or structure or portion thereof within the required buffer;
(2) The Installation of underground utilities, including but not limited to, stormwater structures, water, sewer, gas and electric that disturb and area of over 500 SF. The extent of earth disturbance and grading required for such installation must be minimal to avoid any impact to any existing natural vegetation;
(3) The installation of fencing and retaining walls that do exceed the height of over four (4) feet;
(4) Proposals that include vegetative clearing, terracing or earth movement in excess of 500SF will require detailed grading information as to the amount of earth movement within in the buffer and structural engineered plans for any wall exceeding four (4) feet in height;
(5) For emergency access only when no other option exists due to topography and/or soil conditions on other portions of the site outside of the required buffer that disturbs an area of more than 500 SF;
(6) For any play areas, access ways, interior driveways or portions of parking areas that disturb more than 500 SF of the buffer.

D. Composition of Buffers.

(1) Existing natural mature undisturbed vegetated buffers are to be preserved as much as is possible to serve as effective year-round visual screening. The buffer area shall be protected area of no cutting or disturbance on approved site plans.

(2) In circumstances where the existing conditions do not provide sufficient mature screening, in the opinion of the Special Permit Granting Authority, between uses the following may be required by the Planning Board:
(a) A landscaped strip of plant materials mixture of deciduous trees and coniferous trees of mature
growth (2.5 caliber or larger); staggered spaced plantings and in a number determined by the Special
Permit Granting Authority as sufficient screening;
(b) A raised earthen berm, dimensions and height determined by the Special Permit
Granting Authority to be either screened with a fence; or installation of landscaped plantings of
various species and sizes of shrubs and trees; or a combination of both;
(c) The placement of either fencing or landscaping on the abutting property to the development to
provide screening.

E. Special Permit Requirements. The form, contents, and number of sets of plans of the
application and other required information shall be as specified in § 3.11. In addition, any request
for Special Permit Granting Authority approval shall also provide the additional materials:

(1) A written narrative addressing the hardship for seeking a Special Permit that demonstrates in
detail the problem imposed by these buffer requirements. If the situation involves an existing
building, structure of part thereof that pre-existed the implementation of the bylaw that is seeking
expansion and/or reconstruction. A detail building history of when and how the building, structure
of part thereof existed or came to be located within the required buffer and what is the proposed
activity. If new construction is proposed, an explanation why the building, structure of part thereof
must be located within the buffer and what means of screening are proposed as part of the project.
(2) A proposed landscape plan for the buffer area to be disturbed identifying a “no clear zone” of
existing vegetation, proposed landscaping or creation of earthen landscape berm including a cross
profile, details of all plant species and proposed fencing if used.
Landscaping plan shall also include existing and proposed contours, inventory of existing vegetation
and any existing or proposed utilities – including irrigation if supplemental plantings are proposed.

F. Special Permit Criteria. In reviewing and determining if a Special Permit should be approved for
development within the buffer, the SPGA shall consider the following:

(1) Nature of the request and location and proximity to the abutting uses. All potential
Alternative(s) for placement a building or structure or part thereof, on the lot were examined as
alternatives and outlined to the SPGA;
(2) The topography of the host site and adjacent property (including any ledge, wetlands and/or
floodplain) that affects why a building or structure be placed in the required buffer;
(3) The potential for adverse impact and any nuisance activities such as odors, noise, light and
glare on abutting properties;
(4) The proposed mitigation is adequate relative to the proposed development for screening
and/or landscaping;
(5) No other alternative exists and emergency access will not be fulfilled to guarantee public safety
to the building or lot;
(6) The overall use of the buffer to serve the general purpose in relation to proposed disturbance
or placement of a building or structure with it.
§ 5.7 Other Requirements

A. Traffic visibility across corners. In any district, no fence, signage, planting, foliage or other shrubbery shall be maintained between a plane 2.5 feet above the curb level and a plane seven feet above curb level so as to interfere with traffic visibility across the corner or side yard which is within a triangle bounded by the street lot lines and a straight line drawn between points on each such lot line 25 feet from the intersection of said lines or extension thereof.

B. Attached Structures. An attached garage or other attached structure or building in both residential and business areas shall be considered part of the main building and shall comply with all the dimensional and density requirements for that building.

C. Parcels in Separate Ownership. Any parcel of land in separate ownership on the date of this amendment shall not be used to satisfy maximum lot coverage, maximum building coverage or minimum open space requirements listed in § 5.8 Table of Dimensional and Density Regulations for another parcel of land located in a different zoning district.

§ 5.8 Table of Dimensional and Density Regulations

The Table of Dimensional and Density Regulations is shown as Table 2 in this chapter.
(SEE TABLE 2 on page 41 of DRAFT Proposed Zoning Ordinance)

§ 5.9 Table of Dimensional and Density Regulations for Accessory Buildings and Structures in Residential Districts

The Table of Dimensional and Density Regulations for Accessory Buildings and Structures in Residential Districts is shown as Table 3 in this section.

TABLE 3.
TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, ACCESSORY BUILDINGS AND STRUCTURES IN RESIDENTIAL DISTRICTS
(SEE TABLE 3 on page 42 of DRAFT Proposed Zoning Ordinance)

§ 5.10 Calculating Floor Area Ratio (FAR)

Step 1. Determine the Total Land Area, in terms of square feet, for the lot. Total land area for a lot does not include public streets and rights-of-way.

Step 2. Determine the Floor Area, in terms of square feet, of each story of the building. Calculate the area of each story (floor) of the building, typically measured between the exterior walls. The basement floor area shall be included only where: 1) more than 40% of the total exterior wall area is above grade; or 2) more than 75% of any single wall is above grade.
Step 3. Determine the Gross Floor Area of the building. Gross floor area is the sum of the floor area of each story, minus any excluded area. When calculating FAR, the floor area shall exclude the following:

1. Garages, carports, and any structured parking.
2. Any section of an attic where the height space between the joists of the floor and the bottom of the supporting truss members is five (5) feet or less.
3. Stairways and elevator shafts, both internal and external. Stairways include the steps and landings at each end of a run of steps for a depth of three (3) feet at each end.

Gross Floor Area \((G)\) = Floor Area of 1st Story minus any excluded area + Floor Area of 2nd Story minus any excluded area ... for all floors above the ground.

Step 4. Calculate the Floor Area Ratio. Divide the Gross Floor Area by the Total Land Area. The result is the Floor Area Ratio (FAR).

Step 5. Check § 5.8 Table of Dimensional and Density Regulations for compliance with the maximum allowable residential FAR in the underlying zoning district.

--- END - DRAFT PROPOSED ZONING ORDINANCE---

**DISCUSSION:**
Christine Stickney stated a lot of this is the same just carried over from the original by-law. One initiative is to address the split lot provisions. Many lots were there is a zoning at the street line then 100-200 feet in is another zoning. In this section we updated some of the verbiage on how you determine split-zoning for lots that have existed since 1940.
5.1 C. states we are sticking with the one dwelling per lot.
5.2 Lot Regulations – giving explanations, including “pork chop” lots.
5.3 Setbacks – this is in the existing by-law. We made a visual diagram along with it to show what we were describing in words. We better described the driveway as it relates to the structure. We are discouraging parking in the front yards of the residential districts.
Councilor Powers asked if this prevents someone from paving their front yard and turning it into parking.
Christine Stickney stated the by-law tells you that you wouldn’t be able to do it (dimensional requirements stating you can pave and park in front of a garage) but anyone can do anything it is just a matter of enforcement.
Councilor Powers asked how the enforcement would go.
Melissa Santucci-Rozzi stated typically it is either witnessed by town staff and the enforcement wing is the building department. (See diagram on page 34)
Councilor Kokoros stated around town there are a lot of homes that are non-conforming now. Would they need change to become conforming?
Melissa Santucci-Rozzi stated no. They would become non-conforming and would be allowed to maintain that non-conformity but if they wanted to add additional parking that parking would need to comply.
Councilor Kokoros stated I do not think paving all along the frontage adds to the neighborhood but I do not know how you can enforce it.
Councilor Powers asked if this is only for new construction.
Melissa Santucci-Rozzi stated this is when adding new parking. It needs to conform to this.

Jill Coyle, Parkside Ave asked about pre-existing lots.
It was stated by the Planning staff this is state law.

Jill Coyle, Parkside Ave asked about section 5.2 the lot width. If trying to eliminate pork chop lots why wouldn’t this read 100%. At the end of this couldn’t we put the rear lot line as opposed to 20 feet.
Melissa Santucci-Rozzi stated asking for lots to only be square is restrictive and could require a lot more variances. Sub-divisions on a cul-de-sac sometimes have lots that are larger in front and go smaller in the back. The lot width we have now clearly doesn’t work. Currently there are sub-divisions that have “pizza” shape lots. There is a lot to think about.
Jill Coyle, Parkside Ave stated I am thinking of landowners who down the road may sell land to potential developers and sub-divide.
Jill Coyle, Parkside Ave stated I have a breeze-way between the house and garage and have two paved spaces in front of the garage/breeze-way. As is proposed would I become non-compliant?
Melissa Santucci-Rozzi stated you have a one-car garage and your driveway is two wide then yes you would become non-conforming.
Councilor Kokoros stated we need to think about this. We don’t want people to pave the front of their house but we don’t want to create a situation where people become non-conforming because they have two spaces. I understand what we are doing but we don’t want to put people in a situation that need to expand their parking and not necessarily because they don’t want to mow their lawn. We need to come up with something that makes sense.
Melissa Santucci-Rozzi stated either you’re ok with front yard parking or you’re not. There are so many houses in town that would be non-conforming. It is allowed to remain and park on it forever. No one is asking you to rip it up.
Councilor Kokoros asked what the driving force is behind this. Was this something brought to your attention?
Melissa Santucci-Rozzi stated it is simply to have curb appeal. This front year parking thing could make things look not nice. It’s just not a good look. It is not something that is promoted in site design.
Councilor Kokoros stated it doesn’t make sense to not allow parking in front of an attached piece to their dwelling even though you would consider it part of their dwelling it really isn’t their front yard.
Melissa Santucci-Rozzi stated it is to prevent it from keep going.
Christine Stickney stated 5.2 (E) will be removed.

Melissa Santucci-Rozzi stated section 5.4 Height has been something we have been talking about for a long time and we are trying to promote the appropriate calculation of height. The definition in the current bylaws works. It is just a question on making sure applicants are putting that information in correctly. Height needs to be looked at with a little more detail. (see Dimensional Table 2)

Councilor Powers read the last note on the Table 2 Dimensional stating 6 stories...
Melissa Santucci-Rozzi stated this clearly has no support. My copy says to remove.
Christine Stickney stated we have not amended this.
Councilor Kokoros stated if there is a consensus that 6-story buildings not be allowed – period - that we should make that clear right now because it is in writing – I know this is a draft.
Christine Stickney stated this is allowed in the Landing by Special Permit and always has been. At the last Planning Board Public Hearing it will not be allowed in other zones. We heard loud and clear people didn’t want it so we are recommending that it be out.
Councilor Kokoros stated it is still on this piece of paper.
Christine Stickney stated we have not amended our draft copy yet. It is the original one from March 11th.

Melissa Santucci-Rozzi stated we were targeting 6 stories for Highway Business. Similar to the Motel 6 location, it would be appropriate and successful there. It was not well received at all. So we said how about we do it by Special Permit that way it is discretionary by the Planning Board and only in certain circumstances where it is warranted and welcome during the Public Hearing process – that was not received well either. Making a revision to this document every time someone doesn’t like something isn’t really feasible.
Councilor Kokoros stated there are plenty of residents that are concerned because it is still in writing and concerned it is not going away.

Councilor Powers stated of all the issues that everyone is talking about I think Inclusionary Housing has the greatest consensus to get it passed right away at 15% instead of 10%.
Melissa Santucci-Rozzi stated I understand but to update only the Inclusionary without updating the Density it doesn’t balance.
Councilor Powers stated then we include both. That particular section has the greatest momentum to get passed. It has the greatest amount of consensus and concern amongst people I talk to. We all want to manage it so it works for us rather than having to fight it in court when a 40B tries to come in. We should find a way to fast-track Inclusionary Housing and get it approved.
Melissa Santucci-Rozzi stated anyone looking to build Residential we are advising what is in the draft now 15%.
Melissa Santucci-Rozzi stated if the Council wants to file any part of this draft separately they can. It will have to get filed, go the Planning Board for a recommendation and then voted in Town Council Public Hearing.
Councilor Powers stated now moving on in 5.4 B:
Melissa Santucci-Rozzi stated what we are trying to do is clarify other types of structures and
accessory structures like sheds and garages and discussing structures setbacks and heights applicable
to these types of structures.

Christine Stickney stated 5.5 is landscaped/open space. This has been better defined.
5.6 is the buffer area between former districts. This will clarify what is allowed and not allowed and
set forth criteria on it.
5.7 is traffic visibility across corners. We see a lot of structures limiting the line of site on a corner.
We discussed what is not allowed.
5.8 is the Table of Dimensionals (Table 2)
Councilor Kokoros stated in order to make a decision for Res C to be 25,000 sq. ft versus a 1 acre, we
should have the facts before us and not just be told residents are going to the ZBA and getting
variances on density anyway.
Christine Stickney stated we have that information we gave to the Residents Working Group and we
will make it available to you also.

Jill Coyle, Parkside Ave on 5.6 B 2 mentioned 10 feet seems very minimal. I would suggest greater
than 10 feet. At the very least double.
Melissa Santucci-Rozzi stated that is what exists now.
Christine Stickney asked for a suggestion on what you would like it to be.

Melissa Santucci-Rozzi stated 5.9 is for accessory uses. This is for garage heights and setbacks.
Jill Coyle, Parkside Ave stated I would like staff to recommend a residential accessory use back to 5
feet setback not 10 feet (for sheds etc.)
Christine Stickney mentioned possibly discussing if the accessory is over a certain size it has to have a
larger setback.

5.10 is the calculation of the floor area ratio. It is a new section and can be confusing. We have been
taking this on advisement and talking with the Building Inspector in great detail.
Councilor Kokoros stated ZBA could also give relief on this with a variance.
Melissa Santucci-Rozzi stated yes.
Jill Coyle, Parkside Ave discussed FAR. The FAR in Res C is .80. That is beyond dense.
Melissa Santucci-Rozzi stated people should take a look at the FAR and we could go even lower if you
want.

Jill Coyle, Parkside Ave discussed removing the 6 story buildings to make sure that doesn’t exist.
It was discussed to have the next meeting (October 3, 2019) begin at Section 6.2 and continue (which is multi-family, etc...) and 4.8 (which we initially skipped). We will ask John Goldrosen, Town Solicitor to be in attendance.

MOTION by Councilor Ringius to TABLE Order 19 011 to October 3, 2019 at 6:00pm

   Motion:  by Councilor Ringius to TABLE Order 19 011 to October 3, 2019 at 6:00pm
   Second: by Councilor Kokoros
   Vote: For (4 - Carey, Kokoros, Powers, Ringius), Against (0), Absent (0), Abstain (0)

Old Business
• None

It was unanimously voted to adjourn the meeting at 7:53 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
MEMORANDUM

TO: Charles B. Ryan, Town Council President
FROM: Joseph H. Reynolds, Chief of Staff
CC: Mayor Joseph C. Sullivan
     Braintree Town Council
DATE: Thursday, August 29th, 2019
SUBJECT: Stretch Energy Code

Mayor Joseph C. Sullivan had directed his office that his administration work with the Town Council to review and approve the requirements for the Town of Braintree to enter into the Green Community Designation and Grant Program. The Green Energy Grant Program provides a road map along with financial and technical support to municipalities that will pledge to cut municipal energy use by an ambitious and achievable goal of 20 percent over a 5 year period. This program will require that the town adopt state building stretch codes and have a designated district zoned for solar energy or alternate energy power generation options. As part of this compliance the town will need to update its existing building codes so as to incorporate the stretch codes. The second piece of criteria for a dedicated user by right zoned district has already been in place for a number of years.

The following steps will be taken:

The Mayor has proposed inserting this section into Chapter 2.520 of the General Ordinances, which establishes the position of Inspector of Buildings and defines its powers and duties. I have included a provision that the Stretch Code will not take effect until January 1, 2020 which was recommended by the Department of Energy Resources so that there is a lead time to advise building-permit applicants of the new requirements and for the applicants to plan accordingly. Without this provision, the Stretch Code would take effect as soon as it is approved by the Town Council and the Town Clerk publishes this amendment.

I therefore submit the following motion.

MOTION: That the Town Council vote to amend “Chapter 2.520: Inspector of Buildings and Local Inspectors” of the Town’s General Ordinances, by inserting therein “Section 2.520.030: Stretch Energy Code”, to read as follows:

2.520.030. Stretch Energy Code
A. For the purpose of regulating the design and construction of buildings for the effective use of energy, building permits that are required by the State Building Code, 780 CMR, shall conform as well to Appendix 115.AA to said State Building Code, entitled "Stretch Energy Code", including future editions, amendments, or modifications hereto.

B. This Section shall take effect on January 1, 2020.

I thank you for your attention to this matter and respectfully request favorable action.
Helping Massachusetts Municipalities Create a Cleaner Energy Future

COMMONWEALTH OF MASSACHUSETTS

Charles D. Baker, Governor
Karyn E. Polito, Lt. Governor
Matthew A. Beaton, Secretary
Judith Judson, Commissioner

The Green Communities Division
Partnering with Massachusetts Cities and Towns

Nick Connors
Massachusetts DOER
Green Communities Division Director

Town of Braintree
Green Communities & Stretch Code Presentation
4/25/2019
GREEN COMMUNITY DESIGNATIONS REACH TWO HUNDRED FORTY

30 New Green Community Designations

<table>
<thead>
<tr>
<th>BILLERICA</th>
<th>FAIRHAVEN</th>
<th>MARION</th>
<th>RUTLAND</th>
<th>WAREHAM</th>
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<tbody>
<tr>
<td>BOXFORD</td>
<td>HANSON</td>
<td>MERRIMAC</td>
<td>SANDISFIELD</td>
<td>WESTBOROUGH</td>
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<td>HINGHAM</td>
<td>ORLEANS</td>
<td>UXBRIDGE</td>
<td>YARMOUTH</td>
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New Green Community Designation - December 2018
Previously Designated Community
Green Communities
Designation and Grant Program

Up to $20M/yr in grants and loans to qualifying communities

Grants fund energy efficiency initiatives & renewable energy, innovative projects
Designation and Grant Program

>$105M grants awarded

>$10M savings/yr

270 grants completed

Projected Savings

316,346 MMBTU$s

28,091 mt CO$_2$ eq.

x 2,822

x 5,914
Designation and Grant Program

- Designation Grant = $125K + population & per capita income formula

Braintree estimated designation grant amount:

$200,000

- Competitive Grants available annually, up to $250,000 per applicant, for existing Green Communities that have completed all prior grants
Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth

Green Communities Designation and Grant Program

- Designation grant allocations based on a $125K base plus a population/per capita income formula; maximum $1M.
- Competitive grants available annually up to $250,000 per applicant for Green Communities. More than $100M awarded in total for both designation and competitive grant programs.
- Projects being funded include energy conservation measures.

Braintree’s Green Communities Neighbors:

<table>
<thead>
<tr>
<th>Community</th>
<th>Year</th>
<th>Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hingham</td>
<td>2018</td>
<td>$142,232</td>
</tr>
<tr>
<td>Kingston</td>
<td>2010</td>
<td>$949,036</td>
</tr>
<tr>
<td>Marshfield</td>
<td>2016</td>
<td>$432,720</td>
</tr>
<tr>
<td>Middleborough</td>
<td>2017</td>
<td>$197,655</td>
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<tr>
<td>Weymouth</td>
<td>2015</td>
<td>$777,635</td>
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</table>
Green Communities Designation and Grant Flowchart

Step 1
- Review Green Communities Designation Criteria Guidance
- Contact your Green Communities Regional Coordinator

Step 2
- Discuss Green Communities Designation with Local Government
- Receive local approval to apply for Green Communities status

Step 3
- Meet the 5 Green Communities Criteria and submit a Designation Application
- Receive Green Community Designation from DOER
- Apply for Green Community Grants
Qualification Criteria - Designation

1. Adopt as-of-right siting for RE/AE generation, R&D, or manufacturing -
2. Adopt expedited permitting process
3. Create an Energy Reduction Plan to reduce energy use by 20% in 5 years
4. Adopt Fuel Efficient Vehicle Purchase Policy
5. Minimize life cycle cost in new construction → adopt the Stretch Code
Criteria 1 – As-Of-Right Siting

1. Renewable or Alternative Energy Generating Facilities or;
   A. Solar = 250KW or greater ground mounted solar PV
   B. Discreet parcel(s) that can support a solar facility of that capacity = approximately one (1) acre for 250KW

2. Renewable or Alternative Energy Research and Development (R&D) Facilities or;

Criteria 2 – Expedited Permitting

12 months: date of initial application to date of final approval

1. Applies only to the proposed facilities subject to the As-of-Right Siting provision.

2. Can apply the MGL c 43D permitting process to these zoning districts.
Criteria 3 – Energy Baseline & 20% Energy Reduction Plan

Calculate a Municipal Energy Use Baseline that includes:
1. Municipal Buildings & Schools
2. All Vehicles
3. Municipally Owned Street & Traffic Lights
Criteria 4 – Fuel Efficient Vehicles

1. Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
2. Police cruisers are exempt until commercially available.
3. Heavy-duty vehicles > 8,500 pounds are exempt.
Criteria 5 – Minimize Life Cycle Costs

Require all new residential construction and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

The DOER recommended way for cities and towns to meet this requirement is by adopting the BBRS Stretch Code (780 CMR 115.AA) an appendix to the MA State Building Code.

- In a town with Town Council, the Stretch Code must be adopted as a general bylaw by the Town Council.

Two hundred fifty (250) municipalities have adopted the Board of Building Regulations and Standards (BBRS) Stretch Code, as of November 27, 2018.
The Stretch Code ONLY applies to:

- **NEW** residential construction and
- **NEW** commercial construction > 100,000 sq. ft. or > 40,000 sq. ft. for conditioned spaces = Labs & Supermarkets

Additions, Renovations & Repairs are EXEMPT from the Stretch Code
The Stretch Code is No Longer Much of a Stretch

- Base Energy Code (IECC 2015) and Stretch Code adopted by Massachusetts on 1/1/2017

- Current Base Code allows builders **two options** for residential and commercial new construction:

  **Prescriptive**
  - Checklist of Compliance Measures
  - Inspections During and Post Construction

  **Performance**
  - Pre & Post Construction Energy Modeling
  - Inspections During and Post Construction
The Stretch Code is No Longer Much of a Stretch

• Major differences between the Base & Stretch Code are:
  • Removal of the prescriptive path option
  • HERS Rater needs to provide an Energy Model.
    • The cost to perform the modelling required by the Stretch Code can be covered by utility incentive.

Prescriptive
• Checklist of compliance measures
• Inspections during and post construction

Performance
• Pre & Post construction energy modeling
• Inspections during and post construction