



Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

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

March 5, 2019 MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium on Tuesday, March 5, 2019 beginning at 6:30pm.

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 and Community Development
Elizabeth Mees, Historical Commission Chair
Ronald Frazier, Historical Commission Vice-Chair
Rayna Rubin, Historical Commission
Santina Giannino, Historical Commission
Kate Nedelman Herbst, Historical Commission

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

• January 16, 2019

Motion: by Councilor Ringius to approve minutes of January 16, 2019

Second: by Councilor Kokoros

Vote: For (4 – Carey, Kokoros, Powers, Ringius), Against (0), Absent (0), Abstain (0)

New Business

• None

Old Business

- **18 025 Mayor: Demolition Delay Ordinance or take up any action relative thereto**

The Demolition Delay Ordinance is something the Town has been looking at for a number of years now. The driving force is the Historical Commission. It allows for some time to take a look at the structure to determine if it is deemed to be historic in nature and if it is worthy of preservation, photography or to keep components of it. Proposed is for structures 75 years in age or older.

Members received an updated version of the Demolition Delay Ordinance with “blue” revisions made by Christine Stickney, Director of Planning and Community Development and John Goldrosen, Town Solicitor.

Councilor Kokoros stated why are we receiving this just now. I don't understand that. I am not comfortable voting on this tonight based on the fact we just got this information. I want to let the membership understand that.

Councilor Ringius stated I would like to move forward with this. We put them through a lot of questions last we met on this and they went back and addressed the key points. One being the 75 years to possibly increase but which they stayed at and we also asked they come down on the Demo Delay waiting period and they have addressed that too. They did meet. I feel this should move forward and I thank them for their work.

Councilor Carey stated I am ready to move forward on this also. I do think it would have been more beneficial if we could have had this before but they did a good job highlighting this. I am ready to move forward on this tonight also.

Chairman Powers stated he would like the Historical Commission to give the bullet points on this which have previously been discussed at length.

Elizabeth Mees, Historical Commission stated in the prior meeting there was concern on the overall timetable. We looked at that and put together a flow chart of what might happen in the event a property is being looked at for demolition. It is not as lengthy as implied before. Not every property would be determined historically significant and therefore not need to go through this process. This is for properties that have a significant architectural detail.

Chairman Powers stated if a property is over 75 years old and is not deemed historically significant this does not apply.

Councilor Kokoros stated according to your flow chart is it saying if significant it would be 12 days minimum?

Elizabeth Mees, Historical Commission stated no maximum. The percentage of historically historical properties is a small percentage. In the past 17 years only 6 homes would have fallen into this ordinance that we would have documented.

Councilor Kokoros asked what document and photograph means.

Elizabeth Mees, Historical Commission replied it would mean detailed photographs - only external.

Chairman Powers stated blueprint plans do not need to be renderings of the buildings just a document of photographs.

Elizabeth Mees, Historical Commission replied we have 18 and 19 century houses we have already lost and have no documentation of. There are many houses built in the 1930's that are a part of Braintree's character. We discussed adjusting the period of significance and thinking 75 years back there would be a lot of structures and it would be unfortunate if those were lost. After much discussion and meetings we feel 75 years would be a good number. We took comments that were made into consideration.

Councilor Ringius stated looking at the flowchart with an insignificant property you are talking a maximum of 12 days. Less than two weeks it will be held up. Now going to the significant piece within that we would have a hearing within 35 days with the Chairperson determination which is say two months. Then if not significant the permit can be issued. If significant there is a form of delay. Perhaps you got it documented before the 35 days.

Elizabeth Mees, Historical Commission stated it is just a pause so we can document.

Councilor Kokoros stated I appreciate you guys wanted to get this right but we also as a committee have to get this right. Getting this information on the night of the meeting is not the right way to do business. I know the Planning Board never accepts something the night of the meeting to vote on it. The four month delay, if you don't have a meeting for determination is there a specific tool to allow the building inspector to issue the building permit to do the demolition or do they have to wait until you meet even if 4 months has surpassed.

Kate Nedelman Herbst, Historical Commission stated we have been trying to do this ordinance for years. The public hearing is required to happen within the 35 days. It cannot surpass 4 months.

Councilor Carey stated please confirm it was dropped from a 6 month delay to a 4 month delay. Elizabeth Mees, Historical Commission stated correct.

Councilor Ringius stated I am voting favorably on this tonight but wanted to ask about the age from 75, 100, 125. You did drop from the 6 to the 4 month but what is the reasoning of 75 instead of 100 years.

Elizabeth Mees, Historical Commission stated if we were to do 100 years it would only go to about 1920. There are a fair amount of buildings constructed in the 1930's and 1940's that have beautiful architectural design to them. Without the by-law we would have no way to document them.

Councilor Ringius stated so you did look at the inventory of the homes you might have and in the historical commissions opinion some of these properties built in the 1930's in your opinion have something that is worth being documented.

Kate Nedelman Herbst, Historical Commission stated a large amount of West Street, Monatiquot Ave, Hollis Ave, Hollingsworth Ave, going up to Ellsmore Terrace, Colby Road; everything off of West Street was developed around the 1930's. There is nothing stopping anybody from stopping changing this to 85 years, 95 years. A lot of building happened in the 1930's and if not 75 years we would be losing the ability to document a lot of important structures.

Councilor Kokoros stated as far as documentation goes, if folks voluntarily said they would have their properties documented would you have the ability to do that so they wouldn't be subject to this if they decided to tear their home down. Would you be in favor of an "opt-out" clause that allowed someone to come forward and say come take pictures of my house and I want to be exempt from this ordinance.

Christine Stickney stated this applies to everyone who applies for a building permit.

Elizabeth Mees stated we don't have a mechanism to control that process.

Councilor Kokoros stated you could incorporate this into the ordinance.

Elizabeth Mees stated this ordinance follows the model ordinance for the state. I am not aware of any community who passed similar ordinances that have any sort of clause like that.

Kate Nedelman Herbst, Historical Commission stated the building department still has 30 days to review any building permit so even if you wanted to demolish your property you are still bound by that 30 days.

Councilor Kokoros asked about the property across the street where it is said Thayer passed and how old it is.

It was replied to have been built around 1850. It is over 100 years.

Chairman Powers stated I think we have come up with a reasonable ordinance here that does not hinder if folks want to improve their homes and this allows us to capture and document structures of historical significance. It is noted over 17 years and only six properties would have fallen in purview of this by-law.

Councilor Kokoros stated I respectfully disagree with my colleagues. I think receiving information on the night of a meeting is not a right way to make a decision that is this significant. I understand there were previous O&R committees that have talked about this but I wasn't on them. We haven't moved from the 75 years which is one of my biggest concerns and there is a whole bunch of new language in here and I just think we have time before our next meeting and I think with all the changes that were made I think it is inappropriate of us to take the vote. I am not going to support this.

Joe Reynolds, Chief of Staff stated he would like to point out there is not any new information in the report this evening. It was the same information that was provided previously at meetings over the past year. There isn't any new information of significance to digest.

MOTION read by Councilor Ringius for favorable recommendation to the full Council:

That the Town Council vote to amend Title 5 of the Town's General Ordinances, by adding "Chapter 5.700: Demolition Delay", as submitted.

Motion: by Councilor Ringius for favorable recommendation to the full Council

Second: by Councilor Carey

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

It was unanimously voted to adjourn the meeting at 7:18 p.m.

Respectfully submitted,
Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 18 025 Mayor: Demolition Delay Ordinance
- 18 025 "Blue Lines" revisions to Demolition Delay Ordinance
- 18 025 Flow Chart from Historical Commission