



# 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

## May 15, 2019 MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium on Tuesday, May 15, 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 & Community Development  
Melissa Santucci-Rozzi, Assistant Director Planning & Community Development  
Russ Forsberg, Building Inspector  
Residents

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

- None

### 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 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 concluded Section 2 at the previous meeting but agreed to skip over 2.2 which is the Zoning Map. They will go back to this at the end. We will begin with Section 3.1.

Councilor Powers read along with the “*Readers Guide*” (italics below). The Chairman will ask if there are any questions from members and residents as each Section is explained.

### **Sec. 3. Administration and Enforcement**

#### **§ 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 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**

- *Describes how the ZBA is formed and the powers it has, including new Special Permit Granting Authority (SPGA).*
- *Largely based on State regulations.*
- *Notes that the ZBA in Braintree also has authority over appeals related to signs.*

#### **§ 3.7 Variances**

- *This language is largely taken from State law.*
- *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.*

#### **§ 3.8 Planning Board**

- *Describes how the Planning Board is formed and the powers it has, including the Special Permit Granting Authority.*
- *Largely based on State law.*

- *Notes that the Planning Board in Braintree also has authority over grading permits.*

### **§ 3.9 Special Permits**

- *This draft eliminates the need for certain uses to go through the Special Permit process when located near schools and churches.*
- *Updated criteria the Planning Board must consider to grant a Special Permit.*
- *Much of the process for Special Permits is set by State law.*

### **§ 3.10 Site Plan Review**

- *Site Plan Review (SPR) is not set in State law, so the Town has more flexibility with this section.*
- *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.*
- *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).*
- *This section now has a list of activities that are exempt from either type of SPR.*
- *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.*
- *A Pre-Application Meeting is now encouraged to determine whether Administrative or Full SPR is applied, and to provide helpful guidance to applications 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.*
- *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.*
- *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 applicant is alerted quickly.*
- *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.*
- *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.*

### **§ 3.11 Site Plan Contents for SPR and Special Permits**

*New. Lays out the required contents for all site plans.*

### **§ 3.12 Repetitive Petition**

*This is largely the same, and largely follows State law.*

### **Sec. 3. Administration and Enforcement**

#### **§ 3.1 Administration**

This section provides information about the powers and duties of the Building Inspector, Planning Board, and Zoning Board of Appeals. Further, this section provides information about the requirements and procedures for Special Permits, variances, findings, appeals, site plan review, and repetitive petitions. Finally, it covers enforcement of this Chapter 135.

#### **§ 3.2 Building Inspector**

A. Role. Except as otherwise provided, this chapter shall be administered and enforced by the Building Inspector, who shall not issue a permit unless the plans, specifications, and intended use of the premises comply in all respects with the provisions of this chapter.

B. Site Plan. Every application for a building permit subject to the Zoning Ordinance, and under authority of the Building Inspector, shall be accompanied by a site plan showing all the following information:

- (1) The dimensions and area of the lot.
- (2) Driveways, structures, and impervious surfaces.
- (3) Accurate distances from existing and proposed structures to all lot lines and ways.
- (4) Existing and proposed contours at two-foot intervals on the lot.
- (5) The location of existing and proposed buildings on the lot.

C. Site Plan for Structures. Every application for a building permit involving the erection of a structure (with the exception of the replacement of windows, roofs, siding, and doors) shall additionally show all of the following information on the site plan:

- (1) The location of all ways (streets and roads) adjacent to the lot. (2) Street grades.
- (3) The extent of any on-site wetlands or any adjacent off-site wetlands that would be subject to Conservation Commission jurisdiction.
- (4) Provisions for adequate drainage that meet the Town's Department of Public Works stormwater regulations.
- (5) The location of existing and proposed sewer, gas, water main, and electric utilities, and all existing and proposed connections to structures.
- (6) The location of all easements.
- (7) Zoning Block Table: To include columns for existing, proposed, and required zoning dimensional criteria.
- (8) Half-story calculation (if applicable).
- (9) Height calculation.
- (10) Sill, Basement Floor Elevation, and First Floor Elevation, plus relation to any abutting ways.

(11) Base Flood Elevation.

D. Stamp. Each site plan shall be stamped by a Massachusetts registered land surveyor and/or registered professional engineer.

E. Foundation Certification. Upon completion of the foundation, a Massachusetts registered land surveyor shall certify the location of the foundation as constructed. The certification shall be submitted to the Building Inspector for approval before construction beyond the foundation is permitted.

F. Building and Occupancy Permits. No construction shall start prior to the issuance of a building permit. No building shall be occupied or used until an occupancy permit has been issued by the Building Inspector. Occupancy permits shall not be issued until the building and/or structure and its uses fully comply with this chapter and the rules and regulations of boards and agencies having jurisdiction.

G. Violations. The Building Inspector shall review the progress of the work from time to time to ensure compliance. If the Building Inspector concludes that there has been a violation of this chapter, written notice shall be sent to the offending party ordering cessation of the improper activities. This notice shall be sent by registered or certified mail to the address as listed on the original application. If the offender holds a permit issued under this chapter, such permit may be revoked according to law. If the permit holder or other offender continues the violation, the Building Inspector shall seek enforcement under either M.G.L. c. 40A, § 7, or M.G.L. c. 40, §21D.

### **§ 3.3 Enforcement**

A. Filing a Complaint. Any person may file a written request to the Building Inspector for enforcement of this Zoning Ordinance with reference to an alleged violation. If upon investigation and inspection the Building Inspector finds evidence of such violation, the inspector shall give notice thereof in writing to the offending party ordering cessation of the improper activities of said premises and demand that the violation be abated within the appropriate time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at his or her address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises, and shall be mailed within fourteen days of receipt of such request for enforcement.

B. Enforcement of Violation. If after the notice and demand is given and the violation has not been abated within the time specified therein, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Braintree to prevent, correct, restrain or abate the violation of this Zoning Ordinance.

C. Notice on No Violation. If the Building Inspector determines that there is no violation, the Inspector shall give written notice of the decision, within fourteen days after the receipt of such request, to the person who filed the complaint.

### **§ 3.4 Appeals of Building Inspector Orders or Decisions**

A. Appeal. Actions under M.G.L. c. 40A, §§ 8 and 15 are appeals to the permit granting authority (Zoning Board of Appeals) brought by any person aggrieved by the refusal of the Building Inspector to issue a building or occupancy permit, or by the Building Inspector's issuance of a permit believed by the appellant to be in error, or by the refusal of the Building Inspector to take enforcement action. Notice of the appeal shall be filed with the Town Clerk and the ZBA within 30 days from the date of the decision, action, order or permit being appealed.

B. Procedure. The Zoning Board of Appeals shall hold a public hearing within 65 days of the filing of the appeal and shall decide within 100 days of the filing of the appeal. Copies of the detailed record and proceedings must be filed with the Town Clerk within 14 days after the decision. The public hearing procedures and notice requirements shall comply with the provisions of M.G.L. c. 40A, §§ 11 and 15.

### **§ 3.5 Disposition of Violations**

A. Criminal Complaint. A violator may be penalized in accordance with M.G.L. c. 40A, § 7, by criminal complaint brought in Superior or District Court. The fine shall not be more than \$300 for each offense. Each day that a violation continues shall constitute a separate offense.

B. Non-Criminal Disposition. A violator may be penalized in accordance with the provisions of M.G.L. c. 40, § 21D. The fine shall not be more than \$300 for each offense. Each day that a violation continues shall constitute a separate offense. Nothing contained herein shall be deemed to require the use of the noncriminal disposition method. At the option of the enforcement officer, criminal and/or civil action may also be pursued. The penalty shall be \$50 for each violation or offense.

C. Applicability. The provisions of (A) and (B) in this subsection above shall apply to both the owner and the lessee of the real property upon which a violation of this chapter occurs.

### **§ 3.6 Zoning Board of Appeals**

A. Membership. The Zoning Board of Appeals shall consist of three regular members and two associate members appointed as provided for in M.G.L. c. 40A, § 12. The chair of the board may designate an associate member to sit in case of absence, inability to act or conflict of interest on the part of a regular member, or in the event of a vacancy on the board.

B. Powers. The Zoning Board of Appeals shall act on any matter it is so authorized to do under this ordinance. It shall have the following powers:

(1) To hear and decide appeals as provided for in M.G.L. c. 40A, § 8 and § 15, as amended, and § 3.4 Appeals of Building Inspector orders or decisions, contained herein.

- (2) To hear and grant Special Permits, as provided for in M.G.L. c. 40A, § 6, relating to the alteration or expansion of nonconforming uses and structures, and to the change in any nonconforming use.
- (3) To hear and decide petitions for variances as provided for in M.G.L. c. 40A, § 10.
- (4) To hear and decide applications for comprehensive permits for construction of low- or moderate-income housing, as provided for in M.G.L. c. 40B, §§ 20-23.
- (5) To hear petitions for Special Permits where the Zoning Board of Appeals may be identified as the Special Permit Granting Authority (SPGA) as provided for in M.G.L. c. 40A, § 9.
- (6) To adopt and amend rules and regulations. A copy of these rules and regulations shall be filed with the Town Clerk. Such rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for a submission and approval of permits, and other requirements so determined by the Zoning Board of Appeals.
- (7) To hear and decide repetitive petitions as provided for in M.G.L. c. 40A, §16 and § 3.12 Repetitive Petitions, contained herein.

### **§ 3.7 Variances**

- A. **Filing.** Any petition or appeal for a variance must be filed by the petitioner with the Town Clerk, who must then certify the date and time of filing. A copy of the petition or appeal must be filed forthwith by the petitioner with the Zoning Board of Appeals. The form, contents, and number of sets of plans of the application and other required information shall be as specified in the rules and regulations for the ZBA or as specified in this Zoning Ordinance, § 3.11.
- B. **Public Hearing.** The Zoning Board of Appeals must hold a public hearing within 65 days from the receipt of a petition for a variance. The required time limit for holding the public hearing may be extended by written mutual agreement between the petitioner and the Zoning Board of Appeals. A copy of such agreement must be filed in the office of the Town Clerk.
- C. **Decision Making.** The Zoning Board of Appeals must make its decision on a variance within 100 days after the date of filing with the Town Clerk, through a vote of the Board. The required time limit for making the decision may be extended by written mutual agreement between the petitioner and the Zoning Board of Appeals. A copy of such agreement must be filed in the office of the Town Clerk. The Zoning Board of Appeals must make a detailed record of its proceedings indicating the vote of each member and the reasons for its decision. Copies of the detailed record and proceedings must be filed with the Town Clerk within 14 days after the decision.
- D. **Approving a Variance.** The Zoning Board of Appeals shall not grant a variance unless it finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter.

E. Use Variances. No variance may authorize a use or activity not otherwise permitted in the zoning district in which the land or structure is located.

F. Conditions. The Zoning Board of Appeals may impose conditions, safeguards, and limitations of time and use on the approval of a variance application. All variance approvals run with the title to the land; a variance approval cannot be conditioned on an applicant's continued ownership of the land or structures to which the variance pertains.

G. Notices and Certifications. Notice of the decision must be mailed forthwith, by the Zoning Board of Appeals, to the petitioner and noticed abutters. The notice must specify that any appeal must be made pursuant to M.G.L. c. 40A, Section 17 and filed within 20 days after the date the notice was filed with the Town Clerk. Upon the granting of a variance, or any extension, modification, or renewal, the Zoning Board of Appeals shall issue to the owner and the petitioner a certified copy of its decision containing the name and address of the owner, identifying the land affected, specifying compliance with the statutory requirements for the issuance of the variance, and certifying that copies of the decision have been filed with the Town Clerk. The Town Clerk must certify that 20 days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if it has been filed that it has been dismissed or denied.

H. Recording. No variance, or any extension, modification or renewal thereof, can take effect until a copy of the decision bearing the certification of the Town Clerk is recorded in the registry of deeds or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

I. Expiration or Extension of Variance. The rights to a variance shall be exercised within one year from the date of the vote of the Zoning Board of Appeals on the variance or the variance shall lapse. Upon written application by the grantee, the Zoning Board of Appeals, in its discretion, may extend the rights to exercise the variance for a period not to exceed 6 months. The application for such extension shall be filed with the Zoning Board of Appeals prior to the expiration of the one-year period. The rights to an expired variance may only be reestablished after the filing of a new application and the holding of a new public hearing.

J. Withdrawal of Application. Any application for a variance may be withdrawn, without prejudice, prior to the publication of the notice for public hearing. After publication of the notice, it may be withdrawn without prejudice only with the approval of the Zoning Board of Appeals.

K. Appeals to a Variance Decision. Appeals of variance decisions may be made to a court of competent jurisdiction in accordance with M.G.L. c. 40A, § 17.

### **§ 3.8 Planning Board**

A. Membership. The Planning Board shall consist of five regular members and one associate member appointed as provided for in M.G.L. c. 40A, § 9. The chair of the board may designate an



associate member to sit in case of absence, inability to act, or conflict of interest on the part of a regular member, or in the event of a vacancy on the board.

B. Powers. The Planning Board shall act on any matter it is so authorized to do under this ordinance.

It shall have the following powers under this Ordinance:

- (1) To hear petitions for Special Permits where the Planning Board may be identified as the Special Permit Granting Authority (SPGA).
- (2) To hear petitions for Site Plan Review where the Planning Board may be identified as the Site Plan Review authority, including grading.
- (3) The Planning Board may initiate amendments to this chapter or the Zoning Map. It shall hold a public hearing and make a recommendation to the Town Council on all proposed zoning amendments as provided for in M.G.L c. 40A, § 5.
- (4) To adopt and, from time to time, amend rules and regulations, which shall be filed with the Town Clerk. Such rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for a submission and approval of various permits, and other requirements so determined by the Planning Board.
- (5) To establish and maintain the Town's official map as provided for in M.G.L c. 40A, § 4.
- (6) All other duties as prescribed under M.G.L c. 41.

### **§ 3.9 Special Permits**

A. Review Bodies. The Planning Board or the Zoning Board of Appeals, as applicable, shall review and decide on Special Permit applications as provided for in the provisions of this chapter and M.G.L. c. 40A, §§ 6, 9, 11, & 12.

B. Applications. Applications for a Special Permit shall be submitted to the Town Clerk, who must then certify the date and time of filing. A copy of the application must be filed forthwith by the petitioner with the SPGA through the Planning and Community Development Department. The form, contents, and number of sets of plans of the application and other required information shall be as specified in the rules and regulations for the SPGA or as specified in this Zoning Ordinance, § 3.11, Site Plan Contents for Variance, Site Plan Review and Special Permits.

C. Review. Within 10 days of receipt of the Special Permit application, the Planning and Community Development Department shall transmit copies of the application and accompanying plans to appropriate town boards, commissions, and departments ("reviewing parties"). The reviewing parties shall have 35 days to review and report in writing their recommendations to the SPGA. Failure to submit comments in writing within the 35-day period shall be interpreted by the SPGA as lack of any opposition to the application. The SPGA shall not take final action on a Special Permit until it has received such reports or the 35-day period has elapsed.

D. Approval. Approval of a Special Permit shall require at least four affirmative votes of the Planning Board when that body serves as the SPGA or at least three affirmative votes of the Zoning Board of Appeals when that body serves as the SPGA.

E. Findings. The SPGA may grant a Special Permit if, at a minimum, it makes the following findings that any proposed use shall:

- (1) Meet the requirements of all applicable sections of this chapter;
- (2) Be in harmony with and shall not derogate from the purpose and intent of this chapter;
- (3) Not constitute a nuisance due to air and water pollution, flood hazards, noise, dust, vibration, erosion, odor, heat, and light impacts (see § 7.4 Environmental Performance Standards);
- (4) Have adequate ingress and egress to the property and structures with particular reference to automotive, pedestrian, and bicyclist safety and convenience, off-street parking and loading, traffic flow and control, access for fire and safety equipment, and the capacity of adjacent roads to support the additional traffic in a safe manner;
- (5) Have adequate utility systems, including water, sewer, drainage, refuse disposal, recycling, electrical, and any other necessary systems;
- (6) Conform to the parking (§ 7.1) and site design (§ 7.2) standards of this chapter;
- (7) Provide effective landscaping, including appropriate screening of adjacent residential uses, provision of street trees, landscaping within the parking lot, and a landscape buffer along the property frontage, along with any other landscaped open space as required by this chapter;
- (8) Protect adjacent properties by minimizing the intrusion of lighting through the use of cut-off luminaires, light shields, lowered height of light poles, screening or similar solutions; and
- (9) Generally be compatible and in harmony with and have no undue negative economic effect on adjacent properties and other property in the district.

F. Public Hearing. A Special Permit shall be approved only following a public hearing which shall be held within 65 days of the filing of the application. The required time limit for holding the public hearing may be extended by written mutual agreement between the petitioner and the SPGA. A copy of such agreement must be filed in the office of the Town Clerk. The SPGA shall take final action (by making the decision and filing the decision with the Town Clerk) within 90 days of the close of the public hearing. Failure to take such final action may result in constructive approval of the Special Permit.

G. Permit Expiration. Special Permits shall lapse within three years from the date the Special Permit is voted on by the SPGA if substantial use or construction has not commenced within the three-year period, except for good cause. Upon written application by the grantee, the SPGA, in its discretion, may extend the rights to exercise the Special Permit for a period not to exceed one year. The application for such extension shall be filed with the SPGA prior to the expiration of the three-year period with enough time to properly provide notice of the requested application at a regularly scheduled SPGA meeting. The rights to an expired Special Permit may only be reestablished after the filing of a new application and the holding of a new public hearing.

H. Building and Occupancy Permits. Where a Special Permit has been approved by the SPGA, the Building Inspector shall not issue a building permit and/or an occupancy permit unless the findings and conditions of the Special Permit have been met.

I. Modification. The SPGA shall have the authority to modify, amend, rescind, or extend its approval of a Special Permit provided that all requirements of M.G.L. c. 40A, §§ 6, 9, 11 & 15 have been met.

J. Withdrawal. An application for a Special Permit that has been submitted to the SPGA may be withdrawn, without prejudice, by the petitioner prior to the publication of the notice of a public hearing. After publication of the public hearing notice, an application can only be withdrawn without prejudice with the approval of the SPGA.

### **§ 3.10 Site Plan Review**

A. Intent of Site Plan Review Process. The Site Plan Review process provides a mechanism for the coordinated review of an applicant's compliance with the Zoning Ordinance for projects that may cause a variety of impacts to the natural and built environment and the character of surrounding neighborhoods. It is the intent of Site Plan Review to create a dialogue with an applicant so as to enhance the design of a project and reduce adverse impacts on the Town and its residents.

B. Purposes of Site Plan Review. To protect the health, safety, and general welfare of residents, this Section addresses the following purposes:

- (1) Traffic, Parking, and Access. To promote sound on-site circulation patterns for pedestrians and motorists. To promote roadway traffic safety and traffic calming, efficient loading, unloading, and deliveries, and to ensure the capability of State and local roads to conduct vehicular, bicycle, and pedestrian traffic safely and efficiently. To demonstrate compliance with any required parking.
- (2) Public Utilities and Infrastructure. To minimize or prevent adverse impacts to existing public utilities and infrastructure resources, including, but not limited to, sewers, storm drains, streets, and electric.
- (3) Open Space and Environmental Protection. To preserve open space and public access, and to protect natural features and other environmentally sensitive areas. To prevent erosion and adverse drainage impacts. To minimize the loss of wildlife habitat and other vegetation that has substantial aesthetic and ecological value to the Town.
- (4) Neighborhood Impacts. To ensure that development on site does not have unintended negative consequences on neighboring properties by locating structures, driveways, parking areas, utilities or other features in a manner that causes nuisance or hazards.
- (5) Health. To minimize or prevent adverse impacts from air quality, light, glare, and odors.
- (6) Regulatory Compliance. To ensure development complies with the applicable provisions of the Zoning Ordinance, and other regulations such as the Town's Rules and Regulations for Signs, to potentially make applicants aware of situations where there might be compliance issues with other applicable regulations.

C. Applicability. The following criteria shall be used to determine if a proposed project will be reviewed as part of an Administrative (reviewed by staff) or Full (reviewed by the Planning Board) Site Plan Review process:

(1) Specific Exemptions. The following activities shall be exempt from either Administrative or Full Site Plan Review:

- (a) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL Chapter 40A Section 3;
- (b) Emergency projects conducted by a governmental entity or public utility necessary for the protection of the public health or safety;
- (c) Emergency repairs conducted by a governmental entity or public utility to existing utilities;
- (d) Applications for residential subdivision plans under MGL Ch. 41 of the Subdivision Control Law;
- (e) Any other uses or activities specifically exempted from Site Plan Review in other sections of the Zoning Ordinance.

(2) Relationship to M.G.L. c. 40A, §3. With the exception of Subsection (1)(a) above, the Town of Braintree will apply Site Plan Review to uses that receive protections under M.G.L. c. 40A, §3 in accordance with the review thresholds established herein. The Town shall not use Site Plan Review to prohibit, unreasonably regulate, or restrict use of land for these purposes in a manner that would violate state law.

(3) Administrative Site Plan Review. Any development, redevelopment, expansion, alteration, reoccupation (only where physical alteration will occur) or change of use of a building or site that involves one or more of the following elements shall be subject to Administrative Site Plan Review.

- (a) Disturbance of land area containing more than 2,500 square feet but less than 6,000 square feet.
- (b) Expansions, to existing non-residential structures or development of new non-residential structures, that have a gross floor area (GFA) of at least 500 square feet, but less than 1,000 square feet.
- (c) The development or addition of at least ten (10) but fewer than twenty (20) off-street parking spaces.
- (d) Reoccupation (only where physical alteration will occur) or change in use of an existing non-residential building that has less than 10,000 square feet of gross floor area.
- (e) Net export and import of fill exceeds 150 cubic yards, but is less than 300 cubic yards, excluding the earthen material imported and/or excavated for a foundation.
- (f) Any existing non-residential building where the number of tenant spaces inside the building will be increased.
- (g) Any vertical change in grade of between two (2) feet and four (4) feet measured across a distance of ten (10) horizontal feet or more.

(4) Full Site Plan Review. Any development, redevelopment, expansion, alteration or reoccupation (only where physical alteration will occur) that involves one or more of the following elements shall be subject to Full Site Plan Review.

- (a) Disturbance of a land area containing 6,000 square feet or more;
- (b) Expansions, to existing structures or development of new structures, of a gross floor area (GFA) of 1,000 square feet or more.
- (c) The development or addition of twenty (20) or more off-street parking spaces;
- (d) Reoccupation (only where physical alteration will occur) or change of use of an existing non-residential building that has 10,000 square feet of gross floor area or more.
- (e) Net export and import of fill is 300 cubic yards or more, excluding the earthen material imported and/or excavated for a foundation.
- (f) The addition or relocation of a vehicular access or egress way from a previously developed site.
- (g) Any application designated for Administrative Site Plan Review may be considered for Full Site Plan Review at the request of the applicant and/or the Director of the Planning and Community Development Department (PCD).
- (h) Any vertical change in grade of greater than four (4) feet measured across a distance of ten (10) horizontal feet or more.

(5) Pre-Application Meeting. Prior to the submittal of any Site Plan Review application, the applicant is strongly encouraged to schedule a Pre-Application Meeting with PCD staff. The purpose of this Pre-Application Meeting shall be to confirm whether Site Plan Review will be Administrative or Full, to afford the applicant input from staff during the formative stages of the concept design, and to highlight areas where the applicant may need to give additional attention prior to filing a formal application. Pre-Application Meetings are intended to encourage discussion and to provide guidance to the applicant. However, any opinions or advice offered by the reviewing authority shall not constitute or imply an approval or a denial of a project.

(6) Segmentation. In an effort to prevent segmentation, the Site Plan Review thresholds listed in § 3.10.C. above shall apply to individual parcels or more than one contiguous parcel that may be in common ownership or otherwise developed as a site in a coordinated manner through a common applicant at the time of application. Further, the build-out of phased projects or expansions that are applied for within a two-year period shall be considered cumulatively when determining whether an application should be reviewed as an Administrative or Full Site Plan Review project.

#### D. Administration and Authority

(1) Administrative Site Plan Review. Administrative Site Plan Review shall be performed by Planning and Community Development (PCD) staff, in conjunction with staff of the Town Department of Inspectional Services, Department of Public Works, Braintree Electric Light Development (BELD), Fire, and Police (the Site Plan Review Committee), as established herein and subject to the procedural and submittal requirements listed in this Section. PCD may, from time to time, add other departments, offices or committees, as needed, to the Site Plan Review Committee. The form, contents, and number of sets of plans of the application and other required information shall be as

specified in this Zoning Ordinance, § 3.11, Site Plan Contents for Variance, Site Plan Review, and Special Permits.

(2) Full Site Plan Review. Full Site Plan Review shall be administered by the Planning Board, and shall require a public hearing, subject to the procedural and submittal requirements listed in Section 3.11, Site Plan Contents for Variance, Site Plan Review and Special Permits.

#### E. Procedures for Administrative Site Plan Review

(1) Submittal. Applications for Administrative Site Plan Review shall be submitted to the Town Clerk, who must then certify the date and time of filing. A copy of the application must be filed forthwith by the petitioner with the Planning and Community Development Department (PCD). The form, contents, and number of sets of plans of the application and other required information shall be as specified in this Zoning Ordinance, § 3.11, Site Plan Contents for Variance, Site Plan Review and Special Permits.

(2) Determination. Within ten (10) days of the filing of the application, PCD shall determine if the application is complete (determination of completeness). Initial determination that an application is complete does not imply that the information provided is accurate or adequate and shall not preclude PCD from requesting or considering new information during the course of the review process that will have direct bearing on the purposes of Site Plan Review as listed in § 3.10.B. Where PCD determines that the application is incomplete, the applicant shall be informed in writing within fifteen (15) days of the original application date. The notification shall include an explanation of the determinations.

(3) Advisory Review. Within fifteen (15) days of the filing of the Administrative Site Plan Review application, where there is a positive determination of completeness, the PCD shall distribute copies of the application to the Site Plan Review Committee. The PCD shall schedule a meeting of the Site Plan Review Committee to discuss any comments within thirty (30) days of the original application date. Failure of any Site Plan Review Committee member to attend this meeting or submit comments to PCD within this timeframe shall be interpreted by PCD as lack of opposition to the application as submitted. Approval of any Administrative Site Plan Review application shall require a majority vote of the Site Plan Review Committee.

(4) Recording the Decision. PCD shall make a final decision on the application within fifty- five (55) days of the original application submittal date. If the PCD fails to act within this time frame, the application will be deemed approved. The PCD shall file its decision in writing with the Town Clerk. The applicant shall file this decision prior to exercising it (and pay the recording fee) with the Norfolk County Registry of Deeds within sixty (60) days of the original application date and shall provide evidence of recording to the Building Division prior to the issuance of any permits.

(5) Appeals. Within 10 days of the filing of the final decision, the applicant may, as a means of appeal, request full site plan review per § 3.10.F below.

#### F. Procedures for Full Site Plan Review

(1) Submittal. Applications for Full Site Plan Review shall be submitted to the Town Clerk, who must then certify the date and time of filing. A copy of the application must be filed forthwith by the petitioner with the Planning Board through the Planning and Community Development Department

(PCD). The form, contents, and number of sets of plans of the application and other required information shall be as specified in this Zoning Ordinance, § 3.11, Site Plan Contents for Variance, Site Plan Review and Special Permits.

(2) Determination. Within ten (10) days of the filing of the application, PCD shall determine if the application is complete (determination of completeness). Initial determination that an application is complete does not imply that the information provided is accurate or adequate and shall not preclude PCD or the Planning Board from requesting or considering new information during the course of the review process that will have direct bearing on the purposes of Site Plan Review as listed in § 3.10.B.

(3) Advisory Review. Within fifteen (15) days of the filing of the Full Site Plan Review application, where there is a positive determination of completeness, the PCD shall distribute copies of the application to Town departments. These departments shall submit comments to the Planning Board within thirty-five (35) days of the original application date. Failure of any party to submit comments to the Planning Board within this timeframe shall be interpreted by the Planning Board as lack of opposition to the application as submitted.

(4) Public Hearing. The Planning Board shall conduct a Site Plan Review Public Hearing within sixty-five (65) days of the original application date. The notification requirements of the public hearing shall comply with the following:

(a) Notice shall be given by publication in a newspaper of general circulation in the Town at least fourteen (14) days prior to the opening of the Public Site Plan Review Meeting and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of the meeting.

(b) Notice shall be sent by mail by the Planning Board through the use of the abutter materials prepared and certified by the Tax Assessor and submitted as part of the application. Abutters shall be considered: direct abutters, owners of land directly opposite from the subject premises on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the applicant as they appear on the most recent applicable tax list.

(5) Decision. The hearing shall be closed and a decision shall be made within ninety days (90) from the close of the hearing. Approval of a Full Site Plan Review application shall require at least three affirmative votes of the Planning Board at the close of the public hearing. The Planning Board shall then file a written decision with the Town Clerk within ninety (90) days of the close of the public hearing. The applicant shall file this decision (and pay the recording fee) with the Norfolk County Registry of Deeds within thirty (30) days of the end of the appeal period and shall provide evidence of recording to the PCD prior to the issuance of any permits.

(6) Appeals. Appeals of site plan review decisions may be made to a court of competent jurisdiction in accordance with the procedures set forth in M.G.L. c. 40A, § 17.

G. Administrative and Full Site Plan Review Criteria. In reviewing and evaluating any application for Site Plan Review, the Site Plan Review Committee or Planning Board shall require that the Site Plan(s) promote the purposes in § 3.10.B. These purposes, established to protect the health, safety, and general welfare of residents, embrace the following criteria for the proposed development:

(1) Traffic, Parking, and Access:

- (a) Ensure adjacent highways or roads have the capacity to absorb potential traffic impacts and that all possible measures are taken to mitigate potential impacts.
- (b) Provide for adequate parking and loading for all uses on site.
- (c) Maximize the convenience and safety of vehicular, bicycle, and pedestrian movement within the neighborhood and site and on adjacent roadways, including sidewalks and bike/pedestrian paths.

(2) Public Utilities:

- (a) Provide suitable water, sewer, electric, and stormwater management systems and maintenance.
- (b) Develop within the capacity of the Town's public infrastructure as determined by municipal officials.

(3) Open Space and Environmental Protection:

- (a) Demonstrate that any adverse impacts to open space and sensitive areas such as wetlands, floodplains, surface water, and groundwater can be mitigated.
- (b) Include measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, and limit the potential for flooding.
- (c) Ensure that topography and grading is appropriate for the proposed uses, and that landscape design is attractive and appropriate for the environment.

(4) Neighborhood Impacts:

- (a) Screen objectionable features, including, but not limited to large blank walls, open dumpsters, and loading or storage areas from neighboring properties and roadways.
- (b) Implement, enhance or maintain buffers between uses of different intensities and types.
- (c) Develop buildings and sites appropriately with regard to the size, shape, and design in relation to the land area upon which the building or structure is situated and to the adjacent buildings and structures within the neighborhood.

(5) Health:

- (a) Minimize adverse impacts from air-quality, lighting/glare, and odors. (b) Provide for proper disposal of trash and recycling.

(6) Regulatory Compliance:

- (a) Comply with all applicable standards in the Zoning Ordinance.



H. Final Action for Administrative and Full Site Plan Review. Final action shall include one of the following:

- (1) Approval as Submitted. Approval based on a determination that the application complies with the criteria set forth in this Section.
- (2) Approval with Conditions. Approval of the application subject to any reasonable conditions, modifications, and restrictions the Site Plan Review Committee or the Planning Board may deem necessary to ensure the health, safety, and general welfare of the community.
- (3) Disapproval. A disapproval of the application for the reasons of violations of provisions in the Zoning Ordinance, or determination that the Site Plan(s), although proper in form, is so intrusive on the interests of the public in one or more aspects regulated by the Zoning Ordinance, that no reasonable terms or conditions can be devised to adequately protect the interests of the public.

I. Permit Expiration. Any Site Plan Review approval shall lapse after three years from its issuance if substantial use or construction has not commenced within the three-year period, except for good cause. Upon written application by the grantee, the Site Plan Review Committee or the Planning Board (as applicable), in its discretion, may extend the rights to exercise the site plan review approval for a period not to exceed one year. The application for such extension shall be filed with the Site Plan Review Committee or the Planning Board (as applicable) prior to the expiration of the three-year period with enough time to properly provide notice of the requested extension at a regularly scheduled Planning Board meeting or with enough time to convene the committee for Administrative Site Plan Review as applicable. The rights to an expired site plan review approval may only be reestablished after the filing of a new application and the holding of a new public hearing (as applicable).

### **§ 3.11 Site Plan Contents for Variance, Site Plan Review, and Special Permits**

The following information shall be provided on plans developed for Site Plan Review and any Special Permit applications. Where information requirements are not applicable to the applications, PCD staff will provide direction.

#### **A. Basic Information**

- (1) Name of development.
- (2) Date(s) of plan and revisions (if any).
- (3) Graphic scale, datum of elevations, true north arrow, locus map at 1" = 2,000'.
- (4) Property owner's name and address.
- (5) Zoning District(s) and notation if located in any Town Zoning Overlay Districts. (6) Zoning and Parking Block Table: To include columns for existing, proposed, and required parking and zoning requirements.
- (7) Location, width, and status of all existing rights of way, easements, and reservations within and adjacent to the property.
- (8) All boundary lines and dimensions of the property and total acreage contained therein.

Certification and signature (stamp) of all professional surveyors involved in the development of the plan. All surveyors shall have certification with the Commonwealth of Massachusetts Board of Registration of Professional Engineers and Land Surveyors.

(9) Name, address, and telephone number of any designers associated with the development of the plans.

(10) Map and plot numbers of the parcel(s).

(11) FAR ratio calculation for all residential structures and/or any structure containing residential units (see § 5.10)

B. Existing Conditions Plan.

(1) Locus map inset at a scale of 1 inch = 2,000 feet with all streets, public facilities, and significant water bodies labeled.

(2) Location of all existing buildings and structures on the site.

(3) Approximate location, description, and dimensions of existing public open spaces, including parks, playgrounds, greenbelts, and public shoreline access ways, based on available information.

(4) Approximate location, description, and dimensions of existing structures and uses on and minimally within two hundred (200) feet of the property.

(5) Location and type of all historically significant structures, historic walls or similar features, including an indication of their protective status.

(6) Location of any existing water table and percolation test holes data.

(7) Known documentation showing location, dimensions, grades, and flow direction of existing sewers, water mains, culverts, and other underground and above ground utilities.

(8) Topographic survey at two-foot contour intervals. Slopes greater than 15% shall be marked.

(9) Location of Drinking Water Protection Overlay District (DWP).

(10) Floodways, V, and A zones from current FEMA maps.

(11) Location of any wetlands subject to the Wetland Protection Act.

C. Proposed Development Plan.

(1) All proposed buildings and structures, access driveways, and proposed easements.

(2) Proposed height, number of stories, basement elevation, first floor elevation with architectural renderings and floor plans (if applicable), also use of all buildings and/or structures on site.

(3) Location, size, and type of signage.

(4) Foundation lines of the proposed buildings, gross floor area, and building height.

(5) Location of solid waste and recycling containers within an enclosure.

(6) Proposed utilities and storage facilities, including sewer, water, and electric connections.

(7) Erosion and Sediment Control Plan consistent with §7.5.F of this Zoning Ordinance.

(8) Parking and Circulation Plan consistent with §7.1-Q of this Zoning Ordinance.

(9) Traffic Study consistent with §7.3-C of this Zoning Ordinance.

(10) Landscaping Plan consistent with §7.2-B of this Zoning Ordinance.

(11) Lighting Plan consistent with §7.2-D of this Zoning Ordinance.

(12) Stormwater Management Plan consistent with §7.2-E of this Zoning Ordinance.

(13) Grading Plan consistent with §7.2-F of this Zoning Ordinance.

### **§ 3.12 Repetitive Petition**

A. Applicability. Per M.G.L. c. 40A, §16, any petition for a variance or application for a Special Permit which has been denied by the Planning Board or Zoning Board of Appeals shall not be acted favorably upon by the respective board for a period of two years unless the following two conditions are met.

- (1) All members or all but one member of the entire Planning Board must vote their consent to the refiling of the application within the two-year period.
- (2) The Zoning Board of Appeals (acting as permit granting authority) or the Planning Board finds that there are specific and material changes in the conditions upon which the previous unfavorable action was based and describe such changes in its record of the meeting.

B. Process. The actions of either of the boards involved in a repetitive petition process must be taken as provided for in M.G.L. c. 40A § 16 and include notice to the parties in interest as to the time and place of the meetings. The notice should specify that the application or petition is a repetitive petition and that the Planning Board or Zoning Board of Appeals will be considering the question of whether there has been a specific or material change in the conditions upon which the previous unfavorable action was based.

### **§ 3.13 Zoning Amendments**

A. Amendments. Any change in this chapter or the Zoning Maps shall be made in accordance with MGL c. 40A, § 5. Amendments to this chapter or the Zoning Map may be presented to the Town Council as follows:

- (1) By the Town Council on its own initiative.
- (2) By the Planning Board on its own initiative.
- (3) By the Zoning Board of Appeal on its own initiative.
- (4) By an individual owning land to be affected by change or adoption.
- (5) By request of ten (10) registered voters.
- (6) By a regional planning agency.
- (7) By any other methods provided by municipal charter.

B. Submission Requirements.

- (1) A petitioner per § 3.13.A proposing a rezoning of land shall submit the items below with the application to the Town Council. Proposed rezones or zoning amendments shall be submitted to the Town Clerk who must then certify the date and time of filing.
  - (a) A copy of the plan showing the proposed rezoning, drawn to a scale of one-inch equals 40 feet;
  - (b) A legal description of the property proposed to be rezoned sufficient for identification. No proposed rezoning articles shall be transmitted to the Planning Board for review until all the materials required under items (a) and (b) have been submitted.

- (2) Amendment to Zoning Ordinance.
  - (a) Written text amendment.
  - (b) Purpose for proposed amendment.

C. Submission of Proposed Rezone or Zoning Amendment to Town Council. The Town Council shall submit to the Planning Board any rezone and zoning amendments to this chapter within 14 days of receipt.

D. Public Hearings on Proposed Amendments. The Planning Board on its own initiative shall conduct public hearings within 65 days after receipt of the proposed amendment or change:

- (1) After the publication of a notice in a newspaper of general circulation in the Town, in each of two consecutive weeks, the first publication to be at least 14 days prior to the hearing date.
- (2) Said notice shall contain the date, time, and place of said hearing, subject matter sufficient for identification and places where texts and maps may be inspected.
- (3) Said notice shall be posted in Town Hall for a period of not less than 14 days prior to the hearing date.
- (4) Notice of said hearings shall be mailed postage prepaid to the Department of Community Affairs, the regional planning agency, the planning boards of all abutting cities and towns, and to any nonresident property owner who has filed an annual request for such notice with the Town Clerk not later than January 1 and has paid a fee of \$5 to cover postage and handling. It shall be deemed sufficient if such notice is mailed or delivered to the last known address.

E. Required Vote for Adoption. No Zoning Ordinance amendment or rezone shall be adopted except by two-thirds vote of the Town Council, pursuant to MGL c. 40A, § 5.

F. Effective Date: The effective date of such ordinance or amendment shall be the date passed by the town council and signed by the mayor or as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the town clerk to the office of the attorney general.

G. Validity; Limitations on Claims of Invalidity. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision hereof. No claim of invalidity of any Zoning Ordinance arising out of any possible defect in the procedure of adoption or amendments shall be made in any legal proceeding.

END OF DRAFT PROPOSED ORDINANCE ---

## DISCUSSION:

### **§ 3.2 Building Inspector**

Melissa Santucci-Rozzi, Assistant Director Planning & Community Development stated we (Christine Stickney, Director Planning & Community Development; Melissa Santucci-Rozzi, Assistant Director Planning & Community Development; Russ Forsberg, Building Inspector) are looking at this section, in particular the site plan sections and to have different hierarchy of what should be shown on the plan depending on the scope of the project. That is something we are working on now.

Russ Forsberg, Building Inspector stated Section 3.3 is also being reviewed by us specific to the more appropriate location of the disposition of zoning violations. Currently it alludes to criminal prosecution. We are looking to change the venue to a civil court which is in fact the housing court which is a more appropriate and competent jurisdiction for the disposition of violations of the zoning bylaws. Going through the Quincy District Court which doesn't have a housing court makes it difficult to resolve matters.

Councilor Ringius asked what neighboring communities do. It was replied for the most part they go through housing court.

Carl Johnson, Brewster Avenue asked about the sections that state violations and enforcement and to perhaps discuss this with the Town Solicitor.

Russ Forsberg, Building Inspector stated discussion has taken place with Town Solicitor, Goldrosen and this is being considered for re-draft.

Jill Coyle, Parkside Avenue asked Appeals of the Building Inspector (135 202C) states the Planning Board recommendation is needed. Christine Stickney stated this was taken out.

Jill Coyle, Parkside Avenue asked for clarification on B the non-criminal disposition. It is a bit redundant. Christine Stickney stated we will look into that.

Jill Coyle, Parkside Avenue asked a section of 3.5 B. ..." Nothing contained herein shall be deemed to require the use of the noncriminal disposition method..." to be explained. Christine Stickney stated these should be explained by the Town Solicitor.

Carl Johnson, Brewster Avenue asked about section 3.6: When dealing with Zoning Board of Appeal you are dealing with statutory authority. We have called these findings or determinations or hearing appeals. We have now interchanged Special Permits for a finding to ZBA. We have co-mingled these. We need to be careful what goes to the ZBA when they act as a special granting authority. Special Permit authority for signs should be the ZBA therefore they can grant waivers rather than be confined to granting variances. I ask the Planning Department refer this to the Town Solicitor.

Melissa Santucci-Rozzi, Assistant Director Planning & Community Development stated this has been in discussions with the Town Solicitor. I hear the former speakers desire to do sign variances by special permit.

Councilor Kokoros asked what votes are needed.

Melissa Santucci-Rozzi, Assistant Director Planning & Community Development stated a variance is 3 votes needed and a finding is 2 votes needed with the ZBA.

Councilor Kokoros asked if any Council forms of government are actually in charge of Special Permits. Christine Stickney stated yes there are.

Carl Johnson stated for 3.7 most communities have 5 members on the ZBA. It is confusing the Planning Department wants to interchange the words findings and special permit. If you truly want to call it a special permit it should have a 5 member board of the ZBA. Christine Stickney, stated they will make note of this.

Jill Coyle suggested in 3.7 be consistent and reference state law the votes required.

Carl Johnson, Brewster Avenue asked in section 3.7 E. the word "may" be struck and replaced with "shall".

3.9 D under approval Melissa Santucci-Rozzi stated the Planning Board is still a supermajority.

Councilor Kokoros asked about House bill 3507.

Melissa Santucci-Rozzi stated we will double check with our Town Solicitor on this and compare them and how they line up with what is proposed.

Christine Stickney, stated currently 40A allows these types of uses. Section 3.10 now requires site plan review. It doesn't stop it but we look at churches, daycares, etc. because now social services and multiple uses are all week long. We now make sure there is sufficient parking.

Carl Johnson, Brewster Avenue stated I believe variances should be under ZBA. Many roads under Site Plan Review are under state jurisdiction and the town has no jurisdiction on those roadways. You have to be careful what you require under site plan review. That belongs under special permits. Look at what is going under site plan review and if it might be better to be under special permit. I ask this be looked at by the Town Solicitor. (especially see 3.10 1) It is my opinion it is over reaching especially on state roadways.

Christine Stickney stated the Site Plan Committee will actually hold meetings. It consists of five certain department heads or designee (with the ability to call in).

Melissa Santucci-Rozzi stated Section 3.11 is currently the existing 135 7-11.

Chairman Powers stated to ask the Town Solicitor if House bill 3507 and section 3.13 Zoning Amendments and what would be affected by that bill and to the Town of Braintree.

Melissa Santucci-Rozzi stated in 4.2 municipal government is not exempt when it comes to zoning.

Carl Johnson, states I would urge we modify/revise the existing 712 which is the planning development district and include that as an overlay district. This would allow the Town Council the right to permit a concept plan. This would be when the applicant comes before the Council and submits a plan on how things would function and how things would be preserved. It then goes to the Planning Board for approval as far as a special permit. I think it is a good tool. I would ask this be reviewed by the Planning Department and to submit this as part of the Comprehensive Zoning Ordinance. This is typically one of the areas Town Council is involved.

Councilor Kokoros stated this would be useful in a 55 plus community to include services and housing. I do not know why this was pulled out.

Christine Stickney stated this was pulled due to the uses and the mixed uses allowed through the use table is why we pulled it.

Melissa Santucci-Rozzi stated the current one written is not drafted very well. There are statements in there that contradict one another. Essentially we are allowing more than one use.

4.6 Christine Stickney stated we have principal uses and accessory uses. The accessory use only occurs when there is a principal use to go with it. We have two tables and pulled it all together into one.

Alan Flowers, Fallon Circle I am looking at Residence A and the erosion of the requirements that are now permitted by right under the proposed or by special permit. I do not think it is appropriate in Residence A. Also dormitory not allowed before now allowed by special permit in residence A. A dormitory can be built next to your house. I would hope you would defeat these changes.

Christine Stickney stated we need to sit and look at the existing and proposed tables. Some have been changed but some have not. Today our uses are not up to 2019. It has been expanded to explain uses. It is also critical to look at the definitions. We have heard from residents and some things have already been changed.

Melissa Santucci-Rozzi stated Special permits give us the ability to say well that is not the type of Res A or Res B we would want that certain structure built in.

Melissa Santucci-Rozzi stated the E-code current zoning is on the Town Clerk's website. We will have a link on the current zoning website.

Councilor Powers, Chairman stated we will dedicate time to the Table of Uses.

4.8 Melissa Santucci-Rozzi stated this is a work in progress and is so complex. It is homeowners and homes being renovated and added on. We want to make sure it is strong and legal. We are in discussions with Town Solicitor. It might be worth it to have John Goldrosen available when we decide to discuss this to make sure we are in our legal confines.

Councilor Powers, Chairman stated we hold off Table 4.8.

The next meeting will be comparing the Table of Uses of the existing and proposed.

MOTION by Councilor Ringius to TABLE Order 19 011 to May 21, 2019 at 6:00pm

**Motion:** by Councilor Ringius to TABLE Order 19 011 to May 21, 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 8:25 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
- A Readers Guide to Major Proposed Changes