



# 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

## June 17, 2019 MINUTES

A meeting of the Committee on Ordinance & Rules was held in the Cahill Auditorium on Monday, June 17, 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 arrived @6:40pm  
Timothy Carey, Member

Also Present: Joseph Reynolds, Chief of Staff  
Christine Stickney, Director Planning & Community Development  
Melissa Santucci-Rozzi, Assistant Director Planning & Community Development  
Residents including:  
Jill Coyle  
Carl Johnson  
Steve Scaccia

There was a moment of silence for all those serving in our armed services, past and present, and the meeting was opened with the pledge of allegiance to the flag.

### Approval of Minutes

#### • May 15, 2019

**Motion:** by Councilor Ringius to approve minutes of May 15, 2019

**Second:** by Councilor Carey

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

### New Business

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

MOTION by Councilor Ringius to TAKE off the TABLE Order 19 011

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

**Second:** by Councilor Carey

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

Councilor Powers, Chairman of the Committee on Ordinance & Rules stated they will begin at Section 4.7 Accessory Uses.

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

**§ 4.7 Accessory Uses**

*Examples of new accessory uses include Accessory Apartments, Farm Stands, Docks, Drive-Through Service, and outdoor sales and storage.*

Christine Stickney stated the Accessory Apartments are on hold at this time. This will be discussed at a later date.

DRAFT PROPOSED ZONING ORDINANCE---

**§ 4.7 Accessory Uses**

A. Any use not specifically listed as an accessory use in Table 1 (Part 2) or otherwise specified in this § 4.7 is permitted as an accessory use provided it is a use that is customary and incidental to a permitted principal use located on the same lot as the accessory use, conforms to all other provisions of this chapter, and complies with all other Town ordinances or state laws.

B. An accessory use may not occupy more than 25 percent of the area of a lot or more than 25 percent of the total combined gross floor area of a building(s) or structure(s) on a lot, whichever results in fewer square feet. This limitation does not apply to off-street parking, or to accessory apartments, which are governed by other provisions of this chapter. Billboards shall not be considered an accessory use.

C. Permitted Accessory Uses in Residential Districts.

(1) The outdoor storage of one unregistered motor vehicle (not defined as junk) with a valid inspection sticker for a period not to exceed 90 days within one calendar year.

(2) The storage of one of the following items registered to the address of the site on which it is stored – one camper, one recreational vehicle or one registered boat on a trailer – and no longer than 35 feet in length, provided that said storage is not located closer than 20 feet from a front lot line and five (5) feet from a side lot line.

D. Uses Not Considered Accessory in Residential Districts (Not Allowed).

- (1) The parking or storage of more than one commercial motor vehicle registered or unregistered.
- (2) The accommodation of, or the renting of space to, more than three lodgers, boarders or paying guests, with the exception of a permitted Bed and Breakfast as defined in § 9, Definitions.
- (3) An advertising sign, except a temporary real estate sign less than four (4) square feet advertising the property on which it is placed.
- (4) The outdoor storage at any time of parts or bodies of motor vehicles.
- (5) The outdoor storage of Junk as defined in § 9, Definitions.

END OF DRAFT PROPOSED ORDINANCE ---

**DISCUSSION:**

TABLE 1 (PART 2)

TABLE OF ACCESSORY USE REGULATIONS

(See attached Table 1 (Part 2))

Christine Stickney read the table and stated these were suggested by the consultant and also some were issues that have come up in the past and felt we need to address.

**Residential Accessory Uses:**

Accessory apartment

Agriculture, home

Bed & breakfast

Day care, family home

Home occupation

**Institutional/Semi-Public Uses**

Dormitory

**Conservation, Public Recreation, Agricultural Uses**

Farm stand

Playground

### **Business Accessory Uses**

Dock, floating  
Dock, permanent  
Drive-through service accessory to a bank or retail use  
Drive-through service accessory to a food service establishment  
Food Truck  
Fuel station, alternative accessory  
Outdoor sales accessory to retail use  
Heliport accessory to hospital  
Live entertainment incidental to restaurant or retail use

### **Production Accessory Uses**

Warehouse and distribution accessory to manufacturing  
Outdoor storage

Councilor Kokoros asked about food trucks.

Christine Stickney stated it was more about the office businesses and those locations were focused on. Right now there is nothing in zoning about food trucks. They just go through the Board of Health for inspections and approvals. We are suggesting this if they plan to set up for long periods of time. Councilor Kokoros stated we technically have no jurisdiction over them if they are parked on a public street. There seems to be too many questions. Let's move on and get more information on this. Christine Stickney stated streets are not zoned. Parking lots are zoned. Our experiences are those who set up on a routine basis within a parking lot and taking up parking spaces. To have it reviewed by a Special Permit we have existing food related businesses where we would like to see them go to the more remote industrial park areas so cars are not driving during lunch. Councilor Kokoros stated I feel this is unenforceable. I think we should just eliminate it completely.

Councilor Kokoros stated Fuel station, alternative accessory can you explain this.

Melissa Santucci-Rozzi stated the Hydrogen Station on Wood Road is an example and vehicle charging stations.

Christine Stickney stated some of these take up general parking spaces. We need to be ready to address them.

Councilor Kokoros stated live entertainment and putting restrictions is a good thing.

Councilor Kokoros asked about Home occupations and what is allowed.

Christine Stickney stated (See section 6.8 on page 54) This limits size and hours, etc.

Melissa Santucci-Rozzi read the definition of Home Occupation: An activity conducted for gain by a resident or residents of the dwelling unit, and carried out as a customary, incidental, and accessory use to the principal residential use, and which by its nature is limited in size and scope.

Melissa Santucci-Rozzi stated we have been making notes on restrictions on home businesses.

Councilor Kokoros stated we should scratch Dormitory. He asked if for example Thayer Academy wanted to build off-site from its academic buildings dormitories can they.

Christine Stickney stated yes they can deem it educational.

Councilor Kokoros stated Airbnb is not listed here but should not be allowed in Res A, B, C, etc. It should only be allowed where we allow hotels. It should be listed. I've had people complain to me because their neighbors were renting out their homes doing Airbnb. This is a business that is regulated and should not be allowed in residential neighborhoods.

Christine Stickney stated this same question has been asked by the Resident Zoning Working Group. Our intension is to bring that section back and ask if we want to address it or not. As of now we were instructed to take it out. I think if regulated through the Board of Health it can be regulated more strictly than it can through zoning. I hear you say you want it in the Accessory Table as prohibited.

Councilor Kokoros stated I 100% do not want this (Airbnb) in residential neighborhoods – period. It should only be allowed wherever hotels are allowed. I think zoning is the first step and enforcement is the second step.

Councilor Kokoros asked if Accessory Apartments have been eliminated yet.

Christine Stickney stated we have recommended this be eliminated due to the public out-cry.

Councilor Ringius stated as for the Food Truck and Fuel station alternative accessory I believe we want to make sure we are able to regulate these as a zoning perspective. To not put it in now will allow for abuse later. Special Permit required for Food Trucks will ultimately protect restaurants from competition. Businesses with a food truck potentially attract people to work there and businesses to come to town. We do have to put these in here and protect Res A,B and C and allowable by Special Permit in other zones to prepare for the future.

Councilor Kokoros stated I agree with the previous speaker if we make General Business also a NO for food trucks.

Melissa Santucci-Rozzi stated this is good dialogue that the food trucks serve a purpose in some locations but in others it would probably just create problems. A one-time use as in the high school Braintree day is not necessarily an accessory use to the primary use. During this event the school is not even open. If the high school wanted a food truck every Friday then they would need the Special Permit.

Councilor Powers asked what triggers a Special Permit for a repeat event?

Christine Stickney stated the difference is something on a regular basis versus an event. We can work that into the definitions so that can be clear so for an event we can give a duration for an event.

Councilor Powers stated we agree we do not just want to see a food truck pop-up in any parking lot anywhere. None of us want to see that. We can re-visit this.

Councilor Powers stated the Home Occupation – I think there is a balance there. When a business reaches a certain size or square footage, when there is a certain use out of a residential dwelling like an accountant this should not be a problem but if a construction company with employees and trucks this should be looked into.

Councilor Powers stated we would like more information from staff in regards to home office and food trucks.

Jill Coyle, resident, questioned the definition of Accessory Use and the wording of “lot”.  
Melissa Santucci-Rozzi explained with Accessory Uses for residential there are other requirements for each use (i.e. Daycare, Bed and Breakfast, Agricultural, etc.).

Carl Johnson, stated possibly the word “lot” could be modified so it does not cause confusion.  
Carl also stated “Commercial Vehicle” is not defined in this proposed ordinance.  
Carl stated residential parking as driveways and front yards has always been an issue. This should be part of the Accessory Use information and in this section.  
Melissa Santucci-Rozzi stated this is defined on page 147.

Councilor Kokoros stated we need to look into Dormitories and if only allowed adjacent to principal lot and not down the road.  
Melissa Santucci-Rozzi stated this is defined as educational use and have had challenges in the past with the Dover Amendment which makes this very “grey” and not in favor of the Municipality typically. We should ask legal and look into this a little more and if we can tighten this to proposal to “trump” that and make it a little bit stronger, we can look into doing that.

Councilor Powers stated we are going to skip the next section:

#### **4.8 Nonconforming Uses, Structures and Lots**

Councilor Powers continued to state we would like to have John Goldrosen, Town Solicitor in attendance at the meeting that this is discussed in the future.

Steve Scaccia, resident Hollis Ave stated I sent an email a couple weeks back because I have been doing some research about what other towns have done for zoning and it seems what we are trying to do here is what got us here with all different development around town and nothing really cohesive about it. **Milton** has 8 different residential zones. Milton actually created a new zone that covered 3 parcels. Milton has also created a Res E for Elderly Housing. **Hingham** has 15 zones and 6 overlays. **Needham** has 20 zones and 11 overlays. **Melrose** has 17 zones and 1 overlay. They are using the zoning to target specific areas in a way we are not. Other towns have used much more distinct and defined zones to get the development that they want. We could use this to focus on the development that we want.

Christine Stickney stated there are Fair Housing Laws. You cannot discriminate.  
Melissa Santucci-Rozzi stated SP is to help figure out and off set certain uses in zoning districts. Sunrise is an example in Res B right outside of 5 corners is a suitable area. There are many Res B locations that would not be in harmony of the surrounding uses. Melissa stated Milton has been warned about the Fair Housing Law.  
Councilor Powers stated I would like to see the Fair Housing Law and get clarification on this. I would like to get information from Milton and what their multiple zones consist of along with the other towns of Hingham, Needham and Melrose.

Carl Johnson discussed the multiple zoning uses. He stated there was discussion in the past to make a Highway Business and a Highway Business “2”. This by-law does a lot to increase frontage and lessen density. You need to decide what you need for a tax base. There is no doubt the town should

have had multiple zones. One way to do it is to use Overlay Zones and draft different regulations for it. The same is for Village Districts. You should have a plan for what you want this to be. This is a policy decision on how you want to proceed.

Councilor Kokoros stated in regards to the previous speaker this means we don't have to stay within the box. We can think outside of the box.

Councilor Powers stated the right thing is to look at everything to manage future growth so it works for us in our town. I support looking at what other towns have done with multiple zones.

Discussion to go back to the Use Table of 4.6 Transitional District and Village Center:

Councilor Kokoros stated the Transitional District is new...

Councilor Kokoros stated I am a no go for Transitional District.

Councilor Powers stated we would like to go back to the Use Table for Village and Transitional Districts.

Councilor Kokoros stated there is no Transitional District today. This is new. It makes it a little difficult to compare. There are properties that are pre-existing, non-conforming and the new zone changes the use allowed completely. This is brand new and is allowing different uses on some of the properties.

Melissa Santucci-Rozzi stated a majority of that land is Res C, some is Res B and some General Business as well. (This was discussed at a Planning Board meeting in April).

Christine Stickney stated we originally had 71 properties along the Washington Street corridor that could be in the Transitional District. We heard from residents for instance Academy Street and Hobart and did take some of those properties out.

Councilor Kokoros stated if we want a certain look, an old-town look in Braintree then we can have property owners comply with a certain look and have an architectural plan.

Melissa Santucci-Rozzi stated the town should consider design guidelines for the squares and overly versus transitional districts.

Councilor Powers stated I do believe it is time to have some discussions and conversations on design guidelines. I think we all want to see a coherent, uniform look in our squares.

Councilor Ringius stated in regard to the Transitional District there is a lot of discussion to be had still. I thank you for looking into Academy and Hobart and the residents' concerns of it creeping up those streets and moving that back to the corridor. The fear right now is buildings being bought, torn down and the corridor looking like Quincy. There needs to be on-going discussion and more information to property owners on why this is good. I am not necessarily opposed to this if kept along the corridor. Christine Stickney stated the property owners along that corridor are pleased with the information we have discussed with them about this. The see the Transitional District gives them alternatives that they don't have now. A build out analysis would be a scare tactic.

Councilor Powers stated I do not think it a scare tactic. I think it a fact finding, data gathering exercise. We are asking for this only for the newly created Transitional District.

Christine Stickney stated you are asking for an analysis of just residential units along there assuming all those properties were leveled.

Councilor Powers replied correct.

Melissa Santucci-Rozzi stated I want to be clear nothing like Quincy center would ever be allowed here. Their density is extreme. The city of Quincy zoning gives a lot of relief. They are permitting 40-50 units an acre. Quincy Center is getting a 15 story building. That is not our intent. We are looking to diversify and improve upon the landscape. The goal is not to have that type of development.

Councilor Kokoros stated Village District and Village Overlay the first thing we need to do is we need parking. This is a discussion for another day. When new businesses come in they need to have shuttle services to the T if they are a large corporation with an office building. The main issue is traffic and parking in the squares.

Melissa Santucci-Rozzi stated if the boundary of the village did not expand would the properties stay as they are now. Some are currently commercial. I do not believe that is appropriate as an anchor for this. Is it may be appropriate for a modified version of Transition.

Councilor Kokoros stated we should also talk to the property owners and determine what fits like some sort of overlay. We can look at that.

It was discussed to have the next meeting (July 22, 2019) begin at Section 6.1 Inclusionary Housing and include 6.5 Flexible Development.

MOTION by Councilor Ringius to TABLE Order 19 011 to July 22, 2019 at 6:00pm

**Motion:** by Councilor Ringius to TABLE Order 19 011 to July 22, 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 9:03 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