



Braintree Town Council

ORDER NO: 24 034

DATE FILED: JUNE 21, 2024

REQUEST OF: Braintree Property Associates, Limited Partnership

**APPLICATION FOR REZONING - Braintree Property Associates, Limited Partnership;  
SSP 131 Lakeside, LLC; SSP 135 Lakeside, LLC**

That the Town Council vote, at the request of the property owner, Braintree Property Associates, Limited Partnership; SSP 131 Lakeside, LLC; SSP 135 Lakeside, LLC – Section 135-612 - Zoning Map and Zoning Ordinance Text Amendment - Creation of a PUD District known as Mixed Use Planned Unit Development District.

MOTION: To Approve Order 24 034 as submitted with Planning Board recommendations and approved Amendments:

AMENDMENT: To amend proposed zoning ordinance 135-617 by amending Section D, Table 1, Use -Hotel or Motel, by deleting the word yes in the by right column and replacing it with the word no and by further deleting the word no in the Special Permit column and replacing it with the word yes.

(See Attached)

YEAS: Boericke, Hume, Maglio, Morin, Quilty, Reynolds, Ryan

NAYS: Flaherty, Ringius

ABSENT: NONE

PASSED IN COUNCIL: NOVEMBER 19, 2024

PRESENTED TO MAYOR: DECEMBER 2, 2024

A True Record, Attest:

Debra J. Starr, Interim Town Clerk

12-9-24

Date Approved

Erin V. Joyce, Mayor

Section 135-617

Mixed Use Planned Unit Development District

The Town of Braintree shall have a designated Mixed Use Planned Unit Development District (the “MUPUD”) described herein and added to Sec 135-301 (Districts established) and shall be shown on the Braintree Zoning Map dated January 8, 2011, as revised and amended to date on file in the office of the Town Clerk.

(A). Purpose.

The purpose of the Mixed Use Planned Unit Development District (the “MUPUD”) is to establish a specific zoning overlay district for the development of multi-family housing at the approximate 10.3-acre site, uniquely situated within the southeasterly portion of the existing regional shopping center property and adjacent to the Old Quincy Reservoir property (the “MUPUD”), generally in accordance with the intent and purpose(s) set forth in 135-612(A), Braintree Zoning Ordinances (“BZO”).

Per Section 135-102, BZO, the MUPUD contains at least two (2) of the following: residential use, business use, commercial use and open space.

1. Provide new multi-family housing for people of different stages of life and create work/live/recreate options for residents of the MUPUD.
2. Provide housing for a variety of multi-generational residents in the MUPUD and promote synergy with adjacent businesses, the regional shopping center and the proximate Granite/Forbes/Wood Road commercial area; to attract potential new businesses, augment the tax base and promote a sustainable work/live/recreate MUPUD community within the Town.
3. Provide multi-family housing in the MUPUD (a) where employees and potential employees of new and existing area business and commercial establishments can live; and (b) where resident consumers of the MUPUD can walk to/from retail locations (goods and services) dining locations and public bus transportation.
4. Provide affordable housing units in addition to market rate multi-family housing units.
5. Promote compact design in the development of new multi-family housing; provide flexibility regarding dimensional and density requirements to improve the development of multi-family housing, particularly where public and/or private open space is provided and/or improved as part of the development.
6. Assist the regional shopping center in evolving in a reasonable manner by constructing housing at, or proximate to, the regional shopping center; and to promote the prevalence and benefit of housing at regional

shopping centers.

7. Integrate a higher and better use of underutilized infrastructure and/or vacant acreage (or portion thereof) in the MUPUD and at the regional shopping center by allowing multi-family housing to be constructed at the regional shopping center; promote the development of underutilized existing property and/or infrastructure to create a mixed-use environment that includes multi-family housing located within the regional shopping center, proximate to businesses and open space.
8. Provide efficient parking and lower impact design that reduces impervious coverage and promotes a transportation environment including the use of buses, vans, ride share and/or uber-type services.
9. Provide publicly accessible open space, walking path and/or accessible community space.
10. Enable the development of multi-acre sites that provide residential, commercial and business uses, and which may contain individual building sites developed as an integrated mixed-use venue.
11. Facilitate construction and maintenance of drives, streets, utilities and public services in an efficient manner; promote retail and service uses closely related to the residential section of the planned unit development.

**(B). Applicability**

Land located within the Mixed Use Planned Unit Development District (the “MUPUD”) shall be subject to the provisions of Section 135-612 and 135-617 relative to new development. The following sections of the Zoning Ordinance are not applicable to land within the MUPUD:

BZO Section: 135-601, 603, 604 605 and 610.

BZO Section: 135-701, 135-702B, 135-703, 135-705, 135-707(A), 135-708, 135-709 and 135-710.

BZO Section: 135-802, 135-803, 135-804, 806 and

BZO Section: 135-904.1, 904.2 (A).

Section 135-617 shall control in the event of any conflict with other Articles of the BZO. As set forth in Section 135-612(G), in a PUD overlay district, all the zoning requirements of the underlying zoning districts shall apply unless and until a Special Permit for a PUD has been issued by the SPGA.

**C). Process.**

The Braintree Town Council (Town Council) shall consider and may approve the MUPUD (a PUD zoning overlay district), concept plan(s) for the PUD and provisions of Section 135-617 BZO (collectively the “MUPUD”). Pursuant to Sections 135-612 and 135-503 the Braintree Planning Board (the “SPGA”) may grant a Special Permit for development within the MUPUD, and in doing so must find that the application as submitted is in keeping with the Concept Plan as approved and most recently amended.

**(D). Uses Permitted by Right and by Special Permit within the MUPUD**

Table of Principal Uses in the MUPUD. Fitness center, management offices and other interior and exterior amenities accessory to multi-family housing are permitted as part of the principal use in the MUPUD.

Principal business use(s) are listed in Table 1.

Table 1: Table of Principal Uses

USE	BY-RIGHT	SPECIAL PERMIT
Multi-Family Dwellings	YES	NO
Public Open Space	YES	NO
Access Across a Zone to Serve a Different Zone	YES	NO
Public Amenities or Community Space (Interior or Exterior)	YES	NO
Restaurant	YES	NO
Brewery with Tap Room	YES	NO
Fast Food Establishment	YES	NO
Retail Store and Services (Not Elsewhere Classified) <30,000 Sq. Ft.	YES	NO
Retail Store and Services (Not Elsewhere Classified) >30,000 Sq. Ft.	NO	YES
Commercial Recreation <16,000 Sq. Ft.	YES	NO
Commercial Recreation >16,000 Sq. Ft.	NO	YES
Place of Amusement or Assembly <16,000 Sq. Ft.	YES	NO
Place of Amusement or Assembly >16,000 Sq. Ft.	NO	YES
Business or Professional Office	YES	NO
Medical Center/Clinic	YES	NO
Hotel or Motel	NO	YES
Day Care, Commercial	YES	NO
Animal clinic/hospital	YES	NO
Animal retail and grooming service	YES	NO

**(E). Dimensional and Density requirements for Development in the MUPUD.**

Dimensional and density requirements for development in the MUPUD are set forth in Table 2: Table of Dimensional and Density Requirements.

Table 2

CRITERIA	REQUIREMENTS
Lot Area	Minimum of 3 Acres
Lot Width	Minimum of 100 Feet
Lot Frontage	Minimum of 100 Feet
Lot Depth	Minimum of 100 Feet
Height (Stories)	Maximum 4
Building Coverage	Maximum 50%
Lot Coverage	Maximum 70%
Open Space	Minimum 30%
Yards (Front/Rear and Side)	Minimum 10 Feet

The Table of Dimensional and Density Requirements shall control development in the MUPUD. Noting that Pursuant to Section 135-612(E)(2) final dimensional and density requirements, including but not limited to setbacks, residential density, yard and height requirements, and parking and loading dock requirements, shall be determined by the SPGA.

1. The SPGA can waive dimensional, and density requirements outlined in Table 2 above, based upon, without limitation, whether the common boundary line is within the regional shopping center (i.e. internal) or with a different property owner.
2. Nothing contained herein shall prevent the projection into any determined setback of balconies, steps, stoops, eaves, cornices, belt courses, windowsills or like projections. The limitation of height shall not apply to chimneys, elevator penthouses or equipment rooms which extend 12 feet or less above the roof, parapets which are four feet or less in height. The sum of the footprints of all chimneys, elevator penthouses or equipment rooms shall not exceed 25% of the roof area of any building.
3. No setback from any property line is required for monument ground or blade signage, which are allowed, but said signage shall be wholly contained within the property limits and shall not overhang any sidewalks.
4. Renewable Energy Installations shall not be considered a story and may be located on any building rooftop in the MUPUD. This applies to the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create any detriment or impact to abutters in terms of visual occurrence, noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
5. Parking garages/structures do not count towards building coverage unless they contain residential units that are vertically integrated above or below them.

**(F). General Requirements**

1. **Underground utility lines and connections are required for all new buildings; unless BELD confirms a physical restriction or that underground installation would not be possible due to existing underground obstructions.**
2. **All external units for heating, cooling (HVAC), other mechanical units shall be screened and located on rooftops or within the building or parking garage.**
3. **All Development shall provide multi-use (pedestrian/bicycle) paths connecting their site with abutting areas in order to promote pedestrian and bicycle use, circulation and safety.**

**(G). Parking Requirements in the MUPUD**

**Vehicle Parking Requirements**

<b>USE</b>	<b>REQUIREMENT</b>
<b>Multi-Family Dwellings</b>	<b>1 Space per Bedroom</b>
<b>Hotel/Motel</b>	<b>1 Space per Guest Room</b>
<b>Retail and Services</b> <b>Office</b> <b>Medical Office</b> <b>Restaurant</b> <b>Fast Food</b> <b>Commercial Recreation</b> <b>Place of Amusement or Assembly</b> <b>Animal Retail and Grooming Service</b> <b>Animal Clinic/Hospital</b>	<b>1 Space per 250 Sq. Ft.</b>
<b>Public Amenities or Community Space</b> <b>(Interior or Exterior)</b>	<b>Set by the SPGA</b>
<b>Brewery with Tap Room</b>	<b>Production area: 1 parking space/1,000 sq. ft.</b> <b>Tap room: 1 parking space/3.5 seats</b>
<b>Day Care, Commercial</b>	<b>1 Space per 500 Sq. Ft.</b>

**Bicycle Parking Requirements**

**All Multi-Family Dwellings shall provide interior bicycle parking/storage within the residential building or parking structure in a secured area for residents and staff. One bicycle parking/storage space shall be provided for every 8 residential units in the development.**

## **(H). Market Rate and Affordable Housing Units**

### **1. Applicability**

This requirement is applicable to all Multi-Family Dwelling Developments and Mixed-Use Developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be segmented, divided or phased to avoid the requirements of this section. Segmentation shall mean one or more divisions of land or buildings that cumulatively result in a net increase of ten (10) dwelling units above the number existing 24 months prior to an application to develop any parcel or set of contiguous parcels in common ownership or under common control, on or after the effective date of this section.

### **2. Percentage and Level of Affordable Housing**

In Applicable Projects, not fewer than [ten percent (10%)] of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to [eighty percent (80%)] of the AMI.

### **3. Selection Process for Affordable Units**

The selection of qualified purchasers or qualified renters for the Affordable Units shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP). The AFHMP shall comply with the EOHLIC's requirements in effect on the date the application was filed with the Town and shall be complied with to ensure that all Affordable Units are SHI eligible, or otherwise in compliance with the EOHLIC's requirements in effect on the date the application was filed with the Town to ensure that all Affordable units are SHI Eligible.

### **4. Comparability**

Unless otherwise approved by the SPGA, all affordable housing units in all Multi-Family Dwelling Developments shall be;

- a. Dispersed throughout the development and buildings and shall be indistinguishable from market-rate units. (Floating and Fixed are Permitted)
- b. The number of bedrooms in affordable and workforce housing units shall be comparable to the bedroom mix in market-rate units in the development.
- c. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and buildings.
- d. Located such that the units have equal access to shared amenities and common areas including light and air, outdoor areas, open space, other areas of the development and utilities within the development.
- e. Located such that the units have equal avoidance of any potential nuisances as [market-rate units] within the development.

**5. Building Permit and Occupancy Conditions**

- a. **Building Permit Conditions.** An agreement with the Town of Braintree, acknowledging understanding of and commitment to all of the occupancy conditions contained here within shall be executed and delivered to the Department of Planning and Community Development (DPCD) prior to and as a condition of the issuance of any building permit required to commence construction. The Building Inspector shall not issue a building permit with respect to any project or development subject to this article unless and until the DPCD has verified in writing to the Building Inspector that such agreement has been executed and delivered.
- b. **Occupancy Conditions.** No certificate of occupancy shall be issued for any market-rate units in a development subject to this section until all documents necessary to ensure compliance by the Applicant (and any purchasers of the affordable housing units) with the requirements of this Inclusionary Housing section have been executed and recorded, including:
  - 1. The Applicant has an approved Local Initiative Program Application for Local Action Units from EOHLIC;
  - 2. The Applicant has satisfied all of the Fair and Affirmative marketing requirements for occupancy including conducting the lottery for the Affordable Units.
  - 3. Ongoing Requirement for and Agreement with a third-party Affordability Monitoring Agent (Monitoring Agent).

**6. Timing of Construction**

Where feasible, affordable housing units may be provided coincident with the development of market-rate units, but in no event shall the development of affordable and workforce housing units be delayed beyond the following schedule:

Market Rate Units % Ready For Occupancy	Affordable and Workforce Unit % Ready for Occupancy
Up to 30%	None required
30% up to 50%	At least 10%
50% up to 75%	At least 40%
75 up to 90%	At least 70%
By 90%	100%

(I). Signage.

The SPGA shall have authority to approve MUPUD signage as part of any Special Permit and/or Site Plan Review Applications in the MUPUD.

Wall signage. The SPGA shall approve wall signage of appropriate dimensions for buildings and uses in the MUPUD which provide reasonable identification for both pedestrians and motorists. Two (2) wall signs are permitted per building, which may include blade-style signage. Total wall signage per building shall not exceed 150 square feet.

Monument signage. The SPGA shall approve monument-type signage of appropriate dimensions for buildings and uses in the MUPUD which provide reasonable identification for both pedestrians and motorists. Two (2) monument-type signs are permitted per building. Total monument signage per building shall not exceed 100 square feet.

Wayfinding signage. Ground level wayfinding and directional signage are allowed of such customary size and in locations deemed appropriate by the SPGA to facilitate the safety and convenience of pedestrians and motorists and to identify amenities and open space areas.

NOTE: Illumination is allowed by internally or externally lit channel letters, halo lighting and gooseneck-type lighting. Neon illumination, animated, moving or bulletin board-type signage are prohibited.

(J). Definitions

For purposes of this Section 135-617, the following definitions shall apply. Please refer to Section 135-102 for other definitions of terms already defined within the BZO.

Public Amenity or Community Space (interior and/or exterior): Exterior, publicly accessible open space areas and/or interior meeting space as designated by the Development.

Multi-Family Dwelling/Housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by an eligible household and meets all requirements for inclusion on the Massachusetts Executive Office of Housing and Livable Communities Subsidized Housing Inventory (SHI). Affordable units shall remain as affordable units in perpetuity or for the maximum period allowed by law. Such units shall have the same construction methods and exterior physical characteristics as, and be intermingled with, other units in the development.

Area Median Income (AMI): The median family income for the metropolitan statistical region that includes the Town of Braintree as defined by the U.S. Department of Housing and Urban Development (HUD).

Subsidized Housing Inventory (SHI): A list of qualified Affordable Housing Units maintained by EOHLC used

to measure a community's stock of low-or moderate- income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.