



**Mayor
Erin V. Joyce**

Department of Planning and Community Development

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**To: Town Council, President Charles Ryan and the Honorable Town Council
Mayor Erin V. Joyce
Kara Nyman, Chief of Staff
Carolyn Murray, KP LAW**

From: Peter Matchak, Department of Planning and Community Development on behalf of Erin V. Joyce, Applicant

Date: December 18, 2025

RE: Proposed Zoning Ordinance text amendment RE: Section 135-711 Site Plan Review

Section 135-711: Site Plan Review (SPR) of multifamily, apartment, business and commercial developments.

Background:

The Planning Office working through the Mayor's Office looks to propose the follow section identified in red to Braintree zoning bylaw section 135-711: Site Plan Review. Proposed bylaw text will add one section to the "applicability" of the site plan review helping to guide proposed new land uses in Braintree claiming exemption through Mass General Law, Chapter 40A; section 3.

MGL 40A; section 3 exempt land uses include education and religion organizations and childcare facilities. Recently, section 3 has been expanded to include the development of clean energy facilities, and assessor dwelling units (ADU). Massachusetts courts have granted cities and towns the ability to imposed reasonable regulations. Therefore, the following language is being proposed to help guide, plan and develop proposed MGL chapter 40A; section 3 land uses into Braintree existing community fabric.

PROPOSED ZONING: (new language highlighted in red)

135-711 Site plan review (SPR) of multifamily, apartment, business and commercial developments.

A. Purpose. The purpose of a site plan review conducted under this section is to:

- (1) Ensure that the design and construction of developments will not create detrimental impacts to the neighborhood or the environment;
- (2) Ensure a development will be in harmony with surrounding areas;
- (3) Ensure compliance with all the requirements set forth in this chapter.

B. Applicability. A site plan review shall be required prior to the issuance of a building permit for:

- (1) All special permits as required under this chapter;
- (2) All multifamily or apartment developments; and
- (3) All developments where the area of any new structure or extension of an existing structure is 500 square feet or more excluding single- and two-family homes that are not subject to special permit and related accessory structures. [Amended 5-3-1993 ATM by Art. 55]
- (4) Any municipal public park as defined in § 135-102 where the area of said lot is greater than 1,000 square feet. [Added 8-10-2011 by Ord. No. 11-032]

- (5) Any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exemption under MGL c. 40A, § 3; provided, however, that site plan review shall not be applicable to any municipally owned or operated preschool, elementary school, middle school, or high school or accessory dwelling units (ADU).

Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

In reviewing the site plan submittal for a MGL c. 40A, § 3 use, the following issues shall be considered:

- (a) The bulk and height of any proposed structures and accessory structures, adequacy of open spaces, the building coverage on the site, yard sizes (setbacks) and lot areas;
- (b) The physical layout of the structures, driveways, parking areas, utilities and other infrastructure; and
- (c) The adequacy and arrangement of parking and loading areas in relation to the proposed use of the site.

Site plan review of a MGL c. 40A, § 3 use shall be administered by the Planning Board ("Board"). Subject to the limitations of MGL c. 40A, § 3, the Board shall impose any such conditions, limitations, and safeguards as it deems appropriate to protect the interests of, and consistent with, the planning objectives for the underlying zoning district.