

Draft Braintree Zoning Ordinance: A Reader's Guide to Major Proposed Changes

This document is a companion piece to the 'Table of Contents Comparison' document that shows where topics from the existing zoning bylaws are addressed in the draft zoning ordinance. This reader's guide goes a step further by summarizing the major proposed changes by topic, or noting where certain topics have had minor edits or no substantive change. This document will continue to evolve over the course of the project and readers are encouraged to check the date in the footer to ensure materials are up to date.

Section	Status (Summary of Major Changes; Minor Edits; or No Substantive Change)
Sec. 1. Purposes and Authority	This section is one page long, and includes text largely standard across Massachusetts.
Sec. 2. Establishment of Districts	
§ 2.1 Districts	<ul style="list-style-type: none"> • A description of the purpose of each zoning district has been added. • There is a new Transition District (TD), accommodating a mix of uses, and serving as a "transition" from village centers to residential areas. • The Village Overlay District is now proposed as a standalone Village Center (VC) zoning district.
§ 2.2 Zoning Map	<ul style="list-style-type: none"> • This section provides details on how to interpret where the boundaries of the zoning districts are. • The Zoning Map itself has been updated and digitized. It includes the new districts and also attempts to draw district boundaries to conform with parcel boundaries (to avoid lots that are split into two or more zoning districts).
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 Orders or 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 applicants 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.

	<ul style="list-style-type: none"> 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 Variance, Site Plan Review and Special Permits	<i>New.</i> Lays out the required contents for all site plans.
§ 3.12 Repetitive Petition	This is largely the same and follows State law.
§ 3.13 Zoning Amendments	This section describes the process for requesting and deciding on amendments to the zoning ordinance or map. It has been updated to follow state law relevant to communities with a city form of government (the current bylaws still follow the standards for a town form of government).
Sec. 4. Use Regulations	
§ 4.1 General	States that land uses and structures must comply with the Table of Uses.
§ 4.2 Uses Permitted in All Zoning Districts	Reiterates that government uses and uses exempt from zoning are permitted in all zoning districts. However, the Town still has the right to review these uses through the Site Plan Review process.
§ 4.3 More than One Use Classification	<ul style="list-style-type: none"> This acknowledges that multiple uses on one lot and/or in one building is becoming more and more common. This section provides standards for how to determine which use (of two or more) is to be considered the principal use. Alternatively, it includes standards for allowing more than one principal use.
§ 4.4 Overlay Districts	This simply states that land within an overlay district is still subject to the underlying zoning.
§ 4.5 Prohibited Uses	<ul style="list-style-type: none"> This notes that any use not in the Table of Uses and any use that could harm human health, safety, and welfare is prohibited.
§ 4.6 Table of Uses	<ul style="list-style-type: none"> This includes where uses are permitted (Y), prohibited (N), or permitted with a special permit (SP). It also includes references to any relevant Special Use Regulations and the required parking standards. The Table is split into two parts: 1) Primary Uses and 2) Accessory Uses. The uses in the Table have been streamlined and modernized. Certain uses in the current bylaws have been combined into broader use categories where they had the same or very similar use permissions. For example, many personal service businesses, motor vehicle related businesses, and industrial uses that currently have their own categories have been combined. Some new uses have been added to capture uses that aren’t easy to categorize today. Some

	examples of new primary uses include Small Scale Multi-Family Dwellings (3-5 units), Artisan and Craft Workshop, Artisan Food Production, and Alcoholic Beverage Production.
§ 4.7 Accessory Uses	Examples of new accessory uses include Farm Stands, Docks, Drive-Through Service, and outdoor sales and storage.
§ 4.8 Nonconforming Uses, Structures, and Lots	<ul style="list-style-type: none"> • Substitution of one nonconforming use for another. Allowed by special permit only if the new use is “less detrimental” to the neighborhood than the existing use. Criteria have been added to help the ZBA determine this. • Use variances for nonconforming uses remain prohibited. • Criteria have been added for allowing a nonconforming building or structure to be altered or reconstructed. • Reconstruction (including razing to a foundation and rebuilding) of a non-conforming single or two-unit dwelling must be reviewed by the ZBA through a special permit (as opposed to being approved by the Building Inspector). • Alteration, reconstruction or structural changes to nonconforming single and two-family dwellings must conform with the new standards for FAR (see § 5.8 Table of Dimensional and Density Regulations).
Sec. 5. Dimensional Regulations	
§ 5.1 General Requirements	<ul style="list-style-type: none"> • Describes how to handle lots in more than one district, though the updates to the Zoning Map have attempted to eliminate much of this. • Maintains the existing standard that there may be no more than one dwelling per lot, but adds the caveat of “unless specifically authorized by other provisions of this chapter.” This will allow for things like § 6.5 Flexible Development.
§ 5.2 Lot Regulations	This section sets standards for Lot Frontage and Lot Width.
§ 5.3 Setbacks	Much of this text was pulled from the “Notes” of the current Table of Dimensional and Density Regulations.
§ 5.4 Height Regulations	Much of this text was pulled from the “Notes” of the current Table of Dimensional and Density Regulations and the current § 135-709. Height restrictions.
§ 5.5 Landscaped Open Space	<ul style="list-style-type: none"> • This has been renamed “Landscaped Open Space” to differentiate from other types of “open space” in general. Landscaped Open Space refers specifically to the required landscaped yard area for a given lot. • Requirements for multifamily uses have been removed. This is addressed in § 6.2 Multifamily and Small Scale Multifamily Dwellings.
§ 5.6 Buffer Areas Between	<ul style="list-style-type: none"> • This section sets standards for establishing natural or landscaped buffer areas between different

Zoning Districts	<p>zoning districts, in order to prevent conflict.</p> <ul style="list-style-type: none"> It also establishes a process and criteria for determining the appropriateness of requests to develop within the buffer.
§ 5.7 Other Requirements	<ul style="list-style-type: none"> This is a catch-all for a number of existing requirements related to dimensions.
§ 5.8 Table of Dimensional and Density Regulations	<ul style="list-style-type: none"> Staff has recommended deleting the proposed special permit provision that would have allowed 75' and 6 stories in the HB zoning district. A Floor Area Ratio (FAR) standard is added for residential development. This means there is a limit to the total square footage of a residential building compared to the size of its lot. FAR can help ensure that the scale of new or renovated homes is not out of proportion with existing neighbors. The standards for the BWLD zoning district have been added to this table, rather than being listed separately. Standards have been added for the new, proposed Transitional District (TD). The minimum lot size is 7,500 square feet. The existing Watershed standards have been removed from the Table, since that overlay has been changed to protect groundwater through performance standards rather than lot size and other dimensional standards. The Cluster standards have been removed from the Table, since this has been replaced with "Flexible Development." Standards for lots that utilize flexible development are found in § 6.5.
§ 5.9 Table of Dimensional and Density Regulations for Accessory Buildings and Structures in Residential Districts	<ul style="list-style-type: none"> This is a new Table that applies strictly to accessory buildings and structures. This provides standards for setbacks and height, including a rear setback ratio (the taller the building or structure, the greater the setback).
§ 5.10 Calculating Floor Area Ratio (FAR)	<p><i>New.</i> Since FAR has been added to the Table of Dimensional and Density Regulations, this section has been added to clarify to applicants how it should be calculated.</p>
Sec. 6. Special Use Regulations	
§ 6.1 Inclusionary Housing	<p><i>New</i></p> <ul style="list-style-type: none"> Applies to any residential or mixed-use development requiring a special permit and resulting in a net increase of 6 or more dwelling units. 15% of any dwellings will be affordable, rounded up to the nearest whole number. Developers will <i>not</i> be allowed to make a payment in lieu of building affordable dwellings. Units may be built on site or elsewhere in Braintree.

<p>§ 6.2 Multifamily (6+ units) and Small Scale Multifamily (3-5 units) Dwellings</p>	<ul style="list-style-type: none"> Standards for multifamily dwellings of any size have been changed significantly. The goal is to ensure that multifamily buildings meet exterior design standards and parking standards, without dictating the number or size of dwelling units inside a building. Basic design guidelines have been added to discourage long, blank walls, to encourage variety and articulation for doors, roofs, windows, etc., and to set standards for distances between buildings. The maximum number of units for Multifamily dwellings (6+ units) has been eliminated, but the maximum density has been capped at 20 dwelling units per acre. A new use category allows “Small-scale” multifamily dwellings (3-5 units) in zoning districts where larger Multifamily dwellings (6+ units) are not allowed. Minimum landscaped open space is now determined as a percentage of the lot (35%) as opposed to a certain number of square feet per unit. Minimum outdoor recreation space is now determined as a percentage of the lot (7%) as opposed to a certain number of square feet per unit.
<p>§ 6.3 Two-Family Dwelling, Conversion</p>	<ul style="list-style-type: none"> This section continues to allow single-family dwellings to convert to two-family dwellings, but provides standards for making sure these conversions look and act compatible with other surrounding homes, including for: Driveways and Parking; Entries; Building Form & Style; and Doors, Windows, and Balconies.
<p>§ 6.4 Long-Term Care Facility Conversion</p>	<ul style="list-style-type: none"> This was formerly called “Nursing Home Conversion,” but the name was changed to reflect the State’s nomenclature (Long-Term Care Facility). Several current standards have been eliminated, including 1) the building must be vacant for a year before conversion, 2) the building must have been in existence as of May 10, 2006, 3) the conversion must not generate more than 50 vehicle trips for any peak hours, and 4) adequate screening between the site and abutting properties shall be provided. Building expansion is still not allowed.
<p>§ 6.5 Flexible Development</p>	<p><i>New</i></p> <ul style="list-style-type: none"> This section replaces Braintree’s existing Cluster 1-2-3 districts, and is meant to allow flexibility in residential development in order to preserve more open space and protect important features of a site. This is now applicable in the Residence A, B, and C zoning districts, for any development of three or more housing units.
<p>§ 6.6 Trailers as Dwellings</p>	<p>No Change</p>
<p>§ 6.7 Accessory Apartment</p>	<p><i>New</i></p> <ul style="list-style-type: none"> This section is proposed by staff to be deleted.

	<ul style="list-style-type: none"> • The intention of this section had been: Because there are many residents in Braintree who are adding accessory apartments to their homes illegally, Town Staff asked the consultant team to explore standards for such uses. If they are happening anyway, how can the Town ensure they are happening in a way that is safe for the residents and not disruptive to neighbors? • Accessory apartments would only be allowed where the existing structure conforms with all dimensional and density regulations. • Accessory apartments may be a maximum of 700 square feet, and may not have more than one bedroom. • The property owner must use the main house or the accessory apartment as a primary residence. • This draft has an amnesty clause for existing accessory apartments, and provides a mechanism for them to conform to these new regulations.
§ 6.8 Home Occupation	<ul style="list-style-type: none"> • This section provides standards for people working from home in a residential district. Examples of some of these standards include . . . <ul style="list-style-type: none"> - Home occupations must be solely operated by the resident (i.e. no outside employees are allowed). - No more than 750 square feet of the home may be used by the home occupation. - No retail sales are allowed.
§ 6.9 Registered Marijuana Dispensary	<ul style="list-style-type: none"> • This section provides standards for medical marijuana dispensaries, as defined by State law. • This section does NOT allow for recreational use of marijuana, which is prohibited within the Town of Braintree. • This includes standards for location, hours of operation, proximity to other uses, permitting, annual reporting, and more.
§ 6.10 Adult Use	<ul style="list-style-type: none"> • This is largely the same as the Town’s current bylaw. • A few edits have been made to ensure that adult uses are treated fairly and according to State law.
§ 6.11 Wireless Communication Facility	This section has been updated to comply with current federal law and to reflect more current wireless communication technology.
§ 6.12 Drive-Through Service	<p><i>New</i></p> <ul style="list-style-type: none"> • This new section provides standards for drive-through service, whether at a restaurant, bank, pharmacy or other business. • Such services are only allowed on lots of 20,000 square feet or more, and are NOT allowed in the Braintree-Weymouth Landing or Village Center zoning districts. • This includes standards for location, curb cuts, stacking spaces, circulation, and exiting space.
§ 6.13 Outdoor Dining	<p><i>New</i></p> <ul style="list-style-type: none"> • This new section applies to outdoor dining accessory to any type of restaurant.

	<ul style="list-style-type: none"> This includes standards for location, obstruction, enclosures, furnishings, and awnings and umbrellas.
§ 6.14 Fuel Stations	No Change, except that this is now referred to as “fuel station” rather than “service station.”
§ 6.15 Temporary Storage Container	<p><i>New</i></p> <ul style="list-style-type: none"> This new section sets standards for temporary storage containers, including number, duration, location on the property, etc.
Sec. 7. General Regulations	
§ 7.1 Off-street Parking & Loading	<ul style="list-style-type: none"> One of the most significant changes to this section is how staff review of parking is triggered. An ongoing problem has been the changing of uses in a building or property that lead to a greater demand for parking than what was formerly approved. The Site Plan Review (SPR) process is proposed to be triggered by (among other things) any reoccupation or change of use. § 7.1 now states that anything subject to SPR must submit a parking plan. Therefore, any reoccupation or change in use will trigger a parking plan. This should give staff the leverage they need to make sure that parking remains adequate as uses evolve. Table 4: Schedule of Off-Street Parking Requirements has been updated significantly. It is now tied directly to § 4.6 Table of Uses. Every use listed in the Table of Uses is also listed in Table 4. Each use or set of uses is assigned a number, and these numbers are all now listed in a new column in the Use Table for ease of locating the applicable parking standards. New standards have been added for the provision of bicycle parking in new or expanded commercial and institutional uses.
§ 7.2 Site Design Standards	<ul style="list-style-type: none"> A. Landscaping Best Practice – Standards for plant selection, tree selection, and maintenance. B. Landscaping Plan Requirements – Includes a site development plan, and type and placement of all plants and trees. C. Outdoor Lighting – New text applicable to commercial and mixed uses. Sets standards for illumination levels and the contents of a Lighting Plan required for a building permit. D. Lighting Plan – Lighting types and locations, and strategies for keeping light from spilling over into neighboring properties. E. Stormwater Management – Requires compliance with the most recent General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts and all Town of Braintree Stormwater Management Regulations. F. Grading Standards – These are largely the same as the Town’s current grading standards.
§ 7.3 Traffic Standards	Minimal edits
§ 7.4 Environmental	Standards related to noise significantly scaled back. Noise is better handled outside of zoning.

Performance Standards	
§ 7.5 Erosion and Sediment Control	Retained existing section with minimal edits.
§ 7.6 Rules and Regulations for Signs	No change. However, this section is not in compliance with the U.S. Supreme Court decision in Reed vs. Town of Gilbert, and will need to be addressed in the near future.
Sec. 8. Special District Regulations	
§ 8.1 Braintree-Weymouth Landing District (BWLD)	<ul style="list-style-type: none"> • The BWLD ordinance adopted in 2010 has been recoded in order to conform to the structure of the revised ordinance, with minor revisions and corrections. • Some content from 2010 has been moved to the Table of Uses and Table of Dimensional and Density Regulations.
§ 8.2 Village Center District	<ul style="list-style-type: none"> • The most significant change here is that the Village Center is now a baseline zoning district, and not an overlay district. • Otherwise, the standards within the Village Center zoning district are largely the same.
§ 8.3 Floodplain Protection Overlay District	<ul style="list-style-type: none"> • This is the Wetlands and Floodplain Protection District as adopted by the Town in 2012, with minor wording changes and corrections, and recoding.
§ 8.4 Drinking Water Protection Overlay District	<ul style="list-style-type: none"> • This section has been changed significantly. • First and foremost, the area of Town subject to this overlay was decreased slightly to match the portions of Braintree identified in the Massachusetts Drinking Water Regulations. These new boundaries have been scientifically determined to have the greatest impact on the quality of the Town's groundwater. • Next, the Town looked at areas that may be used for drinking water supply in the future. These areas have been added to the overlay. • As noted above, the Town's current bylaw has a number of lot size and other dimensional requirements for this overlay that have been eliminated. Current science suggests that 1-acre minimum lot sizes do not protect water quality, and in a largely built out community like Braintree, prohibitions of certain uses and performance standards for permitted development can be far more effective. • Prohibited uses and activities include such things as hazardous materials, fueling facilities, automobile wrecking yards, and outdoor storage of eight or more nonfunctioning appliances. • Performance standards focus on such things as secondary containment for any allowed hazardous materials and a monitoring program for allowed hazardous materials.

<p>§ 8.5 Special Industrial Management Area Overlay District</p>	<p><i>New</i></p> <ul style="list-style-type: none"> • This new overlay covers the sites for CITGO and Clean Harbors. It is designed to allow those uses with a Special Permit. • The Special Permit process gives the Town more flexibility to impose standards on these uses to mitigate their impacts on the community.
<p>§ 8.6 Billboard Zoning Overlay District</p>	<ul style="list-style-type: none"> • This has been edited slightly to fit the context of the new draft ordinance but is otherwise largely the same.
<p>Sec. 9. Definitions</p>	<ul style="list-style-type: none"> • The definitions section has been updated significantly. • All uses in the Use Table now have a definition. • The current bylaw includes some definitions in their own sections. This draft combines most of the definitions located anywhere in the current bylaw in one place, all arranged alphabetically.