



# Braintree Town Council Committee on Ordinance & Rules

One JFK Memorial Drive  
Braintree, Massachusetts 02184

## MEMBERS

David Ringius, Jr, Chairman  
Shannon Hume, Vice- Chairman  
Julia Flaherty, Member  
Charles Ryan, Member

## February 1, 2023 MINUTES

A meeting of the Committee on Ordinance & Rules was held Remote via Zoom Webinar on Wednesday, February 1, 2023, beginning at 5:30pm.

Chairman Ringius was in the Chair.

Clerk of the Council, Susan Cimino conducted the roll call to begin the meeting

Present: David Ringius, Jr, Chairman  
Shannon Hume, Vice-Chairwoman  
Julia Flaherty, Member

Not Present: Charles Ryan, Member

Also Present: Connor Murphy, Asst Director Planning & Community Development  
Melissa SantucciRozzi, Director Planning & Community Development

David Ringius, Jr, Chairman of the Committee on Ordinance & Rules asked for a moment of silence for our first responders and all those serving home and abroad.

### Approval of Minutes

#### • June 22, 2022

A Motion was made by Councilor Hume to Approve the Minutes of June 22, 2022

**Motion:** by Councilor Hume to Approve the Minutes of June 22, 2022

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

#### • July 11, 2022

A Motion was made by Councilor Hume to Approve the Minutes of July 11, 2022

**Motion:** by Councilor Hume to Approve the Minutes of July 11, 2022

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

- August 1, 2022

A Motion was made by Councilor Hume to Approve the Minutes of August 1, 2022

**Motion:** by Councilor Hume to Approve the Minutes of August 1, 2022

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

- October 18, 2022

A Motion was made by Councilor Hume to Approve the Minutes of October 18, 2022

**Motion:** by Councilor Hume to Approve the Minutes of October 18, 2022

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

### Old Business

- None

### New Business

- **22 012 Mayor: Zoning Bylaw Text Amendment - Inclusionary Housing and Associated Revisions or take up any action relative thereto (PH continued to 3/7/23)**

Chairman Ringius stated we did receive the Planning Board recommendation.

### Recommendation

Member Kroha **MOTIONS** to submit a favorable recommendation to Town Council with an inclusionary zoning feasibility study to provide data to determine if the ordinance, as drafted, will function as stated in the purpose and to remove the change related to the Commercial District (i.e., for Special Permit to stay in Commercial)

**MOTION** seconded by Member Connolly **VOTE** 4:1:0. - Member Grove was the negative vote

Chairman Ringius stated what stood out to me was the recommendation with the attached Feasibility Study.

Connor Murphy stated in regards to Inclusionary Housing there are a lot of questions and there deserves to be answers to those questions. We need all the data that we have in order to be able to make the best decision possible. We are trying to get the information possible. On behalf of the department and tonight we are looking to continue this to a future committee meeting with more information to present to you.

Councilor Flaherty confirmed all units at Wyndjammer Cover have been converted. Allen Street we are waiting in the wings. Hancock Street is totally undecided.

Connor Murphy stated we need to submit certain forms to DHCP to get them on the SHI.

Melissa SantucciRozzi stated in regards to windjammer the units are ready and available for occupancy there is a process in which we need to submit paperwork to DHCD so we will be undertaking that in short order. The lottery that was complete did fill a decent amount of the units but they exhausted the lottery applicants they're on a first come first serve basis now to fill the units. They are deed restricted in coordinates with the CPA requirements.

Chairman Ringius asked where would Windjammer units bring us in terms of our percentage?  
Connor Murphy stated I do not have that off the top of my head. We can get that for the next meeting.

Chairman Ringius stated President Boericke and other councilors have submitted questions to legal for further clarification on some of the recommendations and planning. We have not received any reply on these questions yet.

Chairman Ringius stated the best thing tonight is to table this. There are unanswered questions from legal and planning and who would pay for the Feasibility Study. The Council doesn't have money at our disposal. Any expenditure would have to go through Ways & Means.

Chairman Ringius asked if there is a motion to Table Order 22 012 to a future meeting of the Committee on Ordinance & Rules.

Motion read by Councilor Hume:

**MOTION:** to Table Order 22 012 to a future meeting of the Committee on Ordinance & Rules.

A Motion was made by Councilor Hume

**Motion:** by Councilor Hume to table Order 22 012 to a future meeting of the Committee on Ordinance & Rules.

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius,), Against (0), Absent (1 - Ryan), Abstain (0)

- **22 073 Planning Board: Zoning Bylaw Text Amendments related to Floodplain or take up any action relative thereto (PH 2/7/23)**

Connor Murphy explained in February of 2021 the Town of Braintree was selected through FEMA's (Federal Emergency Management Associations) analysis tool to receive an official Community Assistance Visit (CAV) this year.

The CAV is a visit to a community by a state agency on behalf of FEMA; the visit serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain areas, an inspection of community permit files, and meetings with local appointed and elected officials. The last time that Braintree experienced this type of visit was on August 14, 2002.

The Departments of Planning and Community Development, Municipal Inspections, DPW and Legal have been meeting with Joy Duperault, CFM - Director, Flood Hazard Management Program with the Department of Conservation & Recreation for most of 2021. Over the course of 2021, there have several been meetings, review/audit of floodplain files and permits issued by the Building Inspector, Conservation Commission and the Planning Board, discussions related to revisions to the FEMA Flood Maps and a full review of the Zoning Ordinance for compliance with FEMA.

Based on the CAV two (2) things need to happen in Braintree to stay compliant with the NFIP. First the Zoning Ordinance must be updated to include all the components of the FEMA Model Bylaw and second the FEMA Floodplain Map references need to be updated in the Ordinance. At this time the FEMA Model Bylaw is an available tool and the FEMA Floodplain Maps are still under review by various state and federal agencies.

Chairman Ringius asked if this would bring us into full compliance with FEMA (other than amending the maps in the future)?

Connor Murphy stated yes that is correct.

Chairman Ringius asked if there is a motion for Order 22 073.

Motion read by Councilor Hume for favorable recommendation to the full Council

**MOTION:** That the Town Council vote to amend the Braintree Zoning Ordinances by accepting the Text Amendments related to Floodplain: §135-301 "Districts Established" and §135-608 "Floodplain Protection District" which adopt the pertinent sections of the FEMA Model Bylaw required to maintain compliance with the National Flood Insurance Program. The Zoning Text Amendments have been favorably recommended by the Planning Board as detailed in its report to the Town Council dated January 17, 2023. The Zoning Text Amendments read as submitted.

A Motion was made by Councilor Hume

**Motion:** by Councilor Hume for favorable recommendation to the full Council to approve Order 22 073 as submitted

**Second:** by Councilor Flaherty

**Roll Call Vote:** For (3 – Flaherty, Hume, Ringius), Against (0), Absent (1 - Ryan), Abstain (0)

Chairman Ringius stated prior to adjournment can we please have a moment of silence for our law enforcement agencies personnel who had to respond to a significant tragedy recently and I know a lot of those folks are out on leave right now from what they encountered at that residence. So in this moment of silence let's think of them as well as the family involved in that tragedy.

Chairman Ringius stated February 1<sup>st</sup> is the beginning of Black History Month. It is this month each year dedicated to remembering the sacrifices made by African Americans and the contributions they have made to history. There is a theme every year and this year is black resistance. Chairman Ringius read a statement, "African Americans have resisted historic oppression in all forms. These efforts have been to advocate for a dignified self-determined life and adjust democratic society in the United States and beyond the United States political jurisdiction." We should be mindful of that as we move through this month.

It was unanimously voted by Roll Call to adjourn the meeting at 6:00 p.m.

Respectfully submitted,  
Susan M. Cimino, Clerk of the Council

### **Documents provided for Meeting**

- 22 012 Mayor: Zoning Bylaw Text Amendment - Inclusionary Housing and Associated Revisions or take up any action relative thereto (*PH continued to 3/7/23*)
- 22 073 Planning Board: Zoning Bylaw Text Amendments related to Floodplain or take up any action relative thereto (*PH 2/7/23*)