

**Planning Board & Residents Working Group Meeting Minutes 2019-06- 13**  
**Braintree Town Hall**

**In Attendance:**

Susanne Hamilton  
Kathy Corbo  
David Killeffer  
Tim Burke  
Rich Bryan  
Dick Wentzel  
Matthew Sisk  
Lee Castignetti  
Greg Wilson (called in)  
John M. Millholland

**Not Present:**

Rich Bielecki  
Greg Quinn  
Andrew Kaye  
Trisha Keegan  
Jen Wadland

**Full Committee:**

John M. Millholland  
Rich Bielecki  
Greg Quinn  
Andrew Kaye  
Richard Bryan  
Greg Wilson  
Matthew Sisk  
Lee Castignetti  
Kathy Corbo  
David Killeffer  
Trisha Keegan  
Jen Wadland  
Susanne Hamilton  
Tim Burke  
Dick Wentzel

## **Meeting Agenda for 2019-06-13**

### **GOALS/OBJECTIVES:**

John Goldrosen Assistant Town Solicitor – Address any questions pertaining to the process of submitting amendments to the current zoning bylaws vs recommendations for changes to the proposed Comprehensive Zoning Ordinance.

Discuss and identify characteristic of the town that the Zoning Work Group wants to preserve with the proposed Comprehensive zoning.

Review and discuss concerns relating to the Comprehensive Zoning Ordinance – Section 10 Definitions and Table 1 (Part 1) Tables of Principle Uses. Excluding the Transition District and Village Center.

**OTHER BUSINESS** Any other matters which the Chairman did not reasonably anticipate at the time of posting the meeting

**Next Scheduled Meeting** - Discuss and Schedule next two meeting dates. Proposing June 20<sup>th</sup> & 27<sup>th</sup>.

I am proposing an extra meeting this month so that we can better align with the Ordinance and Rules Committees. Their next scheduled meeting is June 17th.

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## **Meeting Minutes 2019-06-13**

Motion to open meeting - seconded, approved

Roll call taken

Motion made to accept and approve meeting minutes from last two meetings - seconded, approved

John Goldrosen from Town Solicitor's Office (Asst. Town. Solicitor) is present to speak to committee

- Encouraged the committee to focus on the substance of what we want to endorse/oppose/accomplish, and not to worry too much about the mechanics of how to actually make the recommendations
- said that Town Council will act as the "legislative body" for the approval of any recommendations from the zoning proposal
- Regarding asking the mayor to withdraw the proposed ordinances:
  - Suppose there are 5 things we want to go forward in the proposed ordinance, but many others we do not want to include - suggests we "cherry-pick" out those things we like and recommend them. Otherwise the entire

process is that we have to start all over if the zoning proposal is withdrawn by the mayor

- Question about making amendments to the proposal: town council or planning board can make their own proposed amendments, not just this citizen committee, correct? Yes, but this committee still needs to make our recommendations
- Question: Town Council has the final say on the proposed zoning ordinance? If Town Council voted the proposal down, it doesn't go back to the Planning Board, does it?
  - Yes, Town Council has final say, but Planning Board first must make a recommendation to the Town Council FIRST, before Town Council can vote on it.
- Question: How much time does the Planning Board have to keep the "open public hearing"?
  - Planning Board must make a recommendation within 21 days of CLOSING the open public hearing, but there is no restriction on the Planning Board for how long that open public hearing timeframe can be. So essentially our committee does not have a time limit to make our recommendations. Town Council will also have a period of "open public hearing" once the Planning Board makes their recommendation to them.
  - Our committee will be making a recommendation to the PLANNING BOARD first. The PLANNING BOARD will incorporate the feedback of this committee, and then make a recommendation to the TOWN COUNCIL.
- Building Inspector (Forsberg) cautioned committee to not make recommendations piecemeal, but instead start and read entire zoning proposal and then make a recommendation based on the entire document
- Question was raised about who can withdraw the comprehensive zoning proposal - it is unclear whether the Mayor is the "applicant" and has the power to withdraw the proposal, or it has to be the Planning Board, or both

Ordinance & Rules has reviewed through section 4, and is currently reviewing section 5  
Susanne thinks that we can better align ourselves with Ordinance & Rules if we start working on section 5

Reviewing questions about AirB'Nb (e.g., rentals) with John Goldrosen:

State has passed a short-term rental statute, mainly deals with creating a registry of rental properties to collect taxes on rental properties

State rules said towns can still regulate rental properties

Town can get taxes from short term rentals if included in zoning proposal

John Goldrosen advised that the committee should be cautious about attempting to limit development through the zoning ordinance, because Supreme Judicial Court ruled in a case against a town (Hadley) that was attempting to slow down development of a subdivision

Committee started to review the definitions listed in Section 10, going line by line

Christine Stickney (Planning Dept) and Building Inspector joined committee table to help clarify definition meanings, facilitate discussion

### **Definition Review**

Committee started to go line-by-line over all the definitions and discuss any issues we have with them. Each definition that the group thought was acceptable as-written is marked with “ok”, and any issues that were brought up are enumerated alongside the term (as well as being tracked separately in a spreadsheet for the group to return to discuss at a later time).

Accepted Way - ok

**Accessory Building or Structure - committee members have some discussion over this, some issues around “only one limited accessory structure” allowed per lot. Recommend some word smithing on this to be perhaps less restrictive?**

Sidebar: question about whether or not Braintree should have a design review process for accessory use structures (e.g., sheds). Committee decided to pick up this topic for further discussion at a later time.

Accessory Use - committee should cross-reference the part about “or an adjoining lot under the same ownership” with the Table of Uses to make sure we are only allowing accessory uses that are desirable

**Accessory Apartments - currently removed from proposal by Planning Dept. staff, but committee should come back to this and review and make a recommendation**

Activity - ok

Addition - ok

Address - ok

Adequate Capacity - questions over Level of Service values for each type of roadway; need to have another traffic study

Adjoining Lot - ok

Adult Uses - ok (these definitions are required by state law). Question about whether or not we can restrict the location of Adult Use properties.

Affordable Housing:

Affordable Housing Restriction:

Affordable Housing:

Agent of Owner: ok

Agriculture:

Agricultural Building: ok

Agriculture, Home: ok

Agriculture: ok  
Aisle: ok  
Alteration:  
Alteration, Land Disturbance: ok  
Alteration, Structural: ok  
Alteration, Use: ok  
Alcoholic Beverage Production: ok, but add some clarity on the 20% allowable area to specify exactly what it refers to  
Ambient Noise Level: ok  
Animal Retail, Grooming Service: ok  
Animal Hospital, Veterinarian: ok  
Animal Kennel or Day Care:  
Appeal: ok  
Applicant: ok  
Art Gallery: ok  
Artisan and Craft Workshop: ok  
Assembly Hall: ok  
Assisted Living Residence: ok  
Automated Teller Machine (ATM), Free Standing: ok  
Average Daily Traffic (ADT): ok  
A-Weighted Sound Level: ok  
Backfilling: ok  
Bank: ok  
Basement or Cellar: ok  
**Bed and Breakfast: discussion about why current definition allows up to 6 rooms to be rented, and does not require that breakfast is offered (says "may" offer breakfast). Suggest looking into this for further discussion. Christine will ask consultants why 6 rooms to rent was allowed (excessive).**  
Beginning of Construction:  
Bench: ok  
Berm: ok  
Billboard: ok  
Billboard, Digital/Electronic: ok  
Boathouse/Marina: ok  
Buffer: ok

*Definitions to pick up next time (starting on page 134)*

**Proposed next meeting times:**

Thurs, June 20th: 7pm - 9:30pm

Thurs, June 27th: 7pm - 9:30pm