



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

Tuesday, October 17, 2023 MINUTES

A meeting of the Committee on Ordinance & Rules was held in Johnson Chambers on Tuesday, October 17, 2023, beginning at 6:45pm.

Chairwoman Hume was in the Chair.

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

Present: Shannon Hume, Vice-Chairwoman
Julia Flaherty, Member
Charles Ryan, Member

Not Present: David Ringius, Jr, Chairman

Also Present: Meredith Boericke, Council President (ex-officio)
Melissa SantucciRozz, Director Planning & Community Development

Shannon Hume, Vice-Chairwoman 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 6, 2023

Motion: by Councilor Flaherty to approve Minutes of June 6, 2023

Second: by Councilor Ryan

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

• June 20, 2023

Motion: by Councilor Flaherty to approve Minutes of June 20, 2023

Second: by Councilor Ryan

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

Old Business

- None

New Business

- **23 051 Town Council: Zoning Ordinance Text Amendments related to “Tree Protection”, Amend Section 135-702 Landscape and Buffer Zones, Amend Section 135-711(C)(3)(h) or take up any action relative thereto**

Meredith Boericke, Council President stated thank you to Director SantucciRozzi for all your assistance. On July 18, 2023 the Braintree Town Council voted unanimously to sponsor a proposed Zoning Ordinance Amendment pertaining to tree protection in the Town of Braintree.

This is the third and final component of the Tree Protection Ordinance (General Ordinance Chapter 12.30).

Part one, Order 22 037, applied to public trees on the public way, and was passed unanimously by the Council on April 25, 2023.

Part two, Order 23 029, created a revolving fund to eventually fund replacement trees, and was passed unanimously by the Council on June 6, 2023.

This proposed zoning amendment is part three, and pertains to developers/new developments.

This was given a unanimous recommendation from the Planning Board. Now it is set to come before you this evening.

Councilor Ryan asked about resident Carl Johnson’s proposed amendment from letter/email dated 10/3/23:

Mr. Johnson states: *I suggest the following amendment to the wording of Section 135-702 Landscaping, Tree Protection and Buffer Zones, A. Landscaping (3)(b) [4] in the third sentence to read:*

"All trees removed or proposed to be removed as part of a development shall be replanted within 18 months at a 1.1 ratio."

The proposed text change reorganizes the sentence to clarify that the 18 months does not relate to prior term of removal of trees rather the time allocated to replant.

Crystal Huff, Town Solicitor responded to Mr. Johnson’s proposal in an email dated 10/3/23:

Proposed Section 135-702 A(3)(b)[4] states in relevant part that:

"All trees removed within 18 months or proposed to be removed as part of a development shall be replanted on the property at a 1:1 ratio."

This section is intended to capture the situation where the property is cleared or trees are removed prior to applying for site plan review, and accordingly implements an 18 month look back period.

I’ve reviewed Attorney Johnson’s proposed amendment, and it alters the meaning of the sentence to create an 18 month window to replant trees.

Director SantucciRozzi, I do not propose that we accept that amendment. We want to make sure there is an understanding that anything done prematurely in advance of permitting is properly captured. Councilor Ryan states so staff recommendation is to not accept that proposal from Mr. Johnson. Meredith Boericke, Council President stated yes. I did speak with Mr. Johnson and residents are allowed to weigh in. This 18 month planting is in the General Ordinance but we do want to make sure to capture if some did prematurely clear land they would need to replant trees.

Director SantucciRozzi stated we already do this at the Planning Board and with my staff but this is great to back up some practices we already have.

Chairman Hume asked if there is a motion for Order23 051.

Motion read by Councilor Ryan for favorable recommendation to the full Council:

MOTION: to approve Order 23 051 as submitted with Planning Board Recommendations.

Motion: by Councilor Ryan for favorable recommendation to the full Council to approve Order 23 051

Second: by Councilor Flaherty

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

It was unanimously voted by Roll Call to adjourn the meeting at 7:03 p.m.

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

Documents provided for Meeting

- 23 051 Town Council: Zoning Ordinance Text Amendments related to “Tree Protection”, Amend Section 135-702 Landscape and Buffer Zones, Amend Section 135-711(C)(3)(h) or take up any action relative thereto