

RGPUD - Did You Know:**Series - #4****Did you know that the applicant, ZOM/Plaza, has exempted themselves from 30 regulations under the Braintree Zoning Bylaw?**

The proposed bylaw, WRITTEN BY THE DEVELOPER FOR THIS SPECIFIC PROPERTY/PROPOSAL, provides exemptions for THEMSELVES for 30 regulations under the Braintree Zoning Bylaw.

This Town has never had a specific bylaw for a specific applicant, let alone have it written BY the applicant. That is setting a very dangerous precedent (if approved) that would allow any developer to come in and say "Here's OUR law, you did it for ZOM so you have to do it for us". Additionally, since this is a specific project for a specific property, one could argue that this is SPOT ZONING.

Wikipedia - **Spot zoning** is the application of [zoning](#) to a specific parcel or parcels of land within a larger zoned area when the rezoning is usually at odds with a city's master plan and current zoning restrictions. Spot zoning may be ruled invalid as an "arbitrary, capricious and unreasonable treatment" of a limited parcel of land by a local zoning ordinance.^[1] While zoning regulates the land use in whole districts, spot zoning makes unjustified exceptions for a parcel or parcels within a district.^[2]

Their bylaw proposal, updated on January 31, 2023 can be found on this link:

<https://braintreema.gov/DocumentCenter/View/10602/23-004-UPDATED-RGPUD-received-Jan-31-2023>

Go to page 2, Sec. 135-612.1 (B) - Applicability. The last sentence lists 6 bylaws to be exempted and the first paragraph on page 3 lists the additional 24 for a grand total of 30.

Of the 30 exemptions, three of these are the foundation of the Braintree Zoning Bylaw (and of most city/town bylaw/ordinances). They are:

- 135-601 Table of Principle Uses
- 135-701 Table of Dimensional and Density Regulations and Notes
- 135-705 Multifamily Dwellings.

Braintree Zoning Bylaw link: <https://ecode360.com/14707492>

135-601 Table of Principle Uses identifies what uses are allowed and where they are allowed (districts) throughout the town. It further identifies whether a Special Permit is needed in order to proceed. Y = Yes/allowed, N = No/not allowed, SP = Special Permit required.

135-701 Table of Dimensional and Density Regulations and Notes establishes all criteria for each district such as lot size, setbacks, building height, lot coverage, open space, etc.

135-705 Multifamily Dwellings - Establishes criteria for calculating the number of units allowed for multifamily projects. Based on calculations, using the current Braintree Zoning Bylaw, which the applicant is exempting, the # of units allowed for this project would average approximately 65 units depending on the configuration of the number of studios/1 bedroom vs 2 bedroom. It would be a few more units if exclusively studio/1 bedroom and a few less units if exclusively 2 bedroom.

The 27 remaining bylaw exemptions address a variety of regulations. Some are: traffic regulations and requirements, parking, landscaping and buffer zones, height restrictions, number of buildings, signs and billboards, open space, etc.

Knowledge is power. Refer to the applicant's revised bylaw: Go to Table 1: Table of Uses on the top of page 4 and their Sec. 135-612.1 (E) Dimensional and Density requirements on page 4 and 5 and compare to those allowed under the Braintree Zoning Bylaw. You will find extensive differences between the proposed bylaw and Braintree's existing bylaw using the actual zoning districts provided by the applicant which stated that the property is approximately 50% Residential B (RB) and 50% Highway Business (HB). Also note: that existing bylaw 135-705 Multifamily Dwellings was completely ignored/disregarded AND although the applicant revised their bylaw proposal on January 31, 2023 to require a Special Permit instead of a Use By Right, they did not update Table 1: Table of Uses to reflect that change.

The **one constant** in the Town of Braintree is that the MAJORITY of residents continue to support single family homes as part of maintaining the residential/suburban character of the Town, so what has changed? Why is 1/3 of the town's total units as multifamily units not enough?

Could it be the State's push to have the 351 cities/towns make up for what they consider a housing crisis via new laws requiring transit oriented development, etc.? Could it be that our local officials, both appointed and elected, are supporting that agenda at the expense of their constituents and the Town of Braintree?.

UPDATE: At the 2/15/23 RGPUD Public Hearing, the Director of Planning stated that other municipalities allow developers to write their own bylaws. We are NOT other municipalities. We are BRAINTREE and we will not allow developers to manage OUR development.

Does this concern you? Even if you have already contacted your local officials, let them know how you feel about this issue and how it affects all of us:

towncouncil@braintreema.gov (Town Council)

mayorsoffice@braintreema.gov (Mayor)

msantucci@braintreema.gov (Planning Board).