

Thomas M. Bowes  
President  
District 3

Shannon L. Hume  
At Large

CHARLES B. Ryan  
At Large

CHARLES C. Kokoros  
District 1

JOHN C. MULLANEY  
District 2



Sean E. Powers  
Vice President  
At Large

Stephen C. O'Brien  
District 4

Michael J. Owens  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### - AGENDA -

**August 18, 2015** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 6:00<sup>PM</sup>

#### PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

#### ANNOUNCEMENTS

#### APPROVAL OF MINUTES

- None

#### CORRESPONDENCE

- None

#### CITIZEN CONCERNS/COUNCIL RESPONSE

- None

#### OLD BUSINESS

- None

#### NEW BUSINESS

- 15 031 REZONE: Peterson Pool/Rink Athletic Facility - Carson Field Property BHS or take up any action relative thereto

**Topics the Chair does not reasonably anticipate will be discussed**

#### UPCOMING MEETINGS:

Next Council Meeting - **TUESDAY, SEPTEMBER 1, 2015 @ 7:30pm**

#### ADJOURNMENT



# 1 5 - 0 3 1

# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

To: **Thomas Bowes, President of the Council**  
Braintree Town Council

Cc: Braintree Planning Board  
Braintree School Committee

From: Joseph C. Sullivan, Mayor

Date: August 14, 2015

Re: Request to Re-zone a Portion of High School Land

2015 AUG 14 PM 3:56  
RECEIVED TOWN CLERK  
BRAINTREE, MA

As you are aware, the Town has been exploring options for the location and financing of the Petersen Pool for decades following the bequest of Captain August Petersen. Since the change in the form of government, we have been committed to the construction of the Petersen Pool and have pursued creative ways to turn this vision of Captain Petersen's into a reality for all Braintree residents, while simultaneously balancing the financial impacts to taxpayers in terms of the design, construction and on-going maintenance of a facility.

You may recall that in 2011, with the assistance of the Town Council and our State Legislators, the Town secured special legislation that granted us greater flexibility from existing procurement procedures and allowed the Town to pursue a design, build, and operate arrangement with an experienced contractor. Last year, the Town solicited proposals for an entity to design, build, operate and maintain a combined pool and ice rink facility on Town-owned land adjacent to the High School. After evaluating all proposals, the Town selected the proposal submitted by Five Capital, a team comprised of principals in the construction and commercial recreation fields who have previously constructed facilities of this type and are currently involved in a similar project in North Attleboro. After receiving valuable input from our Recreation Director, Athletic Director, coaches and organizers of youth sports, the indoor pool and rink concept now includes a multi-purpose field, concession stand, and pro shop.

Our plan is to lease a portion of Town-owned land, adjacent to the high school to accommodate this facility for a period of up to 50 years. At the conclusion of the initial lease term, the Town could entertain another lease agreement or could take over the facility. In order to be economically viable, Five Capital will operate this as a commercial facility, renting time to various organizations. However, our agreement with Five Capital will guarantee that our high school teams and other Braintree teams will receive preferential pricing and use of the facility.

In order to turn this concept into a reality, it is necessary to re-zone a portion of the high school property. Currently, the high school property is zoned Open Space Conservancy

("OSC"). A pool/rink facility such as the one proposed is not an allowed use in the OSC Zoning District under the Town's Zoning Ordinances. The current allowed uses in the OSC District are limited to uses such as day care facilities, cemeteries, churches, synagogues, community centers, municipal buildings, golf courses, riding stables, and agricultural uses. The use under our Zoning Ordinances that most closely resembles the proposed pool/rink facility is that of commercial recreation, which is only allowed by special permit in the General Business, Highway Business and Commercial Zoning Districts. When selecting which of these three zoning districts would fit in best with the properties surrounding the high school, we selected the Highway Business Zoning District, as the property across Granite Street, the site of the Granite Grille and Burlington Coat Factory, is also zoned Highway Business. In our assessment, re-zoning this parcel adjacent to the high school as Highway Business will best accommodate the pool/rink facility and is in fact the most efficient manner in which to site this facility.

I want to be clear that this 16-acre parcel will remain Town-owned property under the control of the Town. No uses will be located at this property without authorization from me or any future Mayor or the School Committee. Moreover, the majority of uses allowed in the Highway Business Zoning District are subject to a special permit from the Planning Board, which provides a further layer of oversight.

I am excited - as I believe you are, too - to move another step closer to Captain Petersen's vision and build a recreational facility that will be a benefit to the entire Town for generations to come. Accordingly, I request that the Council approve the following motion:

**MOTION:** That the Town vote to amend its Zoning Ordinances and Zoning Map, as most recently amended, by re-zoning portions of two parcels of land shown on Assessors Map 1042, Lots 1 and 2, consisting of 15.8 acres, more or less, from the Open Space Conservancy Zoning District to the Highway Business Zoning District. The area to be re-zoned is described as follows: Beginning at the intersection of the existing northerly boundary line of the Braintree High School property with the easterly side of Granite Street; thence about 486 feet easterly along that existing northerly boundary line to a point; thence about 493 feet southerly to a point; thence about 40 feet westerly to a point; thence about 555 feet southerly to a point; thence about 690 feet westerly to a point on the easterly side line of Town Street; thence about 1,104 feet along the easterly sidelines of Town and Granite Streets to the point of beginning.



Per Carolyn Murray:

After further discussion of the zoning amendment needed for the proposed pool/rink facility, we are withdrawing the request to rezone 6 acres to Highway Business and substitute the following zoning amendment request for the joint public hearing on August 18:

MOTION:

**To see if the Town will vote to amend its Zoning Ordinances and Zoning Map dated May 1940, as most recently amended, by re-zoning from Open Space Conservancy District to Highway Business Zoning District a portion of the parcel of land adjacent to Braintree High School, shown on Assessors Map 1042 as Lots 1 and 2 and located off Town and Granite Streets, consisting of 16 acres, more or less, as shown on a plan and as stated in the physical description prepared by the Town Engineer on file with the office of the Town Clerk, or, in the alternative, to see if the Town will vote to amend its Zoning Bylaws, as most recently amended, by amending Article VII, Section 135-701, Table of Principal Uses, by amending the Table under Commercial Uses to allow commercial recreational uses by Special Permit in the Open Space Conservancy Zoning District and further, by amending Section 135-701, Table of Dimensional and Density Regulations, by increasing the maximum building height for a structure in the Open Space Conservancy Zoning District from 20 feet to "45/50\*".**