

CHARLES C. KOKOROS
President
District 1

LELAND A. DINGEE
At Large

SEAN E. POWERS
At Large

CHARLES B. RYAN
At Large

JOHN C. MULLANEY
District 2



THOMAS M. BOWES
Vice President
District 3

HENRY N. JOYCE
District 4

RONALD E. DENAPOLI
District 5

PAUL "DAN" CLIFFORD
District 6

OFFICE OF THE TOWN COUNCIL

November 7, 2012

MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Wednesday, November 7, 2012 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President
Thomas Bowes, Vice President
Leland Dingee
Sean Powers
Charles B. Ryan
John Mullaney
Henry N. Joyce
Paul Dan Clifford

Not Present: Ronald DeNapoli

Others: Frank Marinelli, Attorney for GB New England, LLC
Joseph Driscoll, Attorney for Shea Family
Representatives of GB New England, LLC

CORRESPONDENCE

- 047 12 Councilor Mullaney: Citizen Recognition – Nadine Aniello
Council President Kokoros noted that Order 047 12 has been rescheduled to November 20th.
- 049 12 Councilor Powers: Citizen Recognition – Marta Googins / Carolyn Loud
- 043 12 Council President: Braintree High School Thanksgiving Day Rally

ANNOUNCEMENTS

- 042 12 Council President: Morrison School/PTO 5K Jingle Jaunt
Councilor Joyce: Recreation Department Events
Councilor Joyce: Rotary Club Memorial Tree
Councilor Clifford: Veteran's Day Celebration

Council President Kokoros called for a five-minute recess at 7:50pm. The meeting was called back to order at 7:55pm.

APPROVAL OF MINUTES

- **October 16, 2012 7:00pm and 7:30pm meetings**

Motion: by Councilor Bowes to approve

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

CITIZEN CONCERNS/COUNCIL RESPONSE

None

OLD BUSINESS

Committee on Ordinance & Rules – PUBLIC HEARING

Motion: by Councilor Bowes to open public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

- **12 039 Gregory & Michael Shea, Trustee: Rezone of 90 Church Street
(Former South Shore Chrysler Site)**

Frank Marinelli, Attorney for GB New England, LLC, provided an overview of the proposed rezoning request. Attorney Marineilli noted that approximately 86% of the overall site is already zoned General Business. There are three old automotive buildings on the site that are between 50-60 years old. The residence C lot, consisting of 9,677sf, which currently has a two family home and is owned by the Shea Family is the area that is being requested to be rezoned. CVS has a long term lease on the site. Improvements to the site include increasing open space on the site from 8% to 23%, 400 landscape plantings, more functional curb cuts, goose neck lighting over the building signage, shoebox lighting fixtures in the parking lot, and adequate parking. Attorney Marinelli stated that two neighborhood meetings were held to review the proposed plan and obtain feedback from neighborhood residents. On August 28th, he went before the Zoning Board to seek relief on the width of this property; as shown in the drawing. The Zoning Board has

approved and appropriate documents have been filed. Attorney Marinelli noted that two neighborhood meetings were held to present the plan to the residents.

Joseph Driscoll, Attorney for the Shea Family, provided a history of the site dating back to 1967 and noted that the approval of the rezone petition will bring the site in compliance with current zoning regulations.

Councilor Bowes questioned that the operation will not be 24-hours and if there were any underground storage tanks. Attorney Marinelli commented that a 24-hour operation is not part of the application and the plans are for the store to open at 7:00am until 10:00pm. Attorney Driscoll stated that there are no underground storage tanks on the site.

Council President asked if there were any additional questions from the Council or the Public. No additional questions were brought forward.

Motion: by Councilor Bowes to Close public hearing

Second: by Councilor Ryan

Vote: For (8), Against (0), Absent (1-DeNapoli)

Councilor Bowes read the following motion:

At the request of Mr. Greg M. Shea and Mr. Michael A. Shea, Trustees of Plimit Realty Trust, owner of said parcel, that the Town Council vote to amend the Town's Zoning Map, as most recently amended, by re-zoning from Residence C Zoning District to General Business Zoning District a parcel of land commonly known as 90 Church Street in Braintree and identified on the Town of Braintree Assessors Map 2064, Plot 5A and containing 9,677 square feet of area. Said parcel to be re-zoned is shown as parcel 1 and Parcel ID 2064 0 5A on a plan entitled "Existing Conditions Plan, SV-1," prepared by R.J. O'Connell & Associates, Inc, dated April 3, 2012, as submitted with the petitioner's application for re-zoning filed with the Town Council on August 7, 2012, as on file with the Office of the Town Clerk, and as described as follows:

A certain parcel of land with buildings thereon situated in Braintree, Norfolk County, Massachusetts, now being know and numbered as 90 Church Street, being shown on a certain map entitled "New York, New Haven and Hartford Real Estate and Right of Way Department, Land in Braintree Mass., to be conveyed to Bertha E. Hall, September 1940", duly recorded with Norfolk Deeds as Plan No. 724 of 1940, in Book 2311, Page 269, bounded and described as follows: bounded Southerly and Westerly by remaining railroad land along a line which begins at a point on the Westerly side of Church Street Distant One hundred Seventy-One and 24/100 (171.24) feet Easterly from the monumented base line of the Old Colony Railroad leading from Boston to Plymouth, measured at right angles thereto, at station 512+45.36 and thence runs Westerly One Hundred Twenty-six and 54/100 (126.54) feet to a point distant Forty-Five and 09/100 (45.09) feet Easterly from said monumented base line, measured at right angles thereto, at Station 512+35.34 and thence deflects to the right and runs Northerly, Seventy-Five and 16/100 (75.16) feet, more or less in a line parallel to said monumented base line, to land now or formerly of John T. Hennessey and Margaret E. Mullen; Thence bounded Northerly along a line One Hundred Thirty-one and

39/100 (131.39) feet, more or less by said land now or formerly of John T. Hennessey and Margaret E. Mullen; to the Westerly line of Church Street; thence bounded Easterly along a line Seventy-Five (75) feet, more or less by said Church Street to the point of beginning. Said parcel contains 9,677 feet of land, more or less.

Motion: by Councilor Bowes to approve Order 12 039

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

Administrative

- 044 12 Clerk of Council: Proposed Council Meeting Calendar for 2013

Council President asked if there were any changes to the proposed 2013 meeting calendar.

Motion: by Councilor Bowes to approve Order 044 12

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

COMMUNICATION AND REPORTS FOR THE MAYOR AND TOWN BOARDS

None

NEW BUSINESS

Refer to Committee on Public Works

- 12 048 NationalGrid: Petition for Gas Main – Davis Road

Motion: by Councilor Bowes to refer to committee

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

Refer to Committee on Ordinance & Rules

- 12 049 Hancock Street Realty Trust – Petition to Rezone 107 Hancock Street from Residence B to General Business

Motion: by Councilor Bowes to refer to committee

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

- 12 051 Compark Limited Partnership: Petition Street Acceptance - Commerce Drive

Motion: by Councilor Bowes to refer to committee

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

Refer to Committee on Ways & Means

- 12 050 Blue Hills Regional Vocational School District – Authorization to Establish Stabilization Fund
MGL, Chapter 71, Sections 16G.5

Motion: by Councilor Bowes to refer to committee

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

- 12 052 Councilor Clifford: Eligibility Requirements MGL Chapter 59, Section 5, Clause 41c
Commencing FY 2013

Motion: by Councilor Bowes to refer to committee

Second: by Councilor Powers

Vote: For (8), Against (0), Absent (1-DeNapoli)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:42p.m.

Respectfully submitted,
James M. Casey
Clerk of the Council

Documents provided for Meeting

- October 16, 2012 – 7:00pm Minutes
- October 16, 2012 – 7:30pm Minutes
- 047 12 Councilor Mullaney: Citizen Recognition – Nadine Aniello
- 049 12 Councilor Powers: Citizen Recognition – Marta Googins / Carolyn Loud
- 043 12 Council President: Braintree High School Thanksgiving Day Rally
- 042 12 Council President: Morrison School/PTO 5K Jingle Jaunt
- 12 039 Gregory & Michael Shea, Trustee: Rezone of 90 Church Street
(Former South Shore Chrysler Site)
- 044 12 Clerk of Council: Proposed Council Meeting Calendar for 2013
- 12 048 NationalGrid: Petition for Gas Main – Davis Road
- 12 049 Hancock Street Realty Trust – Petition to Rezone 107 Hancock Street from
Residence B to General Business
- 12 051 Compark Limited Partnership: Petition Street Acceptance - Commerce Drive
- 12 050 Blue Hills Regional Vocational School District – Authorization to Establish Stabilization Fund
MGL, Chapter 71, Sections 16G.5
- 12 052 Councilor Clifford: Eligibility Requirements MGL Chapter 59, Section 5, Clause 41c
Commencing FY 2013