

Sean E. Powers  
President  
At Large

Shannon L. Hume  
At Large

CHARLES C. Kokoros  
District 1

John C. Mullaney  
District 2

Thomas M. Bowes  
District 3



Charles B. Ryan  
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 -

**September 6, 2016** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30<sub>PM</sub>

#### PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

#### ANNOUNCEMENTS

- 067 16 Council President: A Lifeline for those concerned about a loved one's Addiction (MassBar)
- 098 16 Council President: Library Event – Our Enchanted Garden, Sept. 17<sup>th</sup> 1-3pm

#### APPROVAL OF MINUTES

- July 12
- August 16

#### CORRESPONDENCE

- None

#### CITIZEN CONCERNS/COUNCIL RESPONSE

- None

#### COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 027 16 Councilor Clifford: An Obligation to Lead – Opioid Epidemic (Update)

#### OLD BUSINESS

- 16 040 Mayor: Termination of Sewer Easement and Grant of Utility Easement 2001 Washington Street or take up any action relative thereto
- 16 041 National Grid Petition: Wellington Street or take up any action relative thereto

#### NEW BUSINESS

#### SAME NIGHT ACTION REQUESTED:

- 16 043 Town Clerk: Designation of Early Voting Site or take up any action relative thereto
- 16 044 Town Clerk: Designation of Central Voting Facility or take up any action relative thereto

**Refer to the Committee on Ordinance & Rules**

- 16 042 Town Clerk: Code Adoption Ordinance or take up any action relative thereto

**Refer to the Committee on Ways & Means**

- 16 045 Mayor: Community Preservation Act Committee Appropriation Request - Exterior Restoration of the former Union School – (American Legion) or take up any action relative thereto

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

UPCOMING MEETINGS:

Next Council Meeting is to be held on - **TUESDAY, September 20, 2016@ 7:30pm**

**ADJOURNMENT**

Sean E. Powers  
President  
At Large

Shannon L. Hume  
At Large

CHARLES C. Kokoros  
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## OFFICE OF THE TOWN COUNCIL

### JULY 12, 2016

### MINUTES

A meeting of the Town Council, was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on July 12, 2016 beginning at 7:30p.m.

Council President Powers was in the chair.

Present: Sean Powers, President  
Thomas Bowes  
Paul Dan Clifford  
Shannon Hume  
Charles Kokoros  
John Mullaney  
Michael Owens

Not Present: Charles Ryan, Vice President  
Stephen C. O'Brien

Also Present: Lisa Maki, Town Solicitor  
Henry Russell  
Union representatives

#### APPROVAL OF MINUTES

- None

#### CORRESPONDENCE

- None

#### CITIZEN CONCERNS/COUNCIL RESPONSE

- 087 16 Councilor Mullaney: Shade Tree Act Law – Henry Russell

A Powerpoint presentation was given by Henry Russell for Proposed Regulations, Town of Braintree, MGL Chapter 87 Shade Trees. Mr. Russell stated there should be a Tree Warden and it should be a non-paid position. Mr. Russell agreed his proposals needed revising prior to presenting them to the Committee on Ordinance & Rules.

**Motion:** by Councilor Mullaney to Refer 087 16 Shade Tree Act Law to the Committee on Ordinance & Rules

**Second:** by Councilor Clifford

**Vote:** For (6), Against (1-Clifford), Absent (2-O'Brien, Ryan), Abstain (0)

## COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS

- 027 16 Councilor Clifford: An Obligation to Lead – Opioid Epidemic (Update)

Councilor Clifford gave an update stating meetings have been taking place since April 10. We are making progress. A Drug Coordinator will be hired to help make more progress. Councilor Kokoros stated we are looking at writing our report. We will need to meet a few more times to do this. Partnership meeting will be held on Wednesday, July 13, 2016. This will help us move forward and apply for a \$1.5 million grant.

## OLD BUSINESS

- 16 031: N.T. Development Inc: Street Acceptance Petition - Buker Corner Lane or take up any action relative thereto (Public Hearing June 28 TABLED)

Council President Powers asked IS THERE A MOTION TO OPEN PUBLIC HEARING

Councilor Bowes made a MOTION to TAKE FROM the TABLE Order 16 031 and RECONVENE the Public Hearing

**Motion:** by Councilor Bowes

**Second:** by Councilor Kokoros

**Vote:** For (7), Against (0), Absent (2 – O'Brien, Ryan), Abstain (0)

There was a MOTION by Councilor Bowes to CONTINUE the Public Hearing to August 16, 2016

**Motion:** by Councilor Bowes

**Second:** by Councilor Owens

**Vote:** For (7), Against (0), Absent (2 – O'Brien, Ryan), Abstain (0)

- 16 035 Mayor: Appointment - Town Solicitor, Lisa Skehill Maki or take up any action relative thereto  
Councilor President Powers welcomed Lisa Skehill Maki.

Councilor Bowes read the MOTION:

TO APPROVE THE APPOINTMENT OF LISA SKEHILL MAKI AS TOWN SOLICITOR IN ACCORDANCE WITH SECTIONS 3-3 AND 3-5 OF THE TOWN CHARTER.

**Motion:** by Councilor Bowes

**Second:** by Councilor Kokoros

**Vote:** For (7), Against (0), Absent (2 – O'Brien, Ryan), Abstain (0)

## NEW BUSINESS

SAME NIGHT ACTION REQUIRED:

- 16 037 Town Clerk: Call of the State Primary Election Sept. 8, 2016 or take up any action relative thereto  
Council President Powers stated if there are no objections for SAME NIGHT ACTION, we will take Order 16 037 Town Clerk: Call of the State Primary election, September 8, 2016. Hearing none Councilor Bowes read the following MOTION:

Call of the State Primary Election, September 8, 2016

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, THE TOWN OF BRAINTREE IS HEREBY REQUIRED TO NOTIFY AND WARN THE INHABITANTS OF SAID TOWN WHO ARE QUALIFIED TO VOTE IN THE STATE PRIMARY ELECTION ON THURSDAY, SEPTEMBER 8, 2016 FROM 7:00 AM TO 8:00 PM, TO VOTE AT THE POLLING PLACES IN THEIR RESPECTIVE PRECINCTS TO CAST THEIR VOTES FOR THE FOLLOWING PURPOSES:

To cast their votes in the State Primary for the candidates of political parties for the following offices: Representative in Congress for the Eighth District; Councillor for Second & Fourth District, Senator in General Court Norfolk & Plymouth District, Senator in General Court Norfolk, Bristol & Plymouth District, Representative in General Court Fifth Norfolk District, Sheriff Norfolk County, County Commissioner for Norfolk County.

**Motion:** by Councilor Bowes

**Second:** by Councilor Kokoros

**Vote:** For (7), Against (0), Absent (2 – O'Brien, Ryan), Abstain (0)

Refer to the Committee on Ordinance & Rules

- 16 036 Mayor: Acceptance of Herbert Road or take up any action relative thereto

**Motion:** by Councilor Bowes

**Second:** by Councilor Owens

**Vote:** For (7), Against (0), Absent (2 – O'Brien, Ryan), Abstain (0)

Refer to the Committee on Public Works (SAME NIGHT ACTION REQUESTED)

- 16 038 Mayor: Grant of Easement of Landing Pub/Ultimate Pizza or take up any action relative thereto

Council President Powers stated if there are no objections for SAME NIGHT ACTION, we will take Order 16 038 Mayor: Grant of Easement of Landing Pub/Ultimate Pizza or take up any action relative thereto. Hearing none Councilor Bowes read the following Motion:

That the Town vote to grant a seating and ramp easement to S&H Realty Trust, as the owners of the Landing Pub, located at 2-10 Commercial Street in Braintree, MA, over the sidewalk along Commercial Street, a town way, as it abuts the properties known as 2-10 Commercial Street in Braintree, MA. The seating and ramp easement area is 5 to 7 feet in width and 37 feet long, and is located upon a portion of the "sidewalk" area of the public layout of Commercial Street near its intersection with Brookside Road and further described as follows:

Beginning at a point 7.00 feet N22° 26' 58"W of the intersection of the westerly street line of Commercial Street and the northerly street line of Brookside Road, said point being the most southwesterly corner of the herein described Seating and Ramp Easement premises;

Thence N67° 33' 02"E 7.00 feet along a new Seating and Ramp Easement Line to a point;

Thence N22° 26' 58"W 25.00 feet along said new Seating and Ramp Easement Line to a point;

Thence S67° 33' 02"W 2.00 feet along said new Seating and Ramp Easement Line to a point;

Thence N22° 26' 58"W 12.00 feet along said new Seating and Ramp Easement Line to a point;

Thence S67° 33' 02"W 5.00 feet along said new Seating and Ramp Easement Line to a point on said existing westerly street line of Commercial Street;

Thence S22° 26' 58"E 37.00 feet along said westerly street line of Commercial Street to the point of beginning.

The above described Seating and Ramp Easement contains 235± S.F. and is shown as "Seating and Ramp Easement" on a plan entitled "Plan of Land Showing Seating and Ramp Easement at 2 – 10 Commercial Street in Braintree, Mass." dated March 15, 2016, prepared by Neponset Valley Survey Assoc., Inc., and said plan is to be recorded at the appropriate registry of deeds along with a Grant of Easement. Further, the Mayor is authorized to take any action necessary to effectuate this vote.

**Motion:** by Councilor Bowes

**Second:** by Councilor Owens

**Vote:** For (7), Against (0), Absent (2 – O'Brien, Ryan), Abstain (0)

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

UPCOMING MEETINGS:

Next Council Meeting is - **TUESDAY, August 16, 2016@ 7:00pm**

**ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:30p.m.

Respectfully submitted,

Susan M. Cimino  
Clerk of the Council

**Documents provided for Meeting**

- 16 031: N.T. Development Inc: Street Acceptance Petition - Buker Corner Lane or take up any action relative thereto
- 16 035 Mayor: Appointment-Town Solicitor – Lisa Skehill Maki or take up any action relative thereto
- 16 038 Mayor: Grant of Easement of Landing Pub/Ultimate Pizza or take up any action relative thereto

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## OFFICE OF THE TOWN COUNCIL

### AUGUST 16, 2016

### MINUTES

A meeting of the Town Council, was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on August 16, 2016 beginning at 7:00p.m.

Council President Powers was in the chair.

Present: Sean Powers, President  
Charles Ryan, Vice President  
Thomas Bowes  
Shannon Hume  
John Mullaney  
Michael Owens

Not Present: Paul Dan Clifford  
Charles Kokoros  
Stephen C. O'Brien

Also Present: Ed Spellman, Director of Finance  
Russell Jenkins, Chief of Police  
Ed Woo, Braintree Police Officer  
Junior Police Academy Officers  
Christopher Griffin, Assistant to the Mayor  
Bill Bottiggi, BELD General Manager  
Tom Reynolds, BELD Commissioner  
Jim Regan, BELD Commissioner  
Madeleine Barr, Community Outreach Manager Sagewell, Inc

#### APPROVAL OF MINUTES

- June 7, 2016

Motion made by Councilor Ryan to Approve Minutes of June 7, 2016

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (5), Against (0), Absent (3—Clifford, Kokoros, O'Brien), Abstain (1—Ryan)

- June 28, 2016

Motion made by Councilor Ryan to Approve Minutes of June 28, 2016

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3 – Clifford, Kokoros, O’Brien), Abstain (0)

## **CORRESPONDENCE**

- 095 16 Town Clerk: Approval – Mass Town Clerk Association Conference, September 28-30, 2016

Motion made by Councilor Ryan to Approve Travel for the Town Clerk to the MTCA

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3 – Clifford, Kokoros, O’Brien), Abstain (0)

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

- None

## **COMMUNICATIONS AND REPORTS FROM THE MAYOR AND TOWN BOARDS**

- 090 16 Mayor: Electric Vehicles Presentation

Christopher Griffin, Assistant to Mayor Sullivan introduced Madeleine Barr, Community Outreach Manager Sagewell, Inc. and stated this presentation was given to the Mayor and Department Heads last week. There has been a great response from residents also.

Madeleine Barr, Community Outreach Manager Sagewell, Inc. came before the full Council with a Powerpoint presentation on Electric Vehicles. Ms. Barr stated her goal is to help educate and help you better understand technology. It is a smooth and fun driving experience. It is affordable in Massachusetts with state rebates available. BELD is offering discounts on charging equipment. There are lower maintenance costs with electric vehicles. Commutes and driving distances should be short to moderate with all electric vehicles. Ms. Barr stated we have a potential to grow here in Town.

- 027 16 Councilor Clifford: An Obligation to Lead – Opioid Epidemic (Update)

There was no update at this time.

## **OLD BUSINESS**

- 16 031: N.T. Development Inc: Street Acceptance Petition - Buker Corner Lane or take up any action relative thereto (Public Hearing)

Council President Powers asked if there was a Motion to Open the Public Hearing.

Councilor Ryan made a Motion: to OPEN Public Hearing

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3–Clifford, Kokoros, O’Brien), Abstain (0)

Council President Powers referred to Councilor Bowes for the Committee on Ordinance & Rules recommendation. Councilor Bowes stated there was a unanimous vote earlier this evening for favorable recommendation to the full Council.

Council President Powers asked if there was any discussion.

Council President Powers asked if any member of the Council or the general public want to speak on Order 16 031? No one came forward.

Council President Powers asked if there was a Motion to Close the Public Hearing.

Councilor Ryan made a Motion: to CLOSE Public Hearing.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3–Clifford, Kokoros, O’Brien), Abstain (0)

Councilor Ryan read the following MOTION:

#### TOWN OF BRAINTREE STREET ACCEPTANCE - BUKER CORNER LANE

MOTION: That the Town Council vote to accept as a Town way the layout of Buker Corner Lane, a certain parcel of land situated on the easterly side of Liberty Street in the Town of Braintree, Norfolk County, Massachusetts, said parcel being shown as BUKER CORNER LANE on a plan entitled "ROADWAY ACCEPTANCE PLAN", dated 3-16-2016, prepared by Hoyt Land Surveying, to be recorded herewith at the Norfolk County Registry of Deeds further bounded described according to said plan as follows:

Beginning at a railroad spike at the most northwesterly corner of Buker Comer Lane at its intersection with the easterly sideline of Liberty Street, a public way –1931 Town layout, said spike being S 24°-34'-18" W a distance of fifty-nine and 66/100 (59.66') feet from a point of curvature on the easterly sideline of Liberty Street; thence

Southeasterly By a curve to the left having a radius of twenty and 00/100 (20.00') feet, a central angle of 60°-39'-18", and an arc length of twenty-one and 17/100 (21.17') feet by land now or formerly of Bonfiglioli to a stone bound with a drill hole marking a point of tangency, thence;

S 36°-05'-00" E A distance of one hundred ninety-three and 01/100 (193.01 ') feet, again by land now or formerly of Bonfiglioli and land now or formerly of Cummins to a stone bound with a drill hole marking a point of curvature, thence;

Northeasterly By a curve to the left having a radius of one hundred twenty-five and 00/100 (125.00') feet, a central angle of 20°–00'-00", and an arc length of forty-three and 63/100 (43.63') feet by land now or formerly of Cummins to a stone bound with a drill hole marking a point of tangency, thence;

S 56°-05'-00" E A distance of eighty-five and 70/100 (85.70') feet, again by land now or formerly of Cummins and land now or formerly

of McGlowan to a stone bound with a drill hole marking a point of curvature, thence;

Northeasterly By a curve to the left having a radius of thirty and 00/100 (30.00') feet, a central angle of  $52^{\circ}-19'-49''$ , and an arc length of twenty-seven and 40/100 (27.40') feet by land now or formerly of Boulos to a stone bound with a drill hole marking a point of reverse curvature, thence;

Northeasterly, Southeasterly, and Southwesterly By a curve to the right having a radius of sixty and 00/100 (60.00') feet, a central angle of  $284^{\circ}-39'-37''$ , and an arc length of two hundred ninety-eight and 10/100 (298.10') feet again by land now or formerly of Boulos, land now or formerly of N.T. Development and land now or formerly of Benjamin to a stone bound with a drill hole marking a point of reverse curvature, thence;

Northwesterly By a curve to the left having a radius of thirty and 00/100 (30.00') feet, a central angle of  $52^{\circ}-19'-49''$ , and an arc length of twenty-seven and 40/100 (27.40') feet again by land now or formerly of Benjamin and land now or formerly of Gustin to a stone bound with a drill hole marking a point of tangency, thence;

N  $56^{\circ}-05'-00''$  W A distance of eighty-five and 70/100 (85.70') feet, again by land now or formerly of Gustin and land now or formerly of Neelkanth Realty Trust to a stone bound with a drill hole marking a point of curvature, thence;

Southwesterly By a curve to the right having a radius of one hundred seventy-five and 00/100 (175.00') feet, a central angle of  $20^{\circ}-00'-00''$ , and an arc length of sixty-one and 09/100 (61.09') feet again by land now or formerly of Neelkanth Realty Trust to a stone bound with a drill hole marking a point of tangency, thence;

N  $36^{\circ}-05'-00''$  W A distance of one hundred sixty-six and 70/100 (166.70') feet, again by land now or formerly of Neelkanth Realty Trust and land now or formerly of Liberty Street Realty Trust to a stone bound with a drill hole marking a point of curvature, thence;

Southwesterly By a curve to the left having a radius of seven and 16/100 (7.16') feet, a central angle of  $113^{\circ}-25'-00''$ , and an arc length of fourteen and 17/100 (14.17') feet again by land now or formerly of Liberty Street Realty Trust to a stone bound with a drill hole marking a point of compound curvature on the easterly sideline of Liberty Street, thence;

Northwesterly By a curve to the left having a radius of three hundred seventy-five and 09/100 (375.09') feet, a central angle of 5°-56'-10", and an arc length of thirty-eight and 86/100 (38.86') feet along the easterly sideline of Liberty Street to an angle point, thence;

N 24°-33'-50" E A distance of forty and 62/100 (40.62') feet by the easterly sideline of Liberty Street to the point of beginning.

- 16 036 Mayor: Acceptance of Herbert Road or take up any action relative thereto (Public Hearing)  
Council President Powers asked if there was a Motion to Open the Public Hearing.  
Councilor Ryan made a Motion: to OPEN Public Hearing

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3—Clifford, Kokoros, O’Brien), Abstain (0)

Council President Powers referred to Councilor Bowes for the Committee on Ordinance & Rules recommendation. Councilor Bowes stated there was a unanimous vote earlier this evening for favorable recommendation to the full Council.

Council President Powers asked if there was any discussion.

Council President Powers asked if any member of the Council or the general public want to speak on Order 16 036? No one came forward.

Council President Powers asked if there was a Motion to Close the Public Hearing.

Councilor Ryan made a Motion: to CLOSE Public Hearing.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3—Clifford, Kokoros, O’Brien), Abstain (0)

Councilor Ryan read the following MOTION:

**MOTION:** The below described extension of Herbert Road is hereby accepted as a Public Way in the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts together with all benefits and responsibilities currently appurtenant to the status of “Public Way” within the Commonwealth. Ownership and maintenance of overhead and underground electric, telephone, gas, and cable utilities is specifically excluded from this acceptance. This acceptance shall not be considered a fee taking. No damages are awarded.

Beginning at a point on the westerly side line of Herbert Road at the end closest to Walnut Street at its intersection with the south side line of West Street, said point being a point of compound curvature;

Thence along said side line of Herbert Road easterly to southerly along the arc of a 26.72 foot radius curve to the right 44.59 feet to a point of tangency;

thence S1°06’20”W 189.99 feet to a point of curvature;

thence southwesterly along the arc of a 1450.23 foot radius curve to the right 98.60 feet to a point of tangency;

thence S5°00'04"W 676.00 feet to a point of curvature;

thence southwesterly along the arc of a 440.00 foot radius curve to the right 59.91 feet to a point of compound curvature;

thence southwesterly along the arc of a 140.00 foot radius curve to the right 98.18 feet to a point of compound curvature;

thence northwesterly along the arc of an 80.00 foot radius curve to the right 78.75 feet to a point of tangency;

thence N70°36'51"W 48.59 feet to a point of curvature;

thence northwesterly along the arc of a 140.00 foot radius curve to the right 168.53 feet to a point of tangency;

thence N1°38'34"W 290.95 feet to a point, said point also being the most southeasterly corner of the previously accepted portion of Herbert Road;

thence S88°21'26"W 40.00 feet along the end line of said previously accepted portion of Herbert Road to a point, said point being the most southwesterly corner of that previously accepted portion;

thence S1°38'34"E 290.95 feet along the side line of Herbert Road to a point of curvature;

thence southeasterly along the arc of a 180.00 foot radius curve to the left 216.68 feet to a point of tangency;

thence S70°36'51"E 48.59 feet to a point of curvature;

thence easterly along the arc of a 120.00 foot radius curve to the left 118.13 feet to a point of compound curvature;

thence northeasterly along the arc of a 180.00 foot radius curve to the left 126.23 feet to a point of compound curvature;

thence northeasterly along the arc of a 480.00 foot radius curve to the left 65.36 feet to a point of tangency;

thence N5°00'04"E 676.00 feet to a point of curvature;

thence northwesterly along the arc of a 1490.23 foot radius curve to the left 101.32 feet to a point of tangency;

thence N1°06'20"E 194.66 feet to a point of curvature;

thence northeasterly along the arc of a 25.00 foot radius curve to the right 39.77 feet to a point of tangency on the southerly side line of West Street;

thence turning and running N87°44'40"W 9.96 feet to a point of curvature in said southerly sideline of West Street;

thence westerly along the arc of a 720.00 foot radius curve to the left 85.00 feet to the point of beginning. All as shown on the "Acceptance Plan, Herbert Road", prepared by the Town of Braintree DPW Engineering Division, dated 8/1/2016 and recorded herewith.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3 – Clifford, Kokoros, O'Brien), Abstain (0)

## **NEW BUSINESS**

- 094 16 Council President: BELD - New Generation Plant & Quarterly Update

Bill Bottiggi, BELD General Manager was in attendance to give a PowerPoint presentation Quarterly Update and information on the proposed New Generation Plant. Bill Bottiggi spoke about Community Solar, Sagewell Electric Vehicle Program, LED Streetlights, Utility Pole Replacement, Station 4 Substation Upgrade, Netwatch Security, Repowering Potter II Generating Plant.

Bill Bottiggi submitted the Bluewater Report document of the Enhanced Maintenance Assessment of Potter II Generating Station for AMERESCO Renewable Energy.

Councilor Hume asked if we can get answers to the Bluewater Report. Bill Bottiggi stated he would get an itemization on what was accomplished with this report.

Bill Bottiggi stated he was aware this would have to be referred to the Committee on Ways & Means for review before a final decision at the full Council, if BELD decides to go forward with this. Bill stated he met with Conservation for this region and they like backups for renewable energy units.

Councilor Mullaney asked if this could be considered to also be referred to the Committee on the Department of Public Works.

Council President Powers stated that this item could possibly be sent to both committees for review.

Council President Powers thanked Bill Bottiggi and Commissioners Tom Reynolds and Jim Regan for being here.

## **Refer to the Committee on the Department of Public Works**

- 16 039 National Grid Petition: Woodedge Lane or take up any action relative thereto (SAME NIGHT ACTION)

Council President Powers stated if there are no objections for SAME NIGHT ACTION, we will take Order 16 039 National Grid Petition: Woodedge Lane or take up any action relative thereto. Hearing none Councilor Ryan read the following Motion:

16-039 Woodedge Lane, install and maintain approximately 170 feet of 2 inch gas main in Woodedge Lane from the existing main at house #16 southerly to house #27 to serve house #21 and house #27.

Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works

or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor's engineer and approved by the DPW and Police Department.

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3 – Clifford, Kokoros, O'Brien), Abstain (0)

**Refer to the Committee on the Department of Public Works**

- 16 040 Mayor: Termination Of Sewer Easement and Grant of Utility Easement 2001 Washington Street or take up any action relative thereto

**Motion:** by Councilor Ryan

**Second:** by Councilor Bowes

**Vote:** For (6), Against (0), Absent (3 – Clifford, Kokoros, O'Brien), Abstain (0)

Council President Powers stated if there are no objections for SAME NIGHT ACTION, we will take Order 16 041 as an unforeseen agenda item and ask for same night action to refer to committee. Hearing no objection, Councilor Ryan made a Motion to :

**Refer to the Committee on the Department of Public Works**

- 16 041 National Grid Petition: Wellington Street or take up any action relative thereto

**Motion:** by Councilor Bowes

**Second:** by Councilor Owens

**Vote:** For (6), Against (0), Absent (3 – Clifford, Kokoros, O'Brien), Abstain (0)

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

UPCOMING MEETINGS:

Next Council Meeting is - **TUESDAY, September 6, 2016@ 7:30pm**

**ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:10p.m.

Respectfully submitted,

Susan M. Cimino  
Clerk of the Council

## **Documents provided for Meeting**

- 16 031: N.T. Development Inc: Street Acceptance Petition - Buker Corner Lane or take up any action relative thereto
- 16 036 Mayor: Acceptance of Herbert Road or take up any action relative thereto (Public Hearing)
- 16 039 National Grid Petition: Woodedge Lane or take up any action relative thereto
- 16 040 Mayor: Termination Of Sewer Easement and Grant of Utility Easement 2001 Washington Street or take up any action relative thereto
- 16 041 National Grid Petition: Wellington Street or take up any action relative thereto

# A LIFELINE

for those concerned  
about a loved one's

# ADDICTION

Massachusetts General Laws Chapter 123, Section 35 permits individuals to petition the courts to involuntarily commit family members to an inpatient treatment program when their alcohol or drug use puts themselves or others at risk.

Get **FREE LEGAL ASSISTANCE**  
with Section 35 petitions. Contact:  
**SECTION 35 HELPLINE\***

**(844) 843-6221**

or

**HelpUs@MassBar.org**



**MASSBAR**  
ASSOCIATION

*\*The 'SECTION 35' HELPLINE is a project created by Massachusetts Bar Association President Robert W. Harnais to help friends and families who are struggling with a loved one's substance abuse. Callers will be referred to volunteer lawyers for assistance.*



JOIN US FOR  
AN  
AFTERNOON OF  
FUN!  
SEPTEMBER  
17TH  
1:00 - 3:00 PM  
THAYER  
PUBLIC  
LIBRARY  
BRAINTREE  
LOGAN  
PROGRAM  
ROOM  
TICKET PRICE  
\$25.00

ENTER OUR ENCHANTED GARDEN  
098 16

YOUR TICKET TO FUN INCLUDES:  
TEA LUNCHEON FEATURING  
TEA SANDWICHES  
&

SCRUMPTIOUS DESSERTS  
GAMES

FAVORS

ALICE DOLL DISPLAYS

RAFFLES

DOOR PRIZES

A PHOTO WITH THE HATTER

YOU CAN COME DRESSED AS YOUR  
FAVORITE ALICE CHARACTER!  
DRESS FOR A PARTY!

TICKETS ON SALE NOW AT THE  
TOWN CLERK'S OFFICE  
BRAINTREE TOWN HALL  
AND AT THE  
LOWER LEVEL REFERENCE DESK IN  
THE LIBRARY

16 040



Joseph C. Sullivan, Mayor

**BRAINTREE DEPARTMENT OF  
PUBLIC WORKS**

**Engineering Division**

Robert P. Campbell, PE, PTOE, Town Engineer

[rcampbell@braintreema.gov](mailto:rcampbell@braintreema.gov)

John J. Morse, Assistant Town Engineer

[jmorse@braintreema.gov](mailto:jmorse@braintreema.gov)

# Memo

Date: August 26, 2016  
To: Susan M. Cimino, Clerk of the Council  
From: Bob Campbell  
CC: Lisa Maki  
RE: Cats Academy Easement Changes, Petition 16-040

\*\*\*\*\*

The DPW has worked interactively with the owner's engineers at CATS ACADEMY, 2001 Washington Street to revise the municipal easements traversing the property. We have reviewed the final documents and plan and recommend approval of the proposed plan and of the new easement and release-of-old-easement documents as noted below.

My only comment on the easement plan is that the plan sent with the Council referral is an unsigned and unstamped "Progress Plan." I've enclosed the stamped and signed plan, which aside from those additions is identical to the plan referred out.

On the easement document, in the paragraph numbered "1." the parentheses must be closed, and in the paragraph numbered "5." "executive" must be changed to "execute."

**Robert P. Campbell, P.E.  
Town Engineer**

Revisions  
paragraph 1 + 5.

16 040

RECEIVED TOWN CLERK  
BRAINTREE, MA  
2016 AUG - 9 PM 1:49

**TERMINATION OF  
SEWER EASEMENT AND GRANT OF  
UTILITY EASEMENT**

2001 Washington Street, Braintree Massachusetts

Reference is hereby made to certain parcels of land located at 2001 Washington Street, Braintree, Massachusetts owned by 2001 Washington Street LLC, a Massachusetts limited liability company with a business address of 35 Fay Street, Unit E-107B, Boston, MA 02118, as evidenced by a certain deed dated November 15, 2013, and recorded with Norfolk County Registry of Deeds in Book 31906, Page 415 (hereinafter referred to as the "Premises"). Further reference is hereby made to that certain easement granted by the County of Norfolk to the Town of Braintree, dated December 7, 1977, and recorded with the Norfolk County Registry of Deeds in Book 5414, Page 631, and shown on a certain plan of land dated November 17, 1977, recorded with Norfolk County Registry of Deeds as Plan No. 1046 of 1977, which easement was granted to the Town of Braintree for constructing, maintaining and operating a sewer system servicing property located on Division Street in Braintree, Massachusetts (hereinafter referred as the "Sewer Easement").

WHEREAS, 2001 Washington Street LLC has performed certain improvements located at the Premises; and

WHEREAS, in order to accommodate such improvements, the Town of Braintree has agreed to terminate all right, title and interest in the Sewer Easement; and

WHEREAS, the parties have agreed to enter into this Agreement for the purpose of terminating all interests of and to the Sewer Easement, and to establish a new grant of easement to the Town of Braintree within said Premises, as described below;

NOW THEREFORE, for good and valuable consideration of ten dollars \$10.00, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows.

\* 1. The Town of Braintree, on behalf of itself, and all successors and assigns, (the "Town of Braintree,") does hereby permanently terminate all of its right, title and interests to and from the Sewer Easement, intending to, and hereby extinguishing and abandoning, all rights to such Sewer Easement. The location of the Sewer Easement being abandoned is shown on that certain plan recorded herewith, entitled "Utility and Access Easements Plan of Land, 2001 Washington Street, Braintree, Massachusetts, dated May 2, 2016, prepared by Dana F. Perkins, Inc., Consulting Engineers and Land Surveyors, 1049 East Street, Tewksbury, Massachusetts, 01876", (the "Plan") and is labelled on such Plan as the "SEWER EASEMENT TO BE ABANDONED".

2. The 2001 Washington Street LLC, in consideration of the abandonment of the Utility Easement, as stated above in Section 1 of this agreement, does hereby grant a perpetual, non-exclusive, twenty (20') foot wide utility easement to the Town of Braintree, the location of such easement is shown on said Plan and labeled thereon as "Utility Easement – 20' Wide Easement Area = 13,713 sf +/-". Such easement shall be used solely for constructing, maintaining, repairing, replacing and removing the existing and future underground utility lines, pipes, wires, ducts, conduits, and connections and facilities, and all appurtenances thereto, of every kind and nature, for the purpose of providing water, drainage, gas, electrical and/or other utility services and/or sanitary sewer services to properties located on or near Division Street in Braintree Massachusetts, ( hereinafter referred to as the "Utility Easement").

3. The Town of Braintree hereby acknowledges and agrees that it is perpetually obligated to maintain, repair and replace the Utility and/or utility connections, piping, conduit and/or equipment and apparatus installed within the Utility Easement area and/or pursuant to this grant, and shall at all times maintain such connections in good working order and repair. The above Utility Easement is also expressly granted with the obligation on the part of the Town of Braintree to: (a) repair, at its own cost, any damage to the Premises or improvements thereon, arising from such exercise of any and all rights granted in this agreement; (b) if such right or exercise requires excavation of any portion of any area within the Utility Easement, the Town of Braintree must: i) provide reasonable advance written notice to the then owner of the Premises prior to commencing such excavation, and ii) to restore, at its own cost, the surface of the Premises to the same condition thereof as immediately prior to such excavation, only at such times and in such manner, as to avoid unreasonable interruption in the then owner's use and enjoyment of the Premises, as the case may be; and (c ) to comply with all applicable laws, statutes, regulations and ordinances now or hereafter in effect pertaining to the Premises.

4. All notices and other communications hereunder shall be in writing and shall be deemed duly given: (a) when deposited with the U.S. Postal Service and mailed by registered or certified mail, return receipt requested, postage and registration or certification charges prepaid addressed as follows:

If to the Town Of Braintree:

Director of Department of Public Works  
Town of Braintree  
1 JFK Memorial Drive  
Braintree, MA 02184

If to 2001 Washington Street LLC, while said entity owns said Premises (otherwise to the then owner of said Premises):

Douglas A. Troyer, Esq.  
Marcus, Errico, Emmer & Brooks, P.C.  
45 Braintree Hill Office Park, Suite 107  
Braintree, MA 02184  
dtroyer@mceb.com  
Telephone: (781) 843-5000  
Fax: (781) 843-1529

or (b) upon actual delivery when delivered by hand during usual business hours addressed to the same parties specified in subparagraph (a) above, except that either party may by written notice to the other designate another address which shall thereupon become the effective address of such party for the purposes of this paragraph.

\* 5. To the extent necessary to effectuate the extinguishment of the Sewer Easement, and effectuate the grant of the Utility Easement, each of the parties hereto shall ~~execute~~ such other documents as may reasonably be required by the other party hereto, for the purpose of further implementing, evidencing and confirming the rights, easements and agreements which are the subject hereof. execute

6. This agreement, including all rights, benefits, easements, covenants, agreements and obligations hereunder, shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns.

7. This agreement shall not be modified, amended or otherwise changed without the express written consent of the each of the parties.

8. The laws of the Commonwealth of Massachusetts shall govern the validity, interpretation, construction and performance of this Agreement.

Executed under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

2001 Washington Street LLC,

By: \_\_\_\_\_  
\_\_\_\_\_, its \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 201 \_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily for its stated purpose, as \_\_\_\_\_, and as the free act and deed of 2001 Washington Street LLC.

\_\_\_\_\_, Notary Public  
My Commission Expires: \_\_\_\_\_



\_\_\_\_\_  
Charles B. Ryan, Council Vice President  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Shannon Hume, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Charles C. Kokoros, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
John C. Mullaney, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Thomas M. Bowes, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_ day of \_\_\_\_\_, 20 \_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Stephen C. O'Brien, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Michael J. Owens, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Paul Dan Clifford, Councilor  
Town Council, Town of Braintree

COMMONWEALTH OF MASSACHUSETTS

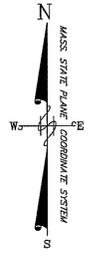
NORFOLK, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was/were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, as \_\_\_\_\_ for the Town of Braintree, a Municipal Corporation.

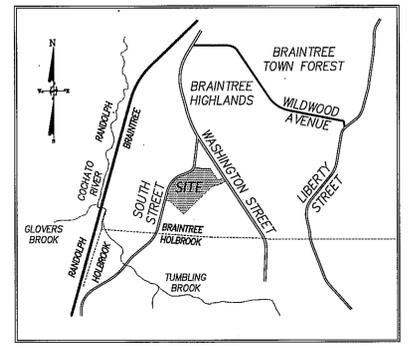
\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_





FOR REGISTRY USE ONLY



**LOT "D"**  
**TOTAL AREA = 863,7074 SQ. FT.±**  
**19.83 ACRES ±**

**ACCESS EASEMENT - 30' WIDE**  
**EASEMENT AREA = 18,808 SF±**

**UTILITY EASEMENT - 20' WIDE**  
**EASEMENT AREA = 13,713 SF±**

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH UNIFORM INSTRUCTIONS FOR THE PREPARATION OF PLANS AS SET FORTH BY THE REGISTERS OF DEEDS.

*[Signature]* 8/11/16  
 PROFESSIONAL LAND SURVEYOR DATE

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

*[Signature]* 8/11/16  
 PROFESSIONAL LAND SURVEYOR DATE

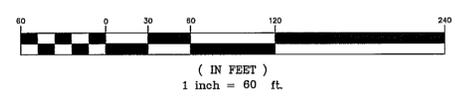
THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSOR'S RECORDS.

**LEGEND:**  
 SYMBOLS AND ABBREVIATIONS SHOWN ON THIS PLAN

- EXISTING SEWER MANHOLE ◉ SMH
- STONE BOUND W/DRILLHOLE □ SBDH
- DIRECTION OF SEWAGE FLOW →
- POLYVINYL CHLORIDE - PIPE PVC
- SQUARE-FOOT SF
- NOW OR FORMERLY N/F

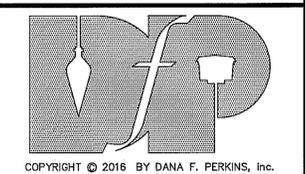
- GENERAL NOTES:**
- PROPERTY LINE INFORMATION SHOWN HEREON TAKEN FROM A PLAN ENTITLED "LOT CONSOLIDATION - PLAN OF LAND - WASHINGTON/SOUTH STREET, BRAINTREE, MA - DATED MAY 27, 2014 BY DANA F. PERKINS, INC., RECORDED IN THE NORFOLK COUNTY REGISTRY OF DEEDS IN PLAN BOOK 631, PLAN PAGE 76.
  - EXISTING SEWER MANHOLE LOCATIONS SHOWN HEREON ARE THE RESULT OF AN ON-THE-GROUND FIELD SURVEY CONDUCTED BY DANA F. PERKINS, INC. IN APRIL OF 2016
  - SUBJECT PROPERTY SHOWN ON CITY OF BRAINTREE ASSESSOR MAP 1058 AS LOT 1-F.

DATE	BY	REVISION



**UTILITY & ACCESS EASEMENTS**  
**PLAN OF LAND**  
**2001 WASHINGTON STREET**  
**BRAINTREE, MASSACHUSETTS**  
 SCALE: 1" = 60' DATE: MAY 2, 2016

**DANA F. PERKINS, inc.**  
 Consulting Engineers & Land Surveyors  
 1049 EAST STREET - TEWKSBURY, MASSACHUSETTS 01876  
 TEL: 978-858-0680 FAX: 978-640-0237  
 DANA.F.PERKINS.COM  
 PREPARED FOR:  
 2001 WASHINGTON STREET LLC  
 35 FAY STREET, SUITE 107B  
 BOSTON, MA 02118  
 JOB NO. 51761-SEWER-EASE SHEET 1 OF 1



COPYRIGHT © 2016 BY DANA F. PERKINS, INC.



150 Potter Road  
Braintree, MA 02184  
www.beld.com  
781.348.BELD  
781.348.1003 fax



August 26, 2016

Ms. Susan M. Cimino  
Clerk of the Council  
One JFK Memorial Drive  
Braintree, MA 02184

Dear Ms. Cimino:

Please see the below comments for the National Grid Gas Petitions.

NGRID Gas Application #16-041 Location: #40 Wellington St.

BELD Engineering has reviewed this permit and has no underground electric utility conflicts within the proposed scope of work.  
There are no special electric utility requirements or conditions for this project.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean Murphy".

Sean Murphy  
Electric Operations Supervisor/Field Engineer  
Office: 781.348.1071  
Cell: 617.212.4786

***Your hometown electric and broadband department***



Joseph C. Sullivan, Mayor

**BRAINTREE DEPARTMENT OF PUBLIC WORKS**

**Engineering Division**

Robert P. Campbell, PE, PTOE, Town Engineer

[rcampbell@braintreema.gov](mailto:rcampbell@braintreema.gov)

John J. Morse, Assistant Town Engineer

[jmorse@braintreema.gov](mailto:jmorse@braintreema.gov)

**Memo**

Date: August 26, 2016  
To: Susan M. Cimino, Clerk of the Council  
From: John Morse  
CC: Bob Campbell, Steve O'Brien  
RE: National Grid Gas Main Petition, 16-041

\*\*\*\*\*

The DPW has reviewed the subject petition and the accompanying sketch for the new gas main location and have the following recommendations:

**16-041 Wellington Street, install and maintain approximately 50 feet of 2 inch gas main in Wellington Street from the existing main at house #25 northerly to house #40 to serve house #40.** This section of Wellington Street is not under moratorium. We'd recommend that the petition be granted under the normal conditions, with emphasis on the requirements that the gas main be laid outside of the trench of the water mains in service and that the trench pavement not be left low for any length of time; We also recommend that the following requirement be added to the permit, if it is to be granted:

"Neither National Grid nor any of its contractors is authorized to close any street or to close a direction of travel to facilitate their work without authorization from the Director of the Department of Public Works or the Highway Superintendent. The Chief of Police can also authorize a closure for a police or fire emergency. Construction zone traffic safety issues are to be addressed by using appropriate traffic control signs and devices and the use of police officers for traffic control to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and police officers (where needed) are properly in place in conformity with the written plan prepared by the contractor's engineer and approved by the DPW and Police Department."

**John Morse**  
**Assistant Town Engineer**



# Office of the Board of Assessors #16-041

RECEIVED TOWN CLERK  
BRAINTREE, MA

One JFK Memorial Drive  
Braintree, Massachusetts 02184

2016 AUG 15 AM 10:46

Telephone: (781) 794-8050 • Fax: (781) 794-8068

Joseph C. Sullivan  
Mayor

Robert Brinkmann  
Deputy Assessor

**Board of Assessors**

Robert Cusack  
Chair  
Susan O'Brien  
Vice Chair  
Robert Connolly

DATE: August 11, 2016  
APPLICANT: National Grid  
OWNER: Daniel P Batchelder  
Carol M Batchelder  
LOCATION: 40 Wellington St.  
PARCEL ID: 3053 0 46

This is to certify that at the time of submission of this form to the Board of Assessors, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown and described are as written and are the parties according to the records of the Assessors.

Office of the Board of Assessors (E.S.)

Robert M Cusack  
Chairman

**Braintree  
Abutters List**

#16-041

**Subject Parcel ID:**

**Subject Property Location:**

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
3053 0 40	WELLINGTON ST	MCNEIL JOHN S		16 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 41	16 WELLINGTON ST	MCNEIL JOHN S		16 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 43	24 WELLINGTON ST	LUNDRIGAN MARGARET M		24 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 44	32 WELLINGTON ST	FRAZIER PAUL H		32 WELLINGTON STREET	BRAINTREE	MA	02184
3053 0 46	40 WELLINGTON ST	BATCHELDER DANIEL P	T	40 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 46A	46 WELLINGTON ST	MARKS ROBERT G		46 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 52	49 WELLINGTON ST	RYAN ANN M		43 WALNUT STREET	BRAINTREE	MA	02184
3053 0 54	37 WELLINGTON ST	POWERS THOMAS		37 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 56	25 WELLINGTON ST	SMITH ALAN F		25 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 60	19 WELLINGTON ST	WALSH THERESA A		19 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 61	15 17 WELLINGTON ST	DUNAJSKI DIXIE LEE LE		15 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 62	11 13 WELLINGTON ST	PITTS WILLIAM E		11-13 WELLINGTON ST	BRAINTREE	MA	02184
3053 0 64	7 9 WELLINGTON ST	AIELLO DARLENE TRS		24 FABIANO DRIVE	BRAINTREE	MA	02184

*End of Report*

Abutter's for 40 Wellington St., Braintree

3053 0 46

#16-041

WO #1117489

3053 0 64  
3053 0 62  
3053 0 61  
3053 0 41  
3053 0 60  
3053 0 43  
3053 0 56  
3053 0 44  
3053 0 54  
3053 0 46A  
3053 0 52  
3053 0 40

7 WELLINGTON ST  
11 WELLINGTON ST  
15 WELLINGTON ST  
16 WELLINGTON ST  
19 WELLINGTON ST  
24 WELLINGTON ST  
25 WELLINGTON ST  
32 WELLINGTON ST  
37 WELLINGTON ST  
46 WELLINGTON ST  
49 WELLINGTON ST  
WELLINGTON ST

Aiello Darlene Trs  
Pitts William E  
Dunajski Dixie Lee  
Mcneil John S  
Walsh Theresa A  
Lundrigan Margaret M  
Smith Alan F  
Frazier Paul H  
Powers Thomas  
Marks Robert G  
Ryan Ann M  
Mcneil John S

**PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS**

#16-041

**Town of Braintree / Town Council:**

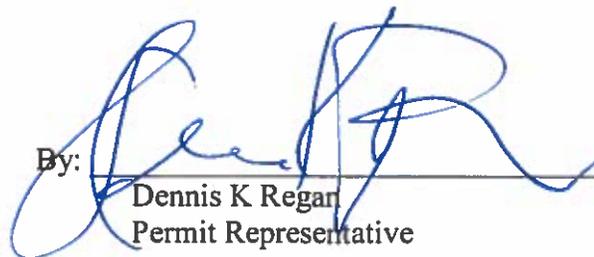
RECEIVED TOWN CLERK  
BRAINTREE, MA

2016 AUG 15 AM 10:46

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Braintree** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**To install and maintain approximately 50 feet more or less of 2 inch gas main in Wellington St., Braintree. From the existing 2 inch gas main at house #25, northerly to house #40 for a new gas service.**

Date: August 11, 2016

By:   
Dennis K Regan  
Permit Representative

**Town of Braintree / Town Council:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Braintree** substantially as described in the petition date August 11, 2016 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Braintree** applicable to the enjoyment of said locations and rights.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_

\_\_\_\_\_  
Title

MN # 144-8502-1117489

**RETURN ORIGINAL TO THE PERMIT SECTION  
NATIONAL GRID  
40 SYLVAN RD, WALTHAM, MA 02451  
RETAIN DUPLICATE FOR YOUR RECORDS**



**C E R T I F I C A T I O N**

**T O W N O F B R A I N T R E E**

**Office of the Clerk**

I, **JAMES M. CASEY**, Clerk of the Town of Braintree, Massachusetts, hereby certify that the chapters contained in Titles 1 through 9 of this volume (excluding Table 1.08) are based upon the original ordinances of the Town Council of the Town of Braintree, and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts, as adopted by ordinance of the Town Council on \_\_\_\_\_, \_\_\_\_\_.

Given under my hand and the Seal of the Town of Braintree, County of Norfolk, Commonwealth of Massachusetts, this \_\_\_\_ day of \_\_\_\_\_, at 1 John F. Kennedy Memorial Drive, Braintree, Massachusetts.

**s/JAMES M. CASEY**

\_\_\_\_\_  
Clerk

Ordinance No. \_\_\_\_\_

Be it ordained by the Town Council of the Town of Braintree as follows:

**§ 1.10.010. Adoption of Code.**

The ordinances of the Town of Braintree of a general and permanent nature adopted by the Town Council, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Titles 1 through 9, excluding Table 1.08, are hereby approved, adopted, ordained and enacted as the Code of the Town of Braintree, hereinafter known and referred to as the "Code."

**§ 1.10.020. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1.10.030. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**§ 1.10.040. Inclusion of ordinance in Code.**

This ordinance shall, upon adoption, be included in the Code as Chapter 1.10, Adoption of Code.

**§ 1.10.050. Copy of Code on file.**

A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Town of Braintree by impressing thereon the Seal of the Town as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Town to be made available to persons desiring to examine the same during all times while the said Code is in effect.

**§ 1.10.060. Publication; filing.**

The Clerk of the Town of Braintree, pursuant to law, shall cause to be published, in the manner required by the Town Charter, a copy of this adopting ordinance in a newspaper of general circulation in the Town. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1.10.070. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in accordance with the Town Charter, shall be deemed to be incorporated into such Code so that reference to the Code of the Town of Braintree shall be understood and intended to include such additions and amendments.

**§ 1.10.080. Sale of Code book.**

Copies of the Code may be purchased from the Clerk upon the payment of a fee to be set by the Town Council, which may also arrange for procedures for the periodic supplementation thereof.

**§ 1.10.090. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Braintree to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than \$300.

**§ 1.10.100. Severability.**

- A. Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1.10.110. Repeal of ordinances.**

All ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

**§ 1.10.120. Legislation saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1.10.110 of this ordinance shall not affect the following bylaws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Table 1.08 (Provisions Subject to Noncriminal Disposition) and the bylaws contained in Titles 10 through 13 and any ordinance adopted on or subsequent to May 21, 2013.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision, or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any bylaw or ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, or any portion thereof.
- G. Any bylaw, ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Bylaws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plans.
- K. Any bylaw or ordinance providing for salaries or compensation for municipal officers and employees.
- L. The Zoning bylaws and ordinances and Zoning Map and any amendments thereto.
- M. Any ordinance or bylaw or portion thereof establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any bylaw or ordinance establishing a moratorium.

**§ 1.10.130. Changes in previously adopted ordinances.**

- A. In compiling and preparing the bylaws and ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said bylaws and ordinances. It is the intention of the Town Council that all said changes be adopted as part of the Code as if the bylaws and ordinances so changed had been previously formally amended to read as such.
- B. The following changes are made throughout the Code:
  - (1) All references to “Inspector of Plumbing” are amended to “Plumbing Inspector.”
  - (2) All references to “Zoning Bylaws,” “Zoning Bylaws or Ordinances” and “Zoning Ordinance” are amended to “Zoning Ordinances.”
- C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the bylaws and ordinances as they have been renumbered and appear in the Code.)

**Town of Braintree  
Code Adoption Ordinance**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 1.08, General Penalty.**

A. Section 1.08.020 is amended as indicated:

"...Each day on which any violation or offense exists shall be deemed to be a separate violation or offense...."

B. Table 1.08 is amended to delete the former entries for Chapter 8.20, Smoking in restaurants, and Chapter 9.12.080, Obstruction of private ways.

**Chapter 2.200, Mayor.**

A. In § 2.200.10A "of the Braintree Charter" is changed to "by the Braintree Charter."

B. In § 2.200.050B "with specifically" is changed to "with specificity."

**Chapter 2.205, Administrative Organization.**

A. In the first sentence of § 2.205.030 "this Charter" is changed to "the Charter."

B. Section 2.205.060B is amended to read as follows:

*Unless otherwise provided by general or special law or by ordinance, a summary of each regulation adopted under this section shall be posted on a Town Hall bulletin board and on the Town's official website and shall be published once in a newspaper of general circulation in the Town, and formal written notification shall be provided to the Town Council, and such publication shall be notice to all persons.*

C. In § 2.205.065 "this article" is changed to "this chapter" and "other articles" is changed to "other chapters."

**Chapter 2.230, Department of Municipal Finance.**

In § 2.230.060 "required by them" is changed to "required by the Mayor."

**Chapter 2.300, Town Council.**

Section 2.300.030F is amended as indicated:

"Exercise of powers, quorum, rules and access to information shall be as described in Section 2-6 and Section 2-7 of the Town Charter."

### **Chapter 2.310, Town Auditor.**

Section 2.310.020A is amended to delete the sentence "The Town Auditor shall make periodic reports to the Town Council in such detail and with such frequency as the Town Council shall, by ordinance, by rule or by other vote, direct."

### **Chapter 2.320, Town Clerk.**

Section 2.320.020E and I are amended to change "MGL c. 39, § 23B" to "MGL c. 30A, § 20."

### **Chapter 2.500, Town Accountant.**

In § 2.500.020E "Treasurer" is changed to "Treasurer/Collector."

### **Chapter 2.520, Inspector of Buildings and Local Inspectors.**

Section 2.520.020B is amended as indicated:

"...shall administer and enforce the State Building Code, as well as MGL c. 22, § 13A, as well as the rules and regulations...."

### **Chapter 2.570, Harbormaster.**

In § 2.570.030B "make set fees" is changed to "set fees."

### **Chapter 2.575, Director of Public Health.**

Original § 2.575.020C, regarding powers assigned to boards of health, is repealed.

### **Chapter 2.600, Plumbing Inspector.**

In § 2.600.020B and C "Gas Fitting Inspector" and "Inspector of Gas Fittings" are changed to "Inspector of Gas Piping and Gas Appliances."

### **Chapter 2.610, Police Chief and Police Department.**

A. In § 2.610.020D the words "in any such town" are deleted after "The Chief of Police."

B. In § 2.610.020F "of the City" is changed to "of the Town."

### **Chapter 2.645, Wire Inspector.**

A. In § 2.645.010 "Inspector of Wires Inspector" is changed to "Wire Inspector."

- B. In § 2.645.020A “Building Code Commission” is updated to “State Board of Building Regulations and Standards.”

### **Chapter 2.700, Other Multiple Member Bodies.**

Section 2.700.010E is amended as indicated:

"Unless some other provision is made in this chapter, ~~no~~ a multiple member body shall not have any power or authority over any of the day-to-day activities of the agency or department within which ~~they serve~~ it serves but shall be advisory only."

### **Chapter 2.710, Board of Assessors.**

In § 2.710.030A “Chairman” is changed to “Chair.”

### **Chapter 2.715, Community Preservation Committee.**

In § 2.715.010A(4) "as designated by the board" is changed to "as designated by the Commission."

### **Chapter 2.730, Commission on Disabilities.**

In § 2.730.030B "city or town" is changed to "Town."

### **Chapter 2.735, Council on Elder Affairs.**

Section 2.735.050 is added to read as follows:

#### **§ 2.735.050. Use of identifying information.**

*The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the Council shall not be public records, but the use of these records shall comply with MGL c. 19A, §§ 14 to 24, inclusive, as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law.*

### **Chapter 2.750, Board of Health.**

In § 2.750.030D the phrase “of the Board of Health” after “its health laws and regulations” is deleted.

### **Chapter 2.760, Housing Authority.**

In § 2.760.020C "city or town" is changed to "Town."

### **Chapter 3.120, Responsible Employer.**

- A. In § 3.120.020A(3) “State Department of Labor and Workforce Development” is updated to the “Executive Office of Labor and Workforce Development.”
- B. In § 3.120.020B the first sentence is amended as indicated:

*"The failure of a bid submitted by any general bidder to comply with any of the foregoing conditions for bidding will be grounds for rejection of the bid, and the invitation for bids for such projects shall clearly state this requirement."*

**Chapter 5.200, Licenses and Permits of Delinquent Taxpayers.**

In § 5.200.010 "the following is adopted" is changed to "this chapter is adopted."

**Chapter 5.400, Amusement Games.**

In § 5.400.020A "without obtaining a permit" is changed to "without obtaining a license."

**Chapter 5.450, Food Sales.**

Section 5.450.030 is amended to read as follows:

*No person, store or place of business engaged in the retail sale of food shall, without a written permit from the Board of License Commissioners, sell any food at retail between the hours of 11:00 p.m. and 7:00 a.m. unless otherwise conditioned by the Board of License Commissioners based on the nature of the business, proximity to residences, and impact to neighborhood.*

**Chapter 5.550, Gasoline Stations and Automotive Repair Garages.**

In § 5.550.040 "Inspections Department" is changed to “Department of Municipal Licenses and Inspections.”

**Chapter 5.560, Junk, Secondhand and Salvage Dealers.**

- A. In § 5.560.010 "the following is adopted" is changed to "this chapter is adopted."
- B. Section 5.560.110A is amended to read as follows:

*Before use, a junk or salvage yard shall comply with all provisions of the Town Zoning Ordinances and shall have a suitable gate which shall be closed and locked except during the working hours of such junk or salvage yard or when the applicant or his/her agent shall be within.*

- C. In § 5.560.130 “Health Division” is changed to “Board of Health or its designee.”

**Chapter 5.570, Precious Metal Dealers.**

Section 5.570.090 is amended to read as follows:

*Whoever collects, deals in or barter precious metals without a license or, if licensed, in any place or manner other than that designated in his license, or after notice to him that his license has been revoked, or whoever violates this chapter or any rule, regulation or restriction contained in his license, shall be subject to a fine of not less than \$50 nor more than \$300, and each day of such violation shall constitute a separate offense.*

### **Chapter 5.575, Printed Matter Vending Machines.**

In § 5.575.120 the phrase “or take any other action relative thereto” is deleted.

### **Chapter 5.580, Taxicabs.**

Section 5.580.010 is amended as indicated:

“...motor vehicles for the conveyance of passengers for hire in the Town...”

### **Chapter 5.585, Yard Sales.**

In § 5.585.010 “license” is changed to “permit.”

### **Chapter 5.590, Trash Haulers.**

In §§ 5.590.020D and 5.590.040 “Massachusetts Executive Office of Environmental Affairs” is changed to “Massachusetts Executive Office of Energy and Environmental Affairs.”

### **Chapter 6.100, Dogs and Other Animals.**

A. In § 6.100.080 "Inspector of Animals" is changed to "Animal Inspector."

B. Section 6.100.190 is amended as indicated:

“...on property owned by the Town of Braintree....”

### **Chapter 8.100, Burglar Alarm Systems.**

A. In the definition of “false alarm” in § 8.100.020 "transferred" is changed to "transmitted" and "inquiring" is changed to "requiring."

B. In § 8.100.040 “fine” is changed to “fee.”

### **Chapter 8.300, Fire Alarm and Fire Protection System.**

A. In § 8.300.090O the reference to “MGL c. 148, § 38A” is updated to “MGL c. 210, § 1.”

B. In § 8.300.100D “no less than \$300” is changed to “no more than \$300.”

**Chapter 9.800, Sex Offender Residency Restrictions.**

- A. In § 9.800.020 “Division of Elder Services” is changed to “Department of Elder Affairs.”
- B. Section 9.800.40 is amended to add “or the Department of Elder Affairs located on Cleveland Avenue.”

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ORDER 16 - ~~XXX~~

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**DESIGNATION OF EARLY VOTING SITE AND HOURS**

**UPON THE REQUEST OF THE TOWN CLERK, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:**

In the name of the Commonwealth of Massachusetts, the Town of Braintree, is hereby required to establish, under M.G.L. Chapter 54, § 25B (f), an early voting site to allow any qualified voter, as defined in section 1 of chapter 51, to cast a ballot for any biennial state election during the early voting period. At the recommendation of the Braintree Board of Registrars the Braintree Town Council hereby designates Braintree Town Hall – Cahill Auditorium as Braintree’s early voting site. Further, early voting hours shall be held during the days and hours described under M.G.L. Chapter 54, § 25B (c) with extended hours to 7:30pm on each Tuesday and on each Saturday from 9:00am until 1:00pm during the eleven business day’s preceding the general election.

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ORDER 16 -XXX

**DESIGNATION OF EARLY VOTING CENTRAL TABULATING FACILITY**

**UPON THE REQUEST OF THE TOWN CLERK, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:**

In the name of the Commonwealth of Massachusetts, the Town of Braintree, has the option, under M.G.L. Chapter 54, § 25B (o), of designating a Central Tabulation Facility for the processing and counting of early voting ballots. At the recommendation of the Braintree Board of Registrars the Braintree Town Council hereby designates Braintree Town Hall – Johnson Chambers as Braintree’s Central Tabulation Facility for early voting ballots. Further, the Central Tabulation Facility shall open at 7:00am on Election Day to begin processing early voting ballots in conformance with regulations promulgated by the Secretary of State.

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