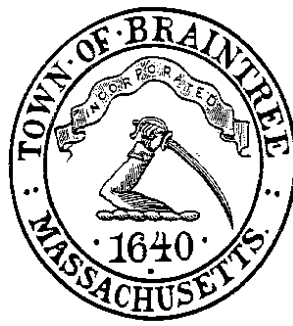


Meredith Boericke
President
District 5



Shannon L. Hume
At Large

David M. Ringius, Jr
At Large

Julia C. Flaherty
District 1

Charles B. Ryan
Vice President
At Large

Joseph Reynolds
District 2

Elizabeth Maglio
District 3

Stephen C. O'Brien
District 4

Lawrence C. Mackin, Jr.
District 6

OFFICE OF THE TOWN COUNCIL

Tuesday, FEBRUARY 7, 2023

MINUTES

A meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, February 7, 2023, beginning at 7:30p.m.

Council President Boericke was in the chair.

President Boericke asked for a moment of silence for our first responders and all those serving our military home and abroad.

Clerk of the Council, Susan M. Cimino conducted the roll call.

Present: Meredith Boericke, President
Charles Ryan, Vice President
Julia Flaherty
Shannon Hume (Remote)
Lawrence C. Mackin, Jr.
Elizabeth Maglio
Stephen C. O'Brien (Remote)
Joseph Reynolds
David M. Ringius, Jr.

Others: Nicole Taub, Chief of Staff
Ed Spellman, Finance Director
Melissa SantucciRozzi, Director of Planning & Community Development
Juliana Melchionda, resident
Robert Melchionda, resident
residents

ANNOUNCEMENTS

• 001 23 Council President: Charter Review Committee Update

Councilor Ringius stated the Charter has been in review pre-COVID and now we are back at it. The Charter is the document that guides us and how we govern ourselves here in town. One of the biggest things is to get resident input. We do have a meeting on Saturday, March 4, 2023 at 1pm here in Cahill Auditorium. Anyone can come in and offer their insights.

• 002 23 Councilor Ringius: Emily Lehane Recognition

Councilor Ringius stated Emily Lehane is a life-long Braintree resident. She has played soccer throughout the town and in various clubs over the years. She is currently a senior in Blue Hills Regional High School. Emily is now the all-time leading points leader in Blue Hills High School history.

A certificate was presented to Emily which read:

Braintree Town Council in Recognition of Emily Lehane...

Is recognized by the Braintree Town Council as the Blue Hills Regional High School All- Time Leading Scorer/Points Leader. Congratulations on your hard work and dedication. We wish you continued success in your future endeavors.

APPROVAL OF MINUTES

• December 6, 2022

Motion: by Councilor Ryan to Approve Minutes of December 6, 2022

Second: by Councilor Hume

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

• December 20, 2022

Motion: by Councilor Ryan to Approve Minutes of December 20, 2022

Second: by Councilor Hume

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

COMMUNICATIONS

• 003 23 Freddie Viola – CPR (mechanical device/CPR training)

Fire Lieutenant Freddie Viola and members of the Braintree Fire Department are in attendance: Lieutenant Warren Frederick, Tom Bowes, Jr. and Robbie Loud are our firefighter EMT's. Freddie Viola is the EMS Coordinator. His job is to ensure quality assurance, quality control for emergency medical services for the Fire Department and make sure the EMT paramedics get their recertification hours in as well. It is important residents know all our firefighters are EMT's. In an emergency call 9-1-1 right away. Last year we benefited from Earmark funds, and we bought equipment. We bought a machine called a Lucas CPR machine. This machine automatically does CPR. We can now carry a person on a backboard while this machine is still compressing their heart; never losing the life-saving compressions.

OLD BUSINESS

- **22 073 Planning Board: Zoning Bylaw Text Amendments related to Floodplain or take up any action relative thereto** (Public Hearing)

Council President Boericke asked for a Motion to Open the Public Hearing on Order 22 073

Motion by Councilor Ryan to Open Public Hearing for Order 22 073

Motion: by Councilor Ryan to Open the Public Hearing for Order 22 073

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

President Boericke asked for a recommendation from Councilor Ringius, Chairman of the Committee on Ordinance & Rules.

Chairman Ringius stated the Committee on Ordinance & Rules met on February 1, 2023 and voted unanimously for a favorable recommendation to the full Council with a 3-0 vote.

Council President Boericke asked if any member of the Council or General Public want to speak on Order 22 073?

Melissa SantucciRozzi, Director Planning & Community Development In February of 2021 the Town of Braintree was selected through FEMA's (Federal Emergency Management Associations) analysis tool to receive an official Community Assistance Visit (CAV) this year.

The CAV is a visit to a community by a state agency on behalf of FEMA; the visit serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations. Generally, a CAV consists of a tour of the floodplain areas, an inspection of community permit files, and meetings with local appointed and elected officials. The last time that Braintree experienced this type of visit was on August 14, 2002.

The Departments of Planning and Community Development, Municipal Inspections, DPW and Legal have been meeting with Joy Duperault, CFM - Director, Flood Hazard Management Program with the Department of Conservation & Recreation for most of 2021. Over the course of 2021, there have several been meetings, review/audit of floodplain files and permits issued by the Building Inspector, Conservation Commission and the Planning Board, discussions related to revisions to the FEMA Flood Maps and a full review of the Zoning Ordinance for compliance with FEMA.

Based on the CAV two (2) things need to happen in Braintree to stay compliant with the NFIP. First the Zoning Ordinance must be updated to include all the components of the FEMA Model Bylaw and second the FEMA Floodplain Map references need to be updated in the Ordinance. At this time the FEMA Model Bylaw is an available tool and the FEMA Floodplain Maps are still under review by various state and federal agencies.

The 100 year flood is a much more frequent occurrence now so they continue to update their regulations. It is also to ensure we continue to maintain our community rating system scoring which is over and above our floodplain ordinance that translates to a 15% discount on Braintree residents that get flood insurance. Our maps are being updated and that is a work in progress. There will be a future amendment to include the updated maps.

Councilor Ryan stated this is not an easy read but what we are doing is further protecting residents in the floodplain in the town of Braintree.

Melissa SantucciRozzi, Director Planning & Community Development stated this is mostly to protect residents when constructing something in the floodplain and how that needs to be elevated and the grading away from the foundation.

Councilor Maglio stated when you get the map, I would be interested in seeing that. Are there rebates from FEMA to homeowners if they raised their home or moved basement electrical up.

Director SantucciRozzi stated I will look into rebates but substantial improvement is if you increase just the dwelling by 50% you have to raise the home if in the floodplain.

For the GIS – the easiest way to access is to type GIS into the search bar at www.braintreema.gov

Council President Boericke asked if any member of the General Public wants to speak on Order 22 073? Hearing none.

Council President asked if there is Motion to Close the Public Hearing for Order 22 073.

Motion by Councilor Ryan to Close Public Hearing for Order 22 073

Motion: by Councilor Ryan to Close the Public Hearing for Order 22 073

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

Council President asked if there is Motion for Order 22 073.

Motion read by Councilor Ryan:

MOTION: That the Town Council vote to amend the Braintree Zoning Ordinances by accepting the Text Amendments related to Floodplain: §135-301 “Districts Established” and §135-608 “Floodplain Protection District” which adopt the pertinent sections of the FEMA Model Bylaw required to maintain compliance with the National Flood Insurance Program. The Zoning Text Amendments have been favorably recommended by the Planning Board as detailed in its report to the Town Council dated January 17, 2023. The Zoning Text Amendments read as follows:

1. Table of Contents

Amend Title of Section 135-608

Current: Wetlands and Floodplain Protection Districts to Proposed: Floodplain Protection District

2. Article III – Section 135-301 Establishment of Districts Amend the name of the district

Current: Wetlands and Floodplain Protection Districts to Proposed: Floodplain Protection District

3. Article VI – Section 135-608 Wetlands and Floodplain Protection District

- a. Amend the title of Section 135-608
Current: Wetlands and Floodplain Protection Districts to Proposed: Floodplain Protection District
- b. Delete existing Section 135-608 in its entirety and replace it with new text:

SECTION 135-608 FLOODPLAIN PROTECTION DISTRICT

The Floodplain Management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

A. PURPOSE

The Purpose the Floodplain Protection District is to:

1. Protect the health and safety of persons and property against one-hundred-year-frequency flooding and the hazard of water inundation;
2. Eliminate new hazards to emergency response officials;
3. Control one-hundred-year-frequency flooding and regulate the development of land and the construction of buildings and structures within the district;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.

B. DEFINITIONS

For the purpose of this Article, the following terms shall have the meanings indicated:

CRITICAL FACILITY: Those facilities for which even a slight chance of flooding could endanger public safety. Critical facilities include the following three categories:

- a) Facilities such as liquefied natural gas terminals and facilities which produce and/or store highly volatile, toxic or water-reactive materials.
- b) Hospitals, schools, nursing homes and other similar facilities where the safety of the occupants may be threatened by floodwaters.
- c) Those facilities which if flooded would cause the loss of irreplaceable public records or cause the loss of, or disruption to, utilities or emergency services.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY: The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE: a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE is any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]
5. For the purpose of this definition, snowmobiles, boats, and off-the-road vehicles shall be considered recreational vehicles.

REGULATORY FLOODWAY: See FLOODWAY

SPECIAL FLOOD HAZARD AREA: The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary

forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE: a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR, Massachusetts State Building Code 9th Edition.

VARIANCE: A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

C. DEFINITIONS OF FLOOD ZONES

ZONE A: an area of special flood hazard without water surface elevations determined.

ZONE A1-30 and ZONE AE: areas of special flood hazard with water surface elevations determined

ZONE AH: areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO: area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (*Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.*)

ZONE A99: area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X: areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (*Zone X replaces Zones B and C on new and revised maps.*)

ZONE V: area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area).

ZONE V1-30 and ZONE VE: area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area).

D. DISCLAIMER

The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.

E. SEVERABILITY

If any section, provision, or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

F. DESIGNATION

The Town of Braintree hereby designates the position of Director of Planning and Community Development, or their designee within the Department, to be the official floodplain administrator.

G. FLOODPLAIN DISTRICT

1. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Braintree designated as Zone A, AE, AH, AO, A99, V, or VE on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 6, 2021, or most recently enacted map as amended. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning and Community Development Department (Planning Board and Conservation Commission), Department of Municipal License and Inspections, and the Department of Public Works – Engineering Division.

2. In the absence of (1) above and if the SPGA determines that flooding exists the Floodplain Protection District boundary shall be 50 feet from any wetlands as defined in MGL c. 131. Wet meadows, marshes, swamps or bogs that have an area less than 1,000 square feet shall be exempt from this section.

3. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data, current or projected, available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

4. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

5. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Braintree's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

H. USES

1. For the purpose of this section, the Floodplain Protection District shall be considered to be overlaid on the other zoning districts.

2. No permit shall be issued for the construction of a critical facility within the special flood hazard areas (SFHAs) and/or five-hundred-year floodplain.

3. In the Floodplain Protection District, no building or structure shall be constructed, improved, altered or modified and no land shall be filled, excavated or otherwise changed in grade except pursuant to a special permit authorized by the SPGA. An alteration to an existing structure which does not affect flood storage or the floodway, as determined by the Planning staff, shall not require a special permit under this section as determined by the Director of Planning and Community Development or the SPGA.

4. All new buildings built on fill must be:

- a) Constructed on properly designed and compacted fill (e.g., ASTM D-698 or equivalent); and
- b) Fill extends at least five feet beyond the building walls before dropping below base flood elevation; and
- c) The fill has appropriate protection from erosion and scour.

5. Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

6. All new construction within Zone VE must be located landward of the reach of mean high tide.

7. All subdivision proposals must be designed to assure that:

- a) Such proposals minimize flood damage;
- b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) Adequate drainage is provided to reduce exposure to flood hazards.

8. When proposing subdivisions or other developments greater than 50 Lots or 5 Acres (Whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

I. APPLICATION FOR SPECIAL PERMIT

1. Each applicant for a special permit under this section shall file for a special permit in accordance with the provisions of **Article V** of this chapter and with any rules and regulations as may have been adopted by the SPGA. All applications for special permits shall be processed in accordance with the provisions of Article V of this chapter.

2. In addition to the submission requirements stipulated in Article V, the plan(s) submitted shall show:

- a) The location dimensions and elevation, based on North American Vertical Datum (NAVD 88), of existing and proposed buildings and structures;
- b) Existing and proposed contours at one-foot intervals of the land based on NAVD datum;
- c) A contour delineating the one-hundred-year-storm frequency elevation shall be distinctly designated;
- d) Other information deemed necessary by the SPGA to indicate the complete physical characteristics of the area and the proposed construction and/or grading.

J. CRITERIA FOR APPROVAL.

The SPGA may issue a Special Permit pursuant to this section provided the SPGA finds that:

1. All structures shall be elevated per the requirements of the most recent version of the MA State Building Code based on the Floodplain Zone designation;
2. The proposed construction and/or change in grade will not derogate from the intent and purpose of the Floodplain Protection District;
3. The proposed construction and/or change in grade will not endanger the health and safety of the public;
4. The proposed construction and/or change in grade shall not obstruct or divert flood flow or reduce natural storage or increase stormwater runoff to the extent of raising the base flood elevation. Written certification of such shall be provided by a registered professional engineer;
5. The proposed system of drainage and sewage disposal shall not cause pollution or otherwise endanger public health;
6. The proposed structures shall be constructed to counteract any buoyancy or water impacts;
7. The proposed construction shall have street or other appropriate vehicular access at least one foot above the base flood elevation.

K. CONDITIONS OF PERMIT

In granting a Special Permit consistent with uses permitted in the district in which the site is located, The SPGA shall impose conditions designed to:

1. Safeguard the health and safety of occupants of the premises and of other land in and adjacent to the district;
2. Ensure that the requirements of all local, state and federal government agencies that will be necessary in order to carry out the proposed development in the floodplain overlay district have been met regarding, but not limited to, the following:
 - a) Placement of building or structure;
 - b) Type of foundation such as posts with blowout panels;
 - c) Elevation of floors;
 - d) Method of anchoring building to foundation;
 - e) Design of drainage system, including private sewage disposal work;
 - f) Occupancy of Buildings;

- g) Area and Depth of any excavation of fill;
- h) All floodproofing methods or proposals.

L. COMPLIANCE WITH OTHER REGULATIONS.

All development in the district including structural and nonstructural activities whether permitted by right or by special permit must be in compliance with the following (where applicable):

- 1. 780 CMR
Massachusetts State Building Code
Sections of which address floodplain and coastal high hazard areas.
- 2. 310 CMR 10.00
Wetlands Protection Regulations
MA Department of Environmental Protection
- 3. 310 CMR 13.00
Inland Wetlands Restriction
MA Department of Environmental Protection
- 4. 310 CMR 12.00
Coastal Wetlands Restrictions
MA Department of Environmental Protection
- 5. 310 CMR 15, Title 5
Minimum Requirements for the Subsurface Disposal of Sanitary Sewage
MA Department of Environmental Protection
- 6. Chapter 12.20
Wetlands
Braintree General Ordinance

M. RECREATION VEHICLES

In A1-30, AH, AE Zones, V1-30, VE and V Zones, all recreation vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

N. WATERCOURSE ALTERATIONS OR RELOCATIONS IN RIVERINE AREAS.

In a riverine situation, the Town of Braintree Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- 1. Adjacent Communities, especially upstream and downstream.
- 2. Bordering States, if affected.
- 3. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th Floor
Boston, MA 02114
- 4. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

O. VARIANCES TO BUILDING CODE FLOODPLAIN STANDARDS.

- 1. No Variances as outlined in 135-407 of the Braintree Zoning Ordinance shall be granted from the Braintree Zoning Ordinance related to community compliance with the NFIP.

2. The Town of Braintree shall request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
3. The Town of Braintree shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that;
 - a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.
 - b) Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

P. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High Street - 6th floor
Boston, MA 02110

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street
Boston, MA 02114

Motion: by Councilor Ryan to approve Order 22 073 as submitted

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

• **23 005 Mayor: Acceptance of Donations or take up any action relative thereto**

President Boericke asked for a recommendation from Councilor Reynolds, Chairman of the Committee of Ways & Means.

Chairman Reynolds stated the Committee of Ways & Means met earlier this evening and voted unanimously for a favorable recommendation to the full Council.

Nicole Taub stated the Town was recently contacted by the Laurie Melchionda Foundation (Foundation) to make a donation in memory of Laurie Melchionda. Specifically, they would like to donate \$15,000 to help furnish the South Middle School Nurse's Office with items including, but not limited to, a medical bed/couch, exam paper, cabinets, a sink, a refrigerator, a locked cabinet, a medicine cabinet with sliding bins, a privacy exam screen, a rolling stool, a computer desk, thermometer(s), stethoscope(s), a blood pressure machine, scale(s), first aid kit(s) and supplies, nebulizer(s), vision and hearing screening(s) and office supplies.

Additionally, the Foundation would like to donate 5 Automated External Defibrillators (AEDs) for deployment at Town Hall and throughout the Braintree Public Schools as needed.

The Foundation was established in memory of Laurie Melchionda, who tragically lost her life in Spring 2020. Laurie began her career in nursing at Boston Children's Hospital, where she worked for 35 years. While serving the greater Boston community, Laurie also brought her skill and passion to Braintree, where she served as a school nurse and Director of Nurses both here and in the Weston Public School System. Laurie also served as a member of the Board of Health for four years. Laurie served our community with great pride and always had the best interest of our students, colleagues, family and friends at heart. I can't thank the Foundation enough for this generous donation that will help continue Laurie's great legacy well into the future.

Nicole Taub stated I recognize her daughter Juliana and husband Bob who are here this evening.

Juliana Melchionda stated it is amazing the support we have received and it is an absolute honor to finally be giving back for all that you've shown for my family and I.

Councilor Ringius stated to Juliana and Mr. Melchionda thank you for being here tonight and for continuing the legacy Laurie brought to our town. I was lucky enough to serve with her on various committees/partnership and the passion she brought to every single endeavor she undertook it filled a room.

Motion read by Councilor Ryan

MOTION: That the Town of Braintree be and hereby is authorized, in accordance with Section 53A of Chapter 44 of the Massachusetts General Laws to accept the following gift upon the conditions attached and herein set forth:

DONOR	GIFT	PURPOSE
Laurie Melchionda Foundation	\$15,000	South Middle School Nurses Office
Laurie Melchionda Foundation	5 Automated External Defibrillators	Town Hall and Braintree Schools

Motion: by Councilor Ryan to approve Order 23 005

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

REPORT FROM COMMITTEE

- 003 23 Councilor Maglio: Committee on Community Planning

The Community Planning Committee met twice in 2022. The last time the committee met was in 2017, so our first meeting with Councilor Elizabeth Maglio as Chair, Councilor O'Brien as Vice-Chair, and Councilor Reynolds as Committee Member was to review the committee description. The purview of the committee is:

- to consider and report upon all matters relating to short-term planning and community renewal projects;
- as well as long-term community planning and visioning;
- and issues of sustainability and the environment.

Our meetings were conducted via Zoom, and attended by residents who were welcome to offer their comments and feedback during both meetings.

Discussions to date have stemmed from items that were referred to the committee. Specifically, the MBTA Multi-Family Housing Initiative, environmental sustainability to protect and leverage our public open spaces here in Braintree, and an interest in hearing from traffic experts on best practices for overall traffic calming and bike safety. We were fortunate to have the Director of the Planning Department (Melissa Santucci-Rozzi) and the Assistant Town Solicitor (Crystal Huff) join us during our December meeting to provide a comprehensive update of the town's efforts to stay in compliance on the MBTA initiative.

We look forward to continued meetings as we enter 2023.

Respectfully submitted, Elizabeth Maglio, Chairperson

NEW BUSINESS

Councilor Ryan read the following referrals to Committees:

Refer to the Committee on Ordinance & Rules

- 23 004 Braintree Property Associates, Limited Partnership; SSP 131 Lakeside, LLC; SSP 135 Lakeside, LLC – Section 135-612 - Zoning Map and Zoning Ordinance Text Amendment - Creation of a PUD District - Residences on Granite or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 23 004 to the Committee on Ordinance & Rules

Second: by Councilor Ringius

Vote: For (8 – Boericke, Flaherty, Hume, Mackin, Maglio, Reynolds, Ringius, Ryan),
Against (1 – O'Brien), Absent (0), Abstain (0)

- 005 23 Councilor Maglio: Rodent (Rat) Ordinance or take up any action relative thereto

Motion: by Councilor Ryan to refer item 005 23 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O'Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

Refer to the Committee on Ordinance & Rules (continued)

- 006 23 Councilor Maglio: ADA/Accessibility Ordinance or take up any action relative thereto

Motion: by Councilor Ryan to refer item 006 23 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

- 007 23 Councilor Maglio: LGBTQ+ Pride Ordinance or take up any action relative thereto

Motion: by Councilor Ryan to refer item 007 23 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

Refer to the Committee of Ways & Means

- 23 006 Mayor: Re-Appointment - Braintree Local Cultural Council, H. Emily Ego or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 23 006 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

- 23 007 Mayor: Re-Appointment - Braintree Local Cultural Council, Jennifer Lynn or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 23 007 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

- 23 008 Mayor: Re-Appointment - Braintree Local Cultural Council, Anne Stuart or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 23 008 to the Committee of Ways & Means

Second: by Councilor Ringius

Vote: For (9 – Boericke, Flaherty, Hume, Mackin, Maglio, O’Brien, Reynolds, Ringius, Ryan),
Against (0), Absent (0), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting is scheduled on: [Tuesday, February 28, 2023@7:30PM](#)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:54p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Recording of meeting found at: <https://www.youtube.com/bcamtv>