



Braintree Town Council
Committee on Community Planning
One JFK Memorial Drive
Braintree, Massachusetts 02184

MEMBERS

Elizabeth Maglio, Chairwoman
Stephen C. O'Brien, Vice Chairman
Joseph Reynolds, member

June 27, 2023
MINUTES

A meeting of the Committee on Community Planning was held via Zoom Webinar on Tuesday, June 27, 2023 at 6:00p.m.

Councilor Elizabeth Maglio, Chairwoman was in the Chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: Elizabeth Maglio, Chairwoman
Stephen C. O'Brien, Vice-Chairman
Joseph Reynolds, member

Also Present: Margaret Laforest, Chief of Staff
Crystal Huff, Town Solicitor
Melissa SantucciRozzi, Director of Planning & Community Development
Jim Arsenault, DPW Director
John Thompson, Asst DPW Director/Town Engineer
Sharmila Biswas, Director Elder Affairs
Lou Dutton, Superintendent Water & Sewer
John Fabiano, resident
Jim Guiliano, resident

APPROVAL OF MINUTES

• **September 12, 2022**

Motion: by Councilor O'Brien to Table minutes of September 12, 2022

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, O'Brien, Reynolds), Against (0), Absent (0), Abstain (0)

• **December 20, 2022**

Motion: by Councilor O'Brien to Table minutes of December 20, 2022

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, O'Brien, Reynolds), Against (0), Absent (0), Abstain (0)

OLD BUSINESS

- **041 22 Councilor Maglio: Multi-Family Zoning Requirements for MBTA Communities or take up any action relative thereto**

Chairwoman Maglio asked if there was a Motion to Take off the Table item 041 22.

Motion: by Councilor O'Brien to take off the Table item 041 22

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, O'Brien, Reynolds), Against (0), Absent (0), Abstain (0)

Chairwoman Maglio stated I would like to get a brief status update on each of these items. Director SantucciRozzi stated we submitted our interim compliance forms in January 2023 and we are in compliance until the end of 2023. At that time we will need to document to the state that the Council has in fact accepted our proposed MBTA Zoning. What I have been doing over the past couple of months is putting together materials to be submitted to our technical assistance partners at RKG. What they are doing is testing these proposed districts. I am putting together some basic parameters. To see if we can get to the magic number of 3,769 dwellings. What we do is look at projects already permitted and constructed. One being the landing and the other area being around the red line station, that will work with our current built environment.

Councilor O'Brien asked is the consultant considering this because we are not in compliance? Director SantucciRozzi stated no we are not in compliance.

Councilor O'Brien asked does the Council have the dollar amount/funds we will lose if we reject this? Director SantucciRozzi stated first the answer is yes because annually \$300,000 gets funded to the Housing Authority. The next part of your question is no. My partners here, John and Jim are the wing of municipal government that puts in for mass works grants. We are not able to forecast right now what a grant could be in a year or 2 and what the cost of that particular work could be in a year or 2.

Councilor O'Brien asked for clarification on what the mass grants were for and the dollar amounts. John Thompson stated I will verify but I believe the mass works grant was \$2.5 million and the Federal earmark that was received was close to \$3 million. Councilor O'Brien stated going around town people are upset about this but \$2million and \$3 million changes the game and the fact that we would no longer be eligible for those.

Councilor Reynolds asked what other funding could potentially be nullified if we were not to follow the guidelines of the MBTA Community. Director SantucciRozzi stated it would be the mass works and the one stop.

Crystal Huff, Town Solicitor stated there has been additional letters from Attorney General Andrea Campbell who basically stated that any other state funding that we could potentially be eligible for would be put at risk, put in jeopardy if we were not to comply with the MBTA Communities. The Attorney General also said she would take legal action against any town that does not comply.

Councilor Reynolds asked when the next compliance date is?

Melissa SantucciRozzi, Director of Planning & Community Development stated December 31, 2023 when our zoning needs to be signed, sealed and delivered.

Councilor Reynolds asked would that be the completion of our zoning essentially.

Melissa SantucciRozzi replied yes.

Chairwoman Maglio stated it seems like this option is no longer an option. It sounds like its pretty significant to get cities/towns to comply.

John Fabiano, resident stated I think we should comply with these MBTA guidelines or find a way to get rid of the MBTA stop.

Motion by Councilor O'Brien to table item 041 22 to a future meeting

Motion: by Councilor O'Brien to table items 041 22 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

NEW BUSINESS

• 043 23 Councilor Maglio: Master Plan Steering Committee Update or take up any action relative thereto

Chairwoman Maglio asked what was coming down the pipe next.

Director Santucci Rozzi stated we concluded our road show. We hit up 15 groups in town. That was part of our Phase 3: Achieving Braintree Tomorrow. We have created our vision and core themes and now we are down to strategies and ideas. To create what the community would like to see. There is a Master Plan website and portal where you can provide feedback. It will eventually get put all together in a Master Plan book.

John Fabian, resident asked if the Mayor attended any of these meetings?

Director SantucciRozzi stated yes he has and he has spoken at them as well.

Motion by Councilor O'Brien to table item 043 23 to a future meeting

Motion: by Councilor O'Brien to table items 043 23 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

• **020 23 Council President: Green Communities - Braintree Energy Reduction Plan or take up any action relative thereto**

Margaret Laforest, Chief of Staff stated I did meet with President Boericke previous to this. I will be meeting with Facilities DPW teams to give a real review the Green Communities. We would like to provide you a deeper update on a future day.

Councilor O'Brien asked about the street lights and if the town/BELD owns them all?

Director Arsenault stated the vast majority of lights are maintained by BELD but there are some street lights within the vicinity of town hall that we maintain.

Councilor O'Brien commented BELD should be involved because they are pretty significant here.

Councilor O'Brien commented he asked former Superintendent Hackett for a NORESCO update and never received it.

Councilor Reynolds is wondering about the Green Communities Committee as a goal stated in the draft plan. What will that make up of committee consist of? Does BELD have a seat?

Director Arsenault stated BELD is involved. The big companies like Eversource etc have to pay into a fund to help pay for improvements and energy reductions.

Director Arsenault stated Mike McGourty, Facilities Director is very diligent at getting reductions to costs. It is a very complicated criteria to get the funds and get the process initiated. It is a long process.

Margaret Laforest stated we thought this was going to be tabled to another meeting so Mike McGourty can be here. He and his team have spent time on energy reduction items applicable to this plan.

Councilor Reynolds stated I am concerned there is not enough funding dedicated to this plan.

Chairwoman Maglio asked when the original funds need to be spent by.

Margaret Laforest stated she is unaware of this. It was my intention this evening was not to discuss this topic.

Chairwoman Maglio stated it would be good to get an update after the interal meeting you have in July.

Motion by Councilor O'Brien to table item 020 23 to a future meeting

Motion: by Councilor O'Brien to table items 020 23 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

• **039 23 Councilor Maglio: Holland Project Status or take up any action relative thereto**

Crystal Huff, Town Solicitor stated the Holland appeal is the combination of two decisions from the Zoning Board denying comprehensive permits under Chapter 40B. One for eight townhouses and the other for a 70 unit apartment building at 383 Washington Street. We recently received the Superior Court decision in the combined cases the Superior Court upheld the housing appeals committee decision overruling the ZBA, which is unfortunate. The Town has taken further steps for further appeal up to the Massachusetts appeals court for further review. We are looking at a fairly lengthy process.

Councilor O'Brien stated thank you for all your work on this.

Chairwoman asked when did this start?

Solicitor Huff stated 2017.

Motion by Councilor O'Brien to table item 039 23 to a future meeting

Motion: by Councilor O'Brien to table items 039 23 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

• **040 23 Councilor Maglio: Penniman Park Status or take up any action relative thereto**

John Thompson, Asst DPW Director/Town Engineer stated this project is still in a state of pause. We have heard concerns about the size of the parking lot from residents. We also have a stormwater grant issued to the Town from the DEP. We have this consultant to assist us in looking at the Elder Affairs site as a whole. To potentially add more recreation. To have a robust public process we are reaching out to the neighborhood and work with the Council on Aging. Hopefully to land on a plan that everyone is happy with that we can construct and be proud of. We are still working on details with the design engineer so I don't have a lot of details yet. We would like to begin the public process some time in the fall. Looking to get shovels in the ground and complete next spring.

Chairwoman Maglio asked the name of the design firm.

John Thompson replied Niche Engineering.

Sharmila Biswas, Director of Elder Affairs stated the parking lot has been really good to the community I serve. They come and park safely and get out of the car safely and drive away safely. We don't have to cancel events just to accommodate for parking. We don't have to go out and direct traffic like we used to.

Councilor Reynolds stated there needs to be a balance with the Council on Aging clientele and with recreation and green space needs of the neighborhood at Penniman Park. What areas will the Stormwater project impact?

John Thompson replied the intent is to construct a Stormwater Best Management Practices (BMP) or bio retention area that will treat the stormwater both from the site and upstream of the site and ultimately treat the water before it runs into the Monatiquot river. The area is right behind the building between the parking lot and the botche courts.

Councilor Reynolds asked is this an open basin?

John Thompson replied yes it is.

Councilor Reynolds stated so it would require surface area to be used so it would not be available for other types of use. What is the size?

John Thompson stated probably a little bigger than a basketball court.

Councilor Reynolds asked what scope of work will the consultants do.

John Thompson stated we will be asking them to do some sort of parking needs analysis. We want to make sure the Council on Aging needs are met but also be sensitive to the fact that we would like to free up some space if we could. What we are doing now is design several conceptual plans.

John Fabiano stated it feels like the neighborhood is pitted against the Council on Aging. Will the parking lot be ADA compliant?

John Thompson stated the current parking lot was not topped with the final layer and therefore not yet completed as ADA compliant.

Jim Guiliano, resident stated I have been involved in the park and a lot of the conversations you had here we have had the same conversations a year ago. There was not a good plan here from the very beginning. When you talk about construction next spring is that only for the drainage?

John Thompson stated we would like to come up with a plan that is cohesive for the entire site.

Jim Guiliano, resident stated this will not get done in a large group. It takes a small group. It needs to fit the Council on Aging and the interest of the community. The only one not included in this inclusive community we live in is the community. The town has done what they wanted. I will give everyone here my cell phone. I will help you. I'm loaded with great ideas. There are a lot of kids that use that playground. It is probably the worst playground in town. There are no picnic table and only one trash barrel up in the parking lot. A lot of trash being left behind.

Motion by Councilor O'Brien to table item 040 23 to a future meeting

Motion: by Councilor O'Brien to table items 040 23 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

• **041 23 Councilor Maglio: Sewage Outflow Status or take up any action relative thereto**

Lou Dutton stated we are in our year 10 construction and year 11 investigation. We are in our third year of smoke testing which is underway. Modeling phase 1 completed that shows a lot of factors that are contributing to the problems. We can eliminate the problem at Jay Street by raising that structure up 2 feet. We are going to do that as soon as possible. The SSO's frequency has lessened. We have had a few storms with no issues whatsoever. We added level sensors in the manhole structures that notify us if anything is going on. With the inflow work we have been doing, we have noticed a reduction in our MWRA cost. This shows we are removing I&I and inflow but we have a lot of work to do.

John Thompson stated to let it flow out naturally instead of pumping then you are releasing the absolute minimum to the environment.

Councilor Reynolds asked where the outflow is located.

Superintendent Dutton stated at the river bank by the old BELD station is correct.

Councilor Reynolds asked about the Jay Street manhole.

John Thompson stated that manhole needs to be raised to prevent the overflow from happening.

Director Arsenault stated this discharge happens about 2-3 times a year. It is not constant. Every discharge is not acceptable but I wanted to let you know this.

Chairwoman Maglio stated with the Jay Street raised manhole this would just mean the outflow would eventually happen not just in that wooded area.

I am concerned about the impact on the already toxic water that it is entering where there is so many efforts to try and clean up the area and we're investing all this money at Watson Park, we have smelt ladders, but that doesn't really counter the negative impacts of sewage that's being pumped in.

Are there promising studies, ideas, efforts to try to mitigate the impact of that going into the water?

John Thompson stated unfortunately I don't think there is a lot you can do to mitigate that with the tides, flows and impacts to the bacteria levels. The bacteria levels go away over time with dilution and that is how its mitigated.

John Thompson stated the Board of Health during these events in Spring/Summer will have expanded water sampling to make sure Smith Beach or recreational areas are closed until we can return clean samples.

Chairwoman Maglio asked what happens when the alarms go off?

Superintendent Dutton stated when alarms go off and we know that we're going to start overflowing we have a list of notifications that have to go out immediately. This includes EPA, DEP, Fisheries, Marybeth so she can do what she needs to down in the Smith Beach area.

Director Arsenault stated this is a State requirement that within 2 hours we notify and follow up until the discharge stops.

Chairwoman Maglio asked if there is netting to dredge some out or filtering.

Director Arsenault stated it is at a point it is already turned up quite a bit called grey water. You don't see something solid there. It is still a contaminate. It would be very difficult to treat.

Chairwoman Maglio stated signage is important. People don't know its illegal to swim or fish or crab at the end of the Fore River and at Smith Beach. When Smith Beach is tested the area down at the end of Glenrose is not and no one would know that its an even higher level of bacteria than normal. The mayor agreed on signage.

John Thompson stated in his office Hilary Waite had a conversation with the Division of Fisheries and stated there recommendation with the level of events that were happening did not rise to the point where we should be having that signage there permanently. We would encourage people to subscribe to the alerts we put on the town website. Under the new DEP requirements for SSO reporting we do need to make early and repeated alerts that go to the website and when there is an alert you will get an email.

Chairwoman Maglio stated I remember the discussion of signage to state it is illegal not just related to the outflow at events but in general always that fishing is not allowed there. Or that you fish at your own risk or that there's high levels of toxins there.
Isn't it illegal to fish there?

John Thompson stated I am not sure if it is illegal if you have a license. I will follow-up with Ms. Waite.

Chairwoman Maglio stated I think there are ways to put up nice signs to let people know that this is really not inappropriate place. In addition I don't know people are really going to go to the website to subscribe for alerts. Anything that gets alerted at Smith Beach should also be posted as a temporary one as well as a general caution

John Thompson stated I think in that vicinity of the electrical lines is actually private property. We do have signage that is erected when Smith Beach is closed and once samples come back clean the signage is removed. I don't know how we can signage on private property.

Motion by Councilor O'Brien to table item 041 23 to a future meeting

Motion: by Councilor O'Brien to table items 041 23 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

• **042 23 Councilor Maglio: Emergency Evacuation Plan Status or take up any action relative thereto**

Chairwoman Maglio read a statement from Margaret Laforest, Chief of Staff.

The Braintree contingency which consists of Chief of Staff Laforest, Chief O'Brien, Captain Pistorino, Braintree Police Department Wallace, BEMA Rob Millett attended a regional tabletop exercise hosted by the City of Quincy Emergency Management department and facilitated by Tetra Tech on May 9, 2023. This exercise was funded with federal grant money Mayor Kokoros held held a meeting with MEMA on May 17, 2023 with Laforest, O'Brien, Pistorino, Dubois, Cahoon and Millet to discuss their new community Emergency Management plan (CEMP) template and our planned updates are underway. They advised of resources to contact all cell phones in a specific area at a designated time to communicate during emergency situations and how and when a municipality can utilize. Mass Maritime has also offered to be a resource for the town and a meeting is being scheduled. The City of Quincy is working on creating a multi-judicial emergency response plan for all of the facilities in the Fore River Basin that currently possess hazardous materials. Braintree facilities are providing information to be included. Laforest met with Quincy, Ali Sleeman on June 27, 2023 to discussed their draft document which will be provided to Braintree upon completion.

Councilor O'Brien stated we need more details and more data. Why we wait until we have an emergency and then all of a sudden something like this becomes important. Maybe the Hazardous Mitigation Plan needs to come back before the Council for review since it was done in 2019.

Councilor Reynolds stated as it pertains to the Clean Harbors Fire there are real examples of how we could have responded better. I was Chief of Staff when we put out the 2019 Hazardous Mitigation Plan. This Evacuation Planning is the first step. Whats the next steps? What is actually tangible that can give the people of Braintree a level of confidence that they can be protected when something more dangerous happens.

Chairwoman Maglio stated I have been looking for a plan for 4 years now. The fact there was a Hazardous Mitigation Plan in 2019 and then Enbridge built a compressor station and nobody thought to update the plan is just irresponsible, appalling and basically writing off an entier part of this community. There really is no saving us if one of these things was going to blow. Luckily the Clean Harbors fire was a huge near miss. We can recover and learn from that and do better. I hope this will result in something and not to just check it off a list. The new robo call system was brought up at a meeting at East Middle School. The first question was is it multi-lingual? Does it connect to home or cell phones? How do you get the cell phone numbers? The answers being – I don't know. It is still in the talking stage and it should be a huge priority.

Motion by Councilor O'Brien to table item 042 23 to a future meeting

Motion: by Councilor O'Brien to table items 042 23 to a future meeting

Second: by Councilor Reynolds

Roll Call Vote: For (3 – Maglio, Reynolds, O'Brien), Against (0), Absent (0), Abstain (0)

<https://www.youtube.com/watch?v=zTv3l1DrvpQ>

It was unanimously voted to adjourn the meeting at 8:48p.m.

Respectfully submitted,

Susan M. Cimino, Clerk of the Council