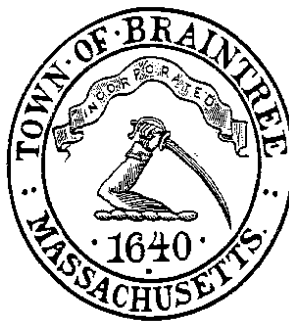


Meredith Boericke
President
District 5

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, AUGUST 1, 2023

MINUTES

A Meeting of the Town Council, was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, August 1, 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
Lawrence C. Mackin, Jr.
Elizabeth Maglio
Stephen C. O'Brien (Remote)
Joseph Reynolds
David M. Ringius, Jr.

Others: Margaret Laforest, Chief of Staff
Melissa SantucciRozzi, Director Planning & Community Development
Frank Collins, Pond Meadow Pond
Brion Keefe, Pond Meadow Pond

ANNOUNCEMENTS

- 048 23 Council President: School Supply Drive

The Delta Lodge is hosting a back to school drive during the month of August. They are accepting school supplies of all kinds. You can call 508-649-8125 to arrange a drop off.

President Boericke thanked Chief Mark Dubois for his leadership in the Braintree Police Department. We wish him the very best in his new endeavors.

President Boericke announced from Town Clerk James Casey that the tentative preliminary that were scheduled for September 19, 2023 will not be held pursuant to section 7-3 C of the Braintree Town Charter: Not more than two statements have been filed with the Town Clerk for the Office of Mayor. The Regular Town Election will be Tuesday, November 7, 2023. For any other positions on the ballot the last day to pick up nomination papers is Friday, September 15th at 5pm.

Applications to Vote By Mail are available on line or visit the Town Clerk's office.

The last day to register to vote for the November 7th Election is Friday, October 27th at 5pm. If you are not sure if you are registered check with the Town Clerk's office 781-794-8240.

President Boericke announced save the date for our Community Heroes Awards on Wednesday, September 13, 2023 at 6pm. This is always a great and uplifting evening.

Councilor Hume announced the 13th annual Nelson Chin Golf Tournament to be held on Friday, October 13, 2023.

Councilor Maglio announced the DEP has issued the authorization for Clean Harbors continue to do all of the work that they had been doing prior to their fire in one of their trailers.

APPROVAL OF MINUTES

- April 25, 2023

Motion: by Councilor Ryan to approve Minutes of April 25, 2023

Second: by Councilor Hume

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

OLD BUSINESS

- **23 041 Braintree Planning Board: Proposed Zoning Bylaw Text Amendments Section 135-102 Definitions (Production Studio/Brewery with Tap Room/Brewery Production) or take up any action related thereto (Public Hearing)**

Council President Boericke asked for a Motion to Open the Public Hearing on Order 23 041

Motion by Councilor Ryan to Open Public Hearing for Order 23 041

Motion: by Councilor Ryan to Open the Public Hearing for Order 23 041

Second: by Councilor Hume

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

Council 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 last week and voted unanimously for a favorable recommendation to the full Council on Order 23 041.

Council President Boericke asked if any member of the Council or anyone from the Mayor’s staff want to speak on Order 23 041?

Melissa SantucciRozzi explained the proposed zoning amendments that contain definitions for the following uses:

Production Studio

A full-service enterprise offering the entire range of production and post-production services necessary to create a motion picture and all other forms of movie, television and streaming material, including costumes, props, cameras, sound recording, crafts, sets, lighting, special effects, dressing and bathing facilities and food service.

Brewery with Tap Room

An establishment that produces and packages alcoholic and non-alcoholic ales, beers, hard ciders, and/or other craft beverages to be purchased, served and consumed on-site and off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. Brewery Production Tours and Tastings are allowed to be served and consumed on site. Service of craft beverages must be in conjunction with and provide for the service of food (in house or mobile).

Brewery Production

An establishment that produces ales, beers, hard ciders, and/or other crafty beverages to be consumed off-site. Retail and wholesale sales of beverages for off-site consumption is permitted in keeping with the codes and regulations of the Town of Braintree and State of Massachusetts. On-site service and consumption is allowed only for Brewery Production Tours and Tastings.

We also provided the Use Table to go along with the various proposed uses.

Function/Conference Facility

An establishment that contains rooms and spaces both Indoor and Outdoor, which is available for rent or lease by the public for the holding of banquets, meetings, conferences, receptions, parties, or other similar events

Amend Section 135-601 Table of Principle Uses (add the following new uses):

Use:	RA	RB	RC	C123	GB	HB	C	osc	BWLD
Production Studio	NO	NO	NO	NO	NO	YES	YES	NO	NO
Brewery with Tap Room	NO	NO	NO	NO	SP	YES	YES	NO	SP
Brewery Production	NO	NO	NO	NO	NO	YES	YES	NO	NO
Function/Conference Facility	NO	NO	NO	NO	NO	SP	SP	NO	NO

Amend Section 135-806 Schedule of Off-Street Parking Requirements (to add the following Parking Requirements)

Use:	Parking Requirement
Production Studio	1 Parking Space per 700 Sq. Ft.
Brewery with Tap Room	Production Area: 1 Parking Space per 1,000 Sq. Ft. Tap Room: 1 Parking Space per 3.5 Seats
Brewery Production	Production Area: 1 Parking Space per 1,000 Sq. Ft. Dedicated Tasting Area: 1 Parking Space per 500 Sq. Ft.
Function/Conference Facility	To be set by the Planning Board per 135-806B

President Boericke asked how the Widow Maker got permitting.

Director SantucciRozzi stated they were permitted as light manufacturing at the time they were manufacturing alcoholic beverages.

Director SantucciRozzi stated more uses make us more attractive to a business coming to the community.

Council President Boericke asked if any member of the general public want to speak on Order 23 049?
Hearing none.

Council President Boericke asked if there is Motion to Close the Public Hearing for Order 23 041.
Motion by Councilor Ryan to Close Public Hearing for Order 23 041

Motion: by Councilor Ryan to Close the Public Hearing for Order 23 041

Second: by Councilor Hume

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

Council President Boericke asked if there is Motion for Order 23 041.
Motion read by Councilor Ryan:

Motion: To amend Section 135-102 Definitions as submitted

Motion: by Councilor Hume to approve Order 23 041

Second: by Councilor Ryan

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

• **23 042 Braintree Planning Board: Proposed Zoning Bylaw Text Amendments Section 135-601 Table of Principle Uses or take up any action related thereto (Public Hearing)**

Council President Boericke asked for a Motion to Open the Public Hearing on Order 23 042
Motion by Councilor Ryan to Open Public Hearing for Order 23 042

Motion: by Councilor Ryan to Open the Public Hearing for Order 23 042

Second: by Councilor Hume

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

Council 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 earlier this evening and voted unanimously for a favorable recommendation to the full Council on Order 23 042.

Council President Boericke asked if any member of the Council or anyone from the Mayor’s staff want to speak on Order 23 042?

Council President Boericke asked if any member of the general public want to speak on Order 23 049?
Hearing none.

Council President Boericke asked if there is Motion to Close the Public Hearing for Order 23 042.

Motion by Councilor Ryan to Close Public Hearing for Order 23 042

Motion: by Councilor Ryan to Close the Public Hearing for Order 23 042

Second: by Councilor Hume

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

Council President Boericke asked if there is Motion for Order 23 042.

Motion read by Councilor Ryan:

Motion: To amend Section 135-601 Table of Uses as submitted

Motion: by Councilor Ryan to approve Order 23 042

Second: by Councilor Hume

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

• **23 043 Braintree Planning Board: Proposed Zoning Bylaw Text Amendments Section 135-806 Schedule of Off-Street Parking Requirement or take up any action related thereto** (*Public Hearing*)

Council President Boericke asked for a Motion to Open the Public Hearing on Order 23 043

Motion by Councilor Ryan to Open Public Hearing for Order 23 043

Motion: by Councilor Ryan to Open the Public Hearing for Order 23 043

Second: by Councilor Hume

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

Council 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 earlier this evening and voted unanimously for a favorable recommendation to the full Council on Order 23 043.

Council President Boericke asked if any member of the Council or anyone from the Mayor’s staff want to speak on Order 23 043?

Council President Boericke asked if any member of the general public want to speak on Order 23 049? Hearing none.

Council President Boericke asked if there is Motion to Close the Public Hearing for Order 23 043.

Motion by Councilor Ryan to Close Public Hearing for Order 23 043

Motion: by Councilor Ryan to Close the Public Hearing for Order 23 043

Second: by Councilor Hume

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

Council President Boericke asked if there is Motion for Order 23 043.

Motion read by Councilor Ryan:

Motion: To amend Section 135-806 Schedule of Off-Street Parking Requirements as submitted

Motion: by Councilor Ryan to approve Order 23 043

Second: by Councilor Hume

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

- **23 049 Mayor: CPC Appropriation - Smelt Brook Restoration Study, 2023 Addendum, FY23 CPA Application or take up any action relative thereto (Public Hearing)**

Council President Boericke asked for a Motion to Open the Public Hearing on Order 23 049

Motion by Councilor Ryan to Open Public Hearing for Order 23 049

Motion: by Councilor Ryan to Open the Public Hearing for Order 23 049

Second: by Councilor Hume

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

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

Chairman Ringius stated the Committee of Ways & Means met and voted unanimously for a favorable recommendation to the full Council on Order 23 049.

Council President Boericke asked if any member of the Council or anyone from the Mayor’s staff want to speak on Order 23 049?

Margaret Laforest, Chief of Staff explained this will be the first smelt ladder of its kind in the country. Director SantucciRozzi stated this design goes through multiple state and federal reviews. This is for additional design funds.

At their June 12, 2023 meeting, the Community Preservation Committee voted to RECOMMEND the Town Council appropriate CPA funding in the amount of \$12,500.00 for the "Smelt Brook Restoration Study- 2023 Addendum" project from the Open Space Fund.

The Smelt Brook Local Protection Project (LPP), which includes a small dam (Pond Meadow Park Dam), perched culvert and drop conduit within lower reaches of Smelt Brook has negatively affected fish passage within the Fore River watershed. The Smelt Brook LPP created physical barriers to migratory fish; in particular, rainbow smelt (*Osmerus mordax*). Rainbow smelt are a federally listed Species of Concern due to their declining population, and the Fore River Watershed is part of a Federal/State collaborative effort to restore rainbow smelt spawning habitat within New England region.

The original project "Smelt Brook Restoration Study" was approved under Town Council Order 18-056 on October 2, 2018 and totaled \$65,500. At that time, the Town of Weymouth also provided a cost share of \$65,500 for the project, matching \$131,000 in federal funding for a project total of \$262,000. In 2022, an

additional \$15,000 in design funding was approved under Town Council Order 22-038, also matched by Town of Weymouth and federal funds bringing the total project budget to \$322,000.

This 2023 Addendum was necessitated by streamflow volumes that were higher than previously known requiring additional study and design. Specifically, the proposed fish ladder increases the potential for flooding and three feet of additional height are needed on the wing walls of the existing stilling basin.

The additional Community Preservation Act funding will allow the WBRRCD, in concert with the ACOE, to complete the environmental review, detailed project report and environmental assessment for the preferred alternative, a required precursor to any additional federal funding for final design and construction.

President Boericke asked when the construction will begin.

It was stated around January 2025. There are a lot of regulatory and also need to schedule around the spawning when the construction can happen.

Council President Boericke asked if any member of the general public want to speak on Order 23 049? Hearing none.

Council President Boericke asked if there is Motion to Close the Public Hearing for Order 23 049.

Motion by Councilor Ryan to Close Public Hearing for Order 23 049

Motion: by Councilor Ryan to Close the Public Hearing for Order 23 049

Second: by Councilor Hume

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

Council President Boericke asked if there is Motion for Order 23 049.

Motion read by Councilor Ryan:

Motion: In accordance with the provisions of MGL c.448, and with the recommendation of the Community Preservation Committee, the amount of \$12,500.00 to be expended from the Open Space Fund for the Smelt Brook Restoration Study - 2023 Addendum (Assessors Map 3005, Plot 25); said funding to be supervised and expended under the direction of the Community Preservation Committee/Director of Planning and Community Development.

Motion: by Councilor Ryan to approve Order 23 049

Second: by Councilor Hume

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

NEW BUSINESS

- **049 23 Council President: Powers & Sullivan Audit Review - FY2022** (*scheduled for September 5, 2023*)

Refer to the Committee of Ways & Means

- 23 052 Mayor: Appointment – Timothy Cohoon, Braintree Police Chief or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 23 052 to the Committee of Ways & Means

Second: by Councilor Hume

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, Reynolds, Ringius, Ryan),
Against (0), Absent (2- Mackin, O’Brien), Abstain (0)

Refer to the Committee on Ordinance & Rules

- 23 053 Mayor: Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan or take up any action relative thereto

Motion: by Councilor Ryan to refer Order 23 053 to the Committee on Ordinance & Rules

Second: by Councilor Hume

Vote: For (7 – Boericke, Flaherty, Hume, Maglio, Reynolds, Ringius, Ryan),
Against (0), Absent (2- Mackin, O’Brien), Abstain (0)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting is scheduled for a Special Meeting on: [Tuesday, August 22, 2023@7:00PM](#)
and our next regular meeting will be [Tuesday, September 5, 2023 at 7:30pm](#)

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:15p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

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