

Charles B. Ryan
President
At Large

Sean E. Powers
At Large

Shannon L. Hume
At Large

Thomas W. Whalen
District 2

Thomas M. Bowes
District 3



CHARLES C. Kokoros
Vice President
District 1

Stephen C. O'Brien
District 4

David M. Ringius, Jr.
District 5

Timothy P. Carey
District 6

OFFICE OF THE TOWN COUNCIL

September 3, 2019 MINUTES

A meeting of the Town Council was held in the Cahill Auditorium, Braintree Town Hall, on Tuesday, September 3, 2019 beginning at 7:30p.m.

Council President Ryan was in the chair.
Clerk of the Council, Susan Cimino conducted the roll call.

Present: Charles B. Ryan, President
Charles C. Kokoros, Vice President
Thomas M. Bowes
Timothy P. Carey
Stephen C. O'Brien arrived at 7:33pm
Sean E. Powers
David M. Ringius, Jr.
Thomas W. Whalen

Not Present: Shannon L. Hume

Also Present: James Arsenault, DPW Director
Susanne Hamilton, ZWG Chairperson
Robert S. Harris, Braintree Historical Commission
Residents: Jill Coyle, Linda Kopkind, Liz Page

APPROVAL OF MINUTES

• July 16, 2019

Motion by Councilor Kokoros to Approve Minutes of July 16, 2019

Motion: by Councilor Kokoros to Approve Minutes of July 16, 2019

Second: by Councilor Powers

Vote: For (8 – Bowes, Carey, Kokoros, O'Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,), Abstain (0)

COMMUNICATIONS

- 035 19 Council President: Zoning Working Group – Update

Susanne Hamilton, Chairperson for the Zoning Working Group gave an update. Ms. Hamilton stated this group started in May and since then has met 8 times. This is a group of 16 residents. The group has finished reviewing the Definitions section. We have completed Section 4 and Section 5. We are looking at discussing Inclusionary Housing on September 16th and finish discussing Flex Development. We hope to finalize what we have reviewed in November. There are currently sections that are not changed from the current Ordinance to the proposed. We would like to forego reviewing them for now. We would like to be allowed to come back and review those sections after we make our recommendation. This includes the maps. At this time I don't think the group will be making any recommendations on the proposed changes to particular property.

Councilor Powers stated at the last Ordinance & Rules meeting he had expresses support for zeroing in on the Inclusionary Housing. I think that is an area of most concern to give the Town the tools to protect themselves from 40B and other developments so we are managing our affordable housing units that work for us. I would be happy to work with you and the Planning Board to try to pull out the Inclusionary Housing Ordinance and hopefully "fast-track" that. The Inclusionary Housing Ordinance is very important and I know a lot of folks were following that.

Ms. Hamilton stated the ZWG is reviewing Inclusionary Housing on September 16th.

Councilor Powers stated it is important to start that conversation on how to "fast-track" Inclusionary Housing because right now we do not have something on the books to maintain that threshold that we need.

Council President Ryan stated this ZWG stepped up after the Planning Board meeting where residents wanted involvement in the Proposed Zoning Ordinance. I commend you and your committee for doing great work.

Councilor Kokoros stated thank you to the ZWG. I will say unfortunately this proposal should have been withdrawn as you recommended at your first meeting. As we go through it I find there is so much information that even the staff members need to refer and look up things and find information. Everything is so inter-connected in this document that when you try to remove one thing you have to find where it is referenced in multiple places. It makes it difficult. I appreciate your patience but I still agree with your original recommendation.

Councilor Powers asked Ms. Hamilton if there has been any discussion with the group on updating the Master Plan.

Ms. Hamilton stated no. We have not heard any more about the Master Plan. The Master Plan wasn't a part of the goal of this group. I did request all to get a copy of the Master Plan because questions do come up about what is our vision.

OLD BUSINESS

Council President Ryan referred to Councilor Whalen, Chairman of the Committee on the Department of Public Works for a recommendation. Councilor Whalen stated all of these petitions were tabled by the Committee on the Department of Public Works to September 18, 2019.

Motion by Councilor Kokoros to TABLE Orders 19 026, 19 027, 19 028 and 19 029 to September 18, 2019 at 7:30pm:

• 19 026 National Grid Petition: Gardner Terrace or take up any action relative thereto

MOTION:

To replace and maintain approximately 250 feet of 2 inch plastic gas main from the existing main on Washington Street to #22 Gardner Terrace with staff recommendations:

BELD: BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

DPW: Gardner Terrace is not under the moratorium enacted by the Town in 2015. I would recommend that the petition for this road opening only be granted under the normal conditions imposed by the DPW Highway Division plus that:

1. If roadside surfaces are disturbed the surface is to be replaced in kind and in at least as good condition as before the work;
2. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town;
3. the work be coordinated with the abutters to ensure that the properties are accessible at all times, including ADA compliant pedestrian access;
4. the gas main be installed outside of the trenches of the water and sewer mains, storm drains and other utilities in service and that the trench pavement not be left low for any length of time;
5. the DPW be notified when the construction conflicts with Town utilities so the resolution can be mutually agreeable;
6. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
7. the construction portion of the permit period not exceed two months from the start of construction and that the entire permit period be set at one year beginning at the date of Council approval.

We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any contractor 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 trained traffic control personnel to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and traffic control 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 the Police Department.”

Motion: by Councilor Kokoros to TABLE Orders 19 026 to September 18, 2019 at 7:30pm

Second: by Councilor Bowes

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,)), Abstain (0)

• **19 027 National Grid Petition: Lawnview Drive and Pinecrest Road or take up any action relative thereto**

MOTION:

To replace and maintain approximately 1405 feet of 2 inch plastic gas main from the existing main on Elm Street to the end at #121 Lawnview Drive and to replace and maintain 135 feet of 2 inch plastic gas main from Lawnview Drive to # 9 Pinecrest Road with staff recommendations:

BELD: BELD has an 115,000 volt oil filled transmission line located on Elm Street. BELD Engineering should be notified in advance of any excavation to be performed in close proximity to this line. BELD will provide onsite support and safety personnel at no cost to the project. BELD also has a 13,800 volt underground system on Elm Street. This is a concrete encased duct bank to be identified through the Dig safe process.

DPW: Both Lawnview Drive and Pinecrest Road are under the moratorium enacted by the Town in 2015 having been re-paved and microsurfaced in 2016. For longitudinal trenches in a road resurfaced as Lawnview Drive or Pinecrest Rd was the moratorium is 10 years. Road openings may be made after 2026 without waiving the ordinance. Since the street is under the moratorium, I recommend that the petition not be granted. However, if the Council finds extenuating circumstances and there is no viable option to meet the several users' needs without excavating the recently resurfaced street, I would recommend that the petition for this road opening only be granted under the normal conditions imposed by the DPW Highway Division plus that:

1. after maintaining the temporary trench through one winter but within one year of placement of the temporary trench repair, the permanent repair be full-width mill and overlay of both Lawnview Drive and Pinecrest Road for the full length of the excavation;
2. If sidewalk surfaces are disturbed the surface is to be replaced in kind, at ADA compliant slopes and for the full width of the sidewalk;
3. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town;
4. the work be coordinated with the abutters to ensure that the properties are accessible at all times, including ADA compliant pedestrian access;
5. the gas main be installed outside of the trenches of the water and sewer mains and other utilities in service and that the trench pavement not be left low for any length of time;
6. the DPW be notified when the construction conflicts with Town utilities so the resolution can be mutually agreeable;
7. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
8. the construction portion of the permit period not exceed two months from the start of construction and that the entire permit period be set at one year beginning at the date of Council approval.

We also recommend that the following requirement be added to the permit, if it is to be granted:
"Neither National Grid nor any contractor 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 trained traffic control personnel to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and traffic control 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 the Police Department."

Motion: by Councilor Kokoros to TABLE Order 19 027, to September 18, 2019 at 7:30pm

Second: by Councilor Bowes

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,)), Abstain (0)

• **19 028 National Grid Petition: Plymouth Road or take up any action relative thereto**

MOTION:

To replace and maintain approximately 290 feet of 2 inch plastic gas main from the existing main on Washington Street to #22 Plymouth Road with staff recommendations.

BELD: BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

DPW: Plymouth Road was totally reconstructed in 2014 and so is not under the moratorium enacted by the Town in 2015, but it remains in very good condition. It is noteworthy that the existing and proposed mains do not extend to the last three houses on the street. If it has not already occurred, those residents should be contacted by National Grid in an attempt to accomplish all work needed out there at the same time. I would recommend that the petition for this road opening only be granted under the normal conditions imposed by the DPW Highway Division plus that:

1. If roadside surfaces are disturbed the surface is to be replaced in kind and in at least as good condition as before the work;
2. all matches with existing surfaces be smooth, safe, properly surfaced and satisfactory to the Town;
3. the work be coordinated with the abutters to ensure that the properties are accessible at all times, including ADA compliant pedestrian access;
4. the gas main be installed outside of the trenches of the water and sewer mains, storm drains and other utilities in service and that the trench pavement not be left low for any length of time;
5. the DPW be notified when the construction conflicts with Town utilities so the resolution can be mutually agreeable;
6. as-built plans be prepared and submitted satisfactory to the Department of Public Works;
7. the construction portion of the permit period not exceed two months from the start of construction and that the entire permit period be set at one year beginning at the date of Council approval.

We also recommend that the following requirement be added to the permit, if it is to be granted:

“Neither National Grid nor any contractor 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 trained traffic control personnel to safely guide traffic through the work zone. If a closure is authorized by the DPW, it shall not be implemented until signs and traffic control 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 the Police Department.”

Motion: by Councilor Kokoros to TABLE Order 19 028 to September 18, 2019 at 7:30pm

Second: by Councilor Bowes

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,)), Abstain (0)

• **19 029 Resident Petition: 40 Bowditch Street or take up any action relative thereto**

MOTION:

To install a gas service lateral in Bowditch Street to service future house number 40 with staff recommendations:

BELD: BELD has no underground electric utility conflicts or special requirements within the proposed scope of work.

DPW: Bowditch Street is under the moratorium enacted by the Town in 2015 having been re-paved and micro-surfaced in 2015. For transverse trenches in a road resurfaced as Bowditch Street was, the moratorium is 5 years. Road openings may be made after 2020 without waiving the ordinance. Since the street is under the moratorium, the DPW recommends that the petition not be granted. However, if the Council finds circumstances warranting approval, and since the street is almost out of moratorium, we'd recommend that the petition for this road opening only be granted conditioned upon the contractor 1.) not leaving the trench pavement low for any length of time; 2.) after maintaining a bituminous concrete temporary trench repair through one full winter but within one year of the temporary trench repair, mill and overlay the full width of the street for the full width of the excavated trench plus 5 feet each side (repair would end up being approximately 13 feet wide by the width of the road, about 22 feet); 3.) repair or replace curbs / berms / sidewalk areas disturbed and retain drainage flow patterns all to the satisfaction of the Highway Superintendent; 4.) provide for infrared treatment of seams at the discretion of the Highway Superintendent and 5.) that surety in the amount of not less than \$1000 be put in place to guarantee the satisfactory completion of the repairs.

The DPW also recommends that the following requirement be added to the permit, it is to be granted:

“Neither National Grid nor any contractor 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 Kokoros to TABLE Order 19 029 to September 18, 2019 at 7:30pm

Second: by Councilor Bowes

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,), Abstain (0)

• **19 030 Mayor: Appointment Braintree Historical Commission, Robert S. Harris or take up any action relative thereto**

Council President Ryan referred to Councilor Bowes, Chairman of the Committee of Ways & Means for a recommendation. Councilor Bowes stated the committee met earlier this evening and voted unanimously favorable recommendation to the full Council.

Councilor Kokoros read the Motion:

MOTION: TO APPROVE IN ACCORDANCE WITH SECTIONS 3-3 OF THE TOWN CHARTER, THE APPOINTMENT OF ROBERT S. HARRIS TO THE BRAINTREE HISTORICAL COMMISSION.

Motion: by Councilor Kokoros to Appoint Robert S. Harris to the Braintree Historical Commission

Second: by Councilor Powers

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,), Abstain (0)

NEW BUSINESS

- None

Refer to the Committee on Ordinance & Rules

- 19 031 Mayor: Stretch Energy Code General Ordinance Update or take up any action relative thereto

Motion: by Councilor Kokoros to Refer to the Committee on Ordinance & Rules
Order 19 031

Second: by Councilor Powers

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,), Abstain (0)

Refer to the Committee of Ways & Means

- 19 032 Mayor: Preservation Restriction Agreement on the Gallivan House or take up any action relative thereto

Council President Ryan asked if anyone Councilor objects to SAME NIGHT ACTION. Hearing none a vote will be taken:

MOTION: To Approve the Preservation Restriction Agreement, 776 Washington Street (aka Dr. John J. Gallivan House), Braintree, Massachusetts

Motion: by Councilor Kokoros to Approve Order 19 032

Second: by Councilor Powers

Vote: For (8 – Bowes, Carey, Kokoros, O’Brien, Powers, Ryan, Ringius, Whalen),
Against (0), Absent (1 - Hume,), Abstain (0)

UPCOMING MEETINGS:

Next Council Meeting will be held on: **Wednesday, September 18, 2019 @ 7:30pm**

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 8:50p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- Minutes of July 16, 2019
- 19 026 National Grid Petition: Gardner Terrace or take up any action relative thereto
- 19 027 National Grid Petition: Lawnview Drive and Pinecrest Road or take up any action relative thereto
- 19 028 National Grid Petition: Plymouth Road or take up any action relative thereto
- 19 029 Resident Petition: 40 Bowditch Street or take up any action relative thereto
- 19 030 Mayor: Appointment Braintree Historical Commission, Robert S. Harris or take up any action relative thereto
- 19 031 Mayor: Stretch Energy Code General Ordinance Update or take up any action relative thereto
- 19 032 Mayor: Preservation Restriction Agreement on the Gallivan House or take up any action relative thereto