

CHARLES C. KOKOROS  
President  
District 1

LELAND A. DINGEE  
At Large

SEAN E. POWERS  
At Large

CHARLES B. RYAN  
At Large

JOHN C. MULLANEY  
District 2



THOMAS M. BOWES  
Vice President  
District 3

HENRY N. JOYCE  
District 4

RONALD E. DENAPOLI  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### - AGENDA -

**July 16, 2013** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30PM

**PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE**

**ROLL CALL**

**CORRESPONDENCE**

**ANNOUNCEMENTS**

**APPROVAL OF MINUTES**

- June 11, 2013

**CITIZEN CONCERNS/COUNCIL RESPONSE**

**OLD BUSINESS**

**Committee on Ways & Means (ALL PUBLIC HEARINGS)**

- 13 025 Mayor: Appropriation from Community Preservation Fund – John Adams Memorial Plaza - First Congregational Church
- 13 026 Mayor: Appropriation from Community Preservation Fund – Elm Street Cemetery

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

## **NEW BUSINESS**

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

- 13 029 Mayor: Proposed Zoning Ordinance – Medical Marijuana Moratorium

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

- 13 030 Mayor: FY2013 Line Item Transfer/Reversal and Correction
- 13 032 Mayor: Bond Authorization for Trash and Recycling Receptacle Purchase

### **Same Night Action Required**

- 13 031 Mayor: Appointment Board of Health – Dr. Arthur Bregoli

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

## **ADJOURNMENT**

- Next Council Meetings: **Tuesday, August 13, 2013 @ 7:30pm**

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## OFFICE OF THE TOWN COUNCIL

June 11, 2013

### MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, June 11, 2013 beginning at 7:30p.m.

Council President Kokoros was in the chair.

The Clerk of the Council conducted the roll call.

Present: Charles Kokoros, President  
Leland Dingee  
Sean Powers  
Charles Ryan  
Henry Joyce  
Ronald DeNapoli  
Paul Dan Clifford

Not Present: Thomas Bowes, Vice President  
John Mullaney

Others: Peter Morin, Chief of Staff  
Edward Spellman, Finance Director  
Peter McSoley, Financial Coordinator Police Department  
Daryn Brown, Superintendent Golf Course  
Dennis Regan, NationalGrid  
Joseph Powers, Town Clerk

#### **CORRESPONDENCE**

None

## **ANNOUNCEMENTS**

Councilor Powers: Braintree July 4<sup>th</sup> Pizza Palooza Event

Councilor Joyce: Babe Ruth Comedy Night

Councilor Kokoros: Braintree High School 25<sup>th</sup> Class Reunion

## **APPROVAL OF MINUTES**

- **May 28, 2013**

**Motion:** by Councilor Powers to approve minutes of May 28, 2013

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

## **CITIZEN CONCERNS/COUNCIL RESPONSE**

### **OLD BUSINESS**

#### **Committee on Public Works**

- **13 019 NationalGrid: Petition – 16-87 Washington Street**

Councilor Ryan, Chairman of the Committee on Public Works, reported the Committee recommended favorable action; to include staff recommendations. Councilor Ryan made the following motion:

To install and maintain approximately 700 feet, more or less of 2 inch gas main in Washington Street, Braintree.

From the existing 2 inch gas main at Holmes Street, Southerly to the existing 2 inch gas main near Hawthorne Road and approximately 225 feet more or less of 2 inch gas main in Loretta Avenue . From the proposed 2 inch gas main in Washington Street Easterly to the existing 2 inch gas main at Robert Street and approximately 100 feet more or less of 2 inch gas main in Hawthorne Road from the proposed 2 inch gas main in Washington Street Easterly to the existing 2 inch gas main at house # 196. All of which to replace and abandon the existing 1 ½ and 2 inch gas mains in Washington Street, Loretta Avenue and Hawthorne Road.

Approval is conditioned with repairs on Washington Street and Hawthorne Road to include a final hot mix asphalt pavement at least 4” deep being maintained flush with the surrounding pavement for a year, and then 1 ½ inch grind and inlay to neat lines one foot beyond the trench limits at the completion of the year; and repairs on Loretta Avenue with a final pavement being maintained flush with the surrounding pavement immediately (do not leave the trench down.)

**Motion:** by Councilor Ryan for approval of Order 13 019 with staff recommendatons

**Second:** by Councilor Powers

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

- **13 020 NationalGrid: Petition – 21-99 Hancock Street**

Councilor Ryan, Chairman of the Committee on Public Works, reported the Committee recommended favorable action; to include staff recommendations. Councilor Ryan made the following motion:

To install and maintain approximately 975 feet, more or less of 6 inch gas main in Hancock Street, Braintree.

From the existing 3 inch gas main in Washington Street, Southerly to House #99 and approximately 90 feet more or less of 2 inch gas main in Hall Avenue. From the proposed 6 inch gas main in Hancock Street Westerly to House #37 and approximately 175 feet more or less of 2 inch gas main in Myrtle Avenue. From the proposed 6 inch gas main in Hancock Street, Easterly to the end of the main at House #1. All of which to replace and abandon the existing 4 inch gas main in Hancock Street and the existing 2 inch gas mains in Hall Avenue and Myrtle Avenue.

Approval is conditioned with final pavement being maintained flush with the surrounding pavement immediately (do not leave the trench down.)

**Motion:** by Councilor Ryan for approval of Order 13 020 with staff recommendatons

**Second:** by Councilor Powers

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

- **13 021 NationalGrid: Petition – 131-195 Old Elm Street**

Councilor Ryan, Chairman of the Committee on Public Works, reported the Committee recommended favorable action; to include staff recommendations. Councilor Ryan made the following motion:

To install and maintain approximately 345 feet, more or less of 2 inch gas main in Elm Street, Braintree.

From the existing 6 inch gas main in Elm Terrace, Southerly to the end of the main at Building #131, #135 and #137. All of which to replace and abandon the existing 6 inch gas main in Elm Street.

Approval is conditioned with final pavement being maintained flush with the surrounding pavement immediately (do not leave the trench down.)

**Motion:** by Councilor Ryan for approval of Order 13 021 with staff recommendatons

**Second:** by Councilor Powers

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

- **13 022 NationalGrid: Petition – 1646-1650 Washington Street**

Councilor Ryan, Chairman of the Committee on Public Works, reported the Committee recommended favorable action; to include staff recommendations. Councilor Ryan made the following motion:

To install and maintain approximately 300 feet, more or less of 6 inch gas main in Washington Street, Braintree.

From the existing 4 inch gas main at House #1646, Southerly to the existing 3 inch gas main at Bellevue Avenue. All of which to replace and abandon the existing 3 inch gas main in Washington Street.

Approval is conditioned with this petition should being referred to MassDOT with a recommendation that the section disturbed be milled and overlaid full width.

**Motion:** by Councilor Ryan for approval of Order 13 022 with staff recommendatons

**Second:** by Councilor Powers

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

### **Committee on Ways & Means**

- **13 023 Mayor: Line Item Transfers #2 for Various Departments FY2013**

**Motion:** by Councilor Joyce to open public hearing

**Second:** by Councilor Powers

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action on all seven line item transfers.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 023. No one came forward.

**Motion:** by Councilor Ryan to close public hearing

**Second:** by Councilor Joyce

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

Councilor Clifford made a separate motion for each of the line item transfer requests and, after each; a vote of the Council was taken.

1. Snow and Ice Deficit

That the sum of \$597,053 be transferred from the Town's Stabilization fund to the Department of Public Works /Program 11 –Snow and Ice, and further, that the Director of Municipal Finance be authorized to allocate said sums to and among the various line items affected thereby.

**Motion:** by Councilor Clifford to approve Order 13 023(1)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

2. Fire

MOTION: That the sum of \$27,500 be transferred from the Human Resources Department/ Program 04– Employee Benefits / Workers Compensation account and the sum of \$12,500 be transferred from the Human Resources Department/ Program 06– Veterans Benefit / Veterans Benefit account for a total of \$40,000 to be transferred to the Fire Department/ Program 04 – Fire Suppression / Overtime account 01-22004-5130.

**Motion:** by Councilor Clifford to approve Order 13 023(2)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

3. Department of Public Works

MOTION: That the sum of \$5,000 be transferred from the Human Resources Department/ Program 06– Veterans Benefit / Veterans Benefit account to the Department of Public Works /Program 15 – Recreation and Community Events / 4<sup>th</sup> July Parade account 01-40015-5204.

**Motion:** by Councilor Clifford to approve Order 13 023(3)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

4. Library

MOTION: That the sum of \$380 be transferred from the Human Resources Department/ Program 06– Veterans Benefit / Veterans Benefit account to the Library Department / Program 01 – Administration/ Longevity account 01-61001-5143.

**Motion:** by Councilor Clifford to approve Order 13 023(4)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

5. Law

MOTION: That the sum of \$10,000 be transferred from the Human Resources Department/ Program 06– Veterans Benefit / Veterans Benefit account and \$10,000 from the Human

Resources Department/ Program 04– Employee Benefits / Workers Compensation account for a total of \$20,000 be transferred to the Law Department / Program 01 – Legal Services account 01-15101-5301.

**Motion:** by Councilor Clifford to approve Order 13 023(5)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

6. Police

MOTION: That the sum of \$80,000 be transferred from the Police Department/ Program 05– Communications / Sworn Personnel account be transferred to the Police Department/ Program 04– Patrol Bureau / Overtime account 01-21004-5130.

**Motion:** by Councilor Clifford to approve Order 13 023(6)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

7. Police

MOTION: That the sum of \$35,000 be transferred from the Police Department/ Program 08– Special Services/ Community Policing / Sworn Personnel account be transferred to the Police Department/ Program 03– Equipment Maintenance / Gasoline account 01-21003-5484.

**Motion:** by Councilor Clifford to approve Order 13 023(7)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

• **13 024 Mayor: Line Item Transfers Golf Course FY2013**

**Motion:** by Councilor Ryan to open public hearing

**Second:** by Councilor DeNapoli

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

Councilor Clifford, Chairman of the Committee on Ways & Means, reported that the Committee recommended favorable action on each of the line item transfers.

Council President Kokoros asked if any member of the Council or anyone from the public would like to speak on Order 13 024. No one came forward.

**Motion:** by Councilor Ryan to close public hearing

**Second:** by Councilor DeNapoli

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

Councilor Clifford made a separate motion for each of the line item transfer requests and, after each; a vote of the Council was taken.

1. That the sum of \$49,000 be transferred from the Golf Course Enterprise Fund/Retained Earnings Account of which; \$6,000 is to be transferred to the Golf Course/Program 01 – Part-Time Labor Account; \$15,000 is to be transferred to the Golf Course/Program 05 – Golf Pro / Merchandise Account; \$12,000 is to be transferred to the Golf Course/Program 05 – Golf Pro / Professional Staff Expense Account; \$9,000 is to be transferred to the Golf Course/Program 04 – Turf Maintenance/Fertilizer Account; \$4,000 is to be transferred to the Golf Course/Program 04 – Turf Maintenance/Sand, Loam, Gravel Account; \$3,000 is to be transferred to the Golf Course/Program 04 – Turf Maintenance/Overtime Account.

**Motion:** by Councilor Clifford to approve Order 13 024(1)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

2. That the sum of \$5,400 be transferred from the Golf Course/Program 60 – FY13 POS/ Equipment Account of which \$5,400 is to be transferred to the Golf Course/Program 03 Equipment Maintenance / Gasoline Account

**Motion:** by Councilor Clifford to approve Order 13 024(2)

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

## **NEW BUSINESS**

### **Committee on Ways & Means**

- **13 025 Mayor: Appropriation from Community Preservation Fund – John Adams Memorial Plaza - First Congregational Church**

**Motion:** by Councilor Powers to refer to Committee

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

- **13 026 Mayor: Appropriation from Community Preservation Fund – Elm Street Cemetery**

**Motion:** by Councilor Powers to refer to Committee

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

- **13 027 Town Clerk: Call to the Special State Election – June 25, 2013**

Council President Kokoros informed members that same night action has been requested and if there are no objections the Order will be taken up this evening.

Councilor Dingee commented that the Order does not require it to go before Committee therefore, he does not object to same night action.

Councilor Powers read the following motion:

“Be it so order by the Braintree Town Council that, in the name of the Commonwealth, the Town of Braintree is hereby required to notify and ward the inhabitants of said town, who are qualified to vote in the special state election on Tuesday, June 25, 2013 from 7:00am to 8:00pm for the following purpose: To cast their votes in the special state election for the candidates for the following office: Senator in Congress, For the Commonwealth.”

**Motion:** by Councilor Powers to approve Order 13 027

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

- **13 028 Mayor: Permanent Easements for Safe-Routes to School Project**

Council President Kokoros informed members that same night action has been requested and if there are no objections the Order will be taken up this evening.

Councilor Dingee commented that the Order has been vetted by the Braintree School Committee and the public had the opportunity to comment therefore, he does not object to same night action.

Councilor Powers read the following motion:

“In accordance with the vote of the Town of Braintree School Committee dated September 24, 2012, in which the School Committee voted to approve two permanent easements to the Town of Braintree over land within the care, custody and control of the Braintree School Department, specifically, land within the property boundaries of Ross Elementary School, for the purpose of accommodating the Safe Routes to School Project, that the Town of Braintree accepts such permanent easements, and that the Mayor and Department of Public Works are hereby authorized to take any action necessary to carry out this vote accepting two permanent easements, which are more fully described as follows:

**Parcel E-1**

Land in the Town of Braintree, Norfolk County, Massachusetts situated on the north side of Hayward Street as laid out on an October 1, 1929 County Layout plan, being shown as

Parcel E-1 on a plan titled “Plan of Easements over land owned by the Town of Braintree – Commercial and Hayward Streets, Braintree, Massachusetts”, prepared by WSP-Sells, dated May 7, 2013, to be recorded in the Norfolk County Registry of Deeds in Dedham, Massachusetts.

Beginning at a point on the North sideline of Hayward Street, at a Massachusetts State Grid bearing on N 71 53’49” E a distance of 68.56 feet from a Stone Norfolk County Highway Bound with a drill hole, said point being the southwesterly corner of a 1982~~3~~ Town Alteration of Hayward Street as shown on a plan recorded in the Norfolk County Registry of Deeds as Plan No. 480 of 1982 in Plan Book 296, and being the southeasterly corner of the easement herein described, thence;

Through the land of the grantor the following seven courses:

N 18 06’11” W, a distance of 23.50 feet to a point

N 42 06’11” W, a distance of 38.43 feet to a point

S 80 53’49” W, a distance of 62.00 feet to a point,

S 13 53’49” W, a distance of 26.00 feet to a point,

S 76 06’11” E, a distance of 24.64 feet to a point of curvature,

Southeasterly along a tangent curve to the right with a radius of 25.00 feet, an arc distance of 25.31 feet to a point of tangency,

S 18 06’11” E, a distance of 12.00 feet to the north sideline of Hayward Street, thence;

N 71 53’49 W, along said Hayward Street a distance of 58.00 feet to the Point of Beginning,

Said Parcel E-1 containing an area of 4,175 square feet, more or less.

**Parcel E-2**

Land in the Town of Braintree, Norfolk County, Massachusetts situated on the north side of Hayward Street as laid out on an October 1, 1929 County Layout plan, being shown as Parcel E-2 on a plan titled “Plan of Easements over land owned by the Town of Braintree – Commercial and Hayward Streets, Braintree, Massachusetts” prepared by WSP-Sells, dated May 7, 2013, to be recorded in the Norfolk County Registry of Deeds in Dedham, Massachusetts.

Beginning at a point on the North sideline of Hayward Street, at a Massachusetts State Grid bearing of N 71 53’49 E a distance of 451.34 feet from a Stone Norfolk County Highway Bound with a drill hole, being the southeasterly corner of the easement herein described, thence;

Through the land of the grantor the following seven courses:

N 18 06'11" W, a distance of 64.00 feet to a point,  
N 75 00'48" W, a distance of 30.00 feet to a point,  
S 71 53'49" W, a distance of 55.13 feet to a point,  
S 29 53'49" W, a distance of 20.00 feet to a point,  
S 18 06'11" E, a distance of 30.00 feet to a point,  
N 71 53'49" E, a distance of 70.00 feet to a point,  
S 18 06'11" E, a distance of 37.00 feet to the north sideline of Hayward Street, thence;  
N 71 53'49" W, along said Hayward Street a distance of 25.00 feet to the Point Beginning,  
Said Parcel E-2 containing an area of 4,720 square feet, more or less.

**Motion:** by Councilor Powers to apporve Order 13 028

**Second:** by Councilor Ryan

**Vote:** For (7), Against (0), Absent (2- Bowes, Mullaney)

## **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 8:13p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## Documents provided for Meeting

- May 28, 2013 Minutes
- 13 019 NationalGrid: Petition – 16-87 Washington Street
- 13 020 NationalGrid: Petition – 21-99 Hancock
- 13 021 NationalGrid: Petition – 131-195 Old Elm Street
- 13 022 NationalGrid: Petition – 1646-1650 Washington Street
- 13 023 Mayor: Line Item Transfers #2 for Various Departments FY2013
- 13 024 Mayor: Line Item Transfers Golf Course FY2013
- 13 025 Mayor: Appropriation from Community Preservation Fund – John Adams Memorial Plaza - First Congregational Church
- 13 026 Mayor: Appropriation from Community Preservation Fund – Elm Street Cemetery
- 13 027 Town Clerk: Call to the Special State Election – June 25, 2013
- 13 028 Mayor: Permanent Easements for Safe-Routes to School Project



#13-025

# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

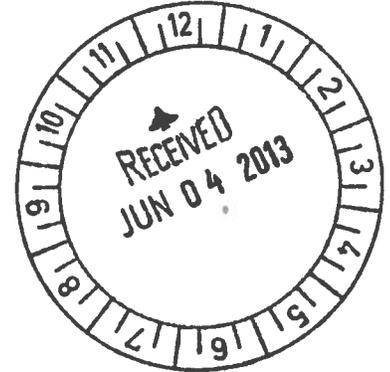
To: Charles Kokoros, President of the Town Council  
Clerk of the Council  
Town Clerk

cc: Community Preservation Committee  
Director of Municipal Finance

From: Joseph C. Sullivan, Mayor

JCS

Date: June 4, 2013



RE: Appropriation from Community Preservation Fund – John Adams Memorial Plaza at First Congregational Church

On May 20, 2013, the Community Preservation Committee reaffirmed their prior January 14, 2013 unanimous vote to recommend the appropriation of Community Preservation Act (“CPA”) funds to the First Congregational Church for the creation of the John Adams Memorial Plaza at 18 Elm Street. This site is the location from which, in 1765, John Adams read the Instructions from Braintree Town Meeting to the Massachusetts General Court requesting that the legislature oppose the Stamp Act that had been recently adopted by the British Parliament. These Instructions are one of the significant documents generated by Colonial America which laid the foundation for our Declaration of Independence from Great Britain. The First Congregational Church plans to construct a memorial plaza to commemorate this event, consisting of approximately 1,534 SF of land adorned with reflection benches, plantings, and an informational kiosk. I support this project and its celebration of a key figure in Braintree’s rich history. Accordingly, I request favorable action on the following motion:

MOTION: In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$39,500.00 be appropriated from the Community Preservation Act Unreserved Fund for the purpose of funding the First Congregational Church project to create the John Adams Memorial Plaza at #18 Elm Street, in accordance with the application submitted and plans prepared by the Town of Braintree DPW, Engineering Division dated June 1, 2012 and plan prepared by Mento

Landscaping dated July 13, 2012, revised January 8, 2013, with said appropriation subject to the following conditions:

1. Execution of a CPA Grant Agreement;
2. Execution of a Memorandum of Understanding (MOU) with the Town of Braintree relative to the maintenance of this plaza prior to expenditure of funds; and
3. 75% of the total appropriation shall be released upon execution of the required documents with the remaining balance of 25% of the appropriation to be held by the Town of Braintree until satisfactory proof that the project has been completed has been submitted to the Community Preservation Committee.

Please note that this request must be advertised pursuant to Section 2-9 of the Town Charter.

#13-025

BRAINTREE COMMUNITY PRESERVATION COMMITTEE  
2012 APPLICATION FORM

Project Name John Adams Memorial Plaza

Project Location SEE ATTACHED PLANS - PORTION OF CHURCH PROPERTY

Assessors' Plan and Plot PLAN 2026 PLOT 32

Recorded at \_\_\_\_\_ Book 1236 Page 25

Category (check all that apply):

Open Space                      Number of acres in parcel 1.09

Recreation                        Number of acres in parcel 1.09

Historic Preservation

Affordable Housing            Number of proposed housing units \_\_\_\_\_

Alternate A Plan - \$52,000.00

CPA Funding requested: \$ Alternate B Plan - \$44,000.00

Fiscal Year Request: <sup>↑</sup>  
2013 \$ SEE ABOVE            2014 \$ \_\_\_\_\_

2015 \$ \_\_\_\_\_

Expected annual operational/maintenance cost to the town after completion of project:  
\$ N/A - SEE MOA

Project Sponsor/Organization First Congregational Church

Contact Richard Durham

Address 12 Elm Street, Braintree, MA  
reuleanne@firstchurchbraintree.com

Phone # 781-843-3616            E-Mail rmdurham@held.net

Applicant's Signature Lucile D. Baker            Lucile D. Baker - Trustee

Date Submitted Sept 4, 2012



# First Congregational Church of Braintree

Rev. Leanne S. Walt, Pastor

12 Elm Street  
Braintree, MA 02184  
Phone: 781-843-3616  
www.firstchurchbraintree.org  
email: office@firstchurchbraintree.com

**Project Title: John Adams Memorial Plaza**

**Application Category: Open Space/Recreation - *creation of open space for passive recreational use***

**Presented to the Town of Braintree  
Community Preservation Committee  
September 2012**

## **Executive Summary**

### **Background of Project Proposal and Description of Project**

This project takes its theme from the Abigail Adams Plaza on the property of the Church of the Presidents and Town Hall Plaza on Hancock Street in Quincy, but develops the theme by telling the story of John Adams and his Stamp Act protest known as “The Braintree Instructions.” It is intended to be similar in concept and design to the historic plaza and informational kiosk located in the Quincy Town Hall Plaza [see Exhibit A].

This project will be located on the southwestern point of the property of First Congregational Church between the western edge of the turnaround drive at the front of the church, the town sidewalk, and the property line at the church’s westernmost point [see Exhibit B]. The Church’s property line extends from the parking lot in the rear of the Church to the edge of Elm Street [see Exhibit C].

i. **Alternate A Plan and Alternate B Plan**

The construction will be a brick plaza approximately 525 square feet in the center of which will be a covered, four-sided kiosk made of weatherproof material. The kiosk will include storyboards, maps, portraits, and excerpts from John Adams’ speech, “The Braintree Instructions.” Bracing the kiosk on each side, east and west, will be two park benches. One trash receptacle will be placed on the plaza. We will incorporate the existing stone marker commemorating “The Braintree Instructions,” which was erected by American Legion Post #86 in 1964 by moving it to the northwest edge of the plaza. The two flagpoles will remain in their current location, so as to also be incorporated into the design of the plaza [see Exhibits B, D, and E].

The plaza will be handicapped accessible, compliant with the Americans with Disabilities Act (ADA). A five-foot (5 ft.) wide portion of the brick plaza will slope down to meet the existing turnaround drive at the front of the church [see Exhibit D].

The project will include landscaping of the area and account for drainage. The project will also entail moving the existing stone-mounted church marquee sign to another part of the property to the east, understanding that CPC funds cannot be used to relocate the sign to an area of Church property outside the scope of this project. The Church will be responsible for the watering, weeding, mowing, and planting of flowers, grass, and other plants within the plaza. The Town of Braintree Department of Public Works will be responsible for trash removal, at least once a week, or as needed (see attached Memorandum of Agreement).

ii. Alternate A Plan

A four-foot (4 ft.) wide x 160 ft. brick walkway will trail north along the edge of the property connecting the plaza area with the church parking lot, winding alongside the church's existing gardens. The walkway will be lined by flowerbeds on the northwest side and two park benches on the northeast side [see Exhibit E].

## Open Space/Recreation Goals and Criteria

### How this project meets Open Space Criteria:

- Preserves the character of the town and/or neighborhood  
*The John Adams Memorial Plaza will preserve the historical character of the town of Braintree by providing a visible and permanent memorial on the site of where John Adams famously offered his speech entitled, "The Braintree Instructions." John Adams delivered this speech in 1765 at a Town Meeting on the property of First Congregational Church, an event that marked the beginning of the American Revolution. This project will highlight the important role the Town of Braintree played in the American Revolution.*
- Protects lands important to current and future drinking water quantity and quality  
*N/A*
- Protects important surface water bodies, including wetlands, vernal pools or riparian zones  
*N/A*
- Provides flood control/stormwater storage  
*N/A*
- Protects or enhances wildlife habitat including corridors for wildlife movement or prevents fragmentation of wildlife habitat  
*N/A*
- Improves public passive recreational opportunities as well as access and connection to existing trails or potential trail linkages  
*The John Adams Memorial Plaza will improve public passive recreational opportunities. The plaza and walkway area will be open to the public at large to enjoy at their leisure.*

*The park meets this criterion in 2 significant ways:*

1. *By adding dimension and scope to the Elm Street Cemetery restoration and re-beautification project, currently underway by the Town of Braintree*
2. *By creating park and recreation space in Storrs (Braintree) Square, thereby beautifying the square and enriching the civic life and atmosphere of the Town of Braintree. Such park and recreation space does not exist in this area of Braintree.*

- Uses land protection strategies that maximize protection at the lowest public cost, such as purchasing development rights as an option to outright purchase  
N/A

How this project meets Recreation Criteria:

- In deciding whether to recommend funding for recreation projects, the CPC will consider if the project creates new recreational opportunities  
*The John Adams Memorial Plaza will create new passive recreational space for the enjoyment of the public..*

**Project's Scope and Cost\***

*\*Please see the attached Project Budget for cost*

Construction

The Church contacted **Mento Landscaping and Paving** for a competing bid in July of 2011. At that time, we met with contractor Jason Smith to walk the property and discuss design. As of September 1, 2012, Mento has agreed to maintain their original estimate for the proposed plaza and walkway [see attached email from Mento dated September 1, 2012 and "Mento Proposal Alternate A Plan" and "Mento Proposal Alternate B Plan"].

Mento will remove existing weeds and landscape the area. Using sand and natural stone, they will create a level plaza with up to a one-foot step on the western part of the plaza leading down to the existing sidewalk. For the plaza and walkway, they will use a faux brick surface similar to that used on the existing sidewalk, which is more weather proof and durable than natural brick.

Pursuant to attached "Mento Proposal Alternate A Plan" and "Mento Proposal Alternate B Plan," Mento will remove the Church's existing marquee sign from its current location. Mento will also remove the American Legion stone marker and move it to the northwest edge of the plaza (as depicted in "Exhibit D").

Mento will install and set in concrete the park benches and trash can at no additional charge.

If we choose to pursue Alternate B Plan, then Mento will charge us \$340 to draw a new site plan that would exclude the walkway portion of the project.

### Electrical Work

The existing stone-mounted church marquee sign is illuminated. An electrician will need to take apart the wiring on the sign in order for it to be removed.

An electrician will also need to install new flagpole lights to illuminate the two existing flagpoles that will remain in their current location and be incorporated into the architecture of the plaza [see Dan Brown Estimate].

### Materials

A similar project to that proposed herein is the historic plaza and informational kiosk in the Quincy Town Hall Plaza [see Exhibit A attached]. The kiosks at Quincy Town Hall Plaza were designed and built by **Cyclone Design of Quincy**, Kevin Mahoney Prop. We secured an estimate from Cyclone Design in June of 2011 for the manufacturing, design, and installation of a four panel square kiosk and are in the process of confirming that they will honor that estimate [see Cyclone Design Estimate]

For the park benches and trash receptacle, we were referred to **Pilot Rock Products**. We have selected the Gibraltar Bench, 4 feet long with Cedar colored and Simulated Wood Recycled Plastic Slats for the park benches on the plaza and walkway [see Pilot Rock Estimate A].

To remain consistent with the town's public trash receptacles in Storrs (Braintree) Square and to prevent water and animals from entering the trash receptacle, we selected the 36 Gallon Round, Vertical Steel Strap Receptacle by Pilot Rock Products with the Round, Steel Lid with Rain Cover [see Pilot Rock Estimate B].

### Deed Restriction

The Church recognizes that the acquisition of CPC funds to construct the John Adams Memorial Plaza requires that the portion of the Church property devoted to this project must be bound by a permanent deed restriction. The Town's Engineer has produced three different versions of the deed restriction for this project. However, the restrictions that he was able to offer encompass too large a portion of the Church property and the Church has decided that we need to hire our own surveyor in order to ensure that the deed restriction includes only the amount of property needed for this project (with some room for overage upon construction).

The Church has gathered estimates from United Land Surveyors and Engineers in Braintree and D. O'Brien Land Surveying in Franklin [see United Surveyor Estimate and D. O'Brien Estimate]. We are awaiting one more estimate.

The Church will need to record the Deed Restriction with the Town at the cost of \$10 per page.

### Memorandum of Agreement

The Church has received and reviewed the Memorandum of Agreement (MOA) pertaining to this project. The Church had several minor changes to the original document, which are highlighted in red on the MOA enclosed herein. The Town Solicitor, Carolyn Murray, has agreed to these changes [see Exhibit F]. The Church is in the process of getting the signatures for this document and intends to have all required signatures by the CPC meeting in September.

## Marketing

This project will be listed with the Braintree Historical Society and the Town of Braintree as one of its ten (10) most historical sites in Braintree (with Elm Street Cemetery as another). The John Adams Memorial Plaza would be featured on a walking tour map of Historical Braintree (currently in production) to be distributed to restaurants, hotels, and local retailers in Braintree.

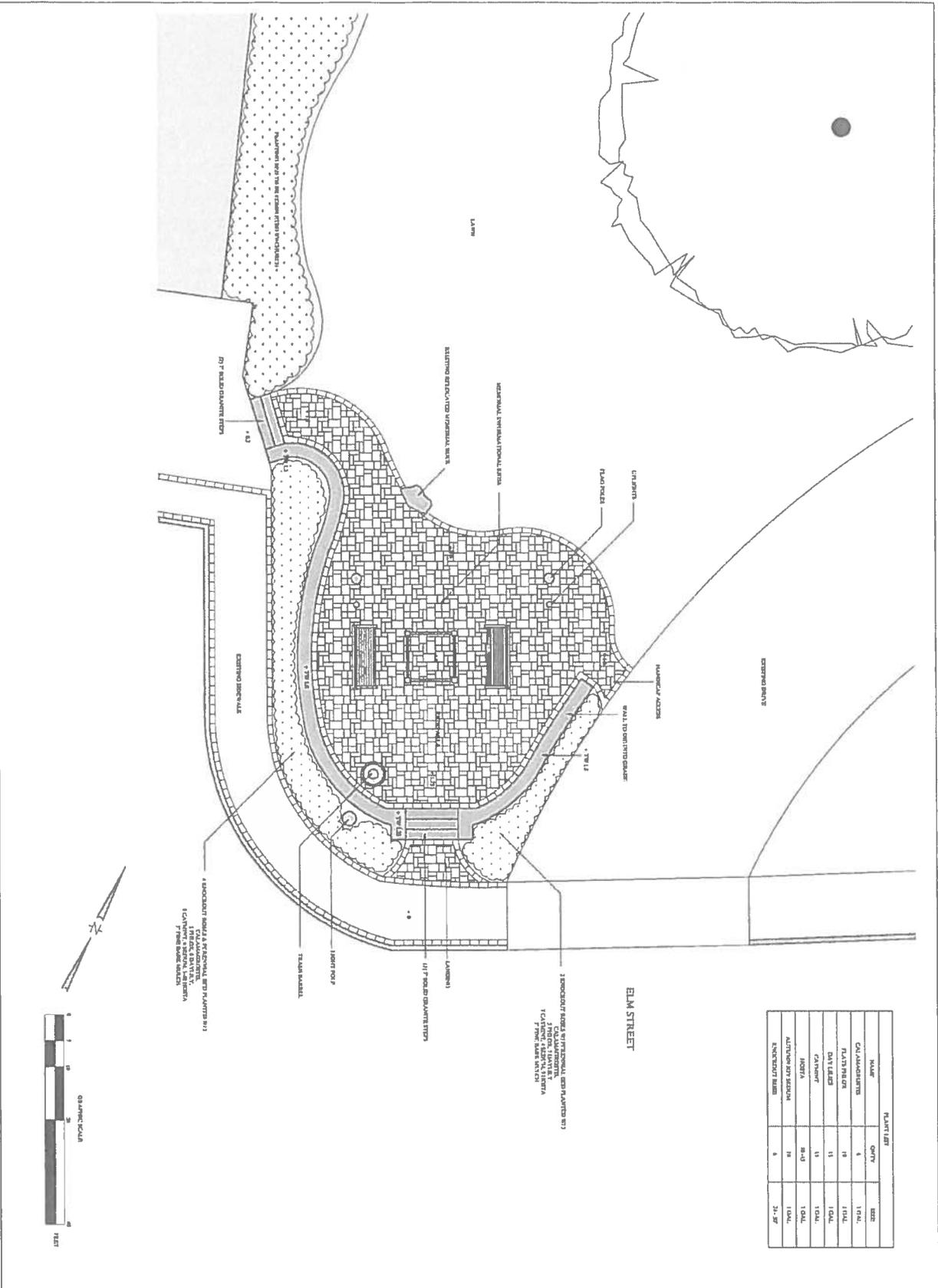
The John Adams National Park in Quincy has agreed to offer information about the John Adams Plaza at First Congregational Church to its visitors. We will also post fliers at the John Adams National Park Visitor Center and at the John Adams houses.

**John Adams Memorial Plaza  
Project Budget - Alternate A Plan**  
*525 square foot brick plaza with 4' x 160' brick walkway*

<b>Item</b>	<b>Contractor/Company</b>	<b>Cost per Unit</b>	<b># of Units Needed</b>	<b>Total Cost</b>
525 square ft. Plaza with 160' x 4' Walkway	Mento Landscape & Paving, Inc.	\$20,500.00	1	\$20,500.00
Planting Beds with Shrubs and Mulch	Mento Landscape & Paving, Inc.	\$3,500.00	1	\$3,500.00
Removal of Marquee Sign, Removal and Relocation of American Legion Stone Marker	Mento Landscape & Paving, Inc.	\$5,000.00	1	\$5,000.00
Dismantle Electricity on Existing Stone Marquee, Install New Flagpole Lights	Dannie L. Brown, Jr.	\$1,950.00	1	\$1,950.00
Four Sided Panel Kiosk with Graphic Design and Installation	Cyclone Design	\$15,500.00	1	\$15,500.00
Gibraltar Park Bench	Pilot Rock Products	\$298.00	4	\$1,192.00
36 Gallon Round, Steel Trash Receptacle	Pilot Rock Products	\$359.00	1	\$359.00
Round, Steel Trash Receptacle Lid with Rain Cover	Pilot Rock Products	\$95.00	1	\$95.00
Survey for Deed Restriction	United Surveyors	\$3,000.00	1	\$3,000.00
Recording of Deed Restriction	Town of Braintree	\$10.00	5	\$50.00
<b>Total Cost</b>				<b>\$51,146.00</b>

**John Adams Memorial Plaza  
Project Budget - Alternate B Plan**  
*525 square foot brick plaza*

<b>Item</b>	<b>Contractor/Company</b>	<b>Cost per Unit</b>	<b># of Units Needed</b>	<b>Total Cost</b>
525 square ft. Plaza	Mento Landscape & Paving, Inc.	\$13,750.00	1	\$13,750.00
Planting of Flower Beds with Shrubs and Mulch	Mento Landscape & Paving, Inc.	\$3,500.00	1	\$3,500.00
Removal of Marquee Sign, Removal and Relocation of American Legion Stone Marker	Mento Landscape & Paving, Inc.	\$5,000.00	1	\$5,000.00
New Site Plan	Mento Landscape & Paving, Inc.	\$340.00	1	\$340.00
Dismantle Electricity on Existing Stone Marquee, Install New Flagpole Lights	Dannie L. Brown, Jr.	\$1,950.00	1	\$1,950.00
Four Sided Panel Kiosk with Graphic Design and Installation	Cyclone Design	\$15,500.00	1	\$15,500.00
Gibraltar Park Bench	Pilot Rock Products	\$298.00	2	\$596.00
36 Gallon Round, Steel Trash Receptacle	Pilot Rock Products	\$359.00	1	\$359.00
Round, Steel Trash Receptacle Lid with Rain Cover	Pilot Rock Products	\$95.00	1	\$95.00
Survey for Deed Restriction	United Surveyors	\$2,000.00	1	\$2,000.00
Recording of Deed Restriction	Town of Braintree	\$10.00	5	\$50.00
<b>Total Cost</b>				<b>\$43,140.00</b>



NAME	PLANTING	SPACING
CALAMAGROSTIS	5	150L
FLYING DUTCHMAN	10	150L
DAY LILY	11	150L
CRANFORD	11	150L
HYDRANGEA	10	150L
ADONIS	10	150L
HYDRANGEA	10	150L
HYDRANGEA	10	150L

**SITE PLAN  
EXHIBIT A**

**L1.0**

Drafted By:  
Michael Curadossi  
Original: 7/13/12  
Last Modified: 1/9/13  
Scale: 1" = 4'-0"

**FIRST  
CONGREGATIONAL  
CHURCH**  
Braintree, MA



**MLC**  
ML CURADOSSI  
Landscape Architecture  
&  
3-D Imaging  
Boston, MA 02127  
MLCuradossi@Comcast.com  
508 340 5057  
www.MLCuradossi.com

Exhibit A  
Quincy Center Kiosk





# Office of the Mayor

#13-026

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

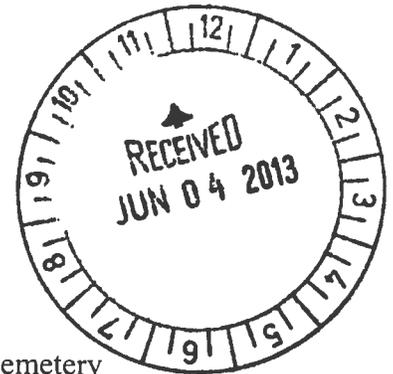
To: Charles Kokoros, President of the Town Council  
Clerk of the Council  
Town Clerk

cc: Community Preservation Committee  
Director of Municipal Finance  
Braintree Historical Commission

From: Joseph C. Sullivan, Mayor *JCS*

Date: June 4, 2013

RE: Appropriation from Community Preservation Fund – Elm Street Cemetery



On May 20, 2013, the Community Preservation Committee unanimously voted to recommend the appropriation of Community Preservation Act (“CPA”) funds to the Braintree Historical Commission for the preservation and restoration of gravestones and the installation of security measures at Elm Street Cemetery, which is under the care and custody of the Town of Braintree. The Elm Street Cemetery was one of the first burial grounds in the area and is the resting place of many settler and Revolutionary War veterans. I support this endeavor and feel that this restoration project reflects our Town’s respect for its historical figures. Accordingly, I request favorable action on the following motion:

MOTION: In accordance with the provisions of Chapter 44B of the General Laws and with the recommendation of the Community Preservation Committee, that the sum of \$14,000.00 be appropriated from the Community Preservation Act Unreserved Fund for the purpose of funding the preservation and restoration of gravestones and the installation of security measures at the Elm Street Cemetery, in accordance with the application and plans submitted to the Community Preservation Committee, with the condition that 75% of the total appropriation shall be released upon execution of the required CPA documents with the remaining balance of 25% of the appropriation to be held by the Community Preservation Committee and the Director of Planning and Community Development until satisfactory proof that the project has been completed has been submitted to the Community Preservation Committee.

Please note that this request must be advertised pursuant to Section 2-9 of the Town Charter.

**BRAINTREE COMMUNITY PRESERVATION COMMITTEE  
2012 APPLICATION FORM**

Project Name **Elm Street Cemetery Gravestone Conservation**

Project Location **Elm Street**

Assessors' Plan and Plot **2024 lot 18**

Recorded at \_\_\_\_\_ Book \_\_\_\_\_ Page

Category (check all that apply):

\_\_\_ Open Space                      Number of acres in parcel \_\_\_\_\_

\_\_\_ Recreation                      Number of acres in parcel \_\_\_\_\_

**X**\_\_ Historic Preservation

\_\_\_ Affordable Housing              Number of proposed housing units \_\_\_\_\_

CPA Funding requested: \$ **12,000**

Fiscal Year Request:

2013 \$ **12,000**      2014 \$ \_\_\_\_\_

2015 \$ \_\_\_\_\_

Expected annual operational/maintenance cost to the town after completion of project:

\$ **-0-** \_\_\_\_\_

Project Sponsor/Organization **Braintree Historical Commission**

Contact              **Ronald F. Frazier, Vice Chairman**

Address              **132 Middle Street, Braintree**

Phone #              **781-843-5091** \_\_\_\_\_              E-Mail **ronfrazier@hotmail.com**

Applicant's Signature       \_\_\_\_\_

Date Submitted **1 September 2012** \_\_\_\_\_

## Braintree Historical Commission

To: Community Preservation Committee

Date: 31 August 2012

RE: Continuing Work on Elm Street Cemetery

In February 2011, after more than ten years of attempting to deal with what the Massachusetts Historical Commission described as one of the most historically significant cemeteries in New England, Braintree's Elm Street Cemetery, and after much discussion, and appropriation of funds by Braintree Town Meeting, we were ready to begin work on the Elm Street Cemetery. Shortly after the funds were obtained, Braintree's form of government was changed and all Commissions and Committees were dissolved. After two years without a Historical Commission or District Commission, one was appointed and we resumed our objectives. An important part of that objective was conservation (referred to as restoration by some) of one of the Town's most important historical resources, The Elm Street Cemetery which dated to the year c.1700.

Because the cost for the assessment of this most important historical and cultural resource had risen in the several year interim, we had to come back to CPC for additional funding. What we received in return for the expenditure was the most highly professional assessment of all aspects of the cemetery, its history, the significance of its place in the development of the town and its citizens. In addition, it gave us a plan of attack for the prevention of further deterioration of the cemetery, along with specific recommendations on how to deal with all of the existing problems.

The Cemetery, being a primary consideration as a historical resource for the town, by the Massachusetts Historical Commission, and one of the most significant concerns of the Braintree Historical Commission, received an outstanding professional assessment. Now came the challenge of what exactly to do with it.

First, we publicized the Assessment. We then arranged a tour of the Cemetery, inviting everyone in town to hear the person in charge of the Assessment Project. Our next challenge was to decide our next step.

We looked at the three major areas: the gravestones, fencing, and landscaping. Our conclusion was that the most critical of these was the gravestones. We were able to see stones that had actually crumbled and were no longer identifiable, others that had been broken, and with time had been further broken, either through vandalism or maintenance procedures. We had a gravestone restorer come in to give an assessment of the stones that were in the most critical condition, that if not conserved, would soon be totally lost and unidentifiable. These coupled with extremely important or rare inscriptions, and the historically significant individuals they memorialized gave us the gravestones for which we are applying for conservation funding.

Once we determined the critical-need gravestones, we photographed them and had extensive newspaper coverage in an attempt to find any living descendants. None were found.

We are now before you seeking funding for the next phase of this project, that which is most critical at this time.

Attached:  
Photos of Grave Markers  
Cost estimates.

**The Grave Markers for which conservation funding is requested:**



Deliverance Thayer (Deacon Thayer House wife)



Nathaniel Thayer (Deacon Thayer House)



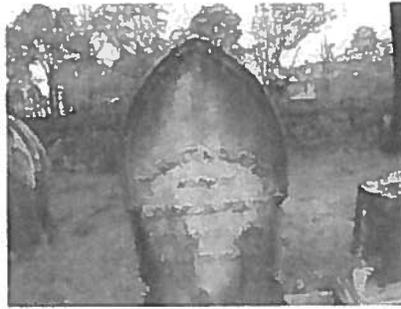
Calvin White



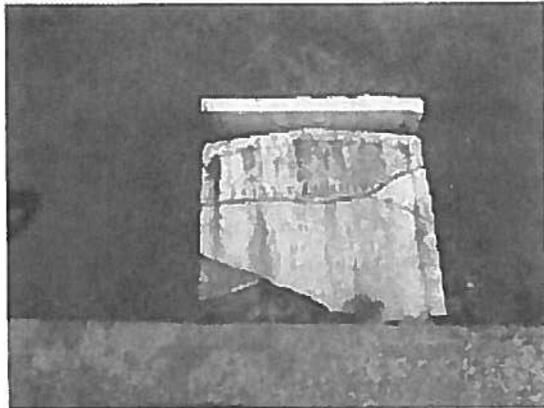
C B Storrs



Charles Dickerman



Harriet Perry



Eliza Cummings



Howard Hicks



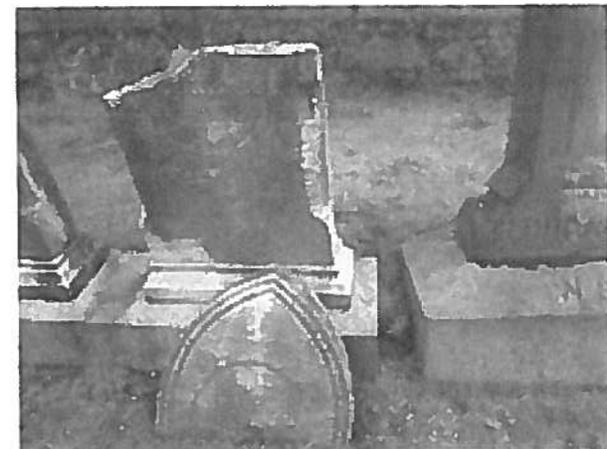
Ezra Weld



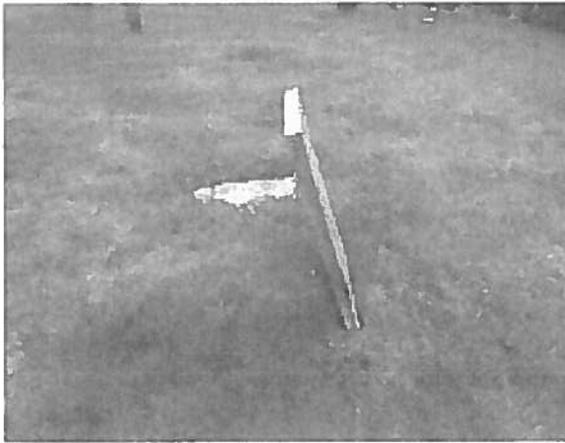
John Minchin



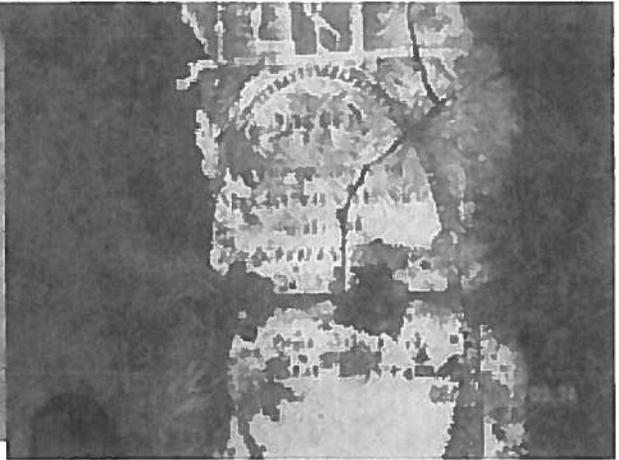
Geo and Nancy Thayer



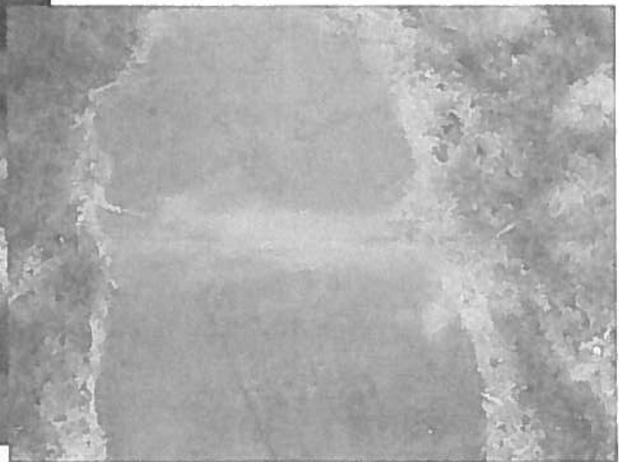
Lem and Harriet Perry



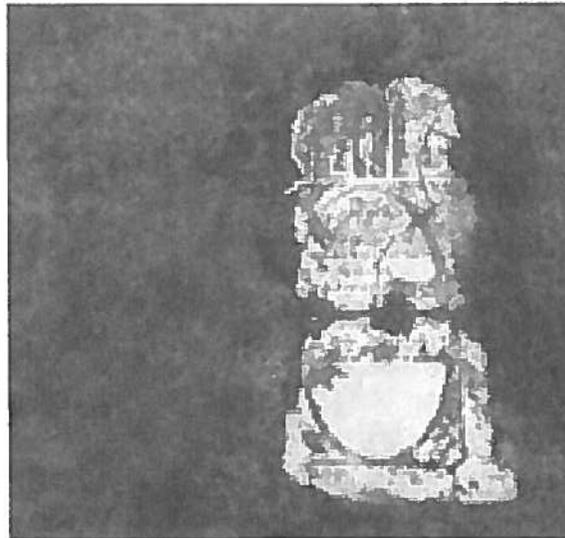
Lem Storrs Veazie



Lydia Dickerman



Nathaniel Capen



Rutha Heard



Caroline Holbrook

**ESTIMATED COST FIGURES**

**FOR CONSERVATION OF  
THE MOST CRITICAL GRAVE MARKERS**

Ez. Weld	585
C.B. Storrs	585
Eliza Cummings	745
Lem Storrs Veazie	350
Calvin White	625
John Minchin	685
George Thayer	625
Howard Hicks	1,275
Nathaniel Capen	1,000
L & H Perry	850
Rutha Heard	745*
Lydia Dickerman	625
Charles Dickerman	400
Deliverance Thayer	1,085
Nathaniel Thayer	665
Contingency	390
<b>TOTAL</b>	<b>\$12,000</b>

Work would be specific to each stone, but would generally include cleaning, repairing, use of carbon fiber rods, epoxy, resetting of head stones, filling, and new bases as needed. Most work would be done on site, other would have to be temporarily removed due to the nature of the work.

Estimate dated 4 May 2012

**ESTIMATED COST FIGURES  
FOR CONSERVATION OF 16 OF 50 OF  
THE MOST CRITICAL GRAVE MARKERS**

Ez. Weld

C.B. Storrs

Eliza Cummings

Lem Storrs Veazie

Calvin White

John Minchin

George Thayer

Howard Hicks

Nathaniel Capen

L & H Perry

Rutha Heard

Lydia Dickerman

Charles Dickerman

Deliverance Thayer

Nathaniel Thayer

**TOTAL**

**\$12,000**

Work would be specific to each stone, but would generally include cleaning, repairing, use or carbon fiber rods, epoxy, resetting of head stones, filling, and new bases as needed. Most work would be done on site, other would have to be temporarily removed due to the nature of the work.

Estimate dated 1 September 2012

Estimated time required: 30 to 60 days from date of approval, based on weather.

These estimates were provided by Colonial Stone of Plymouth, the owner originally from Braintree, who has been in the business for more than 20 years. They specialize in historic gravestone restoration. Most of their work is for historical commissions in MA.

## Stickney, Christine

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**From:** Ron Frazier <ronfrazier@hotmail.com>  
**Sent:** Wednesday, October 03, 2012 8:44 AM  
**To:** Stickney, Christine  
**Subject:** Stone restoration quotes

Hi Christine,

Re: additional quotes for the Elm Street Cemetery project:

In the Preservation Management Plan presented to the Town by Barbara Donohue in February, 2011, her expert on gravestone preservation, Dr. Michael Trinkley, of Chicora Foundation, Inc., outlined the work to be done on the most important gravestones. With that he also provided a cost for the necessary work for conservation. In contacting Dr. Trinkley with regard to doing the work, or providing names of people who could undertake part of the project, I was unable to obtain any response.

Another person I contacted was Paul S. Brown of Paul Spencer Brown, Architect, who requested to quote the work; however, their work has been on major monuments. He suggested they would hire people to determine what kind of stone work would need to be done, and how to do it. This would have required additional costs and would have required that they act as the "middle man."

Frank Drollett of Colonial Stone specializes in historic gravestone restoration, is now located in Plymouth, but worked in the cemeteries in Braintree for much of his life. His work has included extensive work in the Oak Grove Cemetery, the Vine Hills Cemetery, Burial Hill Cemetery, and Manomet Cemetery in Plymouth; the Old Kirk Yard Cemetery in Attleboro, St. Joseph's Cemetery in West Roxbury, as well as cemeteries in a score of other towns.

Ron

**Braintree Historical Commission**  
**Minutes**  
**June 4, 2012**  
**Town Hall – Johnson Chambers**

**Present:** Elizabeth Mees (Chair) Kate Nedelman-Herbst  
Ron Frazier Al Varraso

**Absent:** Paul Carr

**Also Present:** Christine Stickney, Director of Planning and Community Development

Meeting convened at 7:00 PM

**Elm Street Cemetery – Headstone Restoration Project**

Ron Frazier had introduced this project at the last meeting and tonight he provided members with additional information on the "Thayer stones" and estimates for each. Members reviewed the handouts and these two additional handouts as to the stones proposed and the estimated cost of restoration. Ron would like this to be submitted as a CPA Application for the fall round. Christine expressed a concern that are these stones considered private property and the families need to be consulted? Also she commented a vote relative to the historical significance should be taken and explained when a vote is put forward to submit an application. Kate Nedelman Herbst suggests a notification could be put in the Forum that this is a proposed project. Ron suggested it be as simple as the BHC is starting work as recommended under the Elm Street Management Plan which includes the most endangered stones and historically significant. Ron agreed to draft something and forward to Christine for the Forum. Kate Nedelman Herbst **MOTION** to approval submittal of a CPA application for restoration of the stone markers at the Elm Street as specified in the materials provided for funding of \$11,000.00 conditional on 1) a notification in the Forum as discussed and 2) that the BHC vote approval of the historical significance of the project, seconded by Ron Frazier – Unanimously voted.

Members discussed the historical significance of the project as demonstrated in the Management Plan, its history and MHC involvement in noting it as one of the oldest cemetery and its location in one of the oldest historically significant town centers. Ron Frazier **MOTION** to deem the project historically significant based upon the following reason; it has been recognized by Mass Historical as a historically significant Town cemetery; it is one of the Town's original cemeteries dating back to 1800's; the cemetery's location in the Braintree Center was the original gathering area of a number of historic events including John Adams stamp act speech; the inventory of deceased occupants as identified in the Elm Street Management Plan all together substantiate the historical significance of this preservation and restoration project, seconded by Kate Nedelman Herbst – unanimously voted.

Christine asked if Ron could assist in the preparation of the CPA application.

**Local Historic District – Town Council**

Christine provided members with the map and bylaw amendment as sent to the Town Solicitor for the inclusion of the Gallivan and Bean Park into the district. Currently, it is in the Mayor's office and hopefully will be sent to Town Council shortly for action. Ron Frazier and Elizabeth Mees questioned if the ordinance amended was the latest version. Christine felt she had the most up to date version however Ron Frazier felt it had been changed – Discussion on "roofs" in the exclusion section appeared

Page 2 – CPA Minutes 6/4/12

to be different. Christine added if members found something different to let her know so it can be addressed at this point before moving through the approval process with the Council. Christine agreed to send the Town Meeting articles referenced in the ordinance to the members.

Old Business:

**Update on CPA Applications:** Christine reported the Old Thayer Library (\$116k) was approved and is scheduled for consideration by the Council on 6/19 and probably Ways & Means the same night. The Gallivan House has been before the CPA at their last meeting and additional information is needed they return to the CPA on 6/11 for discussion. Union School needs some additional information and will most likely appear before the CPA in July or August.

**Gallivan House – CPA Request:** Christine reported the CPA Chair has asked for a more detail explanation of the BHC vote to deem the Gallivan House as historically significant. The Chair agreed she has can put something together and get it over to the CPA prior to their next meeting. Discussion on the BHC role in reviewing the materials for the roof may be required and members questioned how it pertained to the ordinance.

**Old Thayer Library:** Christine gave a brief update on the contractor's progress with the building, issues that have arisen to date and the projected schedule.

**Acknowledgement of the Culkins:** Elizabeth questioned if the BHC should have a set of criteria for consideration of acknowledgement before going forward on this particular property. Ron Frazier commented that they have done a lot of work however he is unsure if it historical accurate citing the columns and gold rings. Members discussed what other communities do and if it should be investigated further – Christine noted she had an intern coming in June to help the department – this would be a good project. This matter was put over until the end of the summer for further discussion.

The Historical Significance matter was tabled for next meeting

Other: Kate Nedelman Herbst asked about the status of the Demolition Delay bylaw – Christine believes it is still with the Town Solicitor but will check. Ron Frazier commented on the CPA membership and his feeling that a BHC member should be on the CPA committee. Christine noted that this is an issue with the Mayor's office since members are appointed.

Administrative Matters:

Members agreed to hold a meeting on November 13, 2012 and their summer schedule of 7/30/12

Al Varraso **MOTION** to accept the minutes of 5/7/12, seconded by Ron Frazier – unanimously voted.

Al Varraso **MOTION** to adjourn the meeting, seconded by Kate Nedelman Herbst – unanimously voted.  
Meeting adjourned at 8:05PM

Respectfully submitted,

Christine Stickney, Director

APPENDIX A

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38

ACTS, 1963. — CHAP. 58.

SECTION 6 Nothing in this act or any action taken hereunder shall contravene the provisions of any statute or any rules or regulations issued thereunder.

SECTION 7 This act shall take effect upon its acceptance by the town of Winchester within two years of the passage of this act.

*Approved February 20, 1963.*

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**Chap. 58.** AN ACT AUTHORIZING THE TRANSFER OF THE BRAINTREE FIRST PARISH CEMETERY ASSOCIATION PROPERTY AND FUNDS TO THE TOWN OF BRAINTREE.

*Be it enacted, etc., as follows:*

SECTION 1. Braintree First Parish Cemetery Association, a corporation established under the provisions of chapter two hundred and twelve of the acts of eighteen hundred and ninety-eight, and located in the town of Braintree, hereinafter called the corporation, may, by deed duly executed, convey and transfer to said town, and said town is hereby authorized and empowered to receive, and thereafter to hold and maintain, but for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of the corporation not subject to any trust, and thereupon, and upon the transfer of the trust funds as hereinafter provided, the corporation shall be dissolved; and the cemetery of the corporation shall be and become a public burial place, ground or cemetery.

SECTION 2. In so far as authorized by a decree of a court of competent jurisdiction, and in compliance with the terms and conditions of such decree, said town may receive from the corporation a conveyance and transfer of, and administer, all funds or other property held by the corporation in trust for the perpetual care of the lots in the cemetery and for other purposes, and also any property devised or bequeathed to the corporation under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section thirty-seven or section thirty-eight of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of the corporation, or of any lots in the cemetery, may, after such conveyance, be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purposes of said trusts.

SECTION 3. All real and personal property and property rights, acquired by said town from the corporation under authority of this act, shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, that all rights which any persons have acquired in the cemetery of the corporation, or any lots therein, shall remain in force to the same extent as if this act had not been passed and such transfer had not occurred. The records of the corporation shall be delivered to the clerk of said town and such clerk may certify copies thereof.

SECTION 4. This act shall take effect upon its acceptance by the town of Braintree.

*Approved February 20, 1963.*



# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

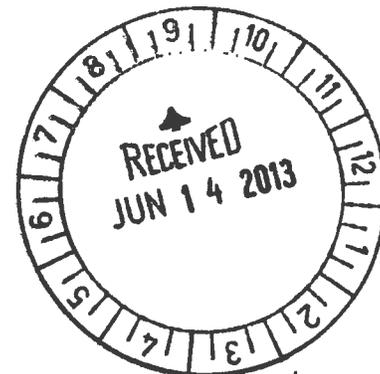
To: Charles Kokoros, Council President  
Town Councilors  
Town Clerk  
Clerk of the Council

From: Joseph C. Sullivan, Mayor

JCS

Date: June 13, 2013

RE: Proposed Zoning Ordinance - Medical Marijuana Moratorium



TC 6/14/13  
P. UTM

You may recall that the citizen initiative petition endorsing the medical use of marijuana was approved by the voters in November 2012 and took effect on January 1, 2013 with the requirement that the Department of Public Health ("DPH") promulgate regulations for licensing these facilities by May 1, 2013. Shortly after the November election, on December 7, 2012, I sent a memorandum to the Council regarding this new law and urging that the Town refrain from acting too hastily in response to this law by either banning such medical marijuana treatment centers or enacting an ordinance that would allow such centers in our Town before we knew what regulations DPH would issue.

Since December, our Town Solicitor, Carolyn Murray, has monitored the experiences of other communities, such as Wakefield, that a total ban on a medical marijuana treatment facility has been determined to be contrary to law per the Attorney General. We have also learned that a temporary moratorium or a limited ban on such medical marijuana treatment centers, such as the one adopted in Burlington, is permissible per the Attorney General. Further, on May 8, 2013, the DPH approved regulations pertaining to these facilities, which provides municipalities and medical marijuana treatment centers with some insight as to what will be required of an applicant to operate such a facility.

With these experiences in mind, I hereby submit a proposed ordinance which would implement a temporary moratorium on medical marijuana treatment centers in Braintree until one year from the date that the ordinance is finally adopted by the Town Council. The purpose of this moratorium is to allow the Town sufficient time to carefully consider the proper placement, permitting requirements, and impacts of a medical marijuana treatment facility in our Town. Since this is a proposed Zoning Ordinance, both the Planning Board and the Town

Council are required to advertise and conduct a public hearing on this proposal. I trust that this thoughtful measure will be supported by both boards as being in the best interests of the Town of Braintree. A motion approving this proposed ordinance is as follows:

MOTION: That the Town vote to amend its Zoning By-laws and Zoning Ordinances, dated May 1940, as most recently amended, by adopting a new Article XVII entitled "Moratorium Regarding Medical Marijuana Treatment Centers," the full text of which is attached hereto and filed in the office of the Town Clerk on (insert date filed).

The Town Solicitor has advised that this measure requires a two-thirds vote of the Council to be enacted.

## ***Proposed Zoning Amendment***

*That the Town vote to amend the Zoning Bylaws/Ordinances by adding the following new Article XVII, Entitled:*

### **TEMPORARY MORATORIUM REGARDING MEDICAL MARIJUANA TREATMENT CENTERS**

#### **§135-1701. Purpose.**

An Initiative Petition for a Law for the Humanitarian Medical Use of Marijuana was approved by the voters of the Commonwealth of Massachusetts and took effect beginning January 1, 2013, and that law required the State Department of Public Health to promulgate regulations regarding implementation of the law within 120 days after the law's effective date. Currently, under the Town of Braintree Zoning By-laws/Ordinances, a medical marijuana treatment center is not a permitted use within the Town, and regulations to be promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating such facilities. The regulation of medical marijuana treatment centers raises many novel and complex legal, planning, and public safety issues, and the Town needs time to study the anticipated regulations from the Department of Public Health and to address the potential impacts of these regulations on local zoning. Given that the State Department of Public Health has yet to promulgate final regulations by which facilities that produce or dispense medical marijuana shall be registered and administered, a restriction on the establishment of such facilities in the Town of Braintree shall provide the Town adequate time to consider whether to allow the establishment of such facilities associated with the medical use of marijuana, and, if so, where and under what conditions. Such restriction shall also provide the Town the opportunity to study the potential impacts of such facilities on adjacent uses and on general public health, safety, and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitted procedures.

#### **§135-1702. Definition.**

A Medical Marijuana Treatment Center shall mean any not-for-profit entity, as defined under Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

#### **§135-1703. Interim Moratorium.**

Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the Town of Braintree as long as this Article XVII is effective, as set forth in §135-1704 (Expiration) below. No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of

establishing a medical marijuana treatment center or associated activities for the duration of this Interim Moratorium.

**§135-1704. Expiration.**

Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the Town of Braintree until one (1) year from the date that this ordinance is finally adopted by the Town Council.

**§135-1705. Exclusion of Other Marijuana Uses.**

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

**§135-1706. Exclusion of Accessory Uses.**

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana products containing or derived from marijuana, or related products be considered accessory to any use.

TO: Charles Kokoros, President of the Town Council  
Clerk of the Council  
Town Clerk

FROM: Peter J. Morin, Chief of Staff and Director of Operations

CC: Edward Spellman, Director of Municipal Finance

DATE: June 20, 2013

RE: Line Item Transfers reversal and correction for FY13

The following actions are requested of the Town Council

First, a mistake was made in the wording of Council Order 13-11-(5B). The source of funding should have been from the bond interest program and bond interest account and not the finance department administration program 9C reserve account. The 9C reserve was used in the previous transfer request items approved. Below are several requests

The first request is to rescind CO 13-011(5B) and line item # 1 to replace the rescinded line item transfer request.

The second request is for some additional funds to cover the cleanup costs caused by vandalism at 1969 Washington Street.

The third request is for some pest control costs needed in the Church and Lowell Street neighborhood.

Accordingly, your review and approval of the following motions are requested:

- 1) Rescind 13-011(5B) and Re-Appropriate

Finance

MOTION: That the Town Council rescinds its vote on Order No. 13-011(5B) in which the sum of \$20,000 was transferred from the Finance Department / Program 01- Administration / 9C Reduction Reserve Account to the Finance

Department/ Program 08- Information Technology Other Equipment account 01-13308-5875, and further, that the sum of \$20,000 be transferred from the Finance Department/ Program 51- Debt Interest / Bond Interest account to the Finance Department/ Program 08- Information Technology Other Equipment account 01-13308-5875.

2) Department of Public Works

MOTION: That the sum of \$8,000 be transferred from the Finance Department/ Program 51- Debt Interest / Bond Interest account to the Department of Public Works /Program 2– Facilities and Equipment Maintenance / Vandalism Repairs account 01-40002-5255.

3) Department of Municipal Licenses and Inspections

MOTION: That the sum of \$5,000 be transferred from the Finance Department/ Program 50- Debt Principal / Bond Principal Interest account to the Department of Municipal Licenses and Inspections Code Enforcement Program / Pest Control account 01-24105-5389.

Since these requests involve the re-appropriation of funds within the fiscal year 2013 budget, advertising and a public hearing is required under the sections 2-9 and 6-7 of the Town Charter.



# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

Joseph C. Sullivan  
Mayor

781-794-8100

TO: Charles Kokoros, Council President  
Members of the Town Council  
Joseph Powers, Town Clerk  
James Casey, Clerk of the Council

FROM: Peter J. Morin Chief of Staff *PSM*

CC: Joseph C. Sullivan, Mayor  
Edward Spellman, Director of Municipal Finance

DATE: July 5, 2013

RE: Bond authorization for Trash and Recycling Receptacle Purchase

Attached for your consideration please find a proposed order to bond the sum of \$905,000 for the purchase of trash and recycling receptacles. The cost of this purchase will be offset by a \$130,000 state grant. As you are aware, the Town of Braintree has entered into a contract with Purchase America, doing business as Sunrise Scavenger for the transport and disposal of household waste. A key component in this new contract is the provision of each household with new trash and recycling receptacles. This will allow trucks to use an automated lift which greatly reduces disposal costs. Moreover, each household will be provided with a larger recycling receptacle, greatly enhancing the single stream program's efficiency.

I look forward to presenting a full description of this proposed order and the waste disposal and recycling plans before the Ways and Means Committee and the full Town Council.



## TOWN OF BRAINTREE, MASSACHUSETTS

## IN TOWN COUNCIL

## ORDERED:

That the Town of Braintree appropriates the sum of Nine Hundred and Five Thousand Dollars (\$905,000) to pay costs of purchasing solid waste collection and recycling carts, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The amount authorized to be borrowed pursuant to this Order shall be reduced to the extent of any grants, gifts or other funds received by the Town to pay costs of purchasing solid waste collection and recycling bins described above, which amounts are expected to total approximately \$130,000.



# Office of the Mayor

One JFK Memorial Drive  
Braintree, Massachusetts 02184

# 1 3 - 0 3 1

Joseph C. Sullivan  
Mayor

781-794-8100

June 21, 2013

To: Charles Kokoros, President, Braintree Town Council

From: Joseph C. Sullivan, Mayor 

Re: Appointment to the Board of Health

Cc: Town Clerk  
Clerk of Council  
Mary Beth McGrath, Director of Municipal Licenses and Inspection

Pursuant to Section 3-3 of the Town of Braintree Charter I hereby appoint Dr. Arthur Bregoli to the Board of Health. Dr. Bregoli is a Braintree resident with over 30 years of medical experience and was a member of the Board of Health under the old form of government.



# BOARD OF HEALTH APPOINTMENTS

## **Council Order 08 026**

Paula Dowd R.N.  
Philip Nedelman M.D.  
Mark Samuelson M.D.

## **Council Order 10 053**

Karen Hubbard R.N. (replacing Samuelson)

## **Council Order 13 031**

Arthur Bregoli M.D. (replacing Hubbard)