

Thomas M. Bowes  
President  
District 3

Shannon L. Hume  
At Large

CHARLES B. Ryan  
At Large

CHARLES C. Kokoros  
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JOHN C. MULLANEY  
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Vice President  
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Michael J. Owens  
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PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

### - AGENDA -

**June 3, 2014** • Horace T. Cahill Auditorium, Town Hall • Starting Time: 7:30<sub>PM</sub>

#### PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

#### CORRESPONDENCE

#### ANNOUNCEMENTS

- 040 14 Councilor Powers: Recognition of 2<sup>nd</sup> Anniversary - Southside Tavern
- 048 14 Council President: Project Prove Recognition Night

#### APPROVAL OF MINUTES

- May 27, 2014

#### CITIZEN CONCERNS/COUNCIL RESPONSE

- 056 14 Council President: Noise Complaints – Adams Street

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

#### OLD BUSINESS

#### NEW BUSINESS

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

#### UPCOMING MEETINGS:

COUNCIL - **JUNE 17, 2014 @ 7:30pm**

COUNCIL - **JULY 15, 2014 @ 7:30pm**

#### ADJOURNMENT



# Braintree Town Council In Recognition of

# Southside Tavern

*Is recognized by the Braintree Town Council on their two-year anniversary and extends it's best wishes, congratulations and sincere appreciation for its support of numerous charities that benefit the Town of Braintree and it's citizens.*

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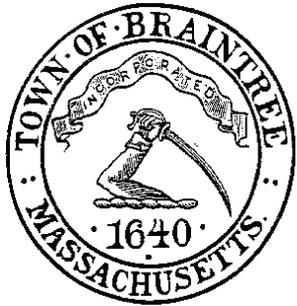
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# Braintree Town Council In Recognition of

# Pedro Alves

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# Braintree Town Council In Recognition of

# Max Baird

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# Braintree Town Council In Recognition of

# Katie Barnes

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# Braintree Town Council In Recognition of

# Michael Booth

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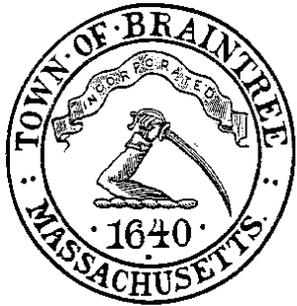
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# Jaden Ford

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# Braintree Town Council In Recognition of

# Andrew Gannon

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## Braintree Town Council In Recognition of

# Liam Higgins

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# Braintree Town Council In Recognition of

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# Braintree Town Council In Recognition of

# Teddy Hunter

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# Braintree Town Council In Recognition of

# Kerri-Anne Hutchins

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# Braintree Town Council In Recognition of

# Anthony Kwan

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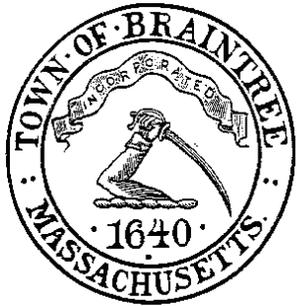
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# William Mei

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# Braintree Town Council In Recognition of

# Joe Panciotti

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# Kenny Regan

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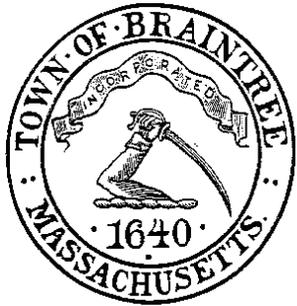
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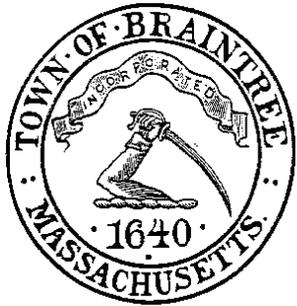
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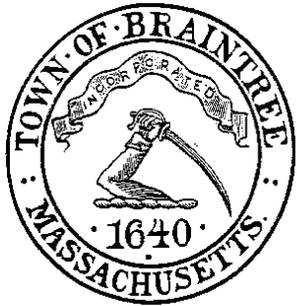
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# Tyrel Watkins

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# Ledyia Zaki

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# Elise Zarrella

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## OFFICE OF THE TOWN COUNCIL

**May 27, 2014**

### MINUTES

A meeting of the Town Council was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on Tuesday, May 27, 2014 beginning at 7:05p.m.

Council President Bowes was in the chair.

The Clerk of the Council conducted the roll call.

Present: Thomas Bowes, President  
Sean Powers, Vice President  
Shannon Hume  
Charles Ryan (Arrived at 7:14pm)  
Stephen O'Brien  
Michael Owens  
Paul Dan Clifford  
Charles Kokoros  
John Mullaney

Others: Joseph Sullivan, Mayor  
Senator John Keenan  
Representative Mark Cusack  
Peter Morin, Town Solicitor  
Edward Spellman, Finance Director  
Various Department Heads  
Maureen Murrery, School Superintendent  
Various School Committee/Staff Members  
James Quaglia, Superintendent Blue Hills Regional Vocational School  
Terry Longley, Assistant Business Manager, Blue Hill Regional School  
Germano Silveira, Braintree Representative to Blue Hill Regional School  
Christine Stickney, Director of Planning & Community Development  
Eric Kinsherf, Town Auditor

## **CORRESPONDENCE**

None

## **ANNOUNCEMENTS**

- 040 14 Councilor Powers: Recognition of 2<sup>nd</sup> Anniversary - Southside Tavern
- 051 14 Councilor O'Brien: Recognition of Jim Dawson
- 042 14 Councilor Owens: Recognition Sustainable Braintree – Monatiquot River Organizers
- 052 14 Councilor Powers: Recognition of Sandra Sisk
- 044 14 Council President: Kyleighs Cure Annual Road Race
- 047 14 Councilor Clifford: Thompson Memorial Golf Tournament
- 048 14 Councilor Hume: Mass Fallen Heroes
- 054 14 Council President: Recreation Department – Upcoming Events
- 055 14 Braintree Chamber of Commerce - Pizza Palooza

At 7:40pm, Council President Bowes informed members that if there were no objections he will take items out of order and move to "Old Business". No objections came forward.

## **OLD BUSINESS**

- **14 032 Mayor: FY2015 Operating Budget**

Motion by Councilor Powers to Open Public Hearing

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported the committee recommends favorable action on each FY2015 department request as submitted by Mayor Sullivan.

Mayor Joseph C. Sullivan noted the FY2015 Budget request is \$111,863,087, up 4.7% over FY2014. The budget accounts for several new positions, in public safety and DPW entry level positions and expansion of library hours on Saturdays. He expressed his thanks to all who have contributed many hours in preparing and reviewing the proposed budget.

Councilor Powers read each department's FY2015 proposed budget totals.

Department/Programs		FY 2014 Original	FY 2015 Proposed	Difference 2015-2014
111	Town Council Programs	308,028	<b>309,099</b>	1,071
121	Mayor's Office-Programs	425,598	<b>455,781</b>	30,183
133	Finance Programs	6,519,262	<b>6,491,662</b>	(27,600)
151	Law	248,059	<b>256,758</b>	8,699
152	Human Resources-Programs	17,726,575	<b>17,729,791</b>	3,216
161	Town Clerk	276,457	<b>298,002</b>	21,545
175	Planning and Community Development	403,222	<b>438,807</b>	35,585
210	Police	8,271,116	<b>8,698,278</b>	427,162
220	Fire	7,409,119	<b>8,032,499</b>	623,380
241	Municipal Licenses and Inspections	832,146	<b>911,832</b>	79,686
300	Education	53,944,606	<b>57,242,261</b>	3,297,655
350	Blue Hill Regional	2,130,748	<b>2,143,378</b>	12,630
400	Public Works Department	6,751,716	<b>7,169,364</b>	417,648
541	Elder Affairs	255,103	<b>280,172</b>	25,069
610	Library	<u>1,344,673</u>	<b><u>1,405,403</u></b>	<u>60,730</u>
TOTAL GENERAL FUND		106,846,428	<b>111,863,087</b>	5,016,659
400	Golf	1,479,006	<b>1,399,510</b>	(79,496)
436	Sewer	8,830,628	<b>9,390,815</b>	560,187
438	Water	<u>6,899,705</u>	<b><u>6,972,163</u></b>	<u>72,458</u>
TOTAL WATER AND SEWER		15,730,333	<b>16,362,978</b>	632,645
TOTAL ALL FUNDS		<u>124,055,767</u>	<b><u>129,625,575</u></b>	<u>5,569,808</u> <u>5,569,808</u>

Council President Bowes asked if any other member of the Council or anyone from the public would like to speak on the issue at hand. No one came forward.

Motion by Councilor Powers to Close Public Hearing

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

After reading Order 14 032 (1) Councilor Powers made a motion to approve:

1. That the Town of Braintree raise and appropriate the sum of \$111,863,087 to provide for all of the expenses for the maintenance and operation of the Town's several departments and programs for the fiscal year 2015 and that the several sums herein set forth are hereby approved for the several purposes and are subject to the source of funding for said expenditures as outlined on the attached Exhibit A, specifically, that the sum of \$71,156 be transferred from Golf Course receipts, the sum of \$150,000 be transferred from the Overlay Surplus account, the sum of \$4,350 be transferred from the Waterways Improvement fund, the sum of \$22,000 be transferred from the Sale of Cemetery Lots, the sum of \$489,458 be transferred from Water and Sewer receipts, the sum of \$100,000 be transferred from the Municipal Building Insurance Fund and the balance to be raised in the tax levy.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

After reading Order 14 032 (2) Councilor Powers made a motion to approve:

2. That the Town of Braintree appropriate the sum of \$1,399,510 to provide for all of the expenses for the maintenance and operation of the Town's Golf Course and related programs for the fiscal year 2015 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$1,399,510 be raised in the Golf Course receipts.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

After reading Order 14 032 (3) Councilor Powers made a motion to approve:

3. That the Town of Braintree appropriate the sum of \$16,362,978 to provide for all of the expenses for the maintenance and operation of the Town's Water and Sewer Division and related programs for the fiscal year 2015 and that the several sums herein set forth are hereby approved for the several purposes as outlined on the attached Exhibit A, specifically, and that the sum of \$600,000 be transferred from Water and Sewer Retained Earnings, that the sum of \$103,694 be transferred from the Water Sewer Rehabilitation Fund and the balance of \$15,659,284 be raised in the Water and Sewer receipts.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

After reading Order 14 032 (4) Councilor Powers made a motion to approve:

4. Pursuant to General Law Chapter 44, Section 31D, the town is authorized to incur a liability in excess of the amount appropriated for snow and ice for fiscal year 2015.

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

• **14 033 Mayor: FY2015 Revolving Accounts**

Motion by Councilor Powers to Open Public Hearing

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported the committee recommends favorable action on each of the nine revolving accounts as submitted.

Councilor Powers read each of the nine revolving fund requests.

**R1. THAT THE DEPARTMENT OF ELDER AFFAIRS BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE DEPARTMENT OF ELDER AFFAIRS WITHOUT FURTHER**

APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, TO PAY SALARIES, EXPENSES, AND CONTRACTUAL SERVICES REQUIRED TO PROVIDE SERVICES AND ACTIVITIES FOR THE TOWN'S ELDERLY RESIDENTS. THE DEPARTMENT OF ELDER AFFAIRS REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES RECEIVED DURING FISCAL YEAR 2015 FROM PERSONS USING SAID PROGRAMS. THE COUNCIL ON AGING MAY SPEND UP TO \$30,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2015.

**R2.** THAT THE BOARD OF HEALTH BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E 1/2 THAT MAY BE SPENT BY THE BOARD OF HEALTH WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH PURCHASING, PROMOTING, AND ADMINISTERING PUBLIC HEALTH IMMUNIZATIONS AND FOR PUBLIC HEALTH EDUCATION PROGRAMS. THE BOARD OF HEALTH REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES COLLECTED DURING FISCAL YEAR 2015 FOR IMMUNIZATIONS ADMINISTERED UNDER THE DEPARTMENT OF PUBLIC HEALTH. THE BOARD OF HEALTH MAY SPEND UP TO \$50,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2015

**R3.** THE LIBRARY TRUSTEES BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE LIBRARY TRUSTEES WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, FOR THE PURCHASE OF LIBRARY BOOKS, AUDIOVISUAL MATERIALS AND OTHER LIBRARY MATERIALS. THE LIBRARY TRUSTEES REVOLVING FUND IS TO BE CREDITED WITH ALL FINES AND FEES COLLECTED DURING FISCAL YEAR 2015 FOR LOST OR OVERDUE LIBRARY MATERIALS. THE LIBRARY TRUSTEES MAY SPEND UP TO \$45,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2015.

**R4.** THAT THE LIBRARY TRUSTEES BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE LIBRARY TRUSTEES WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, FOR THE COSTS ASSOCIATED WITH THE SUPPORT AND PROMOTION OF SPECIAL PROGRAMS, INCLUDING SALARIES RELATED THERETO. THE LIBRARY TRUSTEES REVOLVING FUND IS TO BE CREDITED WITH ALL REVENUE FROM THE RENTAL OF MEETING ROOMS COLLECTED DURING FISCAL YEAR 2015. THE LIBRARY TRUSTEES MAY SPEND UP TO \$5,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2015.

**R5.** THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE RECYCLING COORDINATOR, WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, FOR THE PURCHASE OF HOME COMPOSTING BINS, CURBSIDE RECYCLING BINS, RECYCLING BAGS AND FOR THE COLLECTION OF FEES AND PAYMENTS FOR RECYCLING MATERIALS, INCLUDING HAZARDOUS WASTE. THE RECYCLING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR 2015. THE MAYOR MAY SPEND UP TO \$3,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2015.

**R6.** THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE RECYCLING COORDINATOR WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, FOR THE COLLECTION OF FEES AND PAYMENTS FROM THE COLLECTION OF REVENUE-GENERATING MATERIALS AND TO USE THE INCOME TO PROMOTE TOWN RECYCLING INITIATIVES AND EVENTS, INCLUDING HOUSEHOLD HAZARDOUS WASTE EVENTS. THE RECYCLING REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR 2015. THE MAYOR MAY SPEND UP TO \$25,000 IN REVOLVING FUND MONIES DURING FISCAL YEAR 2015.

- R7.** THAT THE SCHOOL COMMITTEE BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53E1/2 THAT MAY BE SPENT BY THE SCHOOL COMMITTEE WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR COMMENCING JULY 1, 2014, TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH THE OPERATION OF FULL DAY KINDERGARDEN. THE REVOLVING FUND IS TO BE CREDITED WITH ALL FULL DAY KINDERGARDEN FEES AND CHARGES COLLECTED DURING FISCAL YEAR 2015. THE SCHOOL COMMITTEE MAY SPEND UP TO \$650,000 IN REVOLVING FUND MONIES IN FISCAL YEAR 2015.
- R8.** TO AUTHORIZE A NEW ARTS CENTER PARK AND RECREATION REVOLVING ACCOUNT UNDER MGL C44 s53D THAT THE MAYOR BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53D THAT MAY BE SPENT BY THE MAYOR, IN CONJUNCTION WITH THE ARTS CENTER COUNCIL, WITHOUT FURTHER APPROPRIATION DURING THE FISCAL YEAR , FOR THE PURPOSE OF PURCHASING SUPPLIES AND RUNNING ART PROGRAMS AND CLASSES INCLUDING HIRING PROGRAM TEACHERS, ARTISTS AND STAFF FOR THE COLLECTION OF FEES AND PAYMENTS FOR PROGRAMS AND MATERIALS, ART CENTER REVOLVING FUND IS TO BE CREDITED WITH ALL FEES COLLECTED DURING FISCAL YEAR. THE MAYOR MAY SPEND SAID FUNDS IN REVOLVING FUND MONIES, WITHOUT FURTHER APPROPRIATION.

R9. TO AUTHORIZE A NEW SCHOOL EXTRA-CURRICULAR ACTIVITY REVOLVING ACCOUNT UNDER MGL C71 §47 THAT THE SCHOOL COMMITTEE BE AUTHORIZED TO USE A REVOLVING FUND IN ACCORDANCE WITH THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 71, SECTION 47 THAT MAY BE SPENT BY THE SCHOOL COMMITTEE WITHOUT FURTHER APPROPRIATION TO PAY FOR SALARIES, EXPENSES, AND CONTRACTUAL SERVICES ASSOCIATED WITH THE OPERATION OF EXTRA CURRICULAR ACTIVITIES. THE SCHOOL DEPARTMENT REVOLVING FUND IS TO BE CREDITED WITH ALL FEES AND CHARGES FROM ALL EXTRA CURRICULAR ACTIVITIES COLLECTED DURING THE FISCAL YEAR FROM STUDENTS ENGAGING IN SUCH ACTIVITIES.

Council President Bowes asked if any other member of the Council or anyone from the public would like to speak on the issue at hand. No one came forward.

Motion by Councilor Powers to Close Public Hearing

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (1) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (2) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (3) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (4) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (5) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (6) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (7) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (8) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 033 (9) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

• **14 039 Mayor: FY2015 Budget Community Preservation Committee**

Motion by Councilor Powers to Open Public Hearing

**Motion:** by Councilor Powers

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

Councilor Mullaney, Chairman of the Committee on Ways & Means, reported the committee recommends favorable action on each of the nine revolving accounts as submitted.

Councilor Powers read each of the five Community Preservation Fund requests.

- C1.** IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$100,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE COMMUNITY HOUSING RESERVE FOR ACQUISITION, CREATION, PRESERVATION, OR SUPPORT OF **COMMUNITY HOUSING** OR THE REHABILITATION OR RESTORATION OF COMMUNITY HOUSING THAT IS ACQUIRED OR CREATED AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.
- C2.** IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$100,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE OPEN SPACE RESERVE FOR THE ACQUISITION, CREATION, OR PRESERVATION OF **OPEN SPACE** OR THE REHABILITATION OR RESTORATION OF OPEN SPACE THAT IS ACQUIRED OR CREATED AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.
- C3.** IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$100,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE HISTORIC RESOURCES RESERVE FOR THE ACQUISITION, PRESERVATION, REHABILITATION, OR RESTORATION OF **HISTORIC RESOURCES** AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.
- C4.** IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$400,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO THE COMMUNITY PRESERVATION **BUDGETED RESERVE** AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS.

**C5.** IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 44B, SECTION 5 OF THE GENERAL LAWS AND THE RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE, THAT THE SUM OF \$35,000 BE APPROPRIATED FROM THE COMMUNITY PRESERVATION FUND TO FOR FISCAL YEAR 2015 ADMINSTRATIVE OPERATING FUND AS PROVIDED IN CHAPTER 44B, SECTION 5, OF THE GENERAL LAWS. SAID FUNDS TO BE EXPENDED UNDER THE DIRECTION OF COMMUNITY PRESERVATION COMMITTEE AND BY THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT.

Council President Bowes asked if any other member of the Council or anyone from the public would like to speak on the issue at hand. No one came forward.

Motion by Councilor Powers to Close Public Hearing

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 039 (1) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 039 (2) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 039 (3) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 039 (4) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

Councilor Powers made a motion to approve Order 14 039 (5) as previously read.

**Motion:** by Councilor Powers  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

#### **APPROVAL OF MINUTES**

- May 1, 2014

**Motion:** by Councilor O'Brien to approve  
**Second:** by Councilor Owens  
**Vote:** For (9), Against (0)

- May 13, 2014

**Motion:** by Councilor O'Brien to approve  
**Second:** by Councilor Owens  
**Vote:** For (8), Against (0), Abstain (1-Kokoros)

#### **CITIZEN CONCERNS/COUNCIL RESPONSE**

None

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

- **050 14 Council President: Clerk of the Council Position**

Council President Bowes explained to members that he placed this item on the agenda to generate discussion on replacing the vacant Clerk of the Council position.

Councilor Mullaney commented that he believed the duties of the position could be merged in with the three employees in the Town Clerk's Office and the Town Clerk could oversee the job responsibilities. He noted that the salary of the one or more of the Town Clerk staff would need to be increased however, the town would save money overall. He believed the duties could be easily absorbed by the Town Clerk staff.

Councilor Kokoros concurred, noting the duties could be divided amongst the two Town Clerk Office staff position.

Councilor Owens believed that it was best to post the position and maintain it as it currently exists. If you over commit the town clerk's staff it would lead to under-performing their all their responsibilities.

Councilor O'Brien noted that placing the Council Clerk under control of the Town Clerk should only be a temporary fix. The Town Clerk can help mentor a new Council Clerk and don't know how the position could be only part-time.

Councilor Clifford noted that there were many resumes received when the position was first established. We should HR look into their files and see if there is any interest among this group.

Councilor Powers believed that the services in the Town Clerk's Office would be diminished if the position is absorbed in the Town Clerk's Office.

Councilor Kokoros made a motion to refer the issue to the Committee on Ordinance and Rules for review.

**Motion:** by Councilor Kokoros to approve

**Second:** by Councilor O'Brien

**Vote:** For (9), Against (0)

• **053 14 Councilor Ryan: APWA Conference Travel Approval**

Councilor Ryan explained that he has put forth this travel request to attend the APWA conference. The conference will allow him to stay abreast of current DPW issues and policies. The APWA are very active on DPW issues with the local legislators.

Councilor Clifford commented that he could not support the \$700 expense as no one from the DPW Department is attending the conference. He did not see any value to the town by attending the conference.

**Motion:** by Councilor Hume to approve

**Second:** by Councilor Kokoros

**Vote:** For (7), Against (2-Clifford, Powers)

**NEW BUSINESS**

• **14 044 Mayor: Appropriation - Community Preservation Committee Old Thayer Library Exterior Restoration Project III**

**Motion:** by Councilor Powers to refer to Committee on Ways & Means

**Second:** by Councilor Kokoros

**Vote:** For (9), Against (0)

• **14 042 National Grid: Petition – 155 Audubon Avenue or take up any action relative thereto**

**Motion:** by Councilor Powers to refer to Committee on Public Works  
**Second:** by Councilor Kokoros  
**Vote:** For (9), Against (0)

## **ADJOURNMENT**

It was unanimously voted to adjourn the meeting at 9:17p.m.

Respectfully submitted,  
James M. Casey  
Clerk of the Council

## **Documents provided for Meeting**

- May 1, 2014
- May 13, 2014
- 040 14 Councilor Powers: Recognition of 2<sup>nd</sup> Anniversary - Southside Tavern
- 051 14 Councilor O'Brien: Recognition of Jim Dawson
- 042 14 Councilor Owens: Recognition Sustainable Braintree – Monatiquot River Organizers
- 052 14 Councilor Powers: Recognition of Sandra Sisk
- 044 14 Council President: Kyleighs Cure Annual Road Race
- 047 14 Councilor Clifford: Thompson Memorial Golf Tournament
- 048 14 Councilor Hume: Mass Fallen Heroes
- 054 14 Council President: Recreation Department – Upcoming Events
- 055 14 Braintree Chamber of Commerce - Pizza Palooza
- 050 14 Council President: Clerk of the Council Position
- 053 14 Councilor Ryan: APWA Conference Travel Approval
- 14 032 Mayor: FY2015 Operating Budget
- 14 033 Mayor: FY2015 Revolving Accounts
- 14 039 Mayor: FY2015 Budget Community Preservation Committee
- 14 040 Council President: Title 6, Chapter 6: Animals
- 14 044 Mayor: Appropriation - Community Preservation Committee Old Thayer Library Exterior Restoration Project III
- 14 042 National Grid: Petition – 155 Audubon Avenue or take up any action relative thereto

THOMAS M. BOWES  
*President*  
*District 3*

SHANNON L. HUME  
*At Large*

CHARLES B. RYAN  
*At Large*

CHARLES C. KOKOROS  
*District 1*

JOHN C. MULLANEY  
*District 2*



SEAN E. POWERS  
*Vice President*  
*At Large*

STEPHEN C. O'BRIEN  
*District 4*

MICHAEL J. OWENS  
*District 5*

PAUL "DAN" CLIFFORD  
*District 6*

## OFFICE OF THE TOWN COUNCIL

May 20, 2014

A. Graziano Inc.  
71 Adams Street  
Braintree, MA 02184

Dear Business Owner,

The Braintree Town Council requests your attendance at the June 3, 2014 Braintree Town Council meeting to participate in a discussion concerning after-hour business activity and noise complaints in and around property you own and/or lease. The June 3<sup>rd</sup> meeting is scheduled to begin at 7:30pm.

I can be reached at 781 794-8152 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "James M. Casey".

James M. Casey  
Town Clerk/Clerk of the Council

Cc: Braintree Town Council  
Michael Coughlin, Chief of Staff and Director of Operations  
Marybeth McGrath, Director Municipal Licenses and Inspections

CERTIFIED MAIL - RETURN RECEIPT

THOMAS M. BOWES  
*President*  
*District 3*

SHANNON L. HUME  
*At Large*

CHARLES B. RYAN  
*At Large*

CHARLES C. KOKOROS  
*District 1*

JOHN C. MULLANEY  
*District 2*



SEAN E. POWERS  
*Vice President*  
*At Large*

STEPHEN C. O'BRIEN  
*District 4*

MICHAEL J. OWENS  
*District 5*

PAUL "DAN" CLIFFORD  
*District 6*

## OFFICE OF THE TOWN COUNCIL

May 20, 2014

Means Precast  
131 Adams Street  
Braintree, MA 02184

Dear Business Owner,

The Braintree Town Council requests your attendance at the June 3, 2014 Braintree Town Council meeting to participate in a discussion concerning after-hour business activity and noise complaints in and around property you own and/or lease. The June 3<sup>rd</sup> meeting is scheduled to begin at 7:30pm.

I can be reached at 781 794-8152 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "James M. Casey".

James M. Casey  
Town Clerk/Clerk of the Council

Cc: Braintree Town Council  
Michael Coughlin, Chief of Staff and Director of Operations  
Marybeth McGrath, Director Municipal Licenses and Inspections

CERTIFIED MAIL - RETURN RECEIPT

THOMAS M. BOWES  
President  
District 3

SHANNON L. HUME  
At Large

CHARLES B. RYAN  
At Large

CHARLES C. KOKOROS  
District 1

JOHN C. MULLANEY  
District 2



SEAN E. POWERS  
Vice President  
At Large

STEPHEN C. O'BRIEN  
District 4

MICHAEL J. OWENS  
District 5

PAUL "DAN" CLIFFORD  
District 6

## OFFICE OF THE TOWN COUNCIL

May 20, 2014

C. Naughton Corporation  
9 Arnold Street  
Braintree, MA 02184

Dear Business Owner,

The Braintree Town Council requests your attendance at the June 3, 2014 Braintree Town Council meeting to participate in a discussion concerning after-hour business activity and noise complaints in and around property you own and/or lease. The June 3<sup>rd</sup> meeting is scheduled to begin at 7:30pm.

I can be reached at 781 794-8152 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "James M. Casey".

James M. Casey  
Town Clerk/Clerk of the Council

Cc: Braintree Town Council  
Michael Coughlin, Chief of Staff and Director of Operations  
Marybeth McGrath, Director Municipal Licenses and Inspections

CERTIFIED MAIL - RETURN RECEIPT

THOMAS M. BOWES  
*President*  
*District 3*

SHANNON L. HUME  
*At Large*

CHARLES B. RYAN  
*At Large*

CHARLES C. KOKOROS  
*District 1*

JOHN C. MULLANEY  
*District 2*



SEAN E. POWERS  
*Vice President*  
*At Large*

STEPHEN C. O'BRIEN  
*District 4*

MICHAEL J. OWENS  
*District 5*

PAUL "DAN" CLIFFORD  
*District 6*

## OFFICE OF THE TOWN COUNCIL

May 20, 2014

Carolann Ricardo  
117 Adams Street  
Braintree, MA 02184

Dear Ms. Ricardo,

The Braintree Town Council requests your attendance at the June 3, 2014 Braintree Town Council meeting to participate in a discussion concerning after-hour business activity and noise complaints near your property. The June 3<sup>rd</sup> meeting is scheduled to begin at 7:30pm.

I can be reached at 781 794-8152 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Casey".

James M. Casey  
Town Clerk/Clerk of the Council

Cc: Braintree Town Council  
Michael Coughlin, Chief of Staff and Director of Operations  
Marybeth McGrath, Director Municipal Licenses and Inspections

CERTIFIED MAIL - RETURN RECEIPT

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2012000015651**  
**File No: N/A**  
**Dispatch Incident Number: 2012000015618**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sat	11/03/2012	4:00:00PM		Sat	11/03/2012	4:00:00PM	→	11/3/2012	4:00:48PM	
Reported As General Service P:015651			Incident Type - Primary General Service			Arresting Officer					
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Patrolman Corey Hutson (0091)					
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark			
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2012000015651			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2012000015651			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Corey R Hutson	Reporting Officer	Patrol Division
Patrolman	Corey R Hutson	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2012000015651				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2012000015651				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2012000015651						

Property
No Property Info reported for Incident #: 2012000015651

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2012000015651					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2012000015651					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 2012000015651**  
**File No: N/A**  
**Dispatch Incident Number: 2012000015618**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

11/03/2012 16:18:05

2012/11/03 16:01 Hollstein, Gloria 0162: CALLER MR.HENNESEN 7813565207 REPORTS TRUCKS OPERATING AT THIS LOCATION , CALLER BELIEVES THEY ARE NOT SUPPOSED TO OPERATE ON A SAT AFTER NOON TIME.

A1 ADVISED TO SEND OFFICER TO CHECK OUT THE SITUATION.

2012/11/03 16:09 Hollstein, Gloria 0162: 816 REPORTS VEHICLES ARE OPERATION.

A1 REPORTS CHECKED WITH BUILDING INSPECTOR AND BUSINESS IS NOT IN VIOLATION.

816 CLEAR

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 201300009380**  
**File No: N/A**  
**Dispatch Incident Number: 201300009362**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Sat	06/15/2013	11:27:00PM		Sat	06/15/2013	11:27:00PM	→	6/15/2013	11:27:25PM
Reported As Disturbance P:009380			Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184							Reporting Officer Patrolman David Jordan (0068)			
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO			Incident Types - Other				Action Taken Peace Restored			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 201300009380			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 201300009380			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	David M Jordan	Reporting Officer	Patrol Division
Patrolman	David M Jordan	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 201300009380				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 201300009380				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 201300009380						

Property
No Property Info reported for Incident #: 201300009380

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 201300009380					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 201300009380					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 201300009380**  
**File No: N/A**  
**Dispatch Incident Number: 201300009362**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

06/15/2013 23:40:11

2013/06/15 23:27 Papantonakis, Amanda 0155: caller reports that trucks are still runnig and being overly loud

2013/06/15 23:35 Papantonakis, Amanda 0155: C.E. NAUGHTON COMPANY IS MOVING OUT OF THE BUILDING  
AND THEY NEED TO MOVE THEIR TRUCKS OUT

2013/06/15 23:36 Papantonakis, Amanda 0155: MA CO P66347

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**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2013000014451**  
**File No: N/A**  
**Dispatch Incident Number: 2013000014430**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Tues	09/03/2013	9:08:00PM		Tues	09/03/2013	9:08:00PM	→	9/3/2013	9:08:28PM	
Reported As Disturbance P:014451			Incident Type - Primary Disturbance				Arresting Officer				
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184							Reporting Officer Patrolman Matthew Crowley (0138)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark			
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2013000014451			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2013000014451			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Matthew T Crowley	Reporting Officer	Patrol Division
Patrolman	Matthew T Crowley	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2013000014451				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2013000014451				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2013000014451						

Property
No Property Info reported for Incident #: 2013000014451

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2013000014451					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2013000014451					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 2013000014451**  
**File No: N/A**  
**Dispatch Incident Number: 2013000014430**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

09/03/2013 21:18:30

2013/09/03 21:08 Flaherty, John 0166: CALLER FROM 115 ADAMS STREET REPORTS LOUD NOISES OF TRUCKS IN GRAZIANO

2013/09/03 21:18 Flaherty, John 0166: C NAUGHTON CORP DUMPING LOAD FROM QUINCY JOB, THEY HAVE BEEN ADVISED

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**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2013000014514**  
**File No: N/A**  
**Dispatch Incident Number: 2013000014493**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Wed	09/04/2013	7:42:00PM		Wed	09/04/2013	7:42:00PM	→	9/4/2013	7:42:50PM
Reported As Disturbance P:014514			Incident Type - Primary Disturbance			Arresting Officer				
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Detective Joseph Molloy (0133)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2013000014514			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2013000014514			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Detective	Joseph Molloy	Reporting Officer	Detective Division
Detective	Joseph Molloy	Responding Officer	Detective Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2013000014514				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2013000014514				

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 2013000014514					

Property
No Property Info reported for Incident #: 2013000014514

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2013000014514					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2013000014514					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 2013000014514**  
**File No: N/A**  
**Dispatch Incident Number: 2013000014493**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

09/04/2013 19:53:01

2013/09/04 19:44 O'Hara, Jane 0165: CALLER FROM 117 ADAMS 781-217-8504 REPORTS THE TRUCKS IN BACK OF HER HOUSE ARE MAKING A LOT OF NOISE AND WOULD LIKE THEM TO BE TOLD TO STOP.

2013/09/04 19:52 Flaherty, John 0166: COMPANY C NAIGHTON MOVING EQUIPMENT AROUND AND WILL BE DONE SHORTLY

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**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000003917**  
**File No: N/A**  
**Dispatch Incident Number: 2014000003916**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Tues	03/11/2014	10:47:00PM		Tues	03/11/2014	10:47:00PM	→	3/11/2014	10:47:53PM
Reported As Disturbance P:003917			Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Sean Dias (0173)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Gone on Arrival		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000003917			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000003917			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
N/A	Sean Dias	Reporting Officer	Patrol Division
N/A	Sean Dias	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000003917				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000003917				

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 2014000003917					

Property
No Property Info reported for Incident #: 2014000003917

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2014000003917					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2014000003917					

**Incident Dispatcher Remarks:**

Create User ID: system

**Date & Time**

03/11/2014 23:06:49

2014/03/11 22:50 Canelli, Nicholas 0161: trucks are being very loud,

2014/03/11 23:06 Canelli, Nicholas 0161: G.O.A

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000004354**  
**File No: N/A**  
**Dispatch Incident Number: 2014000004353**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Tues	03/18/2014	8:48:00PM		Tues	03/18/2014	8:48:00PM	→	3/18/2014	8:48:13PM	
Reported As Disturbance P:004354			Incident Type - Primary Disturbance				Arresting Officer				
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184							Reporting Officer Patrolman Ryan McHugh (0145)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark			
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Secured/Checked			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000004354			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000004354			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Ryan P McHugh	Reporting Officer	Patrol Division
Patrolman	Ryan P McHugh	Responding Officer	Patrol Division
N/A	Brian Stuart	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000004354				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000004354				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2014000004354						

Property
No Property Info reported for Incident #: 2014000004354

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2014000004354					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2014000004354					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 2014000004354**  
**File No: N/A**  
**Dispatch Incident Number: 2014000004353**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

03/18/2014 21:08:02

2014/03/18 20:53 Keenan, James 0160: CALLER FROM 117 ADAMS REPORTING WORK BEING DONE ON PROPERTY AFTER 7 PM

2014/03/18 21:07 Keenan, James 0160: P814 CHECKED BUSINESS IN THE BACK, NOBODY ON SCENE, NOTHING SHOWING

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**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000004439**  
**File No: N/A**  
**Dispatch Incident Number: 2014000004438**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Thurs	03/20/2014	4:21:00AM		Thurs	03/20/2014	4:21:00AM	→	3/20/2014	4:21:08AM
Reported As Disturbance P:004439			Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Sergeant Philip Yee (0112)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name N/A			Incident Types - Other					Action Taken No service		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000004439			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000004439			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Sergeant	Philip D Yee	Reporting Officer	Patrol Division
Sergeant	Philip D Yee	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000004439				

Complaint Charges				
Seq #	Chapter	Section	Name(Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000004439				

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 2014000004439					

Property
No Property Info reported for Incident #: 2014000004439

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2014000004439					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2014000004439					

**Incident Dispatcher Remarks:**

Create User ID: system

**Date & Time**

03/20/2014 04:23:33

2014/03/20 04:21 Canelli, Nicholas 0161: 817 REPORTING DENNIS BURKE OIL TRUCK LEAVING THE YARD  
 NO ACTION AT THIS TIME

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000004938**  
**File No: N/A**  
**Dispatch Incident Number: 2014000004937**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Fri	03/28/2014	10:05:00PM		Fri	03/28/2014	10:05:00PM	→	3/28/2014	10:05:34PM
Reported As Disturbance P:004938			Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Edwin Woo (0175)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Secured/Checked		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000004938			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000004938			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	William Donnellan	Responding Officer	Patrol Division
N/A	Edwin Woo	Reporting Officer	Patrol Division
N/A	Edwin Woo	Responding Officer	Patrol Division
N/A	John Cole	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000004938				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000004938				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2014000004938						

Property
No Property Info reported for Incident #: 2014000004938

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2014000004938					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2014000004938					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 201400004938**  
**File No: N/A**  
**Dispatch Incident Number: 201400004937**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

03/28/2014 22:26:23

2014/03/28 22:06 Parker, Christopher 157: TRUCKS CREATING ALOT OF NOISE. ON GOING ISSUE.

2014/03/28 22:25 Whitehouse, Thomas 0066: A DENNIS BURKE TRUCK GASING UP ALL THE OTHER DENNIS BURKE TRUCKS

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**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000005063**  
**File No: N/A**  
**Dispatch Incident Number: 2014000005062**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Mon	03/31/2014	9:39:00PM		Mon	03/31/2014	9:39:00PM	→	3/31/2014	9:39:25PM
Reported As Disturbance P:005063			Incident Type - Primary Disturbance			Arresting Officer				
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Patrolman Matthew Crowley (0138)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000005063			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000005063			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Matthew T Crowley	Reporting Officer	Patrol Division
Patrolman	Matthew T Crowley	Responding Officer	Patrol Division
N/A	Edwin Woo	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000005063				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000005063				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2014000005063						

Property
No Property Info reported for Incident #: 2014000005063

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2014000005063					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2014000005063					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 2014000005063**  
**File No: N/A**  
**Dispatch Incident Number: 2014000005062**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

03/31/2014 21:43:47

2014/03/31 21:39 Flaherty, John 0166: CALLER REPORTS COMPANY STILL WORKING AND BEING LOUD  
2014/03/31 21:43 Flaherty, John 0166: C NAUGHTON COMPNAY GOING TO EMERGENCY JOB IN BOSTON, THEY  
ARE GETTIN TRUCKS AND LEAVING

---

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000005781**  
**File No: N/A**  
**Dispatch Incident Number: 2014000005780**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sat	04/12/2014	10:01:00PM		Sat	04/12/2014	10:01:00PM	→	4/12/2014	10:01:18PM	
Reported As Disturbance P:005781				Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184								Reporting Officer Patrolman Matthew Crowley (0138)			
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark			
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000005781			

Associated Persons Summary							
Type	Name(Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
Caller	RICARDO, CAROL ANN	12/2/1970	F	N/A	(781) 217-8504	N/A	
Address: 117 ADAMS ST, BRAINTREE, MA 02184							

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000005781			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Matthew T Crowley	Reporting Officer	Patrol Division
Patrolman	Matthew T Crowley	Responding Officer	Patrol Division
N/A	John Cole	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000005781				

Complaint Charges				
Seq #	Chapter	Section	Name(Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000005781				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2014000005781						

Property
No Property Info reported for Incident #: 2014000005781

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 2014000005781					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2014000005781					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600  
**Incident Report**



**Incident Number: 2014000005781**  
**File No: N/A**  
**Dispatch Incident Number: 2014000005780**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

**Incident Dispatcher Remarks:**

Create User ID: system

Date & Time

04/12/2014 22:12:16

2014/04/12 22:03 Dernier, Jason 0184: CALLER REPORTED LOUD NOISE COMING FROM GRAZIANO CEMENT COMPANY.

2014/04/12 22:10 Dernier, Jason 0184: 814 REPORTED C NORTON COMPANY WAS THERE PICKING UP EQUIPMENT.

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 2014000005828**  
**File No: N/A**  
**Dispatch Incident Number: 2014000005827**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Sun	04/13/2014	1:02:00PM		Sun	04/13/2014	1:02:00PM	→	4/13/2014	1:02:59PM
Reported As Disturbance P:005828			Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Patrolman Paul Hamilton (0129)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Peace Restored		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 2014000005828			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 2014000005828			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Paul H Hamilton	Reporting Officer	Patrol Division
Patrolman	Paul H Hamilton	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 2014000005828				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 2014000005828				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2014000005828						

Property
No Property Info reported for Incident #: 2014000005828

Citations						
Citation No	Code	Date	Status	Statute	Description	
No Citations reported for Incident #: 2014000005828						

Permits						
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes	
No Permits recorded for Incident #: 2014000005828						

**Incident Dispatcher Remarks:**

Create User ID: system

**Date & Time**

04/13/2014 13:31:56

2014/04/13 13:03 Wood, Amanda 0155: REPORT OF PEOPLE AT GRAZIANOS WORKING BEING LOUD  
 2014/04/13 13:31 Wood, Amanda 0155: 814 WENT AND CHECKED THE AREA AND ALL WAS QUIET

**Braintree Police Dept.**  
**282 Union St.**  
**Braintree, MA 02184**  
**(781) 794-8600**  
**Incident Report**



**Incident Number: 201400007483**  
**File No: N/A**  
**Dispatch Incident Number: 201400007482**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sat	05/10/2014	6:42:00AM		Sat	05/10/2014	6:42:00AM	→	5/10/2014	6:42:41AM	
Reported As NOISE COMPLAINT P:007483			Incident Type - Primary Disabled MV				Arresting Officer				
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184							Reporting Officer Patrolman Corey Hutson (0091)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark			
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 201400007483			

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
Caller	RICARDO, CAROL ANN	12/2/1970	F	N/A	(781) 217-8504	N/A	
Address: 117 ADAMS ST, BRAINTREE, MA 02184							

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 201400007483			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Corey R Hutson	Reporting Officer	Patrol Division
Patrolman	Corey R Hutson	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 201400007483				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 201400007483				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 201400007483						

Property
No Property Info reported for Incident #: 201400007483

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 201400007483					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 201400007483					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600



**Incident Number: 2014000007483**  
**File No: N/A**  
**Dispatch Incident Number: 2014000007482**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

# Incident Report

## Incident Dispatcher Remarks:

Create User ID: system

## Date & Time

05/10/2014 07:03:12

2014/05/10 06:45 Dernier, Jason 0184: CALLER REPORTED THERE WAS LOUD TRUCKS IN GRAZIANO CEMENT COMPANY LOT. CALLER SAID NOISE HAS BEEN GOING ON SINCE 06:15.

2014/05/10 07:00 Dernier, Jason 0184: 816 SPOKE TO THE EMPLOYEES AND ADVISED THEM THAT THEY CANNOT START WORKING UNTIL 7AM. .

**Braintree Police Dept.**  
 282 Union St.  
 Braintree, MA 02184  
 (781) 794-8600  
**Incident Report**



**Incident Number: 201400008172**  
**File No: N/A**  
**Dispatch Incident Number: 201400008171**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Tues	05/20/2014	6:02:00AM		Tues	05/20/2014	6:02:00AM	→	5/20/2014	6:02:48AM
Reported As Disturbance P:008172			Incident Type - Primary Disturbance				Arresting Officer			
Incident Address 71 ADAMS ST, BRAINTREE, MA 02184						Reporting Officer Patrolman Peter Gillis (0151)				
Sector 814		Stat. Area Area 4		Sub Stat. Area		Census Tract		Landmark		
Business Name GRAZIANO CEMENT CO				Incident Types - Other				Action Taken Service Rendered		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 201400008172			

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 201400008172			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Peter Gillis	Reporting Officer	Patrol Division
Patrolman	Peter Gillis	Responding Officer	Patrol Division

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 201400008172				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 201400008172				

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 201400008172					

Property
No Property Info reported for Incident #: 201400008172

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 201400008172					

Permits					
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 201400008172					

**Braintree Police Dept.**  
282 Union St.  
Braintree, MA 02184  
(781) 794-8600



**Incident Number: 2014000008172**  
**File No: N/A**  
**Dispatch Incident Number: 2014000008171**  
**Print Date: May 22, 2014**  
**Printed By: vkeneally**

# Incident Report

## Incident Dispatcher Remarks:

Create User ID: system

### Date & Time

05/20/2014 06:09:46

2014/05/20 06:08 Wallace, Joshua 0159: ANNOYNOUS CALLER REPORTING GRAZIANO HAS STARTED WORK FOR THE DAY AT 5:30

2014/05/20 06:09 Wallace, Joshua 0159: P814 REPORTING WORK HAS NOT STARTED FOR THE DAY YET

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**§ 135-206. Disposition of violations.**

- A. Criminal complaint. Whosoever violates any provision of these bylaws may be penalized by indictment or criminal complaint brought in the District Court. The penalty shall be not less than \$50 nor more than \$100 for each offense. Each day that willful violation continues shall constitute a separate offense.
- B. Noncriminal disposition. Whosoever violates any provision of these bylaws may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D, as the same is now or may hereafter be amended or supplemented. The specific penalties listed herein shall apply in such cases and the Building Inspector and his assistants, the local inspector and his assistants or persons serving the functions of same shall be enforcing persons for such violations. Each day which any violation or offense continues shall be deemed to be a separate violation or offense. Nothing contained herein shall be deemed to require the use of the noncriminal disposition method. At the option of the enforcement officer, criminal and/or civil action may also be utilized. The penalty shall be \$50 for each violation or offense.

**§ 135-207. Notification of parties in interest.**

Whenever any applicant or petitioner before any board or commission pursuant to these Zoning Bylaws is required to provide notice to parties in interest, said parties in interest shall be limited to those defined in MGL c. 40A, § 11 and to specific parties such as schools, churches, and hospitals, where applicable.

**BOARD OF APPEAL UNDER THE ZONING BY-LAW  
BRAINTREE, MASSACHUSETTS  
APPLICATION**

TYPE OR PRINT CLEARLY AND FILE WITH ALL MATERIALS NOTED ON  
THE COVER PAGE.

Fee: \_\_\_\_\_ Date Rec. \_\_\_\_\_ File: \_\_\_\_\_

MEANS PRE-CAST CONCRETE (78) 843-1909  
Applicant Name Phone Number

131-151 Adams St.  
Applicant's Address 2008-0-1 2008-0-1C  
Same 2008-0-5

Property Address Assessor's Plan Number / Plot number

When was property acquired? \_\_\_\_\_ From Whom? \_\_\_\_\_

Land Area: <sup>see attached</sup> Table Sq.Ft. Single Family \_\_\_\_\_ Multi-Family \_\_\_\_\_ Other

Has any previous appeal been made? Yes \_\_\_\_\_ No \_\_\_\_\_ Case No. \_\_\_\_\_

If yes, what relief was requested? \_\_\_\_\_

Granted \_\_\_\_\_ Denied \_\_\_\_\_

Applicable Section(s) of Zoning By-laws 135-403A, 701. G.L. c.40A, sec 6

Nature of Request: The applicant proposes to construct a 16' x 80' addition (1280 s.f.) adjacent to the existing structure located at 131 Adams St (2008-0-1). The addition will house components of a concrete batch plant used to fabricate pre-cast concrete structures. The extension/alteration of a nonconforming structure and/or use will not be substantially more detrimental. See plans on file incorporated herein.

Note: It should be understood that if the above questions are not answered completely, the applicant is on notice that this appeal could be rejected for lack of information.

Frank Marvelli 439 Washington St. 849.0400  
Attorney's Name Address Phone Number

Date: 8/27/04 Signature of Applicant or Attorney: [Signature]

TO BE COMPLETED BY BUILDING INSPECTOR  
Date Building Permit Requested 8/27/04 Date Building Permit Denied 8/27/04  
Land Zoned Comm. Reason for Denial 135-403, A - 701  
Date: 8/27/04 Signature of Building Inspector: Rabit M. Galuski

**ZBA Application: 04-83**

**Applicant** Means Pre-Cast Concrete  
**Location** 131-151 Adams Street  
**Assessors' Plan 2008** **Plots** 1,1C and 5  
**Zoning** Commercial and a portion of Plot 1 is Residence B  
**Current Use** Concrete Operation

**Zoning Action Requested**

Authorization to alter a pre-existing non-conforming lot, use and structure under Section 135-403. The lot does not meet dimensional and density standards under Section 135-701.

**Compliance with Section 135-701**

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Minimum Lot Area/ Size	40,000 sq. ft.		
Minimum Lot Width	150 ft.		
Minimum Frontage	150 ft.		
Minimum Lot Depth	200 ft.		
Minimum Front Yard Setback	35 ft.		
Minimum Side Yard Setback	20 ft.		
Minimum Rear Yard Setback	35 ft.		
Maximum Building Height	45/50		
Maximum Building Coverage	40%		
Maximum Lot Coverage	75%		

**Proposal:** The Applicant is seeking permission to construct a 1,280 sq. ft. addition to the existing building located at 131 Adams Street. The Application also includes demolition of portions of other buildings on site.

**Analysis:** The Applicant has provided a Zoning Block Table for 131 Adams Street Parcel 2008-1 only. The Zoning Block Table indicates that the Lot Coverage is being decreased during this addition process. Is the Applicant taking credit for demolition elsewhere on site? In order for the Planning Board to analyze the entire site and provide the data to the Zoning Board of Appeal for review, the applicant shall prepare a Zoning Block Table which includes all 3 plots, for the entire site.

**Recommendation:** By a vote of 5-0-0 the Planning Board recommended that the Zoning Board of Appeal table the matter until all required information is submitted.



RECEIVED TOWN CLERK  
BRAINTREE, MA

2004 OCT 12 PM 3:56

**BOARD OF APPEAL UNDER THE ZONING BY-LAW  
BRAINTREE, MASSACHUSETTS**

**TOWN OF BRAINTREE  
ZONING BOARD OF APPEALS**

**PETITION OF MEANS PRE-CAST CONCRETE  
NO. 04-83**

This is a petition of Means Pre-Cast Concrete of 131-151 Adams Street, Braintree, Massachusetts, for relief from ByLaw requirements under Chapter 135, Sections 403A, 701. The Applicant proposes to construct a 16'x80' addition (1280 sqft) adjacent to the existing structure located at 131 Adams Street. The addition will house components of a concrete batch plant used to fabricate pre-cast concrete structures. The extension/alteration of a nonconforming structure and/or use will not be substantially more detrimental all as shown on plans of record. The property is located in a Commercial District as shown on Assessors Plan No. 2008; Plots 1, 5, 1C.

**NOTICE**

Pursuant to notice duly published in the Braintree Forum and duly posted within Town Hall, and by written notice under G.L. c.40A, mailed to all parties in interest, a public hearing was held at Town Hall on September 28, 2004. Sitting on this case: Stephen Karl, Ronald DeNapoli, and Anthony Bono.

**EVIDENCE**

The site is located in the Commercial District. The current structure is nonconforming as to front yard setback and side yard setback. The petitioner was represented by attorney Frank Marinelli, who stated that Mark and Brian Richardi are the owners of the business, which has been run by the Richardi family for decades. He stated that the use is allowed by right in the Commercial District. The business makes precast concrete forms such as concrete steps. The entire site is shown on Assessors' Map 2008 as Parcels 1, 1C and 5. The addition is to provide a more modern batching plant. Right now, the process takes place in more than one location on site. The concrete has to be hauled across the site to be poured. The existing handling of sand, concrete, etc. which is now done outside will be handled within the new addition. This will reduce sediment, noise, and dust by putting all the functions in one building. The process will remain the same, except that concrete will be mixed inside in a controlled environment. The existing batching building will be removed. The amount of impervious surface will be slightly reduced.

Brian Richardi explained that the addition will actually be 20' by 80' as shown on the plan, not 16' by 80' as originally proposed. Portions of the existing building and paved areas will be removed. There will still be two silos. A revised plan showing all three lots was submitted to the Board, showing what structures will be removed. Attorney Marinelli stated that, due to the proximity of the Monaquot River, they are before the Planning Board to obtain a Flood Plain special permit. They have already received an order of conditions from the Conservation

Commission. The Board members commented that the proposal would be an improvement to the property.

The petitioner presented a plan entitled "Site Plan for ZBA Finding" dated August 11, 2004, revised September 28, 2004 prepared by BSC Group. The Planning Board submitted a report recommending the petition be tabled. No one else spoke in favor or opposed.

#### FINDINGS

The Board found that the addition will not be substantially more detrimental to the neighborhood because it will result in operations being conducted indoors, thereby reducing noise, dust, and sediment on the site.

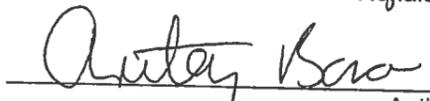
#### DECISION

On a motion duly made and seconded, it was unanimously voted to grant the petition, subject to the plan submitted.

Any person aggrieved by this decision may appeal to a court of competent jurisdiction pursuant to G.L. c. 40A §17 within twenty days of the date this decision is filed in the office of the Town Clerk.

  
\_\_\_\_\_  
Stephen Karl

  
\_\_\_\_\_  
Ronald DeNapoli

  
\_\_\_\_\_  
Anthony Bono



Office of the  
Board of Assessors

ONE JOHN FITZGERALD KENNEDY MEMORIAL DRIVE

BRAINTREE, MA 02184

Tel: (781) 794-8050 • (781) 794-8056

Fax: (781) 794-8068

DATE: August 26, 2004

APPLICANT:

PROPERTY LOCATION: (SEE BELOW)

MAP AND PLOT:

This is to certify that at the time of submission of this form to the Board of Assessors, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown and described are as written and are the parties according to the records of the Assessors.

Office of the Board of Assessors  
*Jonathan P. Chung*

131 Adams St 2008 0 1

The MBTAJ Realty Trust  
Ricciardi, Artilio R

137 Adams St 2008 0 5

Marc & Brian LLC

151 Adams St 2008 0 1C

The Five R Realty Trust  
Ricciardi, Artilio R

## Abutters List

eIID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
J 1	131	ADAMS ST	RICCIARDI ARTILIO R TRUSTEE	THE MBTAJ REALTY TRUST	131 ADAMS STREET	BRAINTREE	MA 02184
J 1C	151	ADAMS ST	RICCIARDI ARTILIO R TR	THE FIVE R REALTY TR	28 BUNKER HILL LANE	QUINCY	MA 02169
J 2	117	ADAMS ST	SOWDEN PETER J	SOWDEN CAROL ANN	117 ADAMS ST	BRAINTREE	MA 02184
J 2A	111	ADAMS ST	HARTNETT RICHARD L	HARTNETT MAUREEN A TB	111 ADAMS STREET	BRAINTREE	MA 02184
J 3	105	ADAMS ST	HOCH ALLEN R	HOCH SUSAN M	105 ADAMS ST	BRAINTREE	MA 02184
J 3A	97	ADAMS ST	GRAZIANO JAMES A TT	M+G REALTY TRUST	97 ADAMS STREET	BRAINTREE	MA 02184
J 3B		ADAMS ST	GRAZIANO AUGUSTINO A TT	M+G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
J 4	40	ARNOLD ST	GRAZIANO JAMES A TR	M + G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
J 4A	8 10	ARNOLD ST	AKLOG AYLEW	AKLOG TERENCE	8 ARNOLD STREET	BRAINTREE	MA 02184
J 5	137	ADAMS ST	MARK AND BRIAN LLC		131 ADAMS ST	BRAINTREE	MA 02184
J 6		ADAMS ST	GRAZIANO JAMES A TT	M+G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
J 29	1	MORRISON RD	D'ALLESSANDRO DONNA H		1 MORRISON RD	BRAINTREE	MA 02184
J 30	116	ADAMS ST	ARSENAULT JAMES J	SHEA PAULA JO JT	116 ADAMS ST	BRAINTREE	MA 02184
J 39	114	ADAMS ST	DELMONICO RITA M		114 ADAMS ST	BRAINTREE	MA 02184
J 6		ADAMS ST	BRAINTREE TOWN OF	CONSERVATION COMMISSI	JFK MEMORIAL DRIVE	BRAINTREE	MA 02184
J 7D	160	ADAMS ST	LIFE RESOURCES INC		140 ADAMS ST	BRAINTREE	MA 02184
J 1	163	ADAMS ST	ONP ADAMS LLC	c/o COONEY PETER	P O BOX 412	SCITUATE	MA 02066
J 1A		ADAMS ST	BROW RICHARD J TR	THE BROW REALTY TR	1156 WASHINGTON ST	BRAINTREE	MA 02184
J 1B	177	ADAMS ST	BROW RICHARD J TR	THE BROW REALTY TR	1156 WASHINGTON ST	BRAINTREE	MA 02184
J 1C		ADAMS ST	GRAZIANO AUGUSTINO A TT	M+G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
J 1D		ADAMS ST	GRAZIANO JAMES A TT	M+G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184

*End of Report*



**Abutters List**

ID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
I	131	ADAMS ST	RICCIARDI ARTILIO R TRUSTEE	THE MBTAJ REALTY TRUST	131 ADAMS STREET	BRAINTREE	MA 02184
IC	151	ADAMS ST	RICCIARDI ARTILIO R TR	THE FIVE R REALTY TR	28 BUNKER HILL LANE	QUINCY	MA 02169
2	117	ADAMS ST	SOWDEN PETER J	SOWDEN CAROL ANN	117 ADAMS ST	BRAINTREE	MA 02184
2A	111	ADAMS ST	HARTNETT RICHARD L	HARTNETT MAUREEN A TB	111 ADAMS STREET	BRAINTREE	MA 02184
3	105	ADAMS ST	HOCH ALLEN R	HOCH SUSAN M	105 ADAMS ST	BRAINTREE	MA 02184
3A	97	ADAMS ST	GRAZIANO JAMES A TT	M+G REALTY TRUST	97 ADAMS STREET	BRAINTREE	MA 02184
3B		ADAMS ST	GRAZIANO AUGUSTINO A TT	M+G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
I	40	ARNOLD ST	GRAZIANO JAMES A TT	M + G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
IA	8 10	ARNOLD ST	AKLOG AYLEW	AKLOG TERENGO	8 ARNOLD STREET	BRAINTREE	MA 02184
i	137	ADAMS ST	MARK AND BRIAN LLC		131 ADAMS ST	BRAINTREE	MA 02184
i		ADAMS ST	GRAZIANO JAMES A TT	M+G REALTY TRUST	71 ADAMS STREET	BRAINTREE	MA 02184
<del>1B</del>	<del>10</del>	<del>DRINKWATER AV</del>	<del>CHERISIER MARIE EDANTE</del>		<del>10 DRINKWATER AVE</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>16</del>	<del>15</del>	<del>MORRISON RD</del>	<del>FOLAN JOHN M</del>	<del>FOLAN JOANNE</del>	<del>15 MORRISON RD</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>17</del>	<del>11</del>	<del>MORRISON RD</del>	<del>LEGOMTE ROBERT G</del>	<del>LEGOMTE GEGILE A</del>	<del>11 MORRISON RD</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>18</del>	<del>7</del>	<del>MORRISON RD</del>	<del>ARIENTI LOUIS G</del>	<del>ARIENTI EILEEN R</del>	<del>7 MORRISON RD</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>19</del>	<del>1</del>	<del>MORRISON RD</del>	<del>D'ALLESSANDRO DONNA H</del>		<del>1 MORRISON RD</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>i</del>	<del>427</del>	<del>ELM ST</del>	<del>FINN CATHERINE A</del>		<del>427 ELM ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>10</del>	<del>116</del>	<del>ADAMS ST</del>	<del>ARSENAULT JAMES J</del>	<del>SHEA PAULA JO JT</del>	<del>116 ADAMS ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>12</del>	<del>14</del>	<del>MORRISON RD</del>	<del>WINTERS DANIEL E</del>	<del>WINTERS ALICE E</del>	<del>14 MORRISON RD</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>17</del>	<del>100</del>	<del>ADAMS ST</del>	<del>DEANGELIS EMMETT</del>	<del>DEANGELIS ROSALIE</del>	<del>100 ADAMS ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>7A</del>	<del>106</del>	<del>ADAMS ST</del>	<del>MCSHEA ELEANOR M</del>		<del>106 ADAMS ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>8</del>	<del>112</del>	<del>ADAMS ST</del>	<del>RICARDO MICHAEL A</del>	<del>RICARDO STEPHEN J TIG</del>	<del>112 ADAMS ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>9</del>	<del>114</del>	<del>ADAMS ST</del>	<del>DELMONICO RITA M</del>		<del>114 ADAMS ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>i</del>		<del>ADAMS ST</del>	<del>BRAINTREE TOWN OF</del>	<del>CONSERVATION COMMISSI</del>	<del>JFK MEMORIAL DRIVE</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>D</del>	<del>160</del>	<del>ADAMS ST</del>	<del>LIFE RESOURCES INC</del>		<del>140 ADAMS ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>i</del>	<del>163</del>	<del>ADAMS ST</del>	<del>ONP ADAMS LLC</del>	<del>c/o COONEY PETER</del>	<del>P O BOX 412</del>	<del>SCITUATE</del>	<del>MA 02066</del>
<del>A</del>		<del>ADAMS ST</del>	<del>BROW RICHARD J TR</del>	<del>THE BROW REALTY TR</del>	<del>1156 WASHINGTON ST</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>C</del>		<del>ADAMS ST</del>	<del>GRAZIANO AUGUSTINO A TT</del>	<del>M+G REALTY TRUST</del>	<del>71 ADAMS STREET</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<del>D</del>		<del>ADAMS ST</del>	<del>GRAZIANO JAMES A TT</del>	<del>M+G REALTY TRUST</del>	<del>71 ADAMS STREET</del>	<del>BRAINTREE</del>	<del>MA 02184</del>
<i>1B</i>	<i>177</i>	<i>ADAMS ST</i>	<i>BROW RICHARD J TR</i>	<i>THE BROW REALTY TR</i>	<i>1156 WASHINGTON ST</i>	<i>BRAINTREE</i>	<i>MA 02184</i>

End of Report

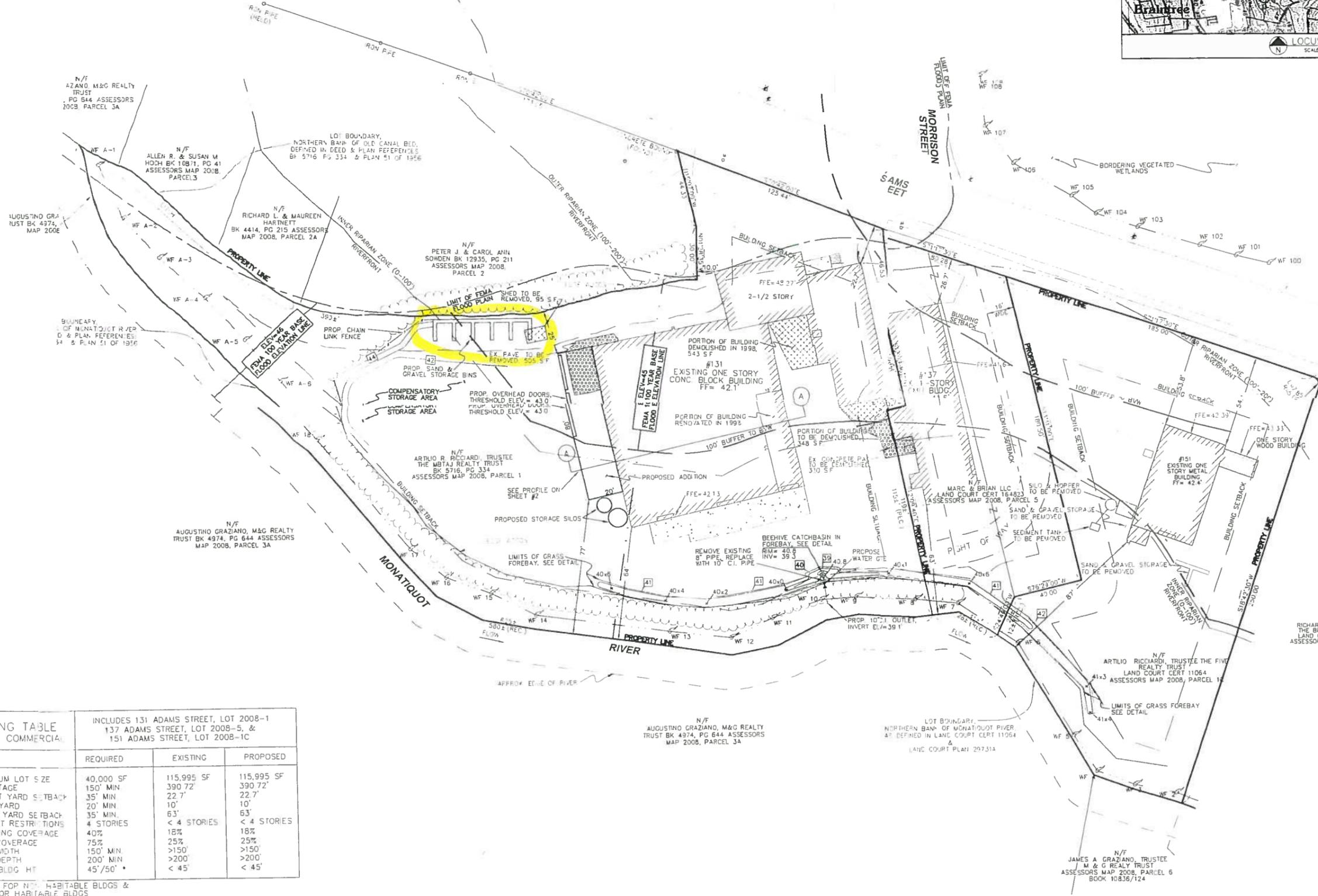
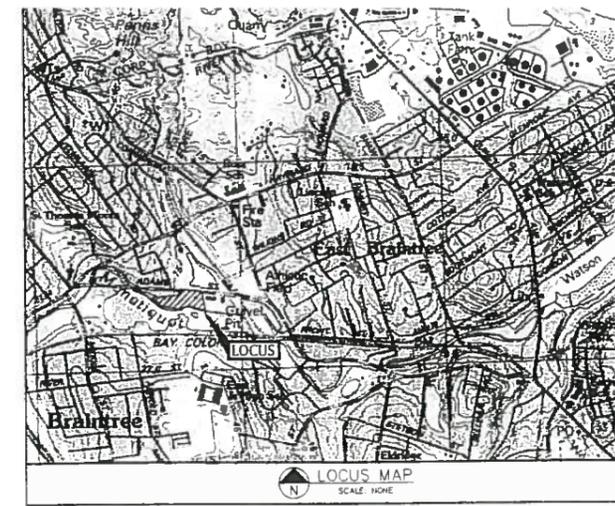


**NOTES**

1. THE BENCHMARK USED FOR THIS PLAN IS A CHISELED SQUARE IN THE TOP OF THE SOUTHEAST WALL OF THE LOWER ADAMS STREET BRIDGE OVER THE MONAQUOT RIVER. THE ELEVATION OF THE BENCHMARK IS 54.52, BASED ON THE NGVD OF 1929. THE BENCHMARK IS REFERRED TO AS "BM 6" IN PANEL 2 OF 10 OF THE TOWN OF BRAINTREE FLOOD INSURANCE RATE MAPS, REVISED NOV. 19, 1986.
2. WETLAND FLAGS A-1 TO A-6 AND THE DITCH ARE APPROXIMATE IN LOCATION (I.E. NOT BY INSTRUMENT SURVEY).

**LEGEND**

- PROPERTY LINE
- INTERMEDIATE CONTOUR
- INDEX CONTOUR (5' FOX)
- CHAIN LINK FENCE
- STOCKADE FENCE
- EDGE WOODS
- CATCH BASIN
- UTILITY POLE
- SEWER MANHOLE
- TELEPHONE MANHOLE
- MANHOLE (UNKNOWN TYPE)
- WETLAND FLAG
- METAL POLE
- GAS GATE
- EXISTING WATER GATE
- PROPOSED WATER GATE
- BITUMINOUS CONCRETE
- REINFORCED CONCRETE
- FINISHED FLOOR ELEVATION
- TOP OF WALL ELEVATION



\* 45' FOR NON-HABITABLE BLDGS & 50' FOR HABITABLE BLDGS

**MEANS PRECAST  
CONCRETE**

131-151 ADAMS STR  
IN  
BRAINTREE  
MASSACHUSETTS  
(NORFOLK COUNTY)

SITE PLAN FOR  
ZBA FINDING

AUGUST 11, 2004

REVISIONS

NO	DATE	DESC
1	9/28/04	SHOW THREE LOT

PREPARED FOR  
MEANS PRECAST  
131 ADAMS STREET  
BRAINTREE, MA 02118

**BSC GRC**

384 Washington Street  
Norwell, Massachusetts  
02061

781.659

SCALE 1" = 30'

ARTICLE 11

ENVIROMENTAL PERFORMANCE  
STANDARDS

ARTICLE XI  
Environmental Performance Standards

**§ 135-1101. Establishment of standards.**

Any use permitted by right or special permit in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious or otherwise objectionable fire, explosion, radioactivity or other hazard, noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of insects or rodents; or any other substance, condition or element in an amount as to affect adversely the surrounding environment. The following standards shall apply:

- A. Emissions shall be completely and effectively confined within the building or so regulated as to prevent any nuisance, hazard or other disturbance from being perceptible, without the use of instruments, at any lot line of the premises on which the use is located.
- B. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment, as approved by the Chief of Fire Department.
- C. No activities that emit dangerous radioactivity at any point, no electrical disturbance adversely affecting the operation at any point of any equipment, other than that of the creator of such disturbance, shall be permitted.
- D. No air emission shall be permitted except in accordance with the regulations for the control of air pollution in the Metropolitan Boston Air Pollution District under MGL c. 111, § 142D.
- E. No emission which can cause any damage to the health of animals or vegetation or which can cause excessive soiling at any point, and in no event any emission of any solid or liquid particles in a concentration exceeding 0.5 milligram per liter or parts per million of conveying gas or air shall be permitted.
- F. No discharge, at any point, into a private sewer system, stream, the ground or a municipal sewage disposal system of any material in such a way or of such a nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
- G. No emissions of odorous gases or odiferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington D.C., shall be permitted. No direct sky-reflected glare, whether from floodlights or from high-temperature processes such as welding, shall be permitted.

**§ 135-1102. Noise and vibration control.**

Purpose. Pursuant to the authority conferred upon the Town by MGL c. 40, § 21, the following is adopted for the regulation and restriction of unnecessary, excessive and annoying noise and vibration in the Town of Braintree. It is declared to be the policy of the Town of Braintree to prohibit such noise and vibration from or by all sources as set forth in this bylaw. Because it has been determined that certain noise levels and vibrations are detrimental to the public health, welfare, safety and convenience as well as contrary to the public interest, these standards have been set forth by the Town of Braintree to declare that creating, maintaining, causing or allowing to be created any noise or vibration in a manner prohibited by or not in conformance with these standards is a public nuisance punishable as set forth in this bylaw.

**§ 135-1103. Definitions.**

The terms used in this bylaw shall be defined as follows:

**AMBIENT NOISE LEVEL** — The all-encompassing noise level associated with a given environment, excluding any alleged condition of noise pollution.

**A-WEIGHTED SOUND LEVEL** — The sound pressure measured on a sound-level meter using the A-weighting network. The level read is designated DB(A) or DBA.

**BUSINESS** — A business area is any area included within a district zoned for business under the Braintree Zoning Bylaws. It does not include any area within a district zoned for residential purposes under the Zoning Bylaws, as herein defined, regardless of whether the area is being lawfully used or is available for such use through a variance granted by the Board of Appeal or through a nonconforming use or by any other means.

**COMMERCIAL** — A commercial area is any area included within a district zoned for commercial, under the Zoning Bylaws. It does not include any area within a district zoned for residential purposes under the Zoning Bylaw, as herein defined, regardless of whether the area is being lawfully used or is available for such use through a variance granted by the Board of Appeal or through a nonconforming use or by any other means.

**CONSTRUCTION** — Any site preparation, assembly, erection, substantial repair, alteration, or similar action (demolition excluded) for or of public or private right-of-way, structures, utilities or similar property.

**DAYTIME** — The time between the hours of 7:00 a.m. and 6:00 p.m. each weekday excepting Sunday in accordance with the time system locally in effect.

**DECIBEL (DB)** — The unit by which the sound level is measured.

**DEMOLITION** — Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**EMERGENCY WORK** — Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**HEAVY MOTOR VEHICLES** — All motor vehicles having a gross vehicle weight in excess of 10,000 pounds.

L 10 — The A-weighted sound level exceeded 10% of the time.

LIGHT MOTOR VEHICLES — All motor vehicles having a gross vehicle weight of 10,000 pounds or less.

MOTORCYCLE — As defined in MGL c. 90, § 1, Definitions.

MOTOR VEHICLES — As defined in MGL c. 90, § 1, Definitions.

MUFFLER or SOUND-DISSIPATIVE DEVICE — A device for abating the sound of escaping gases of an internal combustion engine.

NOISE POLLUTION — Any sound at or above the level set forth in Article XI of this bylaw which exceeds the ambient noise level designated for the receiving land use category when measured at or within the property boundary of the receiving land use, plus any sound which:

- (1) Endangers the safety of or could cause injury to the health of humans or animals; or
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

PERSON — Any individual, association, partnership, or corporation including any officer, employee, department, agency or instrumentality of the state recognized by law as the subject of rights and duties.

RESIDENTIAL AREA — A residential area is for residential purposes under the Zoning Bylaw. It includes Districts A, B and C as defined in the Braintree Zoning Bylaw.

SOUND LEVEL — The weighted sound-pressure level obtained by the use of a sound-level meter and frequency weighting network XI-3 such as A, B, or C as specified in the American National Standards Institute specifications for sound level meters (ANSI).

SOUND-PRESSURE LEVEL — Twenty times the logarithm to the base 10 of the pressure of the sound to a reference pressure of 20 micro-pascals, in accordance with standard engineering and scientific practices.

VIBRATION — Any movement of earth, ground or other similar surface created by a temporal and spatial oscillation of displacement, velocity or acceleration in any mechanical device or equipment located upon, attached, affixed or in conjunction with that surface. **[Amended 5-12-1987 ATM by Art. 55]**

ZONING DISTRICTS — The zoning districts and land uses established by the Zoning Bylaw of the Town of Braintree.

**§ 135-1104. Prohibited acts.**

- A. General prohibition of noise emissions. No person owning, leasing or controlling the operation of any source of noise shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution.

B. Specific prohibitions. Except for emergency work or work covered under a permit granted by the Board of Selectmen or its designee under this Article XI, causing or allowing the occurrence of the following acts is declared to be in violation of the provisions of this bylaw:

- (1) Operating, playing or permitting the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound in a manner that disturbs the peace, quiet and comfort of the neighboring inhabitants or at a volume louder than is necessary for the convenient hearing of the person in the room, vehicle, or building in which the device is operated. The operation of any such device between the hours of 10:00 p.m. and 7:00 a.m. on the weeknights and between 12:00 p.m. and 7:00 a.m. on weekend nights in a manner that makes it clearly audible at a distance of 50 feet or approximately 15 meters from the building, structure or vehicle in which it is located is a violation of the standards set forth in this bylaw. Activities open to the public for which a proper permit has been issued are exempted from this provision.
- (2) Yelling, shouting, hooting, whistling or singing on the public ways between the hours of 10 p.m. and 7:00 a.m. or at any time or place that annoys or disturbs the quiet, comfort or repose of a person in an office, dwelling or other type of residence or of a person in the vicinity.
- (3) The keeping of an animal or bird which frequently and for continued periods of time causes a condition of noise pollution that disturbs the comfort and repose of a reasonable person in the vicinity at any time but most specifically between the hours of 10 p.m. and 7:00 a.m.
- (4) The offering for sale or selling of anything by shouting or outcry within a residential or commercial area of the Town of Braintree.
- (5) The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in a manner that causes a condition of noise pollution at any time but most specifically between the hours of 8:00 p.m. and 7:00 a.m. across a real property boundary in any district established under the Zoning Bylaw.
- (6) Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of 8:00 p.m. and 7:00 a.m. on weekdays or at any time on Sundays or holidays so that the sound creates a condition of noise pollution across a real property boundary.
- (7) The operation of construction devices between the hours of 7:00 a.m. and 8:00 p.m., including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.
- (8) The direct discharge into the open air of the exhaust of a steam engine, internal combustion engine such as chain saws, jackhammers, etc., motor boat, or motor vehicle except through a muffler or other such device, where commercially available, designed to effectively prevent them from creating loud or explosive noises.

- (9) Operating or permitting the operation of any device that creates or causes any ground vibration which is perceptible without instruments at any point outside the property, street or sidewalk on which the vibration source is located.

**§ 135-1105. Sound levels by receiving land use.**

- A. Except as provided in § 135-1106, no person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds the ambient noise level set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use.

Receiving Land Use Category	Item	Sound Level Limit (DBA)
Residential A, B and C	Daytime	60
Open space	All other times	50
Business	At all times	65
Commercial	At all times	70

- B. No person shall sell or rent, or cause to be sold or rented, any structures or property to be used for human habitation where the structure or property is exposed to sound levels which are for 50% of the time in excess of the standards set forth in this bylaw without written disclosure of said condition. The Board of Selectmen shall develop a standard format for these written disclosures.

**§ 135-1106. Restrictions on noise emitted from construction sites.**

- A. Except as provided in § 135-1104B, it shall be unlawful of any person to operate any construction device on any construction site if the operation of that device emits noise measured at the lot line of the affected property in excess of the following values:

Use of Affected Property	L 10 Level	Maximum Noise Level
Residential A, B and C	75 DBA	86 DBA
Business	80 DBA	—
Commercial	85 DBA	—
Public way	85 DBA	—

- B. The L 10 level shall be determined by making 100 observations on the A-weighted network with the sound-level meter at slow response at ten-second intervals. During any of these observations if a measurement is substantially affected by a source outside of the construction site, these measurements will not be considered. Observations will be continued until 100 valid observations have been recorded. The L 10 level will be equivalent to the 10th highest level recorded.

If the person taking measurements estimates that outside noise sources contribute greatly to the noise of the construction site, the aforementioned procedure shall be repeated when construction is inactive in order to correctly determine the L 10 level. The L 10 level during construction must be greater than the background L 10 level by at least five DBA to be considered in violation of the provisions of this regulation.

**§ 135-1107. Motor vehicles and motorcycles on public rights-of-way.**

No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the following limits. Motor vehicle and motorcycle sound limits to be measured would be at a distance of 50 feet or approximately 15 meters from the center line of travel.

Vehicle Class	Sound level in DBA	
	Speed Limit 35 mph or Less	Speed Limit Over 35 mph
Vehicles in excess of 10,000 pounds engaged in interstate commerce as permitted by 40 CFR 303, Environmental Protection Agency (Noise emission standards for motor vehicles engaged in interstate commerce)	86	90
All other vehicles of 10,000 pounds or more	86	90
Any other motor vehicle or combination of vehicles towed by any motor vehicle	78	82
Motorcycles	82	86

**§ 135-1108. Enforcement.**

The Braintree Police Department and/or the Inspector of Buildings shall be charged with the enforcement of this bylaw.

**§ 135-1109. Permits and exemptions.**

- A. Provisions in this bylaw shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work.
- B. The Board of Selectmen or its designee may give a permit for any activity otherwise forbidden by the provisions of this bylaw. A person seeking such a permit should make

written application to the Board of Selectmen or its designee on the appropriate form which is available at the office of the Selectmen.

- C. The Board of Selectmen or its designee shall issue guidelines defining the procedures to be followed in applying for a permit and the criteria to be considered in the decision of whether to grant one.
- D. The Board of Selectmen or its designee shall issue guidelines defining procedures to be followed in applying for an extension of time to comply with the provisions of these regulations and the criteria to be considered in the decision of whether to grant it. The guideline should include reasonable time frames for compliance.
- E. Application for a permit for construction or repair work to be performed on a Sunday shall be made to the Inspector of Buildings.
- F. In some instances, when it can be demonstrated that bringing a source of noise into compliance with the provisions of this bylaw would create undue hardship on a person or the community, a permit may be granted for continuing the noise pollution. A person seeking a permit must make written application to the Board of Selectmen or its designee within five days of receiving notification that s(he) is in violation of the provisions of this bylaw. The application shall contain the necessary information to support the applicant's claim. If the Board of Selectmen or its designee finds that sufficient controversy exists regarding the application, a public hearing shall be held by the Board of Selectmen or its designee. A person who claims that allowance of such continuance would have adverse effects may file a statement with the Board of Selectmen or its designee to support this claim.
- G. If the Board of Selectmen or its designee orders abatement of a source of noise pollution, a person who feels (s)he cannot meet the stated time schedule for compliance may file an application for an extension of time. A written application must be filed within five days of receipt of notification of violation and shall contain information that supports the request for additional time to comply and shall propose a new compliance schedule. If the Board of Selectmen or its designee finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that the allowance of an extension of time would have adverse effects may file a statement with the Board of Selectmen or its designee to support this claim.

**§ 135-1110. Hearings.**

- A. The Board of Selectmen or its designee shall hold a public hearing if sufficient controversy exists regarding the issuance of a permit under this bylaw and may hold a public hearing if an extension of time to comply under the provision of this bylaw is requested.
- B. Resolution of the controversy will be based upon the information supplied by both sides in support of their individual claims and will be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Selectmen.

**§ 135-1111. Appeals.**

Appeals of an adverse decision shall be made to the Superior Court. The Court's review shall be limited to whether the decision was supported by substantial evidence.

**§ 135-1112. Penalties.**

- A. Any person who violates any provisions of this bylaw, if convicted, shall be fined an amount not to exceed \$50 a day.
- B. Each day that the offense continues shall be considered to be a separate violation.

**§ 135-1113. Conflict with other regulations.**

The provisions contained within this bylaw shall not relieve any person from complying with other laws, statutes, codes, regulations or bylaws of the Commonwealth of Massachusetts or the Town of Braintree.

**§ 135-1114. Severability.**

If any of the provisions of this bylaw are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions will remain in force.

**SEPTEMBER 2013**

----- Forwarded message -----

From: **Forsberg, Russell** <[rforsberg@braintree.ma.gov](mailto:rforsberg@braintree.ma.gov)>

Date: 6 September 2013 08:38

Subject: G.Naughton Contracting - Adams Street

To: carol ann ricardo <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)>

Cc: "Jenkins, Russ" <[rjenkins@braintree.ma.gov](mailto:rjenkins@braintree.ma.gov)>

Carol Ann Ricardo,

Please be advised that in response to your concern relative to the most recent late night activities at the former Graziano Concrete Company on Adams Street by their tenant, G. Naughton Contracting, it has been relayed to them that the moving of construction equipment or materials is prohibited between the hours of 8:00 pm and 7:00 am. They acknowledged this limitation and agreed to abide by this. Please let me know if either your or your tenants experience any further disturbances in terms of late night noise from this site.'

Russell Forsberg

Russell Forsberg - C.B.O.

Inspector of Buildings

Town of Braintree

90 Pond Street, Braintree, MA. 02184

**OCTOBER 2013**

----- Forwarded message -----

**From:** carol ann ricardo <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)>  
**Date:** 10 October 2013 01:07  
**Subject:** 117 Adams St  
**To:** Russell Forsberg <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>

Hello. It is 1 am Thursday, and we are again awake in my house because of the on-going noise from Naughton/Graziano tenant. This is getting old really fast. I left a message for you on Monday about the noise at 5am Sat morning. Please let me know what the next step is from the town.

Thank you,  
Carolann

**From:** littlebean117 [mailto:[littlebean117@gmail.com](mailto:littlebean117@gmail.com)]  
**Sent:** Thursday, March 20, 2014 12:07 AM  
**To:** JohnCMullaney@aol.com; Casey, Jim M.  
**Subject:** Please note the discrepancy

According to the BD, back in October, they enlisted BPD assistance. If the BPD observed any activity out side of the By-Laws, then the town would take court action.

Thank you,  
Carolann Ricardo

Sent from my Samsung Galaxy Note® II

----- Original message -----

**From:** "Forsberg, Russell"  
**Date:** 10/10/2013 8:54 AM (GMT-05:00)  
**To:** littlebean117  
**Subject:** RE: 117 Adams St

Carol Ann,

I just received confirmation from Chief Jenkins that Police will begin observations tomorrow.

Russ Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings

Town of Braintree  
90 Pond Street, Braintree, MA. 02184

---

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]

**Sent:** Thursday, October 10, 2013 8:14 AM

**To:** Forsberg, Russell

**Subject:** RE: 117 Adams St

Thank you so much. I am working on very little sleep. It so aggravating to wake up too. This am, was awful. I swear they left the back up alarm on purpose. ....went on for at least 45 minutes, and they were definitely dumping.

Talk soon.

Carolann

Sent from my Samsung Galaxy Note® II

----- Original message -----

From: "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>

Date: 10/10/2013 7:53 AM (GMT-05:00)

To: carol ann ricardo <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)>

Subject: RE: 117 Adams St

Carol Ann,

The Building Department is enlisting the assistance of the Police Department to make observations, based on their findings we would be able to bring a successful prosecution forward to the Courts. I would ask for your patients in the interim time. I will keep you advised as to the progress.

Russ Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree, MA. 02184

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**From:** carol ann ricardo [<mailto:littlebean117@gmail.com>]

**Sent:** Thursday, October 10, 2013 1:08 AM

**To:** Forsberg, Russell

**Subject:** 117 Adams St

Hello. It is 1 am Thursday, and we are again awake in my house because of the on-going noise from Naughton/Graziano tenant. This is getting old really fast. I left a message for you on Monday about the noise at 5am Sat morning. Please let me know what the next step is from the town.

Thank you,  
Carolann

## MARCH 2014

> On Mar 28, 2014, at 10:12 PM, "carol ann ricardo" <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)> wrote:

>

> I contacted BPD per your instructions this evening at 10:00 because of the noise out back at Means Pre-Cast. I was TOLD NOT TO TIE UP 911 and to contact the business office with a non-emergency complaint. Suggestions?????

>

>

> Carol-ann Ricardo

On 28 March 2014 22:14, carol ann ricardo <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)> wrote:  
Correction..... noise out back at Grazino Plant. My apologies.

-----Original Message-----

From: Casey, Jim M.

Sent: Saturday, March 29, 2014 7:04 AM

To: carol ann ricardo

Cc: JohnCMullaney@aol.com; Thomas Bowes; Jenkins, Russ; Coughlin, Mike

Subject: Re: Friday Evening 10:00pm

Carol-Ann,

I have never instructed you to call 911 to report noise complaints; 911 is to be used for emergencies only!

Any communications on noise complaints should be reported via non-emergency number or via email.

The Police Department have been monitoring the area and have not observed any problems. They are continuing to monitor the area.

Councilor Mullaney has requested that I pull together all communications on this issue for review. I am in the process of completing his request.

The Council is working with you to bring this issue to a satisfactory conclusion.

Jim

Sent from Council iPhone

## MARCH 2014

**From:** carol ann ricardo [mailto:littlebean117@gmail.com]  
**Sent:** Saturday, March 29, 2014 11:01 AM  
**To:** JohnCMullaney@aol.com; Casey, Jim M.  
**Subject:** Re: Friday Evening 10:00pm

I am sorry, truly had no idea that there was another number to call. I am in the middle of significant health issues, and am not as on point as I normally am. I assure you, I am not lying when I tell you they are back working. At 10:00pm we were startled by a loud slamming noise. My tenant stopped by this morning and made mention of it as well.

Going forward I hope this is resolved soon. I am having major surgery in a couple of weeks, and have months of treatment and to follow. I have the right to sleep and rest in my home.

Thank you,  
Carolann

**From:** carol ann ricardo [mailto:littlebean117@gmail.com]  
**Sent:** Monday, March 31, 2014 9:33 PM  
**To:** Casey, Jim M.; JohnCMullaney@aol.com  
**Subject:** BPD Dispatch

I called to report the work and noise at Graziano's at 9:15.....it is 9:30 I can hear them working out back and I can SEE the head lights. This is so not ok???

When does this stop???

**From:** carol ann ricardo [mailto:littlebean117@gmail.com]  
**Sent:** Monday, March 31, 2014 9:56 PM  
**To:** JohnCMullaney@aol.com; Casey, Jim M.  
**Subject:** Follow up call to dispatch

Officer Flaherty reports that he made a call over to the guys out, and they said they were shutting down. I informed him that I was observing the activity from my kitchen window at 9:40, (1 hour and 40 minutes beyond 8pm). I told him the flood lights were on Graziano's the bull dozer was still active, and there was significant noise coming from the work taking place. It is now 9:45 and they are shut down.

**From:** Casey, Jim M.  
**Sent:** Wednesday, March 19, 2014 4:14 PM  
**To:** Mullaney John; Bowes Thomas; mcoughlin@braintree.ma.gov; Forsberg, Russell; McGrath, Marybeth  
**Cc:** littlebean117  
**Subject:** RESIDENT ISSUE: Means Precast and the Graziano

The following string of emails are associated with the above subject resident issue.

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]  
**Sent:** Wednesday, March 19, 2014 4:06 PM  
**To:** Casey, Jim M.  
**Subject:** Fwd: Summary of Complaints made to Building Department

Please forward this email as well to the appropriate people. It is a summary of complaints filed with the BD and BPD to date.

Thank you,  
Carolann Ricardo

Sent from my Samsung Galaxy Note® II

----- Original message -----

**From:** littlebean117  
**Date:** 03/19/2014 3:04 PM (GMT-05:00)  
**To:** [jmcasey@braintree.ma.gov](mailto:jmcasey@braintree.ma.gov)  
**Subject:** Fwd: Summary of Complaints made to Building Department

Hello,  
This is a list of the number of complaints made to BPD and Building Department. The new tenants who are operating out of the Graziano property, have no regard for the residential properties surrounding them. They continue to disturb my b children's sleep at all hours, my sleep at all hours, and my tenant's sleep. We deserve peace and quiet as out lined by the Town By-laws. The hours of commercial operation is from 7am-7pm.

Thank you for your attention to this matter.  
Carolann Ricardo

Sent from my Samsung Galaxy Note® II

----- Original message -----

**From:** littlebean117  
**Date:** 03/19/2014 10:24 AM (GMT-05:00)  
**To:** [JohnCMullaney@aol.com](mailto:JohnCMullaney@aol.com)  
**Subject:** Summary of Complaints made to Building Department

9/6/2013 11:30 pm working out back. I contacted BPD that evening. Followed up with BD  
10/1/2013- 5:30 am trucks going, back up noise slamming of dump trucks. Made complaint to BD.

10/10 - 1:30 am Trucks going, back up lights. Complaint filed with BD

10/16- 5:30 am Trucks going, back up alarms etc. Complaint filed with BD

12/7- 5:00 am Trucks working, slamming, back up alarms going.

12/15- 4:30 am, same as above. Complaint filed.

3/11- 11:00 pm. Same as above complaint filed with BPD

3/13/- 2:50 am!!!!!!! Complaint filed with BD

3/18/- 4:30 am Complaint to BD

3/19/- 9pm complaint on file with BPD

We deserve to sleep, rest, and live with out constant noise disturbances from arrogant commercial businesses. Please help us resolve this matter.

Thank you,

Carolann Ricardo

**From:** Casey, Jim M.

**Sent:** Thursday, March 20, 2014 9:43 AM

**To:** Jenkins, Russ

**Subject:** RE: Last 4/17

Russ,

Thanks for your assistance

Jim

**From:** Jenkins, Russ

**Sent:** Thursday, March 20, 2014 9:04 AM

**To:** Casey, Jim M.

**Subject:** FW: Last 4/17

Here you go.

**From:** <Jenkins>, Russ Jenkins <[rjenkins@braintreema.gov](mailto:rjenkins@braintreema.gov)>

**Date:** Thursday, March 20, 2014 at 5:45 AM

**To:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>

**Subject:** Fwd: Last 4/17

Sent from my iPhone

Begin forwarded message:

**From:** "Yee, Phillip" <[pyee@braintreema.gov](mailto:pyee@braintreema.gov)>

**Date:** March 20, 2014 at 5:03:04 AM EDT

To: "Jenkins, Russ" <[rjenkins@braintreema.gov](mailto:rjenkins@braintreema.gov)>  
Subject: RE: Last 4/17

Chief,

At about 4:12am i observed a Dennis K Burke oil truck exit Graziano Concrete onto adams st. I called it into dispatch to make not of it and i sat on the property for a bit. About 4:30 a car entered the property and started another Dennis K Burke truck. The driver did not load or dump anything anything into or out of the vehicle. He started it, warmed it up and left around 05:00am. I left around the same time. No other activity on the property.

Phillip Yee  
Sergeant  
Braintree Police Department  
P - 781-794-8766  
F - 781-794-8671

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From: Jenkins, Russ  
Sent: Wednesday, March 19, 2014 12:04 PM  
To: Foster, Wayne; MacAleese, Karen; Ware, Kevin; Moschella, Michael; Lydon, Sean; Curtin, Richard; Bata, Charles; Smith, Jeffrey; Delpapa, David; Cohoon, Timothy; Yee, Phillip; Want, Michael; Querzoli, Edward; Adams, Brian; McConville, Sean  
Subject: FW: Last 4/17

Hi,

As you can see from the following e-mail thread, Ms. Ricardo is getting quite frustrated and I'm not sure that I can blame her. In a follow up e-mail to Russ Forsberg, he provided me with the time frame for violations. Please have the sector officers on the Evening and Night Shifts give this area extra attention and document any violations by forwarding an e-mail to Deputy Chief Foster.

Thanks. RWJ

Construction hours are limited to Monday – Friday 7:00 am to 8:00 pm for use of construction tools and equipment. It is important however to note that truck traffic on its own (Driving) is not considered construction activity. The dumping or loading of trucks however or the use of other construction equipment not normally allowed on the road is prohibited outside of these hours.

From: <Forsberg>, Russell <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)<<mailto:rforsberg@braintreema.gov>>>  
Date: Wednesday, March 19, 2014 at 11:47 AM  
To: littlebean117 <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)<<mailto:littlebean117@gmail.com>>>  
Cc: "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)<<mailto:mmcgrath@braintreema.gov>>>, Peter Morin <[pmorin@braintreema.gov](mailto:pmorin@braintreema.gov)<<mailto:pmorin@braintreema.gov>>>, Michael Coughlin <[mcoughlin@braintreema.gov](mailto:mcoughlin@braintreema.gov)<<mailto:mcoughlin@braintreema.gov>>>, Russ Jenkins <[rjenkins@braintreema.gov](mailto:rjenkins@braintreema.gov)<<mailto:rjenkins@braintreema.gov>>>  
Subject: RE: Last 4/17

Carolann Ricardo,

While I fully understand your frustration relative to the issues you have been experiencing, however as has been explained in the past the only thing that can be done unless a violation is witnessed by the department, which is difficult given that in this instance the noise or vibration is not prolonged is to inform them of the limitations regarding noise and ask that they comply with the same, however. To this end we have spoken to both Means Precast and the Graziano tenant on a number of occasions based entirely on observations made by yourself, and as such cannot proceed with any criminal prosecution barring actual observances by this department.

Russell Forsberg

From: littlebean117 [<mailto:littlebean117@gmail.com>]  
Sent: Tuesday, March 18, 2014 8:40 PM  
To: Forsberg, Russell  
Subject: Last 4/17

They were working out back at 430 yhis morning. And they are out back now and it us 8:35!!!! WHAT contact IF ANY has been made???? It seems ridiculous that I am wasting Police 911 emergency dispatch for a "Noise" complaint. I have been MORE than patient. Where are the fines? When is court action taken? I am beyond frustrated.

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]  
**Sent:** Thursday, March 20, 2014 12:31 PM  
**To:** Casey, Jim M.  
**Subject:** RE: RESIDENT ISSUE: Means Precast and the Graziano

Just received a message from my tenant. He said they were out back this morning at 4:15am, reverse back up beeping noise went on for 45 minutes. He said there was excessive amounts of banging, and slamming, of equipment.

We were not disturbed this morning, as , I spent \$200.00 on sound machines for our four bedrooms. We were lucky this am, and had the luxury of not being disturbed.

For now I am turning my sound machine off, and will document the activity as requested. I will be in touch next week.

Thank you again,  
Carolann Ricardo

Sent from my Samsung Galaxy Note® II

----- Original message -----

From: "Casey, Jim M."  
Date:03/20/2014 11:29 AM (GMT-05:00)  
To: littlebean117

Cc: Mullaney John ,Bowes Thomas ,"Coughlin, Mike" ,"Forsberg, Russell"  
Subject: RESIDENT ISSUE: Means Precast and the Graziano

Carol-ann

I believe they are permitted to work Saturdays but not Sunday's. Saturday hours would be the same as week days. I will verify.

I did receive the prior activity listing.

Jim

**From:** Jenkins, Russ  
**Sent:** Friday, March 21, 2014 8:44 AM  
**To:** Forsberg, Russell; Casey, Jim M.  
**Subject:** FW: RESIDENT ISSUE: Means Precast and the Graziano

FYI. This e-mail refers to observations made early Thursday morning.

**From:** <Yee>, Phil Yee <[pyee@braintreema.gov](mailto:pyee@braintreema.gov)>  
**Date:** Friday, March 21, 2014 at 12:41 AM  
**To:** Russ Jenkins <[rjenkins@braintreema.gov](mailto:rjenkins@braintreema.gov)>, Michael Want <[mwant@braintreema.gov](mailto:mwant@braintreema.gov)>  
**Subject:** RE: RESIDENT ISSUE: Means Precast and the Graziano

Chief, I don't know what this lady is talking about. I was there from 04:10am-05:00am and the only activity was what I emailed you about. Noone was backing up, if anything the truck was idling but I couldn't hear it through my windows.

I'll sit down there again tonight. FYI after that I am going on days off.

Phillip Yee  
Sergeant  
Braintree Police Department  
P - 781-794-8766  
F - 781-794-8671

**From:** Jenkins, Russ  
**Sent:** Thursday, March 20, 2014 2:02 PM  
**To:** Want, Michael; Yee, Phillip  
**Subject:** Fwd: RESIDENT ISSUE: Means Precast and the Graziano

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Casey, Jim M." <[jmcasey@braintreema.gov](mailto:jmcasey@braintreema.gov)>  
**Date:** March 20, 2014 at 12:44:46 PM EDT  
**To:** littlebean117 <[littlebean117@gmail.com](mailto:littlebean117@gmail.com)>  
**Cc:** Bowes Thomas <[tbowes@braintreema.gov](mailto:tbowes@braintreema.gov)>, Mullaney John <[jmullaney@braintreema.gov](mailto:jmullaney@braintreema.gov)>, "Jenkins, Russ" <[rjenkins@braintreema.gov](mailto:rjenkins@braintreema.gov)>  
**Subject:** RE: RESIDENT ISSUE: Means Precast and the Graziano

Carolann,

Let's have the police monitor the area as noted by Chief Jenkins.

If things continue as you have noted in earlier emails the police should be able to validate any violations.

Jim

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]  
**Sent:** Thursday, March 20, 2014 12:31 PM  
**To:** Casey, Jim M.  
**Subject:** RE: RESIDENT ISSUE: Means Precast and the Graziano

Just received a message from my tenant. He said they were out back this morning at 4:15am, reverse back up beeping noise went on for 45 minutes. He said there was excessive amounts of banging, and slamming, of equipment.

We were not disturbed this morning, as , I spent \$200.00 on sound machines for our four bedrooms. We were lucky this am, and had the luxury of not being disturbed.

For now I am turning my sound machine off, and will document the activity as requested. I will be in touch next week.

Thank you again,  
Carolann Ricardo

Sent from my Samsung Galaxy Note® II

----- Original message -----

**From:** "Casey, Jim M."  
**Date:** 03/20/2014 11:29 AM (GMT-05:00)  
**To:** littlebean117

Cc: Mullaney John ,Bowes Thomas ,"Coughlin, Mike" ,"Forsberg, Russell"  
Subject: RESIDENT ISSUE: Means Precast and the Graziano

Carol-ann

I believe they are permitted to work Saturdays but not Sunday's. Saturday hours would be the same as week days. I will verify.

I did receive the prior activity listing.

Jim

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]  
**Sent:** Thursday, March 20, 2014 10:57 AM  
**To:** Casey, Jim M.  
**Subject:** Construction Hours

Thank you for making progress.

Are they not permitted too work Sat and Sunday? Just want to be clear when documenting activity after hours.

Did you receive my email with the dates and times of most recent activity?

Call me crazy, but there needs to be a " Shut Down" time established. Driving their huge trucks around creates a lot of noise! All of their huge, noisy trucks are operated on the road!!! That fact in itself gives them free reign to operate when ever they want back there. Why would they be working at 3am in the dark?

If my neighbor is mowing his lawn at 3am and causing a noise disturbance, the police would come out and make him shut it down. How is it they can operate massive vehicles at all hours??? I am not getting this at all. Seriously , something has to change.

I will keep in touch. Thank you again for moving forward. I feel bad bothering the Police Chief again.

Thank you,

Carol-ann

**From:** littlebean117 [mailto:littlebean117@gmail.com]  
**Sent:** Wednesday, March 19, 2014 3:52 PM  
**To:** Casey, Jim M.  
**Subject:** RE: RESIDENT ISSUE: Means Precast and the Graziano

THANK YOU!!!! We appreciate any and all help we can get. Russ can only work with in the By-Laws. Some how the residents need more protection.

Thank you, Carolann

Sent from my Samsung Galaxy Note® II

----- Original message -----

**From:** "Casey, Jim M."  
**Date:** 03/19/2014 3:29 PM (GMT-05:00)  
**To:** littlebean117  
**Cc:** Mullaney John ,Bowes Thomas , "Coughlin, Mike" , "Forsberg, Russell" , "McGrath, Marybeth"  
**Subject:** RESIDENT ISSUE: Means Precast and the Graziano

Carolann,

I have just spoken with Councilor Mullaney and he will be going up to the Mayor's Office to address the problem.

As I stated to you over the phone, please give us a few days to direct the appropriate resources to document and apply the necessary ordinances/by-laws to resolve.

Touch bases with me on Monday, March 24<sup>th</sup> if the issue is not resolved by that date.

Jim

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]  
**Sent:** Wednesday, March 19, 2014 3:18 PM  
**To:** Casey, Jim M.  
**Subject:** Fwd: RE: Last 4/17

This is the response I received today from the Building Department. As a tax payer, if I am late paying my excise tax, I am fined. As I should be. How are the commercial businesses, permitted to break the rules, disturb the peace, and NOT held accountable? ??? So frustrating, and I do not understand how the By-Laws are not protecting the residents????

Sent from my Samsung Galaxy Note® II

----- Original message -----

**From:** "Forsberg, Russell"

**Date:** 03/19/2014 11:47 AM (GMT-05:00)

**To:** littlebean117

**Cc:** "McGrath, Marybeth" , "Morin, Peter" , "Coughlin, Mike" , "Jenkins, Russ"

**Subject:** RE: Last 4/17

Carolann Ricardo,

While I fully understand your frustration relative to the issues you have been experiencing, however as has been explained in the past the only thing that can be done unless a violation is witnessed by the department, which is difficult given that in this instance the noise or vibration is not prolonged is to inform them of the limitations regarding noise and ask that they comply with the same, however. To this end we have spoken to both Means Precast and the Graziano tenant on a number of occasions based entirely on observations made by yourself, and as such cannot proceed with any criminal prosecution barring actual observances by this department.

Russell Forsberg

**From:** littlebean117 [<mailto:littlebean117@gmail.com>]  
**Sent:** Tuesday, March 18, 2014 8:40 PM  
**To:** Forsberg, Russell  
**Subject:** Last 4/17

They were working out back at 430 yhis morning. And they are out back now and it us 8:35!!!!  
WHAT contact IF ANY has been made???? It seems ridiculous that I am wasting Police 911 emergency dispatch for a "Noise" complaint. I have been MORE than patient. Where are the fines? When is court action taken? I am beyond frustrated.

After reading your email, I find it necessary to clarify the fact that when we talked on Friday the 5th, you did not listen at all to the nature of our complaint. You wasted your time, and the Towns resources taking noise readings at a location NOT even close to where I told you the noise was coming from. When we talked on the 5th I was VERY clear that the noise was coming from the rear property line of my home. I told you that Means Pre-Cast was creating the noise by crushing large chunks of concrete with a tractor that has a jack hammer attached to it. I did describe the noise as "jack hammering. If you need any further clarification about the jack hammering loud activity taking place along the REAR PORTION OF MY PROPERTY LINE, I have video and photographs of the activity.

The noise levels created by Graziano is the same today, as it were 13 years ago when I purchased my property. They have been GREAT neighbors who have always acted in good faith and with concern for the residents of Adams Street. My husband and I will meet with the Grazianos Friday morning and explain to them the nature of our original complaint made to the Building Department. We will explain to them that we were very clear in our complaint to the Building Department that the noise was coming from the rear portion of our property, and was being created by Means Pre-Cast. Grazianos has always acted in good faith regarding the community, and their neighbors.

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** [littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)  
**Cc:** "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)>; "Morin, Peter" <[pmorin@braintreema.gov](mailto:pmorin@braintreema.gov)>  
**Sent:** Wed, November 10, 2010 1:02:12 PM  
**Subject:** Noise Issue - Adams Street

CarolAnn Riccardo,

In response to both your phone call and e-mails regarding noise emanating from behind your property on Adams Street I would like to report the following action and results from noise monitoring. In your complaint you described two distinct noises that have been troubling of late. The first noise was that of a "jackhammer" and the second being that of the off loading of materials and more specifically the closing of the dump gate on the trucks delivering the material. Through the cooperation of the Braintree Electric Light Department, we have been loaned a sound meter, "Extech" model 407736 with which to conduct sound metering. The source of the jackhammer noise is actually originating not from Means Pre-Cast but from the Graziano plant which in the course of its product manufacturing, at times uses equipment to break up larger pieces of stone on the back portion of the site before final refinement in the rock crusher. Utilizing the sound metering equipment at the intersection of the Means Pre-Cast property and Graziano which is within fifty feet of the actual activity, the noise readings ranged from 66 db to 68 db. When measured at the Adams Street sidewalk, the noise readings for the same activity ranges from 54 db to 58 db. While on the Means Pre-Cast property the only delivery truck observed was equipped with piston equipped tail gates and as such no appreciable noise was emitted. Additional observations/readings of conventional street traffic in front of residential properties along Adams Street revealed noise readings of between 72 db to 78 db depending on the volume and type of vehicle. Given that the jackhammer noise is not related directly to construction but rather manufacturing, the restrictions imposed by the Zoning Bylaws as to hours of operation are not directly applicable, however the department did speak with a representative of the Graziano Company regarding the concerns such noise have raised. We were informed that the actual stone breaking was being preformed by a sub-contractor to Graziano and to the

best of their knowledge activity did not start until after 7:30 am when the operator of the equipment arrived. Graziano did say that they would confirm the start times and advise the operator of the noise concerns as they relate to start times. Given the result of the sound readings and the limitations contained within Article XI "Environmental Performance Standards" I can find no violation at this time regarding either the activity at Means Pre-Cast nor at the Graziano site.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184

On Monday, May 23, 2011 12:15 PM, "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)> wrote:

Carol Ann Ricardo,

Noise readings were taken at the front of the property between Means Pre-Cast and your own as well as on the Means Pre-Cast property.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184  
**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]  
**Sent:** Monday, May 23, 2011 11:40 AM  
**To:** Forsberg, Russell  
**Subject:** Re: Noise Complaint - Means Pre-Cast

Russell,

Where in between were you standing on the property. Were you in the rear of the property where the noise is happening, or were you on the front of the property line?

Thank you,  
Carol-ann

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** Bean Ricardo <[littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)>  
**Cc:** "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)>  
**Sent:** Mon, May 23, 2011 10:04:50 AM  
**Subject:** RE: Noise Complaint - Means Pre-Cast  
Carol Ann Ricardo,

The readings were taken between your property and Means Precast.

Russell Forsberg

Russell Forsberg - C.B.O.

Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184  
**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]  
**Sent:** Monday, May 23, 2011 9:40 AM  
**To:** Forsberg, Russell  
**Subject:** Re: Noise Complaint - Means Pre-Cast

Hello,

Where exactly did you take the noise readings last week? In front of my house or at the REAR of my property where the noise issue persists?

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** Bean Ricardo <[littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)>  
**Sent:** Mon, May 23, 2011 8:33:09 AM  
**Subject:** RE: Noise Complaint - Means Pre-Cast  
Carol Ann Ricardo,

The Environmental Standards are contained within Article XI of the Town of Braintree Zoning Bylaws .

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184  
**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]  
**Sent:** Friday, May 20, 2011 3:57 PM  
**To:** Forsberg, Russell  
**Subject:** Re: Noise Complaint - Means Pre-Cast

Hello Russell,

What are the environmental standards established by the Zoning Bylaws? I can't seem to locate them in the paper work.

Thank you,  
Carol-ann

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** [littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)  
**Cc:** "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)>; "Morin, Peter" <[pmorin@braintreema.gov](mailto:pmorin@braintreema.gov)>  
**Sent:** Fri, May 20, 2011 11:58:42 AM  
**Subject:** Noise Complaint - Means Pre-Cast  
Carol Ann Ricardo,

In response to your earlier concern please be advised that the department did conduct sound readings of Means Pre-Cast this morning, however we did not record decibel readings in excess of environmental limitations as established by the Zoning Bylaws.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184

On Tuesday, May 31, 2011 3:04 PM, "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)> wrote:

Carol Ann Ricardo,

In answer to your questions:

1. I have not been able to take a reading when a delivery is being made, please note however that noise generated by the delivery of material for a short time periods are not governed by the noise bylaws.
2. Delivery dates are known by Means Pre-Cast but not times as they are at the discretion of their suppliers.
3. I will pass along your concerns regarding the generation of dust to the Health Division.
4. In that the operation of Means Pre-Cast is most closely reflecting a construction site in terms of material and equipment used the provisions of 135-1106 "Restrictions on noise emitted form construction sites" have been applied.
5. Setbacks in Commercial Zoning Districts require off-sets from the property lines of 35' Front, 20' Side, and 35' Rear, however the creation of the storage bins which are in question were identified as being proposed on the plan approved by the Zoning Board of Appeal. Additionally, retaining walls, which this structure acts in part as, is exempted from setback requirements.

I hope this serves to answer your questions, should you require anything further please feel free to contact my office.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree

90 Pond Street, Braintree , MA. 02184

**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]

**Sent:** Tuesday, May 31, 2011 2:18 PM

**To:** Forsberg, Russell

**Cc:** Mayors Office; Mullaney John; Town Councilors; [pmorin@baraintreema.gov](mailto:pmorin@baraintreema.gov)

**Subject:** Noise Pollution at 117 Adams St

After further review of the zoning by-laws we have additional questions about the meter readings you have taken on Means Pre-Cast property.

On May 23rd Peter Morin sent an email to me. He stated that he had asked you take a meter read on our property when a delivery of tons of stone and gravel was was being made three feet away from my property line. To date, we would like to know if you have taken a sound reading on our property when a delivery of materials as described above is being delivered.

You have stated that it has been difficult to get a delivery schedule from Means Pre-cast, as they have no idea when the deliveries are coming in. Do you have the authority as the Building Inspector to ask them to provide you with a delivery schedule?

We would like to know how to address the dust issue that is being created now that the dry weather is here again. The activity of the trucks, and tractors out back continues, and the dust levels are again an issue. In the past Means Pre-cast has had some-one available to meet the deliveries, and they would spray water from a hose as the gravel and sand were being dumped. This helps to minimize the large cloud of dust that rolls over our fence.

We want to know if you are using commercial standards or construction standards when reporting the decible readings for Means Pre-Cast. On May 20th you reported to us that metered readings were taken and the noise level was 58 with out a delivery happening, and you were in the front portion of Means Pre-cast property. (far away from where the dumping actually takes place) The by-laws state that the meter readings should take place near the source of the noise pollution. The center office located on Means Pre-cast is not even close to where the noise pollution occurs.

How far away can one build from the neighboring property line? Portions of the storage bins are less than three feet from the rear of our property.

Please get back to us when you can.

Thank you,  
Carol-ann Ricardo

On Monday, May 23, 2011 12:15 PM, "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)> wrote:

Carol Ann Ricardo,

Noise readings were taken at the front of the property between Means Pre-Cast and your own as well as on the Means Pre-Cast property.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184  
**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]  
**Sent:** Monday, May 23, 2011 11:40 AM  
**To:** Forsberg, Russell  
**Subject:** Re: Noise Complaint - Means Pre-Cast

Russell,

Where in between were you standing on the property. Were you in the rear of the property where the noise is happening, or were you on the front of the property line?

Thank you,  
Carol-ann

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** Bean Ricardo <[littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)>  
**Cc:** "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)>  
**Sent:** Mon, May 23, 2011 10:04:50 AM  
**Subject:** RE: Noise Complaint - Means Pre-Cast  
Carol Ann Ricardo,

The readings were taken between your property and Means Precast.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184  
**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]  
**Sent:** Monday, May 23, 2011 9:40 AM  
**To:** Forsberg, Russell  
**Subject:** Re: Noise Complaint - Means Pre-Cast

Hello,

Where exactly did you take the noise readings last week? In front of my house or at the REAR of my property where the noise issue persists?

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** Bean Ricardo <[littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)>  
**Sent:** Mon, May 23, 2011 8:33:09 AM  
**Subject:** RE: Noise Complaint - Means Pre-Cast  
Carol Ann Ricardo,

The Environmental Standards are contained within Article XI of the Town of Braintree Zoning Bylaws .

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184  
**From:** Bean Ricardo [<mailto:littlebean117@yahoo.com>]  
**Sent:** Friday, May 20, 2011 3:57 PM  
**To:** Forsberg, Russell  
**Subject:** Re: Noise Complaint - Means Pre-Cast

Hello Russell,

What are the environmental standards established by the Zoning Bylaws? I can't seem to locate them in the paper work.

Thank you,  
Carol-ann

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** [littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)  
**Cc:** "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)>; "Morin, Peter" <[pmorin@braintreema.gov](mailto:pmorin@braintreema.gov)>  
**Sent:** Fri, May 20, 2011 11:58:42 AM  
**Subject:** Noise Complaint - Means Pre-Cast  
Carol Ann Ricardo,

In response to your earlier concern please be advised that the department did conduct sound readings of Means Pre-Cast this morning, however we did not record decibel readings in excess of environmental limitations as established by the Zoning Bylaws.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184

Hello,

Thank you for the feed-back regarding the Zoning Bylaws, and Melissa Santucci's opinion on this matter. Please let me know where you were standing on my property when you took the readings. Please describe what activity was taking place on Means property at the time of the readings, and the exact location you where you were standing, when the readings were taken.

Thank-you,  
Carol-ann Ricardo

**From:** "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)>  
**To:** Bean Ricardo <[littlebean117@yahoo.com](mailto:littlebean117@yahoo.com)>  
**Cc:** "Morin, Peter" <[pmorin@braintreema.gov](mailto:pmorin@braintreema.gov)>; "McGrath, Marybeth" <[mmcgrath@braintreema.gov](mailto:mmcgrath@braintreema.gov)>  
**Sent:** Wed, May 25, 2011 2:12:49 PM  
**Subject:** Means Pre-Cast Noise & ZBA Decision

Carol Ann Ricardo,

Please be advised that the department has continued to make noise readings (Tuesday afternoon and Wednesday morning) on the Means Pre-Cast property in hopes of measuring noise levels during a delivery which we have thus far been unable to do. I can report that the readings of the ambient noise on the property during regular operations are in the same range (high fifties to low sixty decibels) as were reported to you earlier. In speaking with Melissa Santucci of the Planning Department as someone responsible for promulgating the Zoning Bylaws it is her considered opinion that the noise caused by the delivery of material is not subject to the decibel limitations contained in the Environmental standards of the Braintree Zoning Bylaws but rather the intent of this section is to restrict prolonged activities generating high noise levels. I have also conducted research into your concern relative to Means Pre-Cast's compliance with any proviso's attached to relief granted by the Zoning Board of Appeal. In reading the file for the Zoning Board of Appeals case (#04-83) which was heard on September 28, 2004, the decision states "On a motion duly made and seconded, it was unanimously voted to grant the petition

subject to the plan submitted." with no further conditions/proviso's. In review of the plan prepared by David J. Crispin of the BSC Group, there is no mention of any screening fence that would separate your property from the material storage bins. It therefore appears as though Means Precast is operating within the bounds of the approval granted them by the Zoning Board of Appeals.

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184

On Wednesday, May 25, 2011 3:17 PM, "Forsberg, Russell" <[rforsberg@braintreema.gov](mailto:rforsberg@braintreema.gov)> wrote:

Carol Ann Ricardo,

Per your request please be advised that metering was done by the center entry/office area of the Means Pre-Cast property, activity observed did not involve any heavy equipment such as truck deliveries of material.

Russell Forsberg

Russell Forsberg - C.B.O.  
Inspector of Buildings  
Town of Braintree  
90 Pond Street, Braintree , MA. 02184