

Sean E. Powers
President
At Large



Charles B. Ryan
Vice President
At Large

Shannon L. Hume
At Large

Stephen C. O'Brien
District 4

CHARLES C. Kokoros
District 1

Michael J. Owens
District 5

John C. Mullaney
District 2

PAUL "DAN" CLIFFORD
District 6

Thomas M. Bowes
District 3

OFFICE OF THE TOWN COUNCIL

MARCH 15, 2016

MINUTES

A joint meeting of the Town Council with the Planning Board was held in the Horace T. Cahill Auditorium, Braintree Town Hall, on March 15, 2016 beginning at 7:00p.m.

Council President Powers was in the chair.

Present: Sean Powers, President
Charles Ryan, Vice President
Thomas Bowes
Shannon Hume
Charles Kokoros
John Mullaney
Stephen C. O'Brien
Michael Owens

Not Present: Paul Dan Clifford

Also Present: Joseph C. Sullivan, Mayor
Carolyn Murray, Town Solicitor
Michael Coughlin, Chief of Staff
Christine Stickney, Director Planning and Community Development
Planning Board members
Josh Katzen, Landing Associates, LLC
Frank Marinelli, Lawyer

ANNOUNCEMENTS

• **049 16 Council President: Recognition: Super Saturdays**

Councilor Powers acknowledged the Braintree Special Needs Recreation Program aka Super Saturdays.

Braintree Special Needs Recreation Program aka Super Saturdays is a social recreational program for all students in Braintree from the ages of 8 and older that are serviced through the Special Education Department. Every child likes to have fun activities to look forward to and friends to share them with, but for many students that is a difficult goal to achieve. Students take part in a wide array of activities that are healthy, interactive, engaging, and fun! Super Saturday's meets each Saturday for 12 weeks in

2 sessions each starting in the Fall and then in the Spring. Students take part in Super Saturdays feel welcomed, accepted, and are celebrated for who they are.

Super Saturdays was started 16 years ago by parents Mary and Rich Ellis and Joe and Jayne Olivere who live in Braintree and have children with special needs at home. Both families had other children who participated in many town wide sports and activities every Saturday, however, their child with special needs was always stuck cheering on the sidelines. They came up with the idea of creating a program in town that allowed their child with special needs to take part in a recreational program that catered to their needs and interests. Students enjoy adventures such as show tubing, music video creation, bowling and an annual trip to Canobie Lake Park. Super Saturdays is supported 100% by the fundraising efforts of a core group of parents of students who attend the program. To date we have over 60 children taking part in this amazing program.

APPROVAL OF MINUTES

- March 2, 2016

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford)

CITIZEN CONCERNS/COUNCIL RESPONSE

- **046 16 Councilor Mullaney: Historical House to be demolished or take up any action relative thereto**

There is a house on Washington Street that Sylvanus Thayer lived in for many years. We have had a number of inquiries about this area in question – what we know is Thayer Academy solicited proposals within the last year for the sale and development of the parcel off of Washington Street/Georgianna St – there has been no filing with the Town.

Councilor Mullaney stated members from the Historical Society, Historical Commission and concerned resident are here tonight (some being: Pat Leonard, Alan Weinberg, Ron Frazier, Sarah DeMayo, from Academy Street). We want to start a conversation with Thayer so that this house does not disappear.

Mayor Sullivan stated there has been no filing with the Town. He has had conversations about a Demolition Delay to be put forth for the Council's consideration. That would require those who want to take down properties recognized as historical structures at least a 30 or 45 day delay before they could do that with appropriate notification. I am prepared to offer that as an Ordinance.

OLD BUSINESS

- **16 009 Mayor: Revoke Prior Order accepting land or take up any action relative thereto**

Council President Powers referred to Councilor O'Brien, Chairman of the Ways & Means for an update. Councilor O'Brien stated the Committee on Ways & Means met this evening on a previous accepted donation of land from the OIB Corporation. The original vote that was a layout of a street did not include a parcel of land below the street. We had to refile to include it so there would be no contention in the future. I want to thank the Planning Department for discovering this. The paper street was deemed dangerous by Planning. The developer will grade the property as required.

Councilor O'Brien stated the Ways & Means met and voted favorable recommendation on all three items to the full Council.

MOTION: That the Town Council vote to rescind its vote contained in Order No. 15-005.

Motion: by Councilor Ryan Approve Order 16 009
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1-Clifford)

• **16 010 Mayor: Vote on corrected motion for acceptance of donation of land or take up any action relative thereto**

MOTION: That the Town Council vote to accept a donation of a portion of that property described in a deed recorded in Book 10672, Page 213 with the Norfolk County Registry of Deeds, said property located off Liberty Street in Braintree, identified as Lots 10, 11, 12, 13, 14, 15, 16, 17 and Road A, as shown on a plan entitled "Definitive Plans for Whites Hill Estates II in Braintree, Massachusetts," dated October 12, 2013, revised through November 7, 2014 (17 sheets), prepared by Marchionda & Associates, L.P., of which Sheets 3 and 4 have been recorded with the Norfolk County Registry of Deeds on April 28, 2015 in Plan Book 638 on Pages 52/53, said subdivision plan having been approved by the Braintree Planning Board on January 13, 2015, and a copy of which is on file with the Office of Planning and Community Development, reserving to O.I.B. Corp. a permanent slope and grading easement, in, across, through, over and under a portion of "Road A," shown as "Slope and Grading Easement 1,105 +/- S.F." on a plan entitled Whites Hill Estates II Braintree, Massachusetts Prepared for O.I.B. Corp.," dated February 7, 2016.

Motion: by Councilor Ryan Approve Order 16 010
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1-Clifford)

• **16 011 Mayor: Transfer land to conservation commission and to authorize conservation restriction or take up any action relative thereto**

MOTION: Pursuant to General Laws Chapter 40, Section 15A, that the Town Council vote to transfer the care, custody, management and control of a portion of the land described in a deed recorded in Book 10672, Page 213 with the Norfolk County Registry of Deeds, said property located off Liberty Street in Braintree, identified as Lots 10, 11, 12, 13, 14, 15, 16, 17 and Road A, as shown on a plan entitled "Definitive Plans for Whites Hill Estates II in Braintree, Massachusetts," dated October 12, 2013, revised through November 7, 2014 (17 sheets), prepared by Marchionda & Associates, L.P. of which Sheets 3 and 4 have been recorded with the Norfolk County Registry of Deeds on April 28, 2015 in Plan Book 638 on Pages 52/53, to the Braintree Conservation Commission to be held for open space and conservation purposes, and further, to authorize a conservation restriction that complies with General Laws Chapter 184, Sections 31-33 to be placed upon said land.

Motion: by Councilor Ryan Approve Order 16 011
Second: by Councilor Bowes
Vote: For (8), Against (0), Absent (1-Clifford), Present (1-Kokoros)

Councilor Kokoros stated I will support this but this company OIB came here trying to get everything. I wish we did not have to take this vote.

Mayor Sullivan stated I think we got a very good result out of this proposal. We are now protecting 50% of that parcel while allowing for a property owner to develop the parcel in the best use possible, residential A, average house value at \$700,000. The Planning Department deserves a lot of recognition in terms of their thoroughness. We are protecting that land with conservation designation for the rest of history.

• **033 15 Council President: Town Auditor Position – Job Description to include qualifications, requirements, compensation, posting or take up any action thereto**

Council President referred to Councilor O’Brien, Chairman of the Committee on Ways & Means. Councilor O’Brien stated there is no update at this time.

• **027 16 Councilor Clifford: "An Obligation to Lead", from the MMA Municipal Opioid Addiction and Overdose Prevention Task Force, The "Call to Action" is a Clarion call for leaders to take specific actions and implement innovative programs based on local needs or take up any action relative thereto (UPDATE)**

Council President stated we have formed a Special Committee (Councilor Kokoros as Chair, Councilor Hume, Councilor Owens and Councilor Clifford). They will be setting up many meetings to help supplement the efforts of Governor Baker and what he has signed into law and the local efforts on Opioid Prevention.

Councilor Kokoros stated thank you Mr. President for putting this committee together and appointing me chair. The Mayor and I several years ago have put together a partnership that has been working diligently to address the opioid epidemic and I think this will add to it. We will be having a number of meetings and talking to Police, Fire, Ambulatory Services, and working towards solutions.

Bob Harnais, resident and Chairman of the Planning Board stated thru the Mass Bar Association there is Section 35 where you actually have to get someone committed. We offer a free 1-800 number for all family members to call and have a lawyer representative for free. We give educational classes to parents and family members. This is available to all citizens in Braintree. It will be going state-wide.

NEW BUSINESS

• **16 008 Mayor: Landing Associates, LLC Chapter 121 Application or take up any action relative thereto (Joint PUBLIC HEARING with the Planning Board) SAME NIGHT ACTION**

Motion by Councilor Ryan to Open Public Hearing for Order 16 008

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford)

Mayor Sullivan came to the podium stating this is a much needed development creating a village concept with Weymouth. We set the stage for development to come along. We are prepared now with this proposal to allow the Landing to take off. This project of 172 luxury apartment units will be an economic stimulus for the area. Mr. Katzen got financing thru the 121 A state supported program and he qualified

for that project. He has come now for his final approval so he can proceed with the financing program he has offered us.

Councilor Ryan read the Legal Advertisement for the joint Public Hearing.

Carolyn Murray, Town Solicitor explained what 121A is. It allows public and or private to form an urban redevelopment corporation allowing building in an area that has some challenges to it. This is an incentive tool to direct the development where we want it to be directed. This should allow Urban Redevelopment Corporation to build 172 residential units and roughly 12,000 square feet of commercial space in a mixed use development in Weymouth Landing including the municipal parking lot. This statute allows as one of the incentives, the Town to completely exempt this urban redevelopment corporation from taxes for a period of at least 15 years and it allows for a total term of up to 40 years with extensions. What is before you tonight is a 15 year period. Even though we are allowed to exempt this corporation from all taxation within that 15 year period that doesn't mean there is no income to the Town. The statute provides two mandatory payments that the corporation has to make. One is the 5% excise tax which is 5% of the gross income that the corporation receives from this project and goes right into our General Fund. The other payment is a 1% payment based on a fair cash value of all real and personal property. The statute also allows the Town and the Corporation to enter into a PILOT agreement. The Corporation has proposed a payment schedule.

Councilor O'Brien asked why the documents are not signed and dated. Carolyn Murray, Town Solicitor stated because these are simply drafts. They are to be unsigned until the process is completed.

Councilor O'Brien asked who is actually the developer of the property? Carolyn Murray, Town Solicitor replied the Urban Redevelopment Corporation, has named Landing Associates, LLC.

Councilor O'Brien asked where is there a designation of sub-standard? Carolyn Murray, Town Solicitor stated this is the word we have been using out of blighted, decadent and sub-standard we chose to use sub-standard. Decadent is a word that does describe buildings out of repair, need of major maintenance or repair.

Councilor O'Brien stated there was talk of 5% and 1%. I did not see that listed in the table of repayment schedule. Carolyn Murray, Town Solicitor replied they are actually contained in the statute itself. Chapter 121A section 10 mandates those payments.

Councilor Mullaney asked if this is sold in the next few years does this need to come back to the council. Carolyn Murray, Town Solicitor replied if there is just a change in owner does not require a full public hearing.

Councilor Hume asked if voted on tonight do we need to decide on blighted, decadent or sub-standard? Carolyn Murray, Town Solicitor replied yes you do. You have to make a determination it is at least one of those three.

Councilor Hume asked why should we vote on this today?

Mayor Sullivan stated voting no and not moving forward would essentially allow for the status quo to exist. I am excited about the opportunity we have to make the Landing the place it can be.

Councilor Kokoros stated thank you to Carolyn Murray for all your hard work. This is the first piece of the Landing. The other pieces don't happen without this. Without this financing we do not have a project. After my review we are moving up in property value. I believe in making an investment. That is what we are doing here.

Councilor Mullaney asked about the payments and do they include the 5% and 1%. Carolyn Murray, Town Solicitor replied we are collecting statutorily the 5% of their income plus the 1% of whatever we agreed the fair cash value should be and they've proposed it to be \$1million. That automatically comes to us. If that 5% and 1% is less than the schedule of agreed payments that is in the agreement that amount is what we receive. If the 5% or 1% is over the agreed payment in any year the Town will issue a rebate.

At 9:55pm the Planning Board closed their part of the Public Hearing and voted in unanimously in favor of all Motions presented to them. The Planning Board Adjourned the meeting at 9:57pm.

Josh Katzen on behalf of Landing Associates, LLC came to the podium and stated this plan has been heavily negotiated. We went back and forth quite a bit. We are happy with the result. You should feel you have been very adequately represented.

Councilor Mullaney stated the Landing project should take about a year and a half. You mentioned you will arrange for off-street parking. Josh Katzen stated yes. This came up from the Planning Board. We want to minimize the effect of several hundred construction workers coming and going at various times. We are hoping to park off-site in the Allen Street area and to maintain access to the municipal parking lot during construction.

Councilor Mullaney stated there will be 172 units. How many parking spaces? The neighborhood stated they will accept almost anything to have a change from what is currently there. Josh Katzen stated there are 198 in the garage and another 35 spaces outside. Between on street parking and the underused MBTA lots and general lots, our lot and the Weymouth lot there is a surplus of 850 parking spaces in the general landing area. There should be no concern.

Councilor Owens asked how many of the properties that you built are still managed by you? Josh Katzen stated we have about 24 apartment communities and I can think of 2 that we sold in the past 15 years. We hold them long term. We want to build for the next generation.

Councilor Owens asked if this will have zipcar locations. Mr. Katzen stated yes.

Councilor Owens asked if rent will be affordable to millennials. Mr. Katzen stated this resident will be someone who doesn't want to pay \$3000-\$4000 for rent in South Boston or the Fenway but would like to be able to get to South Station in about 18 minutes and not needing a car. We think rents should be about \$1800-\$2000.

Councilor O'Brien stated I had been in support of this until I saw this filing mainly because I object to the terminology of a blighted area. There are \$700,000 properties near this area that are .8 miles from the Weymouth Landing. I also have a consulting document from BELD stating there has been recent infrastructure investment that made the Landing a more desirable destination. This document is 190 pages and nowhere mentions blighted. I have a document from MAPC that upgraded the area. I also have documentation stating the parking lot value being \$660,000 and payment to the Town no more than \$240,000. I have problems with that. The Greenbush line was an upgraded investment from the MBTA. There is a nursing rehab home there worth about \$6million. I would argue that does not demonstrate a decadent area. A restaurant did approximately \$140,000 in development and a restaurant across the

street is no longer there. I would argue there was some concern about this development. I thank Mr. Katzen for being upfront and the Mayor's staff for all the information but I have some grave concerns.

Mayor Sullivan came to the podium. The \$660,000 included a much larger parcel which is the FL Wright connector parkway. The parcel we are negotiating is approximately \$240,000. We added an additional \$60,000 for the final payment to be \$300,000. Plus we had them set aside 35 spots for public parking. I would never envision this area being categorized as blighted. I use the term sub-standard. Ms. Murray uses the word decedent. I am with you on the blighted comment. The Greenbush was put into place in 2007 which gave us the ability to do this project today.

Council President Powers asked if any other member of the Council or the General Public want to speak on Order 16 008. Seeing none there was a motion made by Councilor Ryan:

Motion by Councilor Ryan to Close Public Hearing for Order 16 008

Motion: by Councilor Ryan

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford)

Councilor Ryan read the following (8) Motions:

1. Motion: That the Town Council finds that decadent conditions, as those terms are defined in General Laws Chapter 121A, exist within the proposed Project area, consisting of 19, 19A and 37 Commercial Street in Braintree, along with the municipal parking lot located to the rear of 37 Commercial Street, as more fully described in the application submitted by Landing Associates, LLC.

Motion: by Councilor Ryan to Approve Order 16 008 (1)

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (1-Clifford), Present (1-O'Brien)

2. Motion: That the Town Council finds that the Project is not in contravention of any zoning, subdivision, health or building ordinances, rules and regulations of the Town of Braintree.

Motion: by Councilor Ryan to Approve Order 16 008 (2)

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (1-Clifford), Present (1-O'Brien)

3. Motion: That the Town Council finds that the proposed Project does not conflict with the master plan of the Town of Braintree made by authority of G.L. Chapter forty-one.

Motion: by Councilor Ryan to Approve Order 16 008 (3)

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford), Present (0)

4. Motion: That the Town Council finds that the Project will not in any way be detrimental to the best interests of the public or the Town or to the public safety and convenience or be inconsistent with the most suitable development of the Town.

Motion: by Councilor Ryan to Approve Order 16 008 (4)

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford), Present (0)

5. Motion: That the Town Council finds that the proposed Project will constitute a public use and benefit.

Motion: by Councilor Ryan to Approve Order 16 008 (5)

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford), Present (0)

6. Motion: That the Town Council finds that the method of relocation and existence or availability of dwellings for displaced families is not applicable to this Project, as no families are being displaced.

Motion: by Councilor Ryan to Approve Order 16 008 (6)

Second: by Councilor Bowes

Vote: For (8), Against (0), Absent (1-Clifford), Present (0)

7. Motion: That the Town Council moves to approve the Project and application of Landing Associates, LLC pursuant to General Laws Chapter 121A.

Motion: by Councilor Ryan to Approve Order 16 008 (7)

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (1-Clifford), Present (1-O'Brien)

8. Further Motion for Town Council Only: That the Town Council moves to approve the "in lieu of" real and personal property tax agreement submitted by Landing Associates, LLC pertaining to the property located at 19, 19A and 37 Commercial Street in Braintree, along with the municipal parking lot located to the rear of 37 Commercial Street, which is under agreement to be sold to Landing Associates, LLC, and further, to authorize the Mayor and Board of Assessors to execute such agreement and take any action related thereto to implement this authorization.

Motion: by Councilor Ryan to Approve Order 16 008 (8)

Second: by Councilor Bowes

Vote: For (7), Against (0), Absent (1-Clifford), Present (1-O'Brien)

Topics the Chair does not reasonably anticipate will be discussed

UPCOMING MEETINGS:

Next Council Meeting - **TUESDAY, APRIL 5, 2016@ 7:30pm**

ADJOURNMENT

It was unanimously voted to adjourn the meeting at 10:30p.m.

Respectfully submitted,

Susan M. Cimino
Clerk of the Council

Documents provided for Meeting

- 16 008 Mayor: Landing Associates, LLC Chapter 121 Application or take up any action relative thereto (Joint **PUBLIC HEARING** with the Planning Board) SAME NIGHT ACTION
- 16 009 Mayor: Revoke Prior Order accepting land or take up any action relative thereto
- 16 010 Mayor: Vote on corrected motion for acceptance of donation of land or take up any action relative thereto
- 16 011 Mayor: Transfer land to conservation commission and to authorize conservation restriction or take up any action relative thereto