

Department of Planning and Community Development

Melissa M. Santucci, Principal Planner
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Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Michelle Lauria, Member

APPROVED

Braintree Planning Board
August 10, 2010
Town Hall

Present:

Robert Harnais, Chair *[arrived at 8:00 P.M.]* Christine Stickney, Director
James Eng, Clerk Melissa Santucci, Principal Planner
Darryl Mikami
Michelle Lauria

The Clerk acting as Chair called the meeting to order at 7:00 P.M. and called the roll: Mr. Mikami, Ms. Lauria, Mr. Eng all present.

New/Old Business

Zoning Board of Appeal - August

For details please see staff reports.

300 River Street/Sprint Spectrum LP and Clear Wireless, LLC

Attorney Brian Grossman was present to represent the applicant who wishes to install an equipment cabinet and to add three WiMax panel antennae and three wireless backhaul dishes to an existing 132' telecommunications tower. The Planning Board was interested in knowing how many more installations the tower can hold [That can only be determined by the needs of potential users.], whether they would be paying taxes on the installation [They would if required.], and if the intent of the proposal was to increase cell phone coverage [Clear Wireless and their affiliate Sprint is wireless broadband.].

Motion by Mr. Mikami, second by Ms. Lauria to recommend favorable action to the ZBA.
Vote: 3/0

197 Quincy Avenue/T-Mobile Northeast LLC

Attorney Brian Grossman, Jennifer Lougee and Sheik Mahmoud were present to represent the applicant. Additional materials were distributed to the Board. The applicant has been working with staff for some time and appeared before the Planning Board in June at which time the Board expressed serious concerns about the location of the pole and the intrusive nature of the installation so close to residential properties and the highly traveled Quincy Avenue. The Board asked that the applicant return with additional analysis regarding alternative sites and the percentage of coverage increase for T-Mobile with the addition of this site.

Attorney Grossman informed the Board that their additional analyses ultimately resulted in the conclusion that this location is the best one for their coverage needs. There was discussion on the proposed pole which would be designed to double as a flagpole. Mr. Eng asked if the flag would be able to be raised and lowered [yes]. Mr. Mikami asked if the proposed location would impact the traffic flow in the parking area [No, the pole is against the corner of the building.], if the pole could accommodate other carriers [yes], and if the current flagpole would be removed. Attorney Grossman responded that the applicant is in discussion with the property owner about removal of the current flagpole. Mr. Mikami emphasized the fact that Quincy Avenue has a high volume of daily traffic and having two poles is not the “best solution.” Ms. Santucci responded to his inquiry about coverage ratios by stating that the original pack of information contained all the alternate analyses.

Sheik Mahmoud responded to the Board’s interest in coverage by stating that this installation would give T-Mobile 70% added coverage [excluding overlapping]. Moving the pole to a location on Potter Road would only provide redundant coverage. Ms. Lauria asked if other carriers could locate on the pole [yes].

Mr. Eng then raised the question of whether or not T-Mobile would be returning to the ZBA in the future to request additional installations. [Attorney Grossman responded that it is entirely dependent on subscriber usage.] He summarized his concerns: that the pole would support co-location, the operating flagpole would be built and maintained as attractive as possible for the neighborhood, the existing flagpole would be removed and that the applicant would not return for additional poles or added height.

Mr. Mikami emphasized his concern weighing the technical advantages of this installation against the visual impact to the neighborhood and Mr. Eng stated his hope that the applicant can have a commitment from the property owner to remove the current flagpole before the ZBA hearing.

Motion by Mr. Mikami, second by Ms. Lauria to recommend favorable action predicated on the removal of the existing flagpole.

Vote: 3/0

220 Grove Street/SBA Towers Inc.

Attorney Douglas Deschenes was present with Jennifer Lougee and Sheik Mahmoud to represent the applicant. He described the relief needed: for the tower to be located in a Residence B zoning district [Towers are permitted only in a Highway Business District.]; for the tower to be within 200’ of an existing tower; and relief from being within 500’ of a residential lot line [In this instance the lot line relief is for the property at 220 Grove Street.]. The applicant proposes construction of a 100’ pole which will be significantly screened by trees and the church.

They have done a balloon test to determine the visual effect of the tower. [Later in the discussion Ms. Santucci stated she was present during the balloon test and noted that she was pleasantly surprised as she had expected it would have another effect.]

Mr. Mikami asked if the applicant would be compensating the church [Yes, the applicant has provided a letter of support from the church.] and if they would be paying excise tax to the Town [Yes, if required.]. He also asked if the tower could support other carriers. [Yes, up to five others at lower heights.]

Ms. Santucci responded to Mr. Eng's inquiry about taxes: The tower owner is taxed and those located on the tower are taxed as well.

Ms. Lauria asked about other carriers' coverage and about the 100' height. Mr. Mahmoud responded he would prefer the tower to be 130' – 140'.

Ms. Santucci also noted that the Armstrong property [at the intersection of Mahar Highway and Plain Street] has numerous installations, but coverage does not reach 220 Grove Street.

Mr. Eng asked if the tower would be painted white [The applicant will paint the tower whatever color the Town wants].

Motion by Mr. Mikami, second by Ms. Lauria to recommend the ZBA take favorable action requiring the applicant to use the most appropriate color and guarantee that the appropriate taxes are assessed.

Vote: 3/0

250 Granite Street/Moni Dosanjh - California Pizza Kitchen

Mr. Dosanjh was present and informed the Board they were requesting permission to install a 12.76 SF sign on the exterior wall of the South Shore Plaza. The purpose of the sign would be to identify their space to customers after the Plaza closes at 9P.M. [The CPK closes at 10PM and on week-ends at 11 PM.] Mr. Eng asked if it would be illuminated [yes]. Ms. Santucci noted that the sign is very modest and tasteful. Mr. Mikami stated he does not want the applicant to come before the ZBA for additional signage in future.

33 Cain Avenue/Virginia and John Holmes

Mrs. Holmes was present and informed the Board that they wish to add a second floor over the existing footprint of the house the appearance of which would go from a ranch to a saltbox.

The Board had no issues. Motion by Mr. Mikami, second by Ms. Lauria to recommend the ZBA take favorable action.

Vote: 3/0

Request for As-Built Approval – Harbor Villa Avenue/G. Gabriel

Ms. Santucci informed the Board that she does not have the required documentation to move forward on this.

Motion by Mr. Mikami, second by Ms. Lauria to table discussion to August 31, 2010.

Vote: 3/0

Approval of Minutes

Motion by Mr. Mikami, second by Ms. Lauria to approve the minutes for 4/13, 5/11, 5/24, 6/8 and 7/13

Vote: 2/0/1 [Ms. Lauria abstained from the vote.]

Discussion – Open Meeting Law/Meeting Tape Policy

Ms. Stickney informed the Board that there are new regulations governing municipal activities. Staff prepared a packet for members. *Discussion continued after Mr. Harnais's arrival.*

Ms. Stickney explained that she would like to Board to vote to change office policy to retain meeting tapes. Tapes may be destroyed once minutes have been accepted.

Motion by Mr. Mikami, second by Ms. Lauria to change the office policy relative to audio tape retention: Tapes may be destroyed once the appeal period for decisions has passed and after minutes have been approved.

Vote: 4/0

Request for Minor Modification – 521 Grove Street/P. Pacheco

Bob Galewski, project manager, was present to request that the Board modify the condition for granite curbing because of cost overruns on the project caused by the installation of a new sewer system, roof, the addition of two new accessible bathrooms. He brought to the attention of the Board that the Town has recently repaved Pleasant View Avenue [80 homes] and Cedarcliff Road [60 homes] and has installed neither sidewalk nor curbing on either street. The applicant has complied with all requirements and has only striping, landscaping and curbing outstanding.

Mr. Eng asked for the overrun and the cost of the granite curbing. The original estimates of \$330,000 have escalated to \$517,000. The estimate for the granite curbing was \$7,000 [now \$37,000 to \$38,000.] Mr. Eng reminded Mr. Galewski that Cape Cod berm does not last and that the applicant had accepted the requirement of granite curbing when he appeared before the Board during the public hearing.

Mr. Mikami expressed surprise that the applicant was required to have 4 bathrooms.

Mr. Eng sought a compromise on the curbing and Mr. Galewski agreed to the compromise as noted on a plan which he initialed.

Motion by Mr. Eng, second by Mr. Mikami to change the amount of granite curbing required in the Conditions of Approval as reflected on a plan initialed at the hearing.
Vote: 4/0

Request for As-Built Approval – 30 Rockdale Street/The Flatley Company

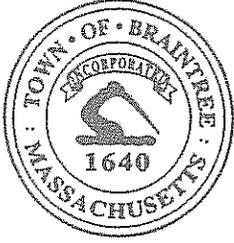
Attorney Joe Hurley was present to represent the applicant who was requesting minor modifications to Conditions 75, 77, and 79 of the Conditions of Approval. He informed the Board that all signalization and other improvements have been completed. Condition 75 requires monitoring of a number of intersections affected by the timing of the signalization at the intersection of Rockdale and Granite Streets. Attorney Hurley stated that this monitoring is unnecessary since MHD is satisfied with the traffic flow. Condition 77 requires traffic monitoring at various intersections beginning six months after the issuance of any Certificate. Attorney Hurley request that this be modified to perform monitoring after 90% occupancy of the building. Condition 79 requires that, prior to As-Built Approval, the applicant post \$250,000 surety to guarantee additional traffic improvements. Attorney Hurley requested that the applicant be allowed to post the bond at the time of the monitoring required in Condition 77. Attorney Hurley justified this request by stating that maintaining a \$250,000 bond is expensive, the Conditions of Approval are recorded at the Registry and The Flatley Company has an excellent track record with the Town.

Motion by Mr. Eng, second by Mr. Mikami to grand the modifications as requested and grant As-Built Approval with Conditions 1, 13, 27, 28, 29, 30, 35, 43, 44, 47, 48, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, 67, 68, 69, 70, 77, 78, 79, 80, 81, 82, 87, 90, and 91 to survive.
Vote: 4/0

Motion by Mr. Mikami, second by Mr. Eng to adjourn at 9:40 P.M.
Vote: 4/0

Respectfully submitted,

Linda Raiss



Department of Planning and Community Development

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Braintree Planning Board
August 10, 2010 – Public Hearing @ 7:30 P.M.
Town Hall

Present:

Robert Harnais, Chair
James Eng, Clerk
Darryl Mikami
Michelle Lauria

Christine Stickney, Director
Melissa Santucci, Principal Planner

297 Quincy Avenue/Super Petroleum – Application for Amendment to SP/SPR 03-4

The Chair opened the public hearing and read the legal notice. Attorney Frank Marinelli, Applicant Mike Bugazia and Steve Horsfall of Kelly Engineering were present. The applicant is requesting to expand the existing building with two additions, one 252 SF to expand the retail operation and one 480 SF to expand the office space. Attorney Marinelli stated that the expansion is for the convenience and comfort of the employees and will not increase business. He continued to provide the Board with background on the site and Mr. Bugazia's business.

Mr. Mikami asked about the change in parking. Attorney Marinelli said they are adding spaces and will have 9: one for every 250 SF of office space and one for every 200 SF of retail space. Mr. Mikami asked if trees would be removed. [They will be removed and relocated.] He added that he had visited the site that afternoon and noticed vehicles parked along the site in an unstriped area. Mr. Bugazia said he had vendors visiting that afternoon.

Mr. Eng mentioned traffic patterns on site and the difficulty of entering the site from Hayward Street. Would it be possible to get agreement from BELD to use Potter Road for entering and exiting? [The applicant has already entered into an agreement with BELD to allow vehicles exiting his site to use Potter Road to enter Quincy Avenue at a traffic light.]

Mr. Mikami asked how many people Mr. Bugazia employed [8-9]

Motion by Mr. Eng, second by Mr. Mikami to accept the summary of correspondence from 6/22/10 to 8/9/10. Vote: 4/0

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Planning Board Minutes

August 10, 2010 Public Hearing @ 7:30 P.M.

Motion by Mr. Eng, second by Mr. Mikami to close the public hearing.

Mr. Mikami wished to compliment Mr. Bugazia on his facility and thank him for bringing his business to Braintree. He added that his concern about the parking was that there be enough spaces to ensure safety.

Vote: 4/0

Motion by Mr. Eng, second by Mr. Mikami to amend Special Permit/Site Plan Review 03-4 with conditions as drafted and presented to the Board.

Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
August 10, 2010 – Public Hearing @ 8:00 P.M.
Town Hall

Present:

Robert Harnais, Chair
James Eng, Clerk
Darryl Mikami
Michelle Lauria

Christine Stickney, Director
Melissa Santucci, Principal Planner

22 Quincy Avenue/V. and A. Plluska dba Brian's Fine Desserts
Application for Use Special Permit and Site Plan Review

The Chair opened the hearing and read the legal notice. Attorney Tom Williams was present to represent the applicants. The applicants, longtime owners of Brian's Fine Desserts, were also present. Attorney Williams presented background information, noting that 80% of the baking done on site is wholesale. They sell to Roche Brothers, hotels and restaurants and have only a small walk-in business with four employees – the owners, their son and one other individual [who takes the bus]. The building was once a Cumberland Farms store and later Braintree Glass. The applicants intend to continue a non-conforming use and propose using the front 600 SF for retail and the remaining 1800 SF for their cake baking operation [4 ovens, 7 freezers and one walk-in freezer]. Their business has no tables, no chairs, no espresso machine. They do not wish to become a café. The applicants currently run their operation out of 8 Elm Street where they rent space and have very little parking [2 spaces]. At 22 Quincy Avenue they have proposed 11 spaces – 4 in front, 3 on the side, two to the rear and two inside the building. They plan no exterior renovations. Attorney Williams noted that the Fire Department has recommended that the three parking spaces at the side of the building be eliminated to allow 18' access to the rear of the building. This would reduce on-site parking to 8 spaces while 12 are required under the Zoning Bylaw. However, Section 805 of the Town's Zoning Bylaw stipulates that off-site parking is permitted if it is within 800' of the site. In this case, both the MBTA parking lot [across the street] and the municipal parking lot [within 500'] are within the 800'.

The Chair asked for comment from the public.

John Fleming of Bostonian Flooring expressed his opinion that this business relocating to Quincy Avenue will help the Landing area.

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Planning Board Minutes
August 10, 2010 @ 8:00 P.M.

Mark Kosmo, 1960 Washington Street, echoed Mr. Fleming's comments that Brian's Fine Desserts would enhance Weymouth Landing.

Edwin Flavin, real estate broker for Flavin & Flavin, said he had shown the applicants a number of properties in Quincy and Weymouth and they were not interested until 22 Quincy Avenue became available. They wish to continue to operate their cake business in Braintree.

The Chair read into the record correspondence from James Lucid who indicated his willingness to enter into an agreement with the applicants to lease them 5 parking spaces.

Mr. Mikami asked if they would be buying the property at 22 Quincy Avenue and if they would be adding employees [no]. Attorney Williams stated the property is under agreement and that the applicants have no desire or intent to increase their retail business. They intend to run their cake business in a similar fashion to the way they run their business on Elm Street. Mr. Mikami commented on the current look of the building and the fact the applicants intend to spruce up the building's appearance.

Mr. Eng asked if the applicants were aware of the amount of traffic which backs up at the traffic signal on Quincy Avenue. Mr. Plluska addressed the Board and said 80% of the business is wholesale and he was aware of the amount of traffic in front of the property. [His son asked Mr. Eng if the new signalization was an improvement or a necessity.]

Motion by Mr. Eng, second by Mr. Mikami to continue the hearing to August 31, 2010 at 7:05 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss