



Joseph C. Sullivan  
Mayor

# Department of Planning and Community Development

Melissa M. Santucci, Principal Planner  
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## PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
Linda Cusick Woodman, Clerk  
James Eng, Member  
Darryl Mikami, Member

**APPROVED**

Braintree Planning Board  
May 19, 2009  
Town Hall – Johnson Memorial Chambers

**Present:**

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
Linda Cusick Woodman, Clerk  
James Eng  
Darryl Mikami

Melissa Santucci, Principal Planner

The Chair called the meeting to order and took roll call. Mr. Reynolds [arrived a few minutes after roll call], Ms. Cusick Woodman, Mr. Eng, Mr. Mikami, Mr. Harnais all present

**New Business/Old Business**

Request for Minor Modification – South Shore Plaza Expansion/Braintree Property Associates  
*For details please see Ms. Santucci's staff report dated 5/14/09.*

Attorney Carl Johnson was present to represent the applicant. He was accompanied by Katie Rivard and Ed Doyle from Target and Brian Dundon from R.J. O'Connell.

The applicant has requested three minor modifications to the Conditions of Approval and Approved Plan: modifications to the parking layout, drainage system, utilities, loading locations and building footprint; proposed "way-finding" signage; extension of the deadline for completion of the landscaping required by Condition #98.

Attorney Johnson proceeded to inform the Planning Board about the plans to attract Target as an anchor store for the Plaza. The changes to the approved plan include a new vestibule, curblines, cart corrals in the parking area and a truck dock. The minor changes to the approved plan will result in an increase of ten parking spaces, and enhanced traffic circulation, with the building coverage remaining the same.

In addition to these minor changes, the applicant is proposing to install five "way-finding" signs to assist visitors in finding their destinations.

Katie Rivard, Development Manager for Target, also addressed the Board. She informed the members that since 1946 Target has built 1,699 stores in 49 states with twenty stores in the Boston area. Target attempts to partner with and become involved in their communities and contributes about \$3 million a week for local and community projects and activities. [Last year they contributed \$1.8 million in the Boston area.]

The third modification the applicant is requesting is an extension of time to complete the landscaping improvements at Capen's Circle. The Conditions of Approval require that the improvements be completed by May 31<sup>st</sup>. The applicant requests a four-week extension to June 26<sup>th</sup>.

Mr. Eng asked Ms. Santucci if she had received the building coverage calculations [yes] and if she were satisfied [yes]. Mr. Eng asked whether or not the cart corrals would take up parking spaces [The revised plans show an increase of ten parking spaces.] Ms. Cusick Woodman mentioned the difficulty for customers to negotiate the parking area with shopping carts in the snow and whether or not this would create congestion at the entrance. [Attorney Johnson described the proposed design plans to allow entry to Target from the parking deck.] Mr. Harnais asked about the sale of groceries [Target will be selling an "expanded line of groceries".]

Motion by Mr. Reynolds, second by Mr. Eng to allow the requested modifications to the Approved Plans be considered as minor modifications.

Vote: 5/0

Zoning Board of Appeal Petitions – May

*For details please see Ms. Santucci's Staff Report dated 5/19/09.*

*250 Granite Street/Simon Property Group-Braintree Property Associates LP*

Attorney Carl Johnson was present to represent the applicant. The applicant seeks to install four additional exterior wall signs, and seeks a finding for a roof projection and permission to remove signage on the south garage elevation [to be replaced with a new sign].

Motion by Mr. Eng, second by Mr. Reynolds to send a recommendation for favorable action to the Zoning Board of Appeal.

Vote: 5/0

*10 Portland Road/E. Sullivan*

The applicant was present with her husband and gave a detailed presentation to the Board to explain their renovation project and the need for relief.

Motion by Mr. Eng, second by Mr. Mikami to send a recommendation for favorable action to the Zoning Board of Appeal.

Vote: 5/0

*91 Plymouth Avenue/R. and E. McGinn*

Ms. McGinn was present to explain her proposal to demolish a 3-season porch and to replace it with a new deck.

Motion by Ms. Cusick Woodman, second by Mr. Eng send a recommendation for favorable action to the Zoning Board of Appeal.

Vote: 5/0

Discussion: Archbishop Williams High School/Memorial Field Lighting

*For details please see Ms. Santucci's staff memo dated 5/13/09 and Mr. Edwards's undated Memo received on 5/11/09.*

Present for the discussion were Carmen Mariano from Archbishop Williams High School [AWHS] and John Tellier, abutter at 63 Cochato Road.

Mr. Harnais explained that the result of two meetings to review the field lighting was that the top row of fixtures on Poles F-3 and F-4 would be eliminated to accomplish a reduction in foot candle levels from 75 to between 55 and 60.

Ms. Cusick Woodman noted that Mr. Edwards's memo was in error as both she and Mr. Mikami were present at the March 19<sup>th</sup> meeting at Memorial Field.

A *very long* series of exchanges took place between Mr. Tellier and Chairman Harnais, who emphasized repeatedly that the Planning Board was sympathetic to Mr. Tellier's complaints about the lights illuminating the interior of his home and shining directly into his young son's bedroom. Mr. Harnais added that AWHS's agreement to reduce the intensity of lighting on the field and their proposing of a schedule of events with lights turned off by 7 P.M. was, in fact, a positive development for Mr. Tellier. He also stated that the Board would be able to revisit the lighting issue if Mr. Tellier was not satisfied.

Mr. Tellier distributed to each member of the Planning Board a small packet of information taken from the web site of Musco Lighting which supported his claim that AWHS's field was "over-lighted." He noted that the Conditions of Approval state: "Lighting shall be directed so as not to shine or glare onto abutting residential properties in accordance with" the Zoning Bylaw. "The SPGA may require the Applicant to modify on-site lighting should the SPGA determine that the lighting is excessive or impacting the abutting residential neighborhood." He repeatedly stated that that was all he was asking. His complaint is "glare and spill" of the lighting into his home, not the foot candles. He feels that turning off the top row of lights would in no way address the reflection of each of the lower lights on the hoods of the lights directly below them and suggested alternating the lighted rows.

Ms. Santucci stated that she had been working on assisting Mr. Tellier for quite some time and reminded the Planning Board that their jurisdiction in this instance was because of the grading on site.

Mr. Mikami noted at the end of the discussion that he felt the lighting had been “over-engineered” at the expense of AWHS and that he was not convinced that Musco had done all they could to address the Mr. Tellier’s issue. He would like Musco to review the lighting again to see if the design could be changed.

The discussion concluded with Mr. Harnais repeating the agreement that AWHS would reduce the intensity of the lighting and would adhere to the proposed schedule of events at Memorial Field and assuring Mr. Tellier that the Planning Board could revisit the lighting issue.

Request for No Jurisdiction  
Town of Braintree Bestick Road Area Hydrologic and Hydraulic Study  
*For details please see Ms. Santucci’s staff report dated 5/19/09.*

The Board was not interested in taking jurisdiction over this project.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to adjourn at 10:30 P.M.  
Vote; 5/0

Respectfully submitted,

Linda Raiss, Recording Secretary



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### PLANNING BOARD

Robert Harnais, Chair  
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James Eng, Member  
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Braintree Planning Board  
May 19, 2009 Public Hearing @ 7:30 P.M.  
Town Hall – Johnson Memorial Chambers

**Present:**

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
Linda Cusick Woodman, Clerk  
James Eng  
Darryl Mikami  
Melissa Santucci, Principal Planner

531-533 Pond Street and Rear Pond Street/RMT Braintree, LLC and McCourt Construction  
Application for Major Modification to Planning Board Decision 93-4  
*For details please see Ms. Santucci's staff report dated 3/10/09.*

The Chair opened the continued public hearing.

Attorney Jeff Tocchio, representing Applicant Ryan McCourt and Tom French, the applicant's engineer from Cubellis, were present. Attorney Tocchio stated that he felt the Planning Board had sufficient background on the project and he would focus on the applicant's response to the questions posed by Abutters Aiello and asked Mr. French to point out the changes on the revised plan.

Mr. French pointed out the following: the removal of the proposed portable fuel tanks; the 24' drive off the back of the building; the relocated dumpsters, fencing improvements [a new chain link fence along the west and north property lines, replacing/repairing the fence on the south property line and a new white vinyl fence and slats on the street side ]; a 1' x 3" berm at the rear of the property to retain excess runoff from the parking area and retrofitting the catchbasins with inserts to collect soil, sediments, oil and grease; a new attractive sign on the front; landscaping at the front of the property. Mr. French also described the turning movements for vehicles entering the site.

Ms. Cusick Woodman posed some questions: Do the buses have toilets? [no] Does Stanley Steamer empty their tanks at the Pond Street site? [no]. She also took issue with the parking calculations, stating that the calculations for office space is different than that for vehicle maintenance and storage. She would like the calculations to reflect the reality, "Office is Office."

Ms. Santucci responded that the applicant had complied with her request to provide the parking calculations in the form she determined was desirable because the office space is ancillary to the owner's use of his property.

Following up, Mr. Harnais asked if the office was for McCourt [yes]; if it would be rented out [no]; if other tenants would use the office [no]. He also stated that he would like the applicant to consider another fencing option than the proposed chain line. He would like the applicant to explore options with the neighbors.

Mr. Eng asked about snow storage, as he feels some of the damage to the fencing could have been caused by stockpiling of snow at the fence and storing it in the rear corner could result in its melting and draining into the wetlands. Mr. Harnais suggested a higher berm. Ms. Santucci responded that there is no practical way to store large amounts of snow on site. Smaller amounts might be stored in the parking spaces. Attorney Tocchio stated that the applicant would come back with a snow storage plan at the next meeting.

Attorney David Kellem, representing Abutters Aiello, wished to clarify some points about the dumpsters [no new dumpsters] and how the retrofitted catchbasins would be cleaned, especially removing the trapped oil and grease.

This generated a general discussion about the retrofitting with this particular product and whether or not it was the most effective choice. Mr. McCourt suggested that he thought the system was DEP-approved. The discussion concluded with Attorney Tocchio agreeing to provide more information on the product in question and on the calculations for TSS removal. [Ms. Santucci noted that United Rentals had enhanced their old drainage system with drywells and oil-absorbent pillows and perhaps such pillows could be added to the retrofitted catchbasins at this site.]

Attorney Kellem asked for more specifics about the number of vehicles that could be accommodated in the "Oversized Wheel and Tracked Equipment Parking Areas" and the "Small Equipment Trailer Parking Area." His concern was that if there are more than the number that can be accommodated in those spaces, the applicant might park them in the spaces designated for smaller vehicles. Attorney Tocchio stated that the applicant would provide to the Board "parameters" for the large and medium class vehicles.

The Chair then opened discussion for public participation.

Bob Wright, 62 Regis Road, addressed the Board with questions about drainage and the time the applicant may start working in the morning.

Regarding the 3" berm at the rear of the property: Mr. Wright questioned if it was sufficient to hold the amount of water which would drain down the length of the approximately 600' paved drive. [Ms. Santucci indicated that there are catchbasins proposed along that length of pavement.] He wondered where the catchbasins drain [via a headwall under the berm] and if there were filtration of the runoff before it gets to the wetlands [under discussion]. Mr. French added that the property levels off along the building and the rear is pretty flat. The catchbasins will capture any runoff around the site and the berm with a lip can prevent the water from migrating further.

Regarding the time when the applicant may begin work with his equipment: Mr. Wright stated that truck back-up alarms go off from 5:30 A.M., well before the 7:00 A.M. allowable start time. Ms. Santucci responded that the back-up alarms are required by OSHA and are not considered operating the equipment. Mr. Harnais added that there is a difference between operating heavy equipment and moving equipment on the site.

Mr. Wright also asked about the proposed 30' gate in the back corner of the property. Mr. French indicated it leads to a gravel path owned by Quirk.

Marie Steward, 495 Pond Street, has concerns about the very large trucks entering the site. She does not believe that they will be able to make the 3-point turn described earlier. Ms. Santucci said she will provide copies of the plans and WB-40 turning template to Ms. Steward. Mr. McCourt indicated he has a video of a large truck turning around at the rear of the property. He will put it on a CD and submit it for the record. He also offered to go to Ms. Steward's house to show her the video.

In response to Mr. Harnais's question whether Ms. Steward witnessed the truck from Arizona backing up, Ms. Steward said, "Yes" and that the truck used the property across Pond Street to back into the McCourt property.

Joe Vanelli, 102 Regis Road, had concerns about the ability of fire trucks to turn around with equipment and buses parked along the drive. Attorney Tocchio read from correspondence dated February 20, 2009, in which the Deputy Fire Chief stated, "The Fire Department has no objections as long as proper fire lanes are maintained."

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Planning Board Meeting 5/19/09  
Public Hearing @ 7:30 P.M.

Ms. Cusick Woodman read from a site analysis on 531 Pond Street done by Cubellis [Don Springhetti] in 2002, which referred to the constraints on development because of the required 100' Buffer between residential and non-residential properties and the required 50' setback from the wetlands. Attorney Tocchio responded that he would agree with that determination, but that this application is for an amendment to a permitted activity, not an expansion into the rear of the property which was the subject of the Cubellis report. The applicant is not proposing any increase in building size or impervious surface. The modification is only for outdoor storage.

Attorney Kellem asked if the buses would be parked indoors or outdoors in the Buffer. No parking spaces have been designated on the site plan for buses. Attorney Kellem responded that the applicant will address the issue for the next meeting.

Mr. Wright asked where the applicant cleans the equipment [off site].

Mr. Harnais repeated earlier encouragement to all parties to work together.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to continue the hearing to July 20, 2009 at 7:30 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss, Recording Secretary



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Robert Harnais, Chair  
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Braintree Planning Board  
May 19, 2009 Public Hearing @ 8:00 P.M.  
Town Hall – Johnson Memorial Chambers

### Present:

Robert Harnais, Chair	Christine Stickney, Director
Joseph Reynolds, Vice Chair	Melissa Santucci, Principal Planner
Linda Cusick Woodman, Clerk	
James Eng	
Darryl Mikami	

### 20 Mill Lane/S. Zeboski

### Application for Special Permit and Site Plan Review

Attorney Frank Marinelli, Al Trakimas [engineer] and Applicant Steven Zeboski were all present. Attorney Marinelli reviewed the redevelopment project, emphasizing that only benefits will result to the neighborhood. He and the applicant have had time to review staff's Draft Conditions, have no issues with them and request the Planning Board approve the proposed redevelopment which requires three Special Permits [access across a zone to serve a different zone, floodplain and the 100' Buffer between a commercial and Residence C zone] and a Site Plan Review to erect a structure over 500 SF.

The Chair then asked if anyone present wished to comment on the project.

Direct Abutter Melissa Craig, 8 Mill Lane, and John Wong, 11 Edgehill Road, present on her behalf, addressed the Board. They noted that Ms. Craig recently purchased the abutting property and was present to get more information about the redevelopment at 2 Mill Lane. The building is very close to the mutual property line and most specifically Ms. Craig wished to know if the applicant had plans to landscape or provide fencing between their properties. After discussion the two parties agreed they would work together to their mutual satisfaction.

The Chair asked for a motion to accept the Summary of Correspondence Items #12 - #22.  
Motion by Mr. Reynolds, second by Ms. Cusick Woodman to accept the Summary.  
Vote: 5/0

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Planning Board Meeting 5/19/09  
Public Hearing @ 8:00 P.M.

Regarding the applicant's agreement to work with Abutter Craig, Attorney Marinelli said that Mr. Zeboski's "work is good."

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to grant the three Special Permits and Site Plan Review.

Vote: 5/0

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

Vote: 5/0

Respectfully submitted,

Linda Raiss, Recording Secretary