



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
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### PLANNING BOARD

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

**APPROVED**

Braintree Planning Board  
January 10, 2012  
Town Hall

Present:

Mr. Robert Harnais, Chair

Melissa Santucci Rozzi, Principal Planner

Mr. James Eng, Clerk

Mr. Darryl Mikami, Member

Ms. Michelle Lauria, Member

The Chair called the meeting to order at 7:05 P.M. and called the roll: Mr. Harnais, Mr. Eng, Mr. Mikami and Ms. Lauria all present.

*Please note: Vice Chair Reynolds absent.*

### **New Business/Old Business**

#### Zoning Board of Appeals – January

#12-06

115 Wood Road

Attorney Frank Marinelli, 439 Washington Street, Braintree, MA 02184 was present to represent the Applicant, Volvo Construction Equipment Rents, Inc. and addressed the Planning Board. Also present at the meeting was Dave Ritz, Northeast District Rental Operations Manager at Volvo Construction Equipment.

Atty. Marinelli explained that the property located at 115 Wood Road is in the Highway Business District. He noted the Applicant's desire that the national branding of the company be taken into consideration. Atty. Marinelli had a visual presentation and photos that were presented to the Planning Board for their review.

The proposed project is to install two (2) wall signs on each of the east, north and south sides of the building. There will be 12 square feet of letters on each of the three sides of the building resulting in a total square footage for the six (6) proposed signs to be 36 square feet. Atty. Marinelli referred to the Planning Staff report which is in support of the Applicant's request for the wall signage.

In addition to the wall signage the Applicant was also proposing to have three (3) "Volvo" flags each measuring 5' x 8' for a total of 120 square feet. It was noted that the Planning Staff is opposed to the three (3) flags all being the same. To accommodate the Planning Staff recommendation the Applicant has a new proposal to have one Volvo flag, one Commonwealth of Massachusetts flag and one United States flag, installed in a triangular formation at this location.

Mr. Mikami inquired that if approval was granted would this apply to a new tenant should one occupy this location in the future. Ms. Santucci Rozzi stated that it would not. Mr. Mikami had no further questions.

Ms. Lauria had no questions at this time.

Mr. Eng questioned if this site was for equipment rental only and not for Volvo auto sales. Atty. Marinelli confirmed this. Mr. Eng then stated that he liked the new proposal of the three (3) different flags and had no problems with the proposed project.

Mr. Harnais had no questions at this time.

Motion by Mr. Eng, second by Ms. Lauria to recommend favorable action on the wall signs and the revised flagpole scenario that includes three (3) flags (Volvo, USA and State).

Vote: 4/0

#12-04  
78 Prospect Street North

The Applicant, David Pellegrino, of 78 Prospect Street North, Braintree, MA 02184, was present and addressed the Planning Board.

At this time Mr. Harnais explained that the Planning Board is for recommendation purposes only in this process and that the Zoning Board of Appeals has final say.

Mr. Pellegrino explained that currently the dwelling at 78 Prospect Street North is a two (2) family home with a hip roof. It does not utilize the third floor space well and he would like to renovate the attic in order to maximize the space. He will maintain the

gables on either end of the dwelling and construct two (2) 33 ft. long dormers which will enable him to add two (2) bedrooms, a playroom and increase the storage space.

Ms. Lauria had no questions at this time.

Mr. Mikami wanted to know if the Applicant had met with the Planning Staff to discuss the proposed project. Mr. Pellegrino replied that he had not. Mr. Mikami then asked for clarification regarding the structure as it currently exists. Mr. Pellegrino stated that the dwelling currently exists as a two (2) family home. He went on to say that the construction being proposed will not make the structure any higher. There will only be the addition of the two (2) shed dormers below the existing peak and in his opinion the finished project will "look nice".

Mr. Mikami referred to the Planning Staff report's negative determination to this component of the proposed project, noting that it appears out of sync with the rest of the homes in the neighborhood. Mr. Pellegrino explained that the neighborhood has some two (2) family homes and it is not his intention to over power the area. Mr. Mikami asked Mr. Pellegrino if he lived at this location. Mr. Pellegrino confirmed this saying that he occupied the 2<sup>nd</sup> & 3<sup>rd</sup> floors. Ms. Santucci Rozzi then inquired if the proposed alteration of the kitchen bump out was no longer part of the proposal. Mr. Pellegrino informed her that it still was, adding that it will make the kitchen more usable.

Ms. Santucci Rozzi explained the comments in the Planning Staff report relative to the roof line emphasizing that the proposed construction will change it substantially. She noted that the existing hip roof pitch is 12/12 while the proposed double dormered pitch will be 4/12. She added that the opinions in the Planning Staff report are in regard to aesthetics, as the 4/12 pitch will result in a nearly flat roof. Mr. Pellegrino questioned if the Planning Staff concerns were regarding the possibility of collapse due to snow accumulation. Ms. Santucci Rozzi again said that since the other houses in the neighborhood are older, this new configuration does not fit in with the age and style of the homes. Mr. Pellegrino stated that is the reason for the gables and that other houses in the neighborhood also have shed dormers. Ms. Santucci Rozzi then questioned the existence of dormers of this scale and size on both sides of the roofs on other homes, as she finds this to be excessive. Mr. Pellegrino stated that he was trying to utilize the available space.

Ms. Santucci Rozzi noted that the homes in the area had mixed rooflines. However, homes with an age similar to the property located at 78 Prospect Street North do not have roofs that are that flat. In the Planning Staff opinion, the pitch of the proposed roofline needs to be steeper or there needs to be another proposal, as this proposal changes the entire look of the structure. It was confirmed that the Planning Board felt that the house with the proposed new roof line would look out of place but, they were in favor of the proposed bump out addition to the kitchen.

Mr. Harnais asked if there were dormers on the house currently. Mr. Pellegrino stated that there are not, and that the proposed construction is intended to make the space more usable. He added that there is a house at the end of the street that has shed dormers. Mr. Eng inquired if he would be willing to drop the pitch. Mr. Pellegrino stated that yes an option would be to drop the outer wall height of the dormer to five (5) feet which would result in a pitch of 6/12 or greater. Mr. Eng again asked for confirmation that the Applicant would be willing to consider modifying the construction with an increase in pitch by dropping the wall height. Mr. Pellegrino stated that he would if he had to but he was still going before the Zoning Board.

Motion by Mr. Eng, second by Mr. Mikami to recommend favorable action if the proposal was revised to an outer edge dormer height of five (5) ft. with a roof pitch of 6/12 or greater.

Vote: 4/0

#12-02  
24 Portland Road

Mary Mabey was present to address the Planning Board representing the Applicants Mary and Thomas K. Matthews, of 24 Portland Road, Braintree, MA 02184. It was explained that this application was a companion application to 30 Portland Road which had come before the Planning Board at a previous meeting.

The Applicant is seeking a finding for a 406 square foot increase to their property that was conveyed by the owners of the property located at 30 Portland Road. The owners of the property located at 30 Portland Road have received a variance for this conveyance.

Ms. Lauria had no questions at this time.

Mr. Mikami inquired if the ZBA had brought up any issues. The straightening of the lot lines in order to increase the aesthetic appeal of the properties was noted. Mr. Mikami had no further questions.

Mr. Eng inquired if approval, was granted, was the intention to build on the lot? Ms. Mabey replied that this was not her property (she was representing the Applicant) but no, they were not intending to build. Mr. Eng asked Ms. Santucci Rozzi if this would make the property owners more out of compliance. She said it would not. This would reduce the width of 30 Portland Road and would make 24 Portland Road a little bit wider.

Mr. Harnais had no questions at this time.

Motion by Mr. Eng, second by Mr. Mikami for favorable action on the requested relief.  
Vote: 4/0

#12-03  
165 Hancock Street

Aaron Katz and Jeremy Gavin of WinWin Properties, LLC, 165 Hancock Street, Braintree, MA 02184, were present and addressed the Planning Board.

Mr. Katz informed the Planning Board that their business, a HomeVestors franchise, is part of a company with 200 offices in 36 states, and they had recently purchased the property located at 165 Hancock Street. It was explained that they were seeking permission to install a ground sign that would have the property address and 2 business signs on the frame as well as a wall sign to be located on the south side of the building. He stated that the building inspector had approved the design of the signage. However, the permit was rejected because of the colors. Mr. Katz noted that the rider is copyrighted and can not be changed. He explained that the need for the wall sign on the south side of the building was for traffic traveling north. The building inspector also noted the lack of an entrance where this wall sign is being proposed. The Applicant pointed out that a sign on the front of the building over the entrance would not be visible to potential customers.

Ms. Lauria had no questions at this time.

Mr. Mikami noted that overall the sign is not appealing in design. Mr. Katz responded that it is the trademark signage of the HomeVestors company, noting the desire for traffic to be able to easily see the signs. Mr. Katz also stated that the building inspector had initially approved the signage request until he saw the colors to be used in the signs. Mr. Mikami asked if there were other options used in communities that did not allow the signs. Mr. Katz explained to Mr. Mikami that some states do not allow the company to operate at all. In the states where they are in operation there have been no issues with the signs, that he is aware of. He stated that there are black and white versions of the signage but he did not know if these were used as company signs at franchise locations. Mr. Katz stressed the importance of visibility for customers that are looking for the company location in order to avoid traffic issues.

Mr. Harnais stated that he did not have a problem with the location of the signs. However, he does not feel that aesthetically they are a good fit with the community. He stated that while he understands the trademark issue, the trademark is in place so that other companies can not use their tag line, not that the wording or signage can not be changed. Mr. Harnais also stated that he understood the concern for wanting to have more than one sign in order for potential customers to be able to locate the business. Mr. Katz said that they would be okay using black and white signage if they were allowed to have both of the signs that they were requesting. He asked if he could present the Planning Board with options of toned down signage. Mr. Katz gave the Planning Board a

printed copy that showed three (3) options of possible toned down versions of the signs. Ms. Santucci Rozzi addressed Mr. Katz saying that she had recently driven past the location and had seen a sign. Mr. Katz said that was only a temporary yard sign so that potential customers would be able to find the business. Ms. Santucci Rozzi inquired if he had obtained a temporary sign permit. Mr. Katz replied that he had not.

Mr. Harnais commented on the visual presentation of the toned down signage stating that it presents a totally different look. He said that this would still allow customers to see the business but with a more appealing appearance for the community. Mr. Katz pointed out that they had not yet approached the corporate office to see if they would be allowed to use the toned down options.

Mr. Eng stated that he was glad that the Planning Board had been presented with other options and went on to say that he felt these options were more appropriate for the Town of Braintree. He referred to the "ugly houses" wording, noting that there are not many ugly houses in Braintree. Mr. Eng then referred to the handout and stated that if the Applicant would go along with option #1 that had been presented he would recommend a favorable action. Mr. Katz inquired if they would be allowed to use the HomeVestors rider. Mr. Eng said no, that he preferred option #1 for both signs. Mr. Katz noted that they had been hoping to use option #2 which included the wording "We buy ugly houses" which is part of the company branding and that is how their customers know them. He stated that the wording does not refer to ugly houses but to ugly situations. Mr. Katz included that the company had been in business for 15 years and had purchased 50,000 homes during that time, making them the largest home buyer in the country. He also said that to not use the wording is out of the ordinary for a HomeVestors franchise. Mr. Eng clarified that he is recommending the first option that does not include the tag line to be used on both signs. Mr. Katz stated that he felt that if they toned down the color of the signage, allowing them to use the tag line would be a reasonable compromise. He again said that to have the signs with out the colors is something they would have to go through the corporate office to authorize.

Mr. Mikami noted that Mayor Sullivan has stated that beautification of the community is one of his goals and feels that the Planning Board should uphold this. Ms. Santucci Rozzi addressed the Planning Board stating that it is important to note that the Town encourages people to keep the signage used to the business name, address and phone number. She also pointed out that other sections of the sign bylaw restrict the language on signs and any additional language would require Zoning Board approval. Mr. Katz asked if there could be agreement on the wall sign and the free standing sign. Mr. Harnais referred to the three (3) options that had been presented and stated that if the Applicant used option #1 the Planning Board would be agreeable to both the wall sign and the free standing sign. Ms. Santucci Rozzi stated for clarification that the ground sign is to measure 24" x 60" and the wall sign is to measure 48" x 87". It was also clarified by Mr. Katz that he owns the entire building as well as another business at this location.

Motion by Mr. Eng, second by Ms. Lauria for a favorable action for the ground sign measuring 24" x 60" and the wall sign measuring 48" x 87" using option #1 that the Applicant provided.

Vote: 4/0

*At this time it was noted by Ms. Santucci Rozzi that there were two (2) Zoning Applications remaining on the Agenda however, no petitioners for either Application were currently present. Mr. Harnais stated that the meeting would move on to other items on the Agenda.*

Request for Minor Modification/400-432 J. Mahar Highway [#04-09]  
Requested by Pulte Braintree, LLC

Mark Mastroianni, Land Project Manager, was present to address the Planning Board, representing the Applicant, Pulte Homes. Mr. Mastroianni had a visual presentation for Jonathan's Landing, the property located at 400-432 J. Mahar Highway. He stated that the project had been granted approval by the Planning Board in the spring of 2010. The Applicant is now before the Planning Board for a request for a Minor Modification to the entry to the site. They have met with the Planning Staff which has given a favorable opinion.

Mr. Mastroianni explained that in order to allow large construction vehicles to enter the site the raised landscaped median island had to be removed. This was replaced with cobblestone pavers. He stated that the landscaping itself had not been removed but relocated to the area adjacent to the parking lot for Building A. In addition the three (3) street lights are to be relocated and the putting green is to be removed in its entirety.

Ms. Lauria had no questions at this time.

Mr. Mikami said that good steps were being made and inquired as to progress updates. Mr. Mastroianni informed him that as part of the Planning Board approval annual updates needed to be submitted, the most recent being submitted in September. This report included updates on Construction Progress, Sales Progress, Safety Standards and Quality Standards. He explained that for land development and site construction, Building B had been completed in addition to the completion of the building that had been partially constructed under the previous owner. Building A is currently under construction. Construction on Building C is planned for the spring.

Mr. Mastroianni informed the Planning Board that all of the units in the existing building (the one started by the previous owner) had been sold including the 13 units that had been completed by Pulte Homes. Building B has 20 units sold and occupied with four (4) currently under contract. This building has two (2) model homes and 10 available for sale. Building A should be completed in July and has four (4) units under contract. He

stated that while sales have been a little slow, with 41 units sold or under contract it was not that bad. As these are varied and complex structures it is difficult to sell units when they are not completed.

Mr. Mikami noted the generation of tax revenue that the sale of these units will provide and then questioned Mr. Mastroianni as to the number of school aged children residing at the location. Mr. Mastroianni replied that he did not know the answer to that.

Mr. Mikami stated that he would like to see that information tracked.

Mr. Eng asked why the raised median had been removed. Mr. Mastroianni told him that navigation of the turn with the island in place was not feasible for the large construction and moving vehicles that enter the site. Mr. Eng also asked for confirmation that the street lights had been relocated to increase lighting elsewhere on the property. Mr. Mastroianni said this was the case. Mr. Eng inquired as to the median price of the units. It was explained that due to the variety of units the pricing varies. One (1) bedroom units which are 1,000 square feet go from \$299,000.00 to the low \$300,000.00 range with prices increasing as the chosen options increase. In Building B the 1,200 to 1,700 square foot units run in the \$300,000.00's, with the larger top floor units listing in the \$400,000.00's. There are also units between 1,800 and 2,800 square feet which have prices in the \$500,000.00's. It was noted that Building A has a larger number of smaller units.

Ms. Lauria asked what the total number of proposed units would be. Mr. Mastroianni replied that 318 units had been approved. She also wanted to know if the parking was deeded. Mr. Mastroianni told her that the underground bays were deeded while the surface spaces were not.

Motion by Mr. Eng, second by Mr. Mikami to approve the request for Minor Modification.

Vote: 4/0

Request for As-Built Approval/367 Franklin Street [#10-06]  
Requested by Joseph Duane

The Applicant, Joseph Duane of 76 Angela Road, Braintree, MA 02184 was present and addressed the Planning Board. He informed them that the project at 367 Franklin Street was basically completed. Ms. Santucci Rozzi confirmed this for the Planning Board, stating that she has been to the site and that the project had come out very well. She included that both the interior and the exterior of the structure look nice.

Ms. Lauria had no questions at this time.

Mr. Mikami inquired if the property was a two (2) family. Mr. Duane replied that it was. Mr. Mikami wanted to know if the units were rented. Mr. Duane confirmed that both of the units were rented. Mr. Mikami then asked if there had been any issues with the neighbors regarding parking. Mr. Duane told him that the driveway entrance had been changed and that it was working out well.

Mr. Eng asked if both of the units were currently occupied. Mr. Duane informed him that they were both rented and occupied.

Mr. Harnais stated that the work done on the property did look nice.

Motion by Mr. Eng, second by Mr. Mikami to grant As-Built Approval with the surviving conditions for the property at 367 Franklin Street.

Vote: 4/0

#### Zoning Board of Appeals – January

At this time Mr. Harnais returned to the two (2) remaining petitions.

Ms. Santucci Rozzi informed the Planning Board that the addresses of the remaining petitions were 6 Bowditch Street [#12-1] and 18 Massachusetts Avenue [#12-5].

Mr. Harnais noted the difficulty for the Planning Board to take action when there is no representation and they can not ask questions regarding the petitions. Ms. Santucci Rozzi stated that she had not heard from either of the petitioners.

Motion by Mr. Eng, second by Mr. Mikami to make no Action on Application [#12-1] and [#12-5] due to the lack of the Applicants' participation in the full process. The Planning Board requests that the Zoning Board take note of the fact that the applicants failed to show or contact the Planning Board and would request that the applicant be required to appear before the Planning Board as required by the ordinance so that the Planning Board can perform its obligation and give the Zoning Board and informed opinion, as outlined in Zoning Bylaw section 135-407E.

Vote: 4/0

Request for As-Built Approval/Priscilla Avenue Definitive Subdivision [#99-12]  
Requested by Kevin Kane of Aspinwall Corporation

Ms. Santucci Rozzi informed the Planning Board that Mr. Kane was not present this evening. She had spoken with him and he is in the process of getting the necessary signatures. He has been encouraged to meet with the neighbors.

Mr. Kane has requested a continuance to the Planning Board meeting dated February 7, 2012.

Request for As-Built Approval/798-816 Washington Street – Amendment [#98-07]  
Requested by Thayer Public Library Trustees

Ms. Santucci Rozzi informed the Planning Board that she has spoken with Jeffrey Kunz of the Thayer Public Library Trustees and that they have done a good job on the project and that it is ready to be closed out.

Motion by Mr. Eng, second by Mr. Mikami to grant As-Built Approval with the surviving conditions for the property at 798-816 Washington Street.

Vote: 4/0

Approval of Minutes for December 13, 2011

Motion by Ms. Lauria, second by Mr. Mikami to approve the minutes from the Planning Board meeting dated Tuesday, December 13, 2011.

Vote: 4/0

Motion by Mr. Eng, second by Mr. Mikami to adjourn at 8:30 P.M.

Vote: 4/0

Respectfully submitted,

Beth Herlihy



Joseph C. Sullivan  
Mayor

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**APPROVED**

### PLANNING BOARD

Robert Harnais, Chair  
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Darryl Mikami, Member  
Michelle Lauria, Member

Braintree Planning Board  
January 10, 2012 – Public Hearing @ 7:30 P.M.  
Town Hall

**Present:**

Mr. Robert Harnais, Chair

Melissa Santucci Rozzi Principal Planner

Mr. James Eng, Clerk

Mr. Darryl Mikami, Member

Ms. Michelle Lauria, Member

692-700 West Street/Blue Hill Cemetery

Application: Special Permits and Site Plan Review

#11-05

*Please note: Vice Chair Reynolds absent. The Applicant requested that this matter be continued to the February 7, 2012 Planning Board meeting and no testimony was taken.*

Ms. Santucci Rozzi addressed the Planning Board regarding the request for a continuance. She informed the members that there was a Public Hearing on the Agenda for the meeting of February 7, 2012 scheduled for 7:30 P.M. and inquired what time they would like to schedule this Public Hearing for. Mr. Harnais stated to schedule the Public Hearing for 8:00 P.M.

Motion by Mr. Eng, second by Mr. Mikami to continue the Public Hearing to the February 7, 2012 Planning Board meeting at 8:00 P.M.

Vote: 4/0

Respectfully submitted,

Beth Herlihy



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Mayor

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### PLANNING BOARD

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Michelle Lauria, Member

Braintree Planning Board  
January 10, 2012 – Public Hearing @ 7:45P.M.  
Town Hall

Present:

Mr. Robert Harnais, Chair

Melissa Santucci Rozzi Principal Planner

Mr. James Eng, Clerk

Mr. Darryl Mikami, Member

Ms. Michelle Lauria, Member

464 Quincy Avenue/Castlegard, LLC

Application: Major Modification to Special Permit and Site Plan Review  
#05-11

*Please note: Vice Chair Reynolds absent.*

Attorney Frank A. Marinelli, 439 Washington Street, Braintree, MA 02184, representing the Applicant Michael Gardner of Castlegard, LLC was present and addressed the Planning Board. Also present were, Michael Gardner Sr., Scott McDonald, General Manager of Castle Storage and Robert Puleo of Boardwalk Construction.

Atty. Marinelli presented a brief review of the proposed project which is located at 464 Quincy Avenue at the former Ashmont Discount store location and noted that the original Special Permit had been granted in 2006. Castle Storage has been using the property as a self storage facility for the past 5 years. He explained that Castle Storage used the building as it existed and made interior renovations. The proposal is to construct an additional 163 storage units. Atty. Marinelli stated that the Applicant had gone before the Zoning Board of Appeals in October and had received approval. He also noted that the Planning Staff had set conditions and that these conditions are acceptable to the Applicant. There has also been a landscape plan designed by Seoane Landscape Design, Inc. for the front of the building. The parking has also been reviewed.

Ms. Lauria had no questions at this time.

Mr. Mikami referred to the landscaping plan noting that the project looks nice. He had no further questions at this time.

Mr. Eng inquired what the total number of storage units would be. Atty. Marinelli said that after the construction of the additional 163 units there would be a total of 717 storage units at the facility. Mr. Eng noted the 30 available parking spaces and wanted to know what would happen if more than 30 people were present at the facility at one time. Atty. Marinelli informed him that was very unlikely to happen. Mr. Eng asked if there was a contingency plan in the event that there were extra patrons. Atty. Marinelli stated that the proposed project provides for six (6) times the parking needed and therefore there was not a contingency plan. Mr. Gardner addressed the Planning Board and said that at most there are 5 vehicles on site. Mr. Eng asked Mr. Gardner if they hold auctions at the facility. Mr. Gardner replied that they do hold auctions which are run by an auctioneer and at most about ten (10) people attend. He again said that there is no contingency plan for overflow parking in place.

Mr. Harnais had no questions at this time.

Motion by Mr. Eng, second by Mr. Mikami to accept the Correspondence List dated December 14, 2011 to January 9, 2012.

Vote: 4/0

Mr. Harnais opened the Public Hearing to the public in attendance. There were no questions or comments from the public at this time.

Motion by Mr. Eng, second by Mr. Mikami to close the Public Hearing at 8:00 P.M.

Vote: 4/0

Motion by Mr. Eng, second by Mr. Mikami to grant approval with the conditions set, for the expansion of 163 units for a total of 717 units, with retaining wall, landscaping, drainage and parking improvements.

Vote: 4/0

Respectfully submitted,

Beth Herlihy