



Joseph C. Sullivan
Mayor

Department of Planning and Community Development

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PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Melissa B. McDonald, Member

Braintree Planning Board
January 13, 2015
Cahill Auditorium

APPROVED

Present:

Mr. Joseph Reynolds, Vice Chair
Mr. Darryl Mikami
Mr. James Eng

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner

Vice Chair Reynolds called roll at 7:10 p.m.
Chair Harnais joined the meeting at 7:30 p.m.
Member McDonald was not present for roll call; she joined the meeting at 8:00 p.m.

Zoning Board of Appeal Petitions – December

ZBA (14-34) 7:11 p.m.
355 Quincy Avenue / Work 'N Gear
Robert Cuoco, Work 'N Gear

Mr. Cuoco updated the Board about his proposal regarding building signage.

Ms. SantucciRozzi summarized the updated proposal, she said the revisions involve four (4) wall signs on the front of the building, each measure 8.5 FT in height x 10 FT in width. She opined that the signs need further reduction in size.

Mr. Mikami asked if there was any further justification for the size.
Mr. Cuoco said the signs are less for the purpose of advertising but necessary to cover the unsightly windows in the most economical way. Regarding size, he realized it is still large which is unavoidable.

Mr. Mikami said he understands and asked if the primary name sign would evolve into advertising for boots, etc. Mr. Cuoco said no, sale signage is very costly and added that the color for the proposed signage was reduced for a more subtle effect.

Mr. Eng acknowledged that the eliminated side signage was about half the footage of the previous proposal. Mr. Eng suggested he reduce the size of the graphic further, Mr. Cuoco said he could picture-frame the graphic and use the remaining margin to cover the window. Mr. Eng said he is concerned that if allowed, it may set a precedent. He confirmed that the intent is to clean the appearance of the building with signs.

Mr. Reynolds elaborated on the designated zoning of the building, in the highway-business area and the distance from residential use. He asked about the size of the current ground sign, asked about the size and confirmed that it only displays the logo. Ms. SantucciRozzi clarified that the existing and proposed signage consists of 5 signs totaling 440 SF.

Mr. Cuoco reiterated that the signs are primarily to cure the building's unsightly appearance, that the graphic can be scaled. Mr. Reynolds said he understood the Applicants problem and would like to see this work.

Mr. Mikami confirmed with Staff that the sign size variance would run with the building and pass to future tenants. Ms. SantucciRozzi said the Board could include in their recommendation to the Zoning Board, a condition that states if the graphics change, the Applicant has to return for a modification and possible reduction.

Mr. Mikami asked if the Applicant understood the concerns of the Board. Mr. Cuoco said he did and Mr. Mikami said he likes the positive changes but would like to avoid future problems. Mr. Cuoco assured the Board that he just renewed the lease for 12 years and they have been at that location for 20 years.

Mr. Eng said if the advertising portion could be reduced by using a 1 FT border, he accepts the remainder as "building material" and would like to move the Applicant along to the Zoning Board.

Mr. Mikami added he would like to limit the size of the graphic to this Applicant and would like to include a condition in the recommendation to the Zoning Board.

Mr. Eng made a Motion for a Favorable Recommendation conditioned on a revised plan that includes a 1 FT border around the sign; the Motion was seconded by Mr. Mikami.

Vote: 3:0:0

Continued Public Hearing 7:30 p.m.
400 West Street and 579-587 Granite Street / Rader Properties
Grading Permit/Special Permit(s) (File 14-09)

The Applicant requested this matter be continued without testimony.

Mr. Eng Motioned to Continue the matter to February 10, 2015 at 7:45 p.m.; seconded by Mr. Mikami.

Vote: 3:0:0

Chairman Harnais joined the meeting at 7:34 p.m.

ZBA (15-1) 7:35 p.m.
911 Washington Street / Mark Miner, Black and Gold Hospitality

Mark Miner, Black and Gold Hospitality, 69 Gulliver Street, Milton
James Gallagher, Attorney for the Applicant

Mr. Gallagher addressed the Board and asked for relief from the required off-street parking requirement relating to his proposed fast food restaurant. He is seeking a finding that the proposed alteration is not more detrimental to the neighborhood.

He said that there are a total of 3 dedicated staff parking spaces in the alley to the rear of the building. Additionally, they are negotiating 2 spaces from Braintree Cooperative Bank to possibly propose 5 total spaces.

Ms. SantucciRozzi summarized that the main concern is employee parking.

Mr. Eng confirmed that there are 5 employees plus the manager and driver. Mr. Eng asked where the seven needed spaces will come from. Mr. Minerd said that some employees are a young (working after school) and won't require a parking space.

Mr. Reynolds suggested an incentive to the employees for not using a car. He said Mr. Minerd will have to provide details at the next stage of this process but he had no questions.

Mr. Gallagher asked the Board if they successfully secured 2 more spaces, would that satisfy the Board. Ms. Ms. SantucciRozzi said the 3 spaces in the alley will need to be shown on a plan. Offsite parking agreements are not permanent and do not meet the zoning requirements. They can be considered but are not conditioned per Article 135-805.

Mr. Harnais made a Motion for Favorable Recommendation; seconded by Mr. Eng
Vote: 3:1:0

ZBA (14-33) 7:55 p.m.

639 Washington Street / Bonnie Tan

Bill Phelan, Attorney for the Applicant

Bonnie Tan, 16 Chesterfield Street - #2, Readville

Mr. Phelan explained the Applicants' plans have been amended per Staff recommendation. He summarized the plan for the multi-family housing units and said it could benefit the Town. Ms. Tan provided a visual plan and explained her proposal requiring a Variance for 8 units with garage space under. She said 9 parking spaces within the garages on the first floor and 7 spaces in the rear are planned; the property will be fenced and landscaped.

Mr. Mikami did not believe there has been an attempt to comply with any of the requirements. Mr. Phelan said the proposed building was moved forward. Mr. Mikami summed up by saying there are a lot of deficiencies.

Mr. Eng thought it was the most aggressive development for the amount of square footage and the lack of turning radius. Mr. Eng suggested eliminating a unit.

Mr. Reynolds asked if the Applicant is open to reducing the number of units and if it was reviewed with the Planning Staff before putting it on paper.

Mr. Reynolds asked if there is a hardship. Mr. Phelan said the topography contains ledge.

Mr. Harnais commented that it is an aggressive plan and suggested eliminating Unit #4 to provide ample turning space for vehicles.

Mr. Eng agreed that it needed a reduction of units and also wanted certified plans; he suggested returning with revised plans.

Ms. SantucciRozzi said she was more concerned about the size of the units rather than the number of units.

Mr. Reynolds added the Board needs visuals of ledge and of the site, etc. He reminded the Applicant that further in the planning stage, she will need plans to be reviewed by Town Departments, Fire, etc.

Mr. Harnais suggested the Applicant return and work with the Planning Department on the suggested changes.

Mr. Eng made a Motion to table the matter; seconded by Mr. Reynolds.

Vote: 4:0:0

Approval Not Required Subdivision Plan 8:20 p.m.

119 Shaw Street / David Bowering

David Bowering

Ms. Stickney explained that the subject property is being divided and the other lot will not meet the requirements and will be titled an unbuildable lot.

Mr. Mikami asked the Applicant why he is splitting the lot when doing so will create an unbuildable lot. Mr. Bowering explained that the buyer didn't want to pay taxes on the extra land.

With no further questions, Mr. Reynolds made a Motion to Recommend Approval; seconded by Mr. Eng.

Vote: 4:0:0

Public Hearing

911 Washington Street – Black and Gold Hospitality, Mark Minerd 8:25 p.m.

Use Special Permit and Site Plan Review (File 14-12)

Mark Minerd, Black and Gold Hospitality, 69 Gulliver Street
James Gallagher, Attorney for the Applicant

Mr. Harnais opened the hearing and read the Public Notice for the record. He said the Board wanted the Applicant to pursue the parking variance with the Zoning Board.

Mr. Reynolds made a Motion to continue the matter to February 10th at 8:15 p.m.; seconded by Mr. Mikami.

Vote: 4:0:0

Member McDonald joined the meeting at 8:29 p.m.

Chairman Harnais left the room at 8:30 – he recused himself from the following matter.

Member Eng missed previous testimony and did not participate in the following matter.

**Quincy Avenue, Patten Avenue, Lancaster Road, Cliff Road and Columbia Terrace –
Harry White LLC, Book She LLC and K. Spillane LLC** 8:30 p.m.
Major Modification to Grading Permit (13-02)

Frank Marinelli, Esq., 439 Washington Street, Braintree; for the Applicant
Jim Burke, P.E., DeCelle Burke & Associates, 1266 Furnace Brook Parkway, Quincy
Mr. Eng and Mr. Harnais left the room and did not participate.

Ms. McDonald made a Motion to accept the Correspondence dated September 12, 2014 through January 6, 2015; seconded by Mr. Mikami.

Vote: 3:0:0

Ms. SantucciRozzi summarized the progress and the Conditions, she highlighted information provided by the Applicant regarding paving and lighting.

Mr. Marinelli summarized the project progress providing photos and drawings of the improvements particularly the improvement of the former Flibotts Junk Yard. He said eventually a dealership will be proposed on the site. Mr. Marinelli noted a change in language to change Condition 43 concerning the lighting; to amend the word “adjust” and add “if necessary” being respectful of the one existing residence, but adjusting only if necessary.

Mr. Reynolds asked if there were any public questions – there were none.

Ms. McDonald commented on the improvement and asked about the drainage requirements. Mr. Burke explained that Massachusetts Environments Protection Agency required two reports to be filed regarding the parking spaces and pavement.

Mr. Mikami asked if there is a current drainage system; Mr. Burke said no and explained all project drainage will be contained. The drainage will be installed prior to the paving. Mr. Mikami wanted to confirm the system will be adequate for the 1,000 parking spaces.

Mr. Mikami asked Mr. Marinelli about the lighting. Mr. Marinelli said the footcandles will be maintained per the previously submitted lighting plan. He said the current lighting in the car storage area is not offensive.

Mr. Reynolds followed up on the lighting. He also commented about the comprehensive drainage plan including stormceptors that filter debris before discharging into the bay.

Ms. McDonald made a Motion to Close the Public Meeting; seconded by Mr. Mikami.

Vote: 3:0:0

Mr. Mikami made a Motion to Accept the Modifications with Conditions and the alternative language of Condition No. 43; seconded by Ms. McDonald.

Vote: 3:0:0

Chairman Harnais and Member Eng returned to the meeting.

Continued Public Hearing

Whites Hill Estates II - OIB Corporation 8:50 p.m.
Definitive Subdivision Plan Amendment (File 04-02)

Paul Marchionda, P.E., Marchionda & Associates, L.P., Stoneham, MA
Kevin Emery and Jim Douglas, O.I.B. Corporation

Mr. Marchionda addressed the Board and made several comments about the Conditions. He would like the \$100,000 surety per Condition No. 42 reduced. Secondly, in Condition No. 70, he suggested changing the word "permitted" to "incidental".

Ms. SantucciRozzi explained the condition that all trailers on site have to be use in conjunction with the project. No other storage is allowed on site.

Councilor Stephen O'Brien – explained that the donation of Lot 17 was sent to the Committee and not voted in time for this meeting. He discussed again his concerns about the blasting conditions.

He said the general public was asking how or if they will be notified about the blasting.

Mr. Reynolds commented about extending the preblast survey area; he said Staff provided a copy of 527 CMR which is referenced in the Conditions.

Mr. Eng said he reviewed the blast issues within the State code and with the Braintree Fire Department and they both advised that 250 FT radius was a comfortable distance of disturbance during the controlled blasting. Outside the area residents can request a survey at their expense.

Ms. SantucciRozzi said there are six (6) Conditions that relate to blasting. She said she included a Condition that allows residents beyond the 250 FT who want a preblast survey to provide their names to the Fire Chief and request a survey but it will be at the property owners' expense, per 527 CMR 13.

Ms. SantucciRozzi discussed a Condition that states the residents that they will receive a mailed notice 5 days in advance of blasting. Staff said she discussed Condition #53 with the Department of Public Works Director relative to his requirements for the Water Tower.

There were no public questions or comments.

Ms. McDonald pointed out to Councilor O'Brien that Notification to the residents is in the Conditions.

Mr. Mikami commented on his concerns for the Town Water Tower. Ms. SantucciRozzi confirmed that Condition #53 relates to the tower.

Mr. Mikami noted there is no amount in the Bond Application for the water tank. Ms. SantucciRozzi said it is a separate bond but the language contained in the Conditions enable the Department of Public Works Director to retain bonding, mitigation measures and precautions relating to the tower.

Mr. Mikami suggested a guarantee for the safety of the water tank and requiring regular inspections.

Mr. Eng suggested increasing the \$100,000 Surety Bond for the drainage system. He assured Councilor O'Brien about the CMR blasting guidelines. He said the Fire Department confirmed that the only amendment to the CMR in recent years was for utilities beyond the 250 FT radius. He said additionally, he checked on the blaster, he found no complaints against this blaster in 30 years, he was convinced of their credibility and expressed his assurance to the residents.

Mr. Reynolds reviewed the Conditions and he also assured the residents that they meet their concerns.

Mr. Harnais commented about the longevity of this project. He addressed the public and said that he reviewed this history of this project and explained that rejecting a project just because they don't want it, leads to detrimental consequences. The Planning Board weighs all the pros and cons of a project to find a balance and some people will not like it. The Board is responsible to decide what is best for the Town and said that it is time to move this process along – he then called for a vote.

Mr. Eng made a Motion to Accept the Correspondence dated March 25, 2014 through January 13, 2015; seconded by Mr. Reynolds.

Vote: 5:0:0

Ms. Tina Dipace, 96 Mayflower Road asked about getting the notification for the pre-blast survey. Ms. SantucciRozzi informed her that the blaster is required to notify abutters several times including certified mail as spelled out in the CMR if there is no response.

Ms. Dipace was very concerned about pool damage, Mr. Eng assured her that pool damage is part of the preblast survey. Mr. Reynolds said there is potentially more than one blaster. Ms. Stickney and Mr. Harnais directed her questions to Deputy Fire Chief, Steven Sawtelle at the Fire Department.

Mr. Reynolds made a Motion to Close the Public Meeting; seconded by Mr. Eng.

Vote: 5:0:0

Mr. Reynolds made a Motion to Approve the Application with Conditions as amended; seconded by Ms. McDonald

Vote: 5:0:0

Continued Public Hearing

7, 7 Rear and 11 Independence Avenue – Thomas Fitzgerald 9:35 p.m.

Use Special Permit and Site Plan Review (14-06)

John Garland, Attorney for the Applicant, Quincy
Thomas Fitzgerald, Applicant
Erin Joyce, P.E., Joyce Consulting Group
Anthony Andronico, LSP, Quincy
Bob Connolly, Karma Environmental Services,

Elida Alba, Arthur Choo Architects of Quincy

Mr. Garland addressed the Board summarizing the project changes and stated the remaining issues are taxes and environmental.

Mr. Garland first discussed the tax issue; that the previous owner failed to pay back taxes of about \$200,000. He said Mr. Fitzgerald is attempting to pay those back taxes but his lender required the project be approved by the Planning Board prior to lending. Mr. Garland said the tax issue is being addressed; Mr. Fitzgerald has paid \$83,000 of the taxes to date, Mr. Garland said a continued agreement with the Town Treasurer allowed Mr. Fitzgerald to pay the estimated balance of \$96,000 by March 31, 2015.

Mr. Andronico addressed the Board and discussed the environmental issues, he explained in depth, that a clean-up plan has been established. He said the contamination is limited to the certain areas of the property but the work completed is still preliminary; there is still some uncertainty. He said they are in the process of removing the worst of the contaminated soil and have a plan if they encounter further contamination.

Mr. Harnais invited public questions or comments. Several attendees moved to view the plans.

Brian Black - 26 Holmes Street, Braintree said he was concerned about the oak trees and landscaping. Mr. Harnais explained that landscaping is part of the project and conditions are written as such that if the vegetation dies, it has to be replaced.

Marilyn Kearney - 244 Independence Avenue, Quincy stated she is opposed to the 4th story.

Joseph O'Brien - 41 Independence Avenue discussed the building materials that are planned. Mr. Harnais assured him that only the materials that are approved by the Board will be used.

Pat O'Donnell - 72 Hughes Street, Quincy had concerns that if the residents are exposed to contaminated soil under the building, it may deter the marketability of the units. Mr. Harnais assured him that the Department of Environmental Protection is very strict.

Patrick Barry - 11 Oak Grove Terrace, Quincy stated his continued opposition to the height of the 4-story building. He said he would be agreeable if they remove the penthouse floor.

Ms. McDonald said she appreciated the building and site changes but said she is concerned about the Department of Environmental Protection. Mr. Andronico assured her that his license and career obligates him to meet the regulations of the Department of Environmental Protection. Ms. McDonald expressed she was glad the site was being cleaned up, that the taxes are being paid and that the project looks good.

Mr. Mikami asked why the taxes are not paid now. Mr. Garland explained that the Applicant expected to get the project through the Planning Board so he could apply for financing. Mr. Mikami did not agree with unpaid taxes and said the project should not have come before the Board until the taxes were paid. Mr. Mikami suggested an alternate that removes the penthouse and he was not satisfied with inconclusive contamination.

Mr. Fitzgerald assured the Board that he would pay all expenses necessary to clean the site. Mr. Mikami wanted more transparency with the building height, the contamination status and the tax issue.

Mr. Eng asked if there was a remediation plan approved by the Department of Environmental Protection.

Mr. Andronico said yes, the remediation plan is approved. Mr. Eng asked about observation wells; Mr. Andronico said he will be adding a total of six observation wells and said that it has been established that the contamination is contained and is not moving.

Mr. Eng asked if the Applicant is willing to eliminate the penthouse; Mr. Fitzgerald said the penthouse has already been approved by the Zoning Board of Appeals.

Mr. Reynolds questioned the process of the Phase I Assessment of the contamination; Mr. Andronico explained in detail. Mr. Reynolds said Mr. Andronico's answers were helpful but he would like to review the Conditions further.

Mr. Harnais commented that for a long time, this was a terrible site. He addressed Mr. Fitzgerald acknowledging his attempt to pay the taxes unlike the former owner and that the project design is an improvement. He also recognized the neighbor's concerns about a fourth story.

Mr. Black asked what the Planning Board procedures are; Mr. Harnais explained about the Conditions.

Mr. Barry repeated his opposition to the building height.

Mr. Mikami made a Motion to Continue to February 10, 2015 at 8:30 p.m.; seconded by Mr. Reynolds.

Vote: 5:0:0

Ms. McDonald left the meeting at 10:14

Section 135-904.2(B) Billboards – Mayor Sullivan 10:15 p.m.

Zoning Ordinance Text Amendment (TCO #14-066)

Christine Stickney, Director of Planning and Community Development on behalf of Mayor Sullivan.

Mr. Reynolds made a Motion to Continue the matter to February 10 at 8:45 p.m., seconded by Mr. Eng.

Vote: 4:0:0

ZBA (15-2)

75 Granite Street / Herb Chambers of Braintree, Inc. 10:45 p.m.

Attorney Frank Marinelli, 439 Washington Street, Braintree, represented the Applicant

Mr. Marinelli addressed the Board and explained the Applicant is seeking relief to change the "Ford" name to "Lincoln" on a ground sign that measures approximately 7 FT high x 11 FT wide. Mr. Marinelli provided visuals of the proposed signage for the Board.

Ms. Stickney commented that the property is leased and there is a question that the sign is not on the premises, rather, it is on State property, Route 37.

Mr. Marinelli disagreed and provided a previously signed site plan that indicated a leased area bordering Granite Street. He did not agree that there is an issue.

Ms. Stickney explained that she recently reviewed the property elements and learned that the most recent As-Built Plan that was submitted by Herb Chambers, indicates that the sign location is not on premises. She also pointed out the excessive amount of square footage of the existing signs.

Mr. Marinelli disagreed and said he hasn't had time to provide all the material with such short notice but he itemized all the hardships in the Application.

Ms. Stickney said with so many issues, she suggested the Board provide no recommendation and let the Zoning Board of Appeals handle it. Mr. Marinelli objected to the characterization.

Mr. Harnais commented that the sign pole is not being moved, it is just the sign name. Ms. Stickney pointed out that it is more involved, there is a class license being requested for additional storage which is a business expansion.

Mr. Mikami made a Motion for no recommendation; seconded by Mr. Reynolds.

Vote: 4:0:0

Approval of Minutes of November 10, 2014 11:10 p.m.

Mr. Mikami made a Motion to accept the November 10, 2014 Minutes; seconded by Mr. Eng.

Vote: 4:0:0

With no further business, Mr. Eng made a Motion to Adjourn the Planning Board Meeting; seconded by Mr. Reynolds.

Vote: 4:0:0

The Meeting adjourned at 11:10 p.m.

Respectfully Submitted,

Elizabeth Schaffer