



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  
Erin V. Joyce, Member

# APPROVED

### Braintree Planning Board – October 13, 2015 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami

Ms. Erin V. Joyce

Christine Stickney, Director

Melissa SantucciRozzi, Principal Planner

Jeremy Rosenberger, Zoning Administrator,

Chair Harnais, called meeting to order and called roll call at 7:10 PM

### 7:00 PM – Recommendations – October Zoning Board of Appeal Petitions:

The Zoning Administrator, Jeremy Rosenberger, starts with petition going before Zoning Board of Appeal on October 14, 2015.

### **Petition #15-33 - 44 Plymouth Avenue:**

The Applicant, Mento Homes, Inc., 1157 Washington Street, Braintree, MA 02184, seeks to demolish existing two-family dwelling and construct a +/- 2,350 sq. ft. single family dwelling on a lesser footprint. The applicant seeks a permit, variance and/or finding. The property is located at 44 Plymouth Avenue, Braintree, MA 02184 and is within a Residential B Watershed District Zone.

Attorney Kevin Riley is before Planning Board on behalf of applicant. This is a property that has had unfortunate history. Constructed in 1925, it is a two story, two family house. Over the last several years, the property has been abandoned, has deteriorated, and came before Board of Health. Working with Attorney General, receiver has entered into an agreement with applicant and the plan is to raise the house and construct a new house in the same footprint. It will be a single family structure. There are a good number of positives for town including reducing density, putting property back to constructive use, generating tax revenue. Hopefully, Board will act favorably.

Chair Harnais opens discussion up to the Planning Board. Member Joyce agrees that it is a favorable project. She suggests exploring some water filtration on rooftop, which would be beneficial. Member Mikami asks will the tax situations will be brought current. Attorney Riley confirms that, upon permitting and closing, taxes will be brought current. Member Eng has question on requirements of open space on this property. Has there been any review to create same amount or more open space? Attorney Riley states the intent is to really square off the building structure. When we talk about the building structure, it is within a single percent of where it currently is. The lot coverage difference relates to pervious vs. impervious surface more than it does to structure. We can look at that to see if it can be reduced a little bit to help that equation. Member Eng states the Planning Board likes to encourage the use of open space requirements. Attorney Riley states this is in an area in the Highlands that is not different from other properties and lot sizes, but agrees they can take a look at it. Vice Chair Reynolds states he agrees with Zoning Administrator's assessment and recommendation for approval.

**Member Reynolds MOTION to recommend approval; seconded by Member Mikami; unanimously voted.**

**Staff provides update on existing Petitions (Old Business):**

**Petition #14-33 - 639 Washington Street (Bonnie Tan):** Zoning Administrator, Jeremy Rosenberger, advises that the applicant has requested an extension to November ZBA Meeting.

**Petition #15-10 - 60-80 Campanelli Drive (Thayer Academy):**

Jay I. Hanflig, Trustee (owner) and Thayer Academy, 60-80 Campanelli Drive, Braintree, MA 02184 seek relief from Bylaw to alter nonconforming structure for purposes of creating athletic faculty and determine required off-street parking. As an update, Planning Board voted to recommend that Zoning Board of Appeal seek a Peer Review. Zoning Administrator is here to report that Chairman Karll agrees with that recommendation and ZBA are seeking peer review.

**Petition #15-23 - 30 Barstow Drive (Annmarie Chase):** This was a petition requesting extension for parking garage. Zoning Administrator has not heard from applicant regarding this.

**NEW PETITIONS going before Zoning Board of Appeals at their October 27 meeting:**

**Petition #15-27 - 33 Hillside Avenue:**

Joe Ryan, 215 West Street, Braintree, MA 02184 seeks relief from Bylaw requirements under for a second story addition. The property is located at 33 Hillside Avenue, Braintree, MA 02184 and is within a Residential C District Zone and contains a land area of +/-15,750 sq. ft. This matter needs a finding. Staff Recommendation is approval.

Member Joyce agrees with the assessment that the new project would be an improvement to the neighborhood. She suggests that for future plot plans, have existing conditions called out for review. Member Eng likes this project because it does not enlarge the footprint of the existing home. It is going to improve the entire house as a whole and is good for the neighborhood. Member Reynolds agrees with Member Eng.

**Member Reynolds MOTION to recommend approval; seconded by Member Mikami; unanimously voted.**

**Petition #15-28 - 67 Francine Road:**

Florian Sulce, 67 Francine Road, Braintree, MA 02184 seeks relief from Bylaw requirements to construct a 2<sup>nd</sup> floor (876 sq. ft.) and 3<sup>rd</sup> floor (427 sq. ft.) addition to existing single family one story. The property is located 67 Francine Road, Braintree, MA 02184 and is within a Residential B District Zone and contains a land area of +/- 8,450.64 sq. ft. This application needs findings and a variance. Recommendation is extension with a number of conditions, as you can see before you.

Member Joyce asks is there a height restriction? Staff responds yes, 35 feet. With 3 stories, they are going up to 32 feet, slightly pitched. Member Joyce asks about pergola structure. Staff responds that they are roughly two feet into front yard of Alfred Road, so they would require a variance. Member Joyce concludes that, aside from staff comments which are great, she has no further comments.

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Member Mikami, commented that this is pretty big addition. Staff agrees that most other homes in the area are one story; there are a few two story homes. Member Reynolds asks if this is within existing footprint, other than pergola. Staff responds yes; they are not tearing down existing structure; they are adding second and third floor. Member Reynolds asks about pitch of roof, as he is not sure about roof. It would stand out, and not be similar to the rest of the neighborhood. His initial feeling is that roof pitch needs to be more in line with neighboring two-story homes. Chair Harnais asks if front entrance is changing. Staff responds that the patio is on Alfred Road; the building is oriented to Francine. Chair Harnais asks about third floor being used for storage. He feels 427 square feet is a lot of storage, and he has concern that it would turn to living space. He wonders why garage wouldn't be used for storage. Staff states he expressed this concern in his conditions.

Chair entertains motion to extend this petition with conditions as detailed in staff recommendation. **Member Eng MOTION to extend this petition with conditions as detailed in staff recommendation; seconded by member Mikami; unanimously voted.**

**Petition #15-29 - 56 Birch Street:**

Kevin Arthur, 56 Birch Street, Braintree, MA 02184 seeks relief from Bylaw requirements to construct addition of +/- 1,250 sq. ft. to existing single family dwelling. This application needs findings and variances.

Member Joyce asks if the paper street is used. No it is an undeveloped paper street and not used. She agrees with staff recommendation for approval. Member Reynolds agrees with staff recommendation.

**Member Eng MOTION to recommend approval; seconded by Member Reynolds; unanimously voted.**

**Petition #15-30 - 11 Cain Avenue:**

John and Sheila Tanguay, 11 Cain Avenue, Braintree, MA 02184 seeks relief from Bylaw requirements to construct an 18 ft. x 36 ft. in-ground swimming pool. This requires findings and a variance. The property is located within a Watershed Residential B District Zone, and contains a land area of +/- 8,677 sq. ft. Member Joyce has no issue with pool and citing. Plan submitted by applicant is very nicely done.

Chair entertains motion to approve; **Member Eng MOTION to recommend approval; seconded by Member Reynolds; unanimously voted.**

**Petition #15-31 - 32 Judson Street:**

William and Kathleen Connolly, 32 Judson Street, Braintree, MA 02184 seek relief from Bylaw requirements to construct an approximately 10ft. x 15ft. deck. This requires findings and variance. Staff proposes a favorable recommendation with condition that deck remains unenclosed. Member Joyce asks if this petition is solely just for deck off back of house. Staff responds yes, they had updated side porch last year. Member Joyce agrees with staff recommendation. Member Eng has comment about existing garage – it is very close to property line.

Chair entertains favorable recommendation with condition that deck not be enclosed. **Member Reynolds MOTION to recommend approval with condition that deck not be enclosed; seconded by Member Eng; unanimously voted.**

**Petition #15-32 - 40 Wellington Street:**

Richard Vera Design & Construction, Inc., 1033 Liberty Street, Braintree, MA 02184 seeks relief from Bylaw requirements to construct a front farmer's porch, rear decks, side deck and second floor addition. Member Joyce asks do we have a proposed height on this. Staff responds Residence B is 35 feet. Member Joyce asks if the footprint is the same as existing house. Staff responds, yes; decks and porches will be reduced. Member Joyce asks does the existing house have a walk out basement. Staff replies that there is an in-law apartment that is not being used. Member Joyce states generally speaking I don't have any objections to this project. She suggests more information on topography, as a general comment.

Chair entertains a favorable motion. Member Mikami MOTION to recommend approval; seconded by Member Reynolds; unanimously voted.

**Petition #15-34 - 250 Granite Street:**

Back Bay Sign, 65 Industrial Way, Wilmington, MA 01877 (owner, Braintree Property Associates) seeks relief from Bylaw requirements to install two Red Robin wall signs totaling 123.64 sq. ft. at the South Shore Plaza. The applicant, Back Bay Signs, has reduced square footage of sign from 123.64 sq. ft. to 84 square feet. Staff had two comments related to signage. The first was that sign was comparable to anchor tenants; the second issue was verbiage related to "Brews", which can be an issue advertising alcohol on premise. Staff felt these issues need an extension to have further discussion. The Applicant has addressed first issue of sign size. Member Eng asks if this is Red Robin's signage nationwide. Yes, it seems to be. The ordinance says any additional language is subject to review.

**Member Eng MOTION to ask for extension; seconded by Member Reynolds; unanimously voted.**

**Petition #15-35 - 7 Sheraton Avenue & 0 Priscilla Avenue:**

Mass Property Holdings, LLC, 536 North Main Street, Randolph, MA 02368 (owner, Clark Cameron) seeks relief from Bylaw requirements to subdivide, for zoning purposes due to adjacent properties under common ownership, 7 Sheraton Avenue into two separate lots and construct a single family dwelling at 0 Priscilla Avenue. The property is located at 7 Sheraton Avenue, Braintree, MA 02184 and is within a Watershed Residential B District Zone and contains a land area of +/- 17,865 sq. ft.

Attorney Kevin Riley speaks on behalf of applicant. Also attending the meeting is Clark Cameron (owner of property) and two gentlemen from Mass Property LLC. The intent here would be to subdivide the property at 7 Sheraton Avenue. It has always been treated as two lots. It has been taxed as two lots. The property at Sheraton Avenue has been owned and occupied by members of the Jerrick Family. Looking at the history of this property shows the lots in that area were subdivided in 1936. Most are about 8000 square feet in size. The Jerrick's originally

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acquired the lot at 7 Sheraton Avenue and later the lot at 0 Priscilla Avenue, with the plan to build a home on the Priscilla lot for a relative, but it had not been developed. Mr. Cameron, the new owner would like to construct a new property at 0 Priscilla. They are respecting various setbacks and comply with terms of bylaws. It is in a watershed district, which makes equation a little more difficult. However, it is taking a property that would be otherwise undeveloped. Staff had to talk to counsel about this one. While it is unique, there is evidence of similar size properties. There is existence of smaller properties in this area. Staff feels approval would be prudent.

Member Joyce suggests that in order to meet lot requirements, applicant might want to do rooftop infiltration. This will allow water to make it into the ground, as there are open space issues. It does seem that this lot is similar to abutting properties in area. Member Mikami agrees with Member Joyce on coverage and open space issues. Chair Harnais asks, what is hardship of this application? Attorney Riley responds that the hardship is topography. It will require fill. Chair Harnais confirms that would make coverage and open spaces even more important.

Member Eng states that in looking at the plan, the paved parking lot goes in like a donut – a circular drive. Will that circular drive be eliminated when the second house goes in? Clark Cameron responds that the circular drive will be eliminated. The driveway will come in straight off the street. Member Eng states there will be more ground infiltration in the project as a result. That is a good thing.

Staff Santucci Rozzi wants to make the applicant aware that there will be a requirement of grading permit. Also, to make the parties aware, we just did acceptance of Priscilla Road a couple of years ago.

Member Eng asks about getting utilities onto new property. Attorney Riley states this will be done by way of easement from existing property at 7 Sheraton Avenue, if the moratorium on disturbing newly built roads is enforced. Member Mikami questions hardship on topography, as it only goes from 158' to 157'; Member Mikami feels that does not look like a hardship to him.

Chair will entertain favorable motion with recommendation of rooftop infiltration and getting utilities in new lot without cutting up street based on moratorium. **Member Reynolds MOTION to approve with recommendation of rooftop infiltration and getting utilities in new lot without cutting up street; seconded by Member Joyce; unanimously voted.**

**Petition #15-36 - 14-16 Jersey Avenue:**

14 Jersey Avenue, LLC, 65 Reservoir Road, Quincy, MA 02169 seeks relief from Bylaw requirements to demolish existing two-family dwelling and erect new two-story, two-family dwelling. This requires finding. Staff recommendation is approval, as it will improve conditions for rear yard setback Member Joyce asks if the main entrance at the front is an elevated entrance? Staff responds, yes. Member Joyce thinks it will be an improvement.

**Member Eng MOTION to recommend approval; seconded by Member Reynolds; unanimously voted.**

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**Petition #15-37 - 64 Howie Road:**

Laurie and Robert Melchionda, 64 Howie Road, Braintree, MA 02184 seeks relief from Bylaw requirements to construct a new 22ft. x 24ft. garage and 6 foot x 36.8 foot front porch. This proposal requires finding and variance. Staff recommendation is approval. Member Joyce states this shows garage in front yard. Staff confirms that this reduces some driveway and would require front yard and side yard variance. Reason for approval is inclusion of Farmer's Porch. In addition, at staff's suggestion, the applicant has changed structure of garage from front-to-back roof to gable roof, which reduced the visual impact of the garage and the massing. Member Joyce asks do we have a sense of closeness of neighboring properties. Staff states that Applicant has approval of neighbor.

**Member Reynolds MOTION to recommend approval; seconded by Member Eng; unanimously voted.**

**Petition #15-38 - 89 Norfolk Road:**

Joanne Cardello, 89 Norfolk Road, Braintree, MA 02184 seeks relief from Bylaw requirements to construct a new 28ft. x 26ft. two-car garage. Staff recommends denial without prejudice. Member Eng asks if staff's reason for denial is due to it being more detrimental because of side setbacks or structure itself. Staff states there isn't any precedent in this neighborhood. The hardship is not here. They previously had a garage and it was removed, and now they want it back. Staff has fielded some concern by abutters. This has a feel of just a box in the front of house.

Member Reynolds would agree with staff assessment that we would be opening this up to dangerous precedent.

**Member Reynolds MOTION to ZBA to deny without prejudice based on staff assessment; seconded by Member Eng; unanimously voted.**

**Petition #15-39 - 87 Trefton Drive:**

Thomas and Christine Canavan, 87 Trefton Drive, Braintree, MA 02184 seek relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 701, to demolish single family dwelling due to fire and construct new single family dwelling. This case requires a finding. Staff recommends approval, as alterations will not be substantially more detrimental. There were no questions or comments from Planning Board.

**Member Eng MOTION to recommend approval; seconded by Member Reynolds; unanimously voted.**

**PUBLIC HEARINGS**

**Billboard Special Permit/Site Plan Review – Total Outdoor, 236-240 Wood Road (PB File #15-10)**

This matter is being continued without Testimony.

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Chair Harnais will take a motion from the board to continue this matter to November 10 at 8:45PM. **Member Reynolds MOTION to continue; seconded by Member Eng; Vote 5:0:0**

**8:05 PM - Grading Permit – All 5 Planning Board Members Participated –  
Andrea Campanelli Garvey, 65 Colby Road (PB File #15-15)**

**Present for the applicant:**

Andrea Campanelli Garvey, Applicant

David Kelly with Kelly Engineering Group

Heidi Condon, Architect

David Kelly, Kelly Engineering Group, begins the presentation for 65 Colby Road, which is off of West Street. It is in a nice neighborhood in a horseshoe road that comes in and out of Colby Road. There is an existing single family home on the property. Mr. & Mrs. Garvey live across the street. Mrs. Garvey is a Campanelli. They plan to sell their home and work with mom and dad to demolish existing home and to construct a single family home where 3 generations of Campanelli/Garvey family can live. It is an unusual project. It is really a nice thing to do. The property is about 31,000 SF in total. The idea is that the single family home would be demolished, and a new home would be constructed. There are two access points to Colby Road. Left hand access (the northerly access) would be for Garvey's where there would be a garage and a private area of access. There will be a central access in the center of the home, and then Mr. & Mrs. Campanelli would access on right side where there will be another garage. It is a modern version of an old-fashioned idea. The project requires a grading permit because we are removing more than 150 cubic yards of material. The property slopes up to rear. There will be approximately 1300 cubic yards of material will be removed from the site to accommodate the home. The site will be enhanced with extensive landscaping plan. The home was designed by Heidi Condon, architect who is here this evening.

As mitigation to any increase in runoff, we have proposed subsurface recharge chambers. Currently runoff from the site runs out onto Colby Road to the north or the south and then into the municipal drainage system. This is almost at the highpoint on the roadway. What we are proposing is a subsurface recharge system, which will essentially reduce the flow from smaller storms that would happen on property. It is a fairly simple project. It does require a grading permit. It is a substantial amount of earth work for a single family home. The project has been refined; we have been very careful to create grades that are stable and will not cause any great impact to neighboring properties. There are some small retaining walls that will protect the slope. The result is that the project will have no impact to neighboring sites or to surrounding properties. We have four letters from neighbors that we would like to pass into the record. One neighbor may want to speak on the Garvey's behalf.

We received a draft staff report from Melissa, and we have reviewed it. We prepared a response that was submitted today. The comments that were raised were fairly straight forward to address. Mr. Kelly is prepared to review their response to staff report or address any questions or comments.

The Chair opens discussion up to Planning Board first.

Member Joyce, does Colby road have drainage on it today? Mr. Kelly responds that there is an existing storm drain system that is located just to the north or to the left side of the property. To the north, about 100 feet away, there is catch basin and drain manhole system. Whatever overflow happens, as it does today, will continue down into the Colby Road drainage system. Member Joyce asks how the infiltration areas proposed were sized. Mr. Kelly states that they were sized for one inch of runoff, which is a fairly good standard. Member Joyce noted one thing, on the sewer drainage and utility plan the area drain that is in the back rear garage area has different rim invert than grading plan; it differs by about ½ foot; it does not impact the design, just a note. For the proposed slope on the west side of property, is that going to be grass slope transitioning up? Mr. Kelly responds, yes it pretty much matches the slope at the property line.

Member Mikami agrees that this is a less complicated project than most that we see. Is there currently any drainage mitigation on the property today? Mr. Kelly responds that essentially all runoff from existing home drains directly onto Colby Road and run to the catch basin system described earlier, which is about 100 feet to the north of the property. Member Mikami asks what is the tree strategy. Mr. Kelly states that is a good question; they are trying to maximize retention of trees on the property. This is an older home; trees were installed near the home and are overgrown. There have been many years of trimming. What we have done is maintained all vegetation on the outer perimeter of property, where there are some nice and substantial trees that have been integrated into the landscape plan. Member Mikami asks could you go through the timeline for the project. With demolition, grading and construction, what will be involved? Mr. Kelly responds that the applicants are anxious to get moving on project as soon as they can. You are right, 1300 yards is a number of trucks if you assume that each truck is 10 or 15 yards. It could be as many as 100 trucks that leave here over a period of time. Demolition will include removal of construction material. Heidi Condon, Architect for project, responds to timeline question. Taking down home will be relatively simple—a few days at the most. Then we will start doing the grading and removal of the earth. At this point since we are in mid-October, the Garvey's and Campanelli's do not want to leave a hole through the holidays and the winter. We are most likely not going to start until early spring for demolition. It would take one-two weeks to demolish home and remove debris. It is quite efficient these days. Mr. Kelly now responds, the next urgency is to create the area for the foundation – that would take about two weeks. Over the next two weeks, remaining material would be removed. Ms. Condon states home construction would be 8-12 months. It would be six weeks from taking home down to starting foundation and framing. Member Mikami asks, since Colby goes out onto West Street, are we going to make any provisions for public safety? Will police be involved? Principal Planner SantucciRozzi responds that we have restricted the movement of materials off the site, to outside of peak hours as Five Corners is very stressed in the morning and at night. Mr. Kelly added that and it is included in draft conditions. The contractors will employ Police Details as needed.

Member Eng comments good design on drainage. Did you put together grading report? Mr. Kelly states, yes. Member Eng comments that there is a lot of dirt being moved around on this site. How is contractor going to handle dust control on this project? Mr. Kelly states to clarify there will not be a lot of material moved around the site the material will be taken from site. It is primarily an excavation and removal project. We have standard notes on our plan that gives a series of tools to the contractor, which includes installation of erosion control barriers and other

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measures that would protect the public street and surrounding properties. Ultimately, it is the contractor's responsibility, as we are not there all the time. Mr. Kelly states they would be agreeable to any condition that Planning Board might want to add that may reinforce appropriate sediment control measures are in place and vehicles are covered when leaving the site. Member Eng states that overall project is nicely designed. Member Reynolds has no further questions, but thinks this will be a successful plan. Ms. Condon, the architect, would like to add that they are having a well drilled on the site so water will be available during construction to control dust and clean. That will make a big difference on a project of this scale. Ms. Condon continues that the Garvey's feel that the neighborhood is more important to them than the construction, and they will do whatever they need to give the Board a comfort level, as well as their neighbors.

Chair Harnais has no further questions and opens discussion to the public. Didi Mariano of 83 Colby Road reads a short letter written on behalf of the Garvey and Campanelli families by Mr. & Mrs. Mariano. They feel that new construction will have positive impact on the neighborhood and they recommend that all members of the Planning Board confirm their support, as the Mariano's have.

Principal Planner SantucciRozzi wants to point out, under condition number 6, David Kelly had submitted that they would need about a year or so to complete the project. That would give them until November 30, 2016. Based on what I am hearing tonight, the Board may want to talk about that and extend that to Spring 2017. Chair Harnais thinks that is reasonable.

Chair entertains motion to close public hearing; Member Reynolds MOTION to close public Hearing; seconded by Member Eng; unanimously voted. Chair entertains a motion to accept correspondence dated August 19, 2015 to October 13, 2015; Member Eng MOTION to accept correspondence; seconded by Member Reynolds; unanimously voted.

The Chair will now entertain a motion; **Member Reynolds MOTION to recommend for approval the grading permit with change to condition number 6 regarding completion of authorized activities to extend to May 1, 2017; seconded by Jim Eng; unanimously voted.**

**8:35 PM Billboard Special Permit/Site Plan Review – 4 PB members participated;  
Member Joyce recused herself because of conflict -  
Lamar Central Outdoor LLC - 340 Wood Road (PB File #15-09)**

**Present for the applicant:**

Jeff Drago, Attorney for Lamar Central Outdoor

Michael Murphy, Lamar Advertising

Norm Lagasse, Lamar

Doug Baer, Lamar

Brian MacDonald, MacDonald Electric

Arthur Chou, Architect

Nicholas Lanney, HML Associates

Planning Director, Christine Stickney, provides an update. The Applicant originally came in to the department in April 2015; they had their first Public Hearing in June 2015. They had a

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continuance and a second continuance due to a personal situation I had, and now they are here tonight. As with all our applications, they have been reviewed by Green International, our Peer Review. There has been a lot of activity, even though they have not appeared before Planning Board working with the Peer Review to get a number of the materials done. I have provided you all with a memo tonight of what I feel are the discussion items that we need to have with the applicant regarding height, regarding the existing site and the host agreement. That is where we are at this point, and Attorney Drago can fill you in.

Jeff Drago, Attorney for Lamar Central Outdoor, who has a team with him that can answer any questions based on their peer review, which they have completed. Attorney Drago continues, they believe that they have best proposal before the Planning Board. It comes down to best company, best site and best offer for the town. With regard to best company, Lamar has the longest and proven track record with 113 years in business. Last year they brought in \$1.3Billion in revenue. They are the largest billboard company out there. Lamar has high paying advertisers, which means strong stability. With this town entering into a long-term relationship with the company, we believe that is very important. We believe the site at 340 Wood Road is best on route 128 in Braintree. It's judged by the elevation issues; there are none. That is important in the billboard industry because best site always has a long site line. This area is flat without elevation, so when travelers are coming by it is at sight line view. Finally, I mentioned best offer; we have submitted a development agreement with the town in the amount of \$1.5 million over 25 year period. Along with that, we have also agreed to make monetary donations to both youth programs and beautification programs in the town, as the town sees fit. Attorney Drago introduces team that is with him to address any Peer Review questions. From Lamar, they have Mike Murphy, Norm Lagasse and Doug Baer. They also have Scott Faria from J.K. Holmgren, who is the engineer for the project and can go over any site plan changes. They have Brian MacDonald from MacDonald Electric to go over any questions of illumination or mechanics of electronics. We have Arthur Chou, our architect who performed the Shadow Study that we submitted. We also have Nick Lanney from HML Associates, who is our geotech advisor on the project. The discussion is now opened up to questions or comments from the Planning Board.

Member Mikami states the height issue is one the Planning Board has discussed with various applicants. He then asks what this applicant is proposing in terms of the maximum height of the sign. Mike Murphy, from Lamar, responds, at street level, it is proposed at 75 feet, due to tree blockage issues. Any lower, it would be very difficult to see. In a digital location, to financially be feasible, we need traffic to see 3-5 flips of the digital. If it is not high enough, trees are going to block the vision. Member Mikami asks, to what extent can trees be cut back prior to any potential sign going up. Mr. Murphy responds that trees are on state property on the highway side of the fence, and his feeling is that state will not cut them. Member Mikami asks, are you willing to do height demonstration for the Planning Board? Mr. Murphy responds, yes sure. Chair Harnais agrees that it would be very useful.

Jim Eng asks for Peer Review clarification from staff. Director Stickney responds, in last memo that was provided on September 29, structural issues appear to be addressed. The location of the billboard was moved and modifications to the drainage system are proposed that staff will need to review as part of an As-Built Approval process. With the movement of the billboard, the foundation structure will require geopiers, which is still under review. Member Eng asks if all

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items raised by the Peer Review were responded to. Attorney Drago replies yes, but we can elaborate with some of our team. Member asks, with these Geopiers that have been discussed, have they been designed according to example. Attorney Drago refers this question to their Geopier expert, Nick Lanney.

Nick Lanney, with HML Associates, responds that the way the Geopier system works is we give our subsurface information and the loadings to the Geopier company. They have a design engineer that tells us that for a certain arrangement of geopiers they can support a thousand pounds per square foot, taking into account the loadings that the structural engineer gives to the geopier company. Member Eng confirms that all those calculations will be submitted before you put the structure up. Mr. Lanney confirms that the Geopier company does a preliminary design; once we sign a contract with them, they will do a formal design stamped by a professional engineer; Lamar reviews design and provides comments and feedback. Member Eng confirms that this is more like design/build project; you're not going to do the design on those piers before you let the contract out. Mr. Lanney replies, the geopier has a design engineer who will design them, Mr. Lanney will review them and they will address any comments he has and the design is finalized by geopier, stamped by their engineer and then given to the building department to review, if they want.

Member Eng asks staff if there were any other major comments. Director Stickney responded, basically most of the comments have been addressed. The only item that continues to be an issue is in current bylaw there is an illumination timeframe from 1AM to 6AM. Town Solicitor is taking look at that and doing research. There was no answer for tonight. They did provide shadow studies and they did talk about some other items we were concerned about.

Member Eng brings up subject of safety with signs related to height of sign, the angle of the automobile driving down the highway and amount of time it takes to look at billboards. He asks if applicant has looked at safety aspect of billboards. Norm Legasse, Lamar Advertising, references federal study that indicates that digital billboards are safety neutral. Chair Harnais states it has been shown that the federal study has been suspect since day one because of who is behind the study or who has paid for the study. It has been compromised by other studies and is not actually accurate. Also, in order to say billboards are safety neutral wouldn't you have to know every single accident that occurred in the vicinity of a billboard? The study is not accurate because every single accident that occurred is not recorded or investigated. The driver is not going to say he is looking at billboard. Member Harnais states the federal study says the safety zone is 1.5 to 2 seconds to take your eyes off the road. How long is does the screen last? Mr. Legasse responds that the sign is static for 10 seconds. Discussion continues between Member Harnais and Mr. Legasse about how long it would take to view the sign as it changes, whether this is beyond the safety zone for viewing, how this is a very lucrative industry and other studies have challenged integrity of federal study. For the next meeting, Chair Harnais will have the studies that question the federal study available. Chair Harnais also states that the height is a major safety issue to him.

Member Eng asks if Lamar's billboards have ever failed or fallen. Mike Murphy responds that they have 2400 Digital Billboards in the country, and none have fallen over.

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Member Reynolds mentions height of sign and trees blocking anything lower than 75 feet, what is the height between footing of where sign would be and level of the highway. Mr. Murphy states it is probably about 4-5 feet. Location of proposed sign is a little higher than highway.

Where are the trees in question that concern the visual? Mr. Murphy responds trees are on side of the hill past F-1, and they will definitely block sign. Member Reynolds asks question to Director Stickney on her staff memo. At June 9<sup>th</sup> Meeting there was mention of drainage pipe. There is mention made of where sign was originally proposed and the new site. Member Reynolds asks for clarification on whether the new site will also require a drainage pipe to be relocated. Director Stickney responds, the new billboard location is back further from the mutual property line. It was 20'; now it is 31'.

Member Reynolds asks is there a need to revisit the 1985 special permit. Director Stickney states the 1985 permit never received "as-built" approval. We're going on the assumption that everything on the site, the drainage in this particular situation, was built according to plan. If you go by that assumption, and now they are going to relocate it, they just have to demonstrate that there has been no effect on either the sizing of the pipe or the drainage area that it is being relocated to. Member Reynolds asks how does that reconcile or is that a different issue than on Question #4 that being if approved how does applicant propose to address the open special permit for the addition on the existing building. Director Stickney states that was what the 1985 permit was for, a 5000 square foot addition. She would suggest that the billboard couldn't go forward until it is resolved, but she doesn't know if they have some alternative. Attorney Drago states in talking with Ms. Stickney they could do that simultaneously. The landlord would be prepared to allow us to close that out as well. That was what they were planning on doing. The Applicant does have their expert on the draining issue if there are any further questions. Member Reynolds has none at this point.

One of Chair Harnais' main concerns with billboards is the time that people take their eyes off the road. His fear is, when you turn your head and look up, your peripheral vision is different when you look up. Safety is paramount here. He doesn't want to sacrifice safety so that people make money. The Board wants to make sure that, if we have a sign there, it is the safest possible sign.

Discussion occurs between staff, Chair Harnais and the Applicant related to scheduling the height study and length of time for Applicant's representative to be available to the Planning Board and the public for this study. Planning Board suggests a two hour period for study.

Before they proceed, Chair Harnais opens discussion up to the public. Bob Pike, Director of Strategic Projects at Haemonetics. He would like to make some general comments for consideration. One aspect is looking at Chapter 135 of the bylaws around special permit criteria. The language says that it must demonstrate that the proposed location does not adversely interfere with the use of adjacent properties. It goes on to say that it must demonstrate that the proposed billboard is in harmony or suitable for the surrounding area. It would not do significant damage to the visual environment. It also talks about taking into account specifically the historical or architectural characteristics of the location and area. Certainly, the Haemonetics sign, which is very close to this billboard, is a longstanding feature of the landscape in Braintree and is iconic. Also, it specifically states in the criteria that the structure, height, size and number

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of signs in the area where the billboard is to be located must be taken into account. In Section 701, it states that it shall not be within 300 feet of another billboard. The proposed billboard was 14'X48' or 672 square feet. The Haemonetics sign is 10'X40' or 400 square feet. The standards are looking to ensure harmony of the visual environment. We believe this should also apply to the sign the size of Haemonetics. One way to give some visibility is to ask for an architectural rendering of how this would look. One concern with the height is, if it were to be lower, the Haemonetics sign would actually be blocking your visibility of this sign. Currently it is proposed higher and set back a bit. There is another requirement that it has to be 100 feet from interstate highway. I am not sure if this is measured from the property line. Those are some comments that should be reviewed as part of the assessment. Looking at earlier proposals and knowing the size of these, it seems like a billboard on top of a billboard. Knowing also that we are putting significant amount of funding into the building, turning our corporate headquarters and manufacturing area into a technology center, and spending an excess of \$10Million. This is going to be our landmark location. It is our worldwide headquarters and having something like this right on top of our sign is something that we are not in favor of. Not that we are opposed to billboards for Braintree, but the location itself is something that we are not in favor of. Director Stickney asks how high Haemonetics sign is. Mr. Pike responds in the 40-50 feet range. Director Stickney asks this is an on premise sign with Zoning Board approval. Mr. Pike responds that this was something that was done in the 1970's when it was Hamilton Furniture. It is not something that was erected recently. There was a Sign Review Board way back when. Director Stickney just wanted to give the Planning Board a sense of height as they are considering this petition.

Chair Harnais states that the Planning Board knows the obstacles that area has, and they are not making a quick decision, and they are taking their time. Member Mikami asks if Mr. Pike has had discussions with their landlord about the proposed sign. Mr. Pike clarifies that Haemonetics owns building at 400 Wood Road. This sign is going on neighbor's property. Staff mentions that Mr. Drago's client, the property owner at 340 Wood Road, was asked if they would be willing to take down their other sign.

Mike Murphy from Lamar states their new location is 125 feet from the highway. They moved their billboard 15 feet further away from the Haemonetics sign. Haemonetics height is 40 feet; Lamar's is 75 feet, which is a 35 foot difference. The sign does not block his sign. On another note, the land owner of that property has sent a letter saying he would be willing to move his sign to another part of the property because, if you go down the highway, the medical building sign actually blocks the Haemonetics sign a little bit as you approach it. It is the same level.

Member Mikami provides some suggestions on the height demonstration. Mr. Murphy asks if PB members would ride along with him in his car to observe 75 feet, 65 feet, etc. Chair Harnais respects what Mr. Murphy is asking; however, he points out that, although all parties want something that looks good, Lamar wants a great location, just like the other applicants, because it means revenue. The Planning Board wants to make sure the sign conforms. It's not that we can't work together, but at a certain point our interests deviate from each other.

Discussion continues between staff and Chair Harnais about continuing the public hearing. Time is available the evening of November 10<sup>th</sup>, at 9:00 pm. All three billboard petitions will be there on November 10<sup>th</sup>. The Applicant will coordinate with staff on timing of height demonstration.

Chair will entertain motion to continue this hearing to November 10 at 9:00; MOTION by Member Eng to continue hearing to November 10 at 9:00 PM; seconded by Member Reynolds; VOTE: 4:0:0.

**9:15 PM Special Permit(s) and Site Plan Review – all 5 PB members participated  
Robert Cusack, 89 Hancock Street (PB File #15-14)**

**Present for the applicant:**

John Neelon, Attorney (Filling in for Attorney Mike Modestino)  
Robert Cusack, Applicant

Attorney Neelon begins discussion by saying it is his understanding that the project was discussed quite extensively at the last meeting and the Board had some suggestions for Bob with respect to primarily the landscape plan. Bob has taken those suggestions and come up with a revised plan; we think it is a good one. Bob has copies of revised plan, and we would be happy to answer any questions with regard to the plan.

Member Joyce asks if the applicant can give us an explanation of what has changed on the plan since the last meeting. This plan was done by Skinner Overlook; they did a great plan adding things that staff and Planning Board had recommended. You will find the 5 foot buffer from the property has been evened off for the whole length of the property. You will also see the 5 foot buffer on the Frederick Road side highlighted in green. She has highlighted where plants would be remaining or what types of plants we'll be replacing diseased plants with. She has highlighted snow zones, where snow will be stored. She has also added, to the Planning Staff recommendation, an additional buffer on the front curb cut; she added a 7X7X1 foot high planter not to impede the sight lines down Hancock Street; that will be a continuous brick planter. You will note that on the front right corner of the plan. Lighting has been more extensively highlighted. There are LED's all across the soffits. Last week they were installed and brightened up the place quite nicely on the front side of the building overlooking the handicap spots and also on the Hancock Street side. There are also soffits (2 high and 2 low) over the corner on Frederick Road and Hancock Street, which is an entrance to the barber shop. Other additions, you might note, are three 7.5' post lighting that was recommended – two on southside/one on northside. We did have proposed second area light on the existing pole in the lot, which is noted on page 22, to spray a little more light on the lot at the recommendation of BELD. Planning Staff was not happy with that proposed change; we have since removed it, as you will see on the revised site plan.

Member Joyce confirmed that new LED lights are actually at the building today. Member Joyce asks if there was a cut sheet for the fixtures in the parking area. Staff responds, yes. Member Joyce asks, as far as light cast from those fixtures on neighboring properties, do you anticipate that light cast from new lights be any different from current light cast to neighboring properties. Do you anticipate much spillover? Applicant does not. They are soft; they are solar. They are not too offensive to neighbors. Member Joyce asks if there is existing curbing on the site today. The

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Applicant states there is not. There are curb stops that have to be replaced. Member Joyce confirms that what is being proposed along the whole parking area now is a landscaped area. Is that going to be flush with the parking surface or is that going to be built up at all. Applicant responds there is a proposed Cape Cod berm on the south and north sides at this point in time. Member Joyce confirms that the berm would be the only barrier between the edge of your pavement to the landscape bed. Member Joyce thinks that landscape improvements are nice and appreciates the additional green space that is being added. Member Joyce asks staff if providing curbing is a requirement. Staff confirms curbing or wheel stops is a requirement. Staff continues that Mr. Cusack has done a little bit of both. In the areas where it's not abutting the landscape, he's proposing the curb stops. In the other areas he is proposing bituminous curbing. I have flagged that in the Staff Report for the Planning Board to weigh in because this Board typically doesn't allow that type of curbing. Member Joyce continues given how there is landscape area abutting this parking area and given that it is pitched to drain to an existing catch basin, I would prefer to see wheel stops rather than berm. Water from the regraded area would be allowed to get into the landscape and infiltrate. Also wheel stops, if damaged during plowing, may be easier to replace.

Member Mikami asks if Mrs. Santucci, Principal Planner, could go over some of her comments first. Mrs. SantucciRozzi states that Mr. Cusack has provided a series of plan revisions, with final plans received last Friday. He has done a good job at addressing most of the items in the staff report and raised by the Planning Board. The last two outstanding items that I have flagged is: 1) are we going to put up more street lights on the utility pole or are we going to remove those in their entirety; and 2) the curbing. The rest of the other items have been addressed in the draft conditions. Fence repairs, making sure the site stays clean, snow storage, dumpster enclosures, all the things that we typically look at and require have been addressed other than the two. Member Mikami states this is an attractive project and makes sense. Potentially fits in with the concept of village overlay and the Mayor's emphasis on beautification. This is a highly visible area in town and he encourages the applicant to make this a great project. Member Mikami is happy on landscape issue; that is really critical for this site; it fits in with the Mayor's idea for beautification.

Member Mikami suggests we start with lighting issues on the utility pole, where do we stand now? Applicant currently leases area light from BELD. To further light up the area and add safety to the lot, we looked into having BELD take a look at that pole, and they recommended maybe shifting the existing area light to one side and adding another area light, which didn't go over well with Planning Staff. Applicant states that adding safety is one of their main concerns to the lot. They would like to keep the existing light there. It doesn't impact the neighbors at all. It really casts a nice dull light amongst the whole parking lot, making it safer to back out. The Hair Salon and Barber Shop are there until 8:00-8:30PM. That light is a very big help to the parking lot; it's been there for 15 years, and he has had no complaints about it. The LED lights have really added another dimension to the site this past week. There are about 20 lights on the building. The three other lights proposed at this point in time are just for landscaping or ambiance. Member Mikami states staff recommends that the light be removed and be built in line with the new decorative pole fixture and landscape lighting. Personally, Member Mikami agrees with staff and goes back to the theme of this being an opportunity to do it right. Attorney Neelon feels that the area light is not an obnoxious light and adds an element of safety that you are not

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going to get from the lower 7' posts. Staff suggests the new decorative poles could have been at a higher height. The Applicant feels that would impact the abutters. Member Mikami gives the CVS project as an example; Planning Board went through lighting with CVS, added it, and made it more decorative. It looks fantastic because of that. Member Mikami states they try to be consistent when they have these projects, and they try to make improvements. This is a good opportunity to make everything fit in with the project and fit in with the standards that have been established across all projects in the town. Member Mikami will let Chairman address issue with curbing, but he will say PB has pretty much required granite curbing in other projects. Member Mikami states we are applying same standards that we have asked other applicants to do. Attorney Neelon states he would agree with Member Joyce on the issue of drainage just because putting those curbs in would prevent water from draining into the beds. With a lower berm or no berm, you would get a little more drainage there because most of that lot is asphalt. Attorney Neelon agrees with Member Mikami aesthetically, but practically it may not be the best solution to the problem. Member Mikami just wants to express that the issues are pretty straight forward and the PB is just applying the same standards that every applicant has been asked to follow. In particular given the location of this site, Member Mikami feels it is all easy to do; it just needs a professional finish.

Member Eng states if final approval depends on putting decorative lights on BELD pole, would you do it. Applicant Cusack is not sure he has the capability of doing that on BELD's pole, but he would look into it. Member Eng asks if there is a condition that could be added if bituminous berms get destroyed after a winter that they have to be repaired in totality to PB's satisfaction. Staff replies that Condition #25, in landscape section, talks about type of curbing. If we do quality curbing, it will be there forever. If we do something else, it will need to be replaced probably annually. Whatever the PB decides, that can be conditioned as required. Member Eng continues, the reason we push for granite curbing is that it will not have to be replaced. Bituminous berms get torn up by plows, and they don't look very nice in the spring. If we put in a condition that it has to be maintained and reconstructed if it is destroyed by plows and you accept that, it might be a trade-off. Mr. Cusack agrees. Member Eng feels that the Applicant has done an excellent job on landscaping for this project.

Member Reynolds asks a question to Member Joyce about her comment about the wheel stops being beneficial to vegetation in buffered areas. She was envisioning the applicant cutting back pavement and putting in a berm. If the Applicant doesn't have an opportunity to regrade that area and make sure it pitches towards the catch basin, the wheel stop option will allow water to get into landscape area and recharge, and wheel stops may be easier to repair. Mrs. SantucciRozzi asks are you suggesting anchoring the wheel stops? Member Joyce feels that is an option.

Member Reynolds suggests the light stay on its historical use from a safety measure. Member Reynolds feels what offsets that lighting is that the applicant has agreed to put the additional lighting in the decorative posts. This could be a good alternative that meets what the PB is after. The applicant feels good about that. Member Reynolds continues that, although he agrees with a previous speaker that we should follow precedents that have been set, he would note that PB has made exception on a few applications based upon terrain or conditions particular to these sites. Member Reynolds thinks we could forego granite curbing for the benefit of anchored curb stops.

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Chair Harnais is a big fan of granite curbing; however, he asks Member Joyce about her recommendation of curb stops. She explains that the benefit with a curb stop as opposed to a bituminous curb is that a curb stop can be replaced relatively easy. It is difficult to repair a bituminous curb because it is one continuous pour. When it gets broken up, it is harder to patch. Chair Harnais asks the applicant how he feels about the curb stop. The applicant does not have a preference between bituminous berm or curb stops and would be fine with an anchored curb stop.

Both Chair Harnais and the applicant agree with Member Reynolds recommendation regarding lighting.

Member Mikami confirmed that if the applicant keeps the BELD light, he is still installing the three additional lights. The applicant confirms yes. Member Mikami wants to make sure there are no issues with neighbors; staff recommends tweaking the placement of the lights because of tree location and refers to the fixture in front of parking space number 5.

Chair entertains a motion to accept the correspondence from July 24, 2015 through October 13, 2015 into record. **Member Reynolds MOTION to accept correspondence; seconded by Member Mikami; unanimously voted.**

Chair entertains a motion to close the public hearing. **Member Eng MOTION to close public hearing; seconded by Member Reynolds; unanimously voted.**

Chair will entertain a motion. **Member Reynolds MOTION to recommend approval and to incorporate the additional guidance for lighting and anchored curb stops; seconded by Member Mikami; unanimously voted.**

**Discussion and Action - Abutter Restoration Plan – 400 West Street – File #14-09**

Brian Noble

Brian Noble is their representing himself and Thao Nguyen. He states that unfortunately funding for this project did not get to them until October 9<sup>th</sup>, deposited October 10<sup>th</sup>. The check will be cleared one week from today (or by October 20<sup>th</sup>), which does not fall within the October 15<sup>th</sup> timeline. However, Mr. Noble and Mr. Nguyen would like to make a change to the plan with regard to the fencing; they would like to upgrade the fencing on both sides to 1X5 tongue and groove style fencing, which would provide sound and site barriers. That was part of the main reason they were going to have so many cypress trees. They want to eliminate the majority of cypress trees and upgrade the fencing because they feel it is going to be more suitable to their needs. Chair Harnais asks if that will be more expensive. Principal Planner, Melissa SantucciRozzi, explains that she has been working diligently with Mr. Noble over the summer; they did have some delays. Both staff and Mr. Noble have tried to work with Mr. Rader during this time. Mr. Rader just provided the funding last week. Mr. Noble does want to upgrade the fence, and staff has explained to Mr. Noble that additional costs would be at his expense. Mr. Rader has provided funding for what was shown on the plan, which was a chain-link fence. There is no way that Mr. Noble could get the work done based on when the check was received. Staff is there on Mr. Noble's behalf to request an extension until November 15<sup>th</sup>. He may need

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additional time at that point. Staff also has a second item to discuss with the Board, Mr. Rader, who knew this was on the agenda this evening and clearly isn't here, provided funds in form of a letter of credit. Staff made it clear to Mr. Rader that the letter of credit needs to be for at least six months. It expires November 15; we asked him several times to change that, but he chose not to. At the Planning Director's suggestion, we have our next meeting on November 10<sup>th</sup>, and we could place it on that agenda. Is there any input from the Board on the Letter of Credit because typically we get them for one year? Chair Harnais asks how many times staff asked Mr. Rader for the Letter of Credit. Staff states 3 or 4 times, but she asked for a term of at least six months and that was not provided, as the letter expires on November 15<sup>th</sup>. Chair Harnais recommends that Mr. Rader be given five days to comply with providing a Letter of Credit with a term as requested. If Mr. Rader is unable to do that in five days, he should be instructed in writing to appear at November 10<sup>th</sup> Planning Board Meeting to explain why he cannot comply. Director Stickney makes recommendation that the letter being sent to Mr. Rader is also cc'd to the bank.

**Member Eng MOTION to provide five days to provide an appropriate Letter of Credit or come in and appear before the Planning Board at November 10<sup>th</sup> Meeting to explain why this cannot be done; seconded by Member Mikami; unanimously voted.**

**Member Eng MOTION to provide Mr. Noble a thirty (30) day extension to finalize abutter restoration plan; seconded by Member Joyce; unanimously voted.**

**Discussion and Action – 2016 Planning Board Meeting Schedule**

Principal Planner, Melissa SantucciRozzi provides discussion of proposed 2016 Planning Board Meeting Schedule. One Member has conflict with February 9, 2016 date; however, we are keeping that meeting date. Discussion continues about double meetings in some months and choice of dates for November 2016. Members select Wednesday, November 9, 2016, as the November meeting date. Member Mikami **MOTION** to approve meeting schedule with selection of Wednesday, November 9<sup>th</sup> date; seconded by Member Reynolds; unanimously voted.

**Administrative Hearing – Planning Board Fees**

**Applicant: Braintree Planning Board**

MGL Chapter 40 Section 22F/MGL Chapter 40A Section 9 & 11/MGL Chapter 41 Section 81-Q

This matter is being continued without Testimony to the Planning Board Meeting on Tuesday, March 8, 2016.

Chair Harnais entertains a motion from the board to continue Hearing for Planning Board Fees. Member Reynolds **MOTION** to continue; seconded by Member Mikami; unanimously voted.

**Discussion and Endorsement – Covenant Whites Hill II Definitive Subdivision**

Principal Planner, Melissa SantucciRozzi presents Covenant for signature by Planning Board and announces that Whites Hill is gearing up; they are putting in erosion controls. If anyone gets any calls, please refer them to Mrs. SantucciRozzi. She has notified Mayor's office and other departments that Whites Hill is putting in erosion controls.

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**Announcement**

Director Stickney announces that a Public Meeting with Zoning Consultants will be held on November 16.

**Approval of Meeting Minutes**

The Chair entertains a motion to approve minutes of September 8, 2015 Meeting. Member Eng **MOTION** to approve minutes; seconded by Member Mikami; unanimously voted.

The Chair entertains a motion to convene the meeting at 10:24PM. Member Reynolds **MOTION** to adjourn the meeting, seconded by Member Mikami – unanimously voted.

The Meeting adjourned at 10:24 PM.

Respectfully submitted,

Louise Quinlan  
Planning and Community Development