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Mayor

Department of Planning and Community Development

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APPROVED

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Erin V. Joyce, Member

Braintree Planning Board – November 10, 2015 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair (joined meeting at 7:30 PM)
Mr. James Eng, Clerk
Mr. Darryl Mikami
Ms. Erin V. Joyce
Chair, Robert Harnais, called roll call at 7:05. Four members are present. Member Reynolds joined the meeting at 7:30PM.

Christine Stickney, Director
Melissa SantucciRozzi, Principal Planner
Jeremy Rosenberger, Zoning Administrator

7:05 PM – Zoning Board of Appeals – Update:

The Zoning Administrator, Jeremy Rosenberger, provides an update on Petitions previously presented before Planning Board.

Petition #14-33 639 Washington Street (Bonnie Tan) proposed to 8 units scaled to 7 was not approved in March or April by both Planning Board and ZBA; ZBA asked them to reduce to six; has been deferred ever since. They have met with Zoning Administrator recently. They will do best to meet open space requirements.

Petition #15-23 30 Barstow Drive (Annmarie Chase) Large garage a new permit to build attached garage; Planning Board was not in favor of. They are still waiting on permits from building department.

Petition #15-25 42 Howie Road (Michael Rubino) this was continued, as applicant did not show up. Planning Board voted approval.

Petition #15-35 7 Sheraton Ave & 0 Priscilla Ave (Mass Property Holdings, LLC.) this was to create a new single family. Planning Board voted approval. This was deferred at last hearing for petitioner to discuss with community.

Recommendations – November Zoning Board of Appeal Petitions

The Zoning Administrator, Jeremy Rosenberger, presents petitions going before Zoning Board of Appeal on November 24, 2015.

Petition #15-40 18 Ellsworth Street William Wong, 18 Ellsworth Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 701 for extension of existing second story to include a playroom and office. The property is located within a Residential B District Zone, as shown on Assessors Map 2030, Plot 13, and contains a land area of +/- 9,980 sq. ft. Zoning Administrator previously recommended deferral because the plans were not sufficient. They subsequently presented professional architectural plans showing that there is a full second story being added to this existing building. After looking at the plans and the context of the neighborhood, I believe it is in keeping with the neighborhood and it won't be detrimental.

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Member Joyce asks if there is any addition to the footprint; Zoning Administrator states no. Member Eng comments on simplicity of drawing. Key thing is that footprint is not going to get bigger. Member Reynolds joined the meeting at 7:30PM.

Member Eng **MOTION** for favorable recommendation, seconded by Member Joyce; Vote: 5:0:0.

Petition #15-41 24 Hillside Avenue

Dorothy B. McPherson, 24 Hillside Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 701 to construct a 16 ft. x 8 ft. rear deck with stairs and bump-out. They need a finding to do this. The property is within a Residential C District Zone, as shown on Assessors Map 3050, Plot 71, and contains a land area of +/- 7,200 sq. ft. Zoning Administrator recommends approval.

Member Eng **MOTION** for favorable recommendation, seconded by Member Joyce – Vote 5:0:0

Petition #15-42 405 Commercial Street

Krishnakant Patel (Owner), 503 Commercial Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 701 to demolish existing two-family dwelling and erect new two-story, two-family dwelling consisting of 6,309.80 sq. ft. The applicant needs a finding to continue the use of a pre-existing, non-conforming two-family. The property is located at 405 Commercial Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3013, Plot 72, and contains a land area of +/- 22,818 sq. ft. The applicant, Krish Patel, states this was a foreclosed property; this is a really large property that was unkept for many years prior to purchase by applicant. The Zoning Administrator states the design is a bit different. Member Joyce asks if there are other two-family houses in the neighborhood. The applicant responds that there are many. Member Joyce asks about the kitchen on the basement level. The applicant states that it will be used only by the owner for parties. Member Joyce asks, so from a grading perspective will there be walk-out doorways on back of house. Applicant responds yes. Member Joyce states it may be helpful to show those proposed grades to make sure that the elevations for the walkout are captured. It's hard to determine the extent of grading you have to do around the building. The applicant's representative feels that there wouldn't be much grading needed, as the new structure will be going into the exact opening of the hold structure. Member Joyce asks about maintaining both driveways. Yes, the front and the rear; this will provide more parking in the rear. There is an opening on Linden and a driveway on Commercial Street to the left side. The proposed driveway is going to be more centered. Member Mikami asks if this property is built, will it be assessed as one family or two family? Applicant responds it will be a two-family. Is there an intent to rent out the basement? Applicant responds that the second kitchen is only for a cultural purpose and not to rent out. Member Mikami feels that should be flagged and noted to ensure that basement is not rented. Member Eng's first impression was that it was going to be four units, with four kitchens. He agrees that there should be some language put into process to keep this to a two-family rather than future four-family. Member Eng feels this is a huge

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improvement because it was a bad looking structure. Chair Harnais asks if there are any visions of subdividing that property. The Applicant responds not at this point. It could be a possibility down the road, but it would be based on zoning changes.

The Chair will entertain a motion. Member Eng **MOTION** for favorable recommendation with the proviso that some language will be added that this will remain a two-family, seconded by Member Mikami; Vote 4:0:0.

Petition #15-43 43 Walnut Avenue

Matthew J. Foley, 43 Walnut Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 701 to demolish upper floor of existing 1.5 story residence and construct a full size, second story consisting of +/- 722 sq. ft. The property is within a Residential B District Zone, as shown on Assessors Map 3020, Plot 05 and 06 and contains a combined land area of +/- 6,528.77 sq. ft. This needs a finding; the second floor is completely within existing footprint. Zoning Administrator recommends approval.

Member Eng **MOTION** for favorable recommendation, seconded by Member Joyce – Vote 5:0:0

Petition #15-44 459 West Street

459 West Street LLC, c/o 110 West Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-407, 609, 701 for one (1) acre minimum lot size for eight (8) lots of a proposed eight (8) lot subdivision. The property is within a Residential A Watershed District Zone, as shown on Assessors Map 2042, Plot 13, and contains a land area of +/- 6.228 acres. Attorney Carl Johnson is presenting on behalf of the applicant. You will see at the beginning of the staff recommendation why this zoning variance is filed again. Case #14-04 was before Planning Board in 2014; Planning Board recommended and ZBA granted a variance for six of the eight lots from the 1 acre minimum lot size. The variance was extended for six months, and in October 2014 the variance lapsed, as a matter of law because it was not exercised. Case #15-44 seeks relief for all eight lots based upon the new lot layout before the Board. Essentially the location of the two larger lots has moved up to the front of the subdivision in order to accommodate the new storm water management system that is necessitated by the soil conditions on site. The two larger lots, which contain 37083 square feet and 36242 square feet, are now located in the front of the subdivision along West Street corridor. Integral to those lots are two large subsurface detention basins. There was a great deal of wasted time in certain respects, and new engineer will explain the exploration, the soil analysis, determination of the permeability of the soil and the high ground water level that has caused a change from essentially a storm water recharge system, which is required under DEP storm water management, to a system that essentially collects storm water through easements and across the sight, puts it into subsurface detention systems, treats that storm water and at the appropriate time releases the storm water into the storm drainage system in West Street.

In order to accommodate that storm water, an upgrading of the drainage system in West Street is proposed to occur, which will be explained in the subdivision presentation. Essentially, those

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additional two lots are technically undersize. Watershed Protection District states you should not have more than 20% impervious cover on the lots or in the subdivision. Normally storm water is supposed to be recharged when the soil can accept it. There were misrepresentations made on prior occasions about what the true soil on the site was. You will find out these are C and D soils; so there is no permeability on the site. In order to deal with that and to meet storm water requirements, this new system has come about. Therefore it changes the lotting plan for the subdivision. We think this is a more uniform presentation of the lots. They are still large lots. They meet the goals and objections of both watershed and storm water. Therefore, the soil conditions have created this change from the prior variance. There is an actual hardship related to conditions that do relate to soil, shape and topography of the land.

Facing West Street, on the right hand side, there is a large drainage easement that follows along the property line. That is a vegetated swale system that will be explained by Mr. Diaz during the Subdivision Presentation. On the other side, there is a 20' no disturb area on the other perimeter of the site. Attention has been made, within the confines of this subdivision, to mitigate any impacts on adjacent properties and provide more of a buffer than what is there (at least 30' behind it and 20' on one side). The developer and his engineer have done an awful lot of work and resurrected the subdivision with a plan that works. This lotting plan is the result of that. It does create a actual hardship not only from the soil conditions that effects the lot size, but also there is a great deal of economic hardship that is somewhat self-induced. This developer is going to have to do this in a short period of time at increased costs. I think that we meet the statutory requirements of the variance. We request that the Board accept and recommend favorably to the Zoning Board of Appeals for the configuration of the eight lots in the sizes shown on the plan. Each of them meet the goals and objections of the Watershed Protection District, and this Subdivision will now meet storm water criteria, that you will hear from the Peer Review Consultant and the project's engineer.

Member Mikami asks I know you have reconfigured the lots; are 8 lots the correct number of lots to have here. Why wouldn't a smaller number of lots solve the questions, the waivers and the drainage? Given the challenges of this particular parcel, doesn't it make sense to reduce the number of lots? Attorney Johnson responds, as a matter of policy as well as factually, the Watershed Protection Bylaw is illegal because it treats properties that existed prior to 1982 differently than it treats current properties. It lacks the uniformity that is required by Section 4 of Chapter 40A. Anyone in a similar zone has to be treated the same as everyone else. The goal and objections of Watershed Protection District is to stop development particularly in the commercial sector. I don't believe a layout of 50' in a small 8 lot subdivision makes a lot of planning sense. I feel that 28' of roadway width is too large, with vertical granite curb on either side, if you are really trying to protect recharge, permeability and meet current storm water regulations. It is a challenge to layout a subdivision that makes any sense, that you can build and market. The answer regarding the number of lots is, it is the number of lots that can be reasonably accommodated on the land while meeting storm water regulations and zoning regulations as far as dimensional intensity layout. Clearly, this will support the 8 lots shown while meeting all environmental requirements. A previous illustration provided by Attorney Johnson was that 20% of the six acres is the same whether you have six lots or eight lots.

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Member Eng states that earlier you mention the two hardships the soils and the financial risks. Why do you feel these are hardships? Attorney Johnson replies soils without a doubt are a hardship, as explained in the application. You only need to show one thing, and the law says a hardship may be financial or otherwise. Really the only hardship here is the soil conditions, which cause the lot configuration. Member Eng feels that you should know what you had when you purchased it. Attorney Johnson states that the law says, under 40A, that you have to prove 3 elements: soil, shape or topography of the land. This is related principally to the soil conditions. In 2007, the original reports had a lot of things that turned out not to be true. We now have actual test poring, soil analysis, etc.

Member Reynolds feels, in all due respect to previous speakers, that in 2014 we did conclude that soil conditions do provide a hardship. Further, he feels more confident with the information and the engineering data provided recently. This new team in place brings more confidence based on the inability of the previous parties involved with the planning and engineering of the site. The level is just different. Member Reynolds asks the Principal Planner to clarify staff concerns with previous engineering team. Principal Planner SantucciRozzi states the previous lot configuration that was approved some 18 months ago did not allow for the installation of Drainage Easement A and B. There physically was not enough room. Because of the soil conditions here, the system is very shallow and wide. That is taking up more horizontal area than vertical area. It is eating up 1/3 of those two lots on West Street (lots 1 and 8). This is the configuration that needs to be provided in order for this to be designed in accordance with the subdivision rules and regulations, with exception of the waivers that they are seeking. Attorney Johnson states that staff required a setback from the edge that further pushed it back. Member Reynolds feels that he has a level of confidence that he could support a variance in this particular case. This is a workable plan, and this variance is responsible. The engineering involved with this has a higher level of competence. Chair Harnais has no issue with this variance.

Member Joyce asks, if there were any changes to the subdivision plan, how does that impact the variance? Principal Planner SantucciRozzi clarifies that, based upon discussion with the Engineer earlier in the day, there may be some revisions and changes to the definitive plan. The Engineer did express to her that, if those changes were made, they would not impact the lot lines. Erik Diaz, Professional Engineer, states what Ms. SantucciRozzi said is absolutely correct. We did get some technical review comments from the Peer Review on this. He did have a chance to speak with the Town Engineer, the Fire Chief, and BELD, who have not formally commented, but they have indicated that on cursory review they don't see any issues with the plan. Any changes that result are not going to impact the drainage system that will cause a shift in lot lines.

Member Reynolds **MOTION** for favorable recommendation, seconded by Member Joyce given that the Applicant has assured us that they will be able to meet requirements of the Storm Water Guidelines and Subdivision requirements; VOTE: 3:2:0.

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Petition #15-45 19, 19A, 37 Commercial Street**

Landing Apartments, LLC., c/o Heller Property Management, 625 Mt. Auburn Street, Suite 210, Cambridge, MA 02138 for relief from Bylaw requirements under Chapter 135, Sections 135-407, 615 and such other Bylaw provision as/if necessary to construct 172 residential apartment units, approximately 11,486 sq. ft. of retail and/or restaurant space, a 2-level 198-space parking garage and related public improvements in accordance with approved plans. This Petition is looking to confirm the Planning Board approval of this and seek any necessary variances and/or findings from ZBA for the Landing Apartments. The property is within a Braintree-Weymouth Landing District Zone, as shown on Assessors Map 3006, Plot 9, 10, 12 and 12c and contains a land area of +/- +/- 2.05 acres.

Attorney Marinelli reminds the Board that Landing Apartments is a \$50Million redevelopment and a mixed use project, which Planning Board approved on August 18th, with 172 apartment units and 11486 square feet of retail. As we know, it will transform the Braintree side of the Landing and will hopefully spur further development in the Landing. Our goal is to get going. One of the things we need to do at this preconstruction financing stage is to anticipate any lender concern. We have a brand new zoning district, the Braintree Landing District. We have a brand new bylaw, Section 615, and we have the most substantial development, a \$50 Million development that we are going to proceed with under a new bylaw under a new zoning district. The idea tonight is to do our best to make lenders between \$30-50Million comfortable and secure in investing in the project and investing in the Landing. There are a couple of things in Section 615 that will get clarified by the Bylaw Revision Committee, but first under Section 608, it states that Planning Board can issue a special permit for development rights under certain conditions that he goes on to read. The Planning Board found that. That is what is contained in PB Comprehensive Decision 15-11 and the comprehensive report of the staff. We completely support that and the ability of the Planning Board to set the dimensions that are part of Landing Apartments. The thing that doesn't get carried over to Table 2 is the plenary power of the Planning Board to do that. It would be better if Table 2 contains that, when we do the bylaw revisions.

Section 603 talks about sections of the bylaw that aren't applicable in the Braintree/Weymouth Landing District. It doesn't exclude Section 407, which is the conventional power of the Zoning Board to set dimensions for projects. We simply want to go to the Zoning Board and present the project to the Zoning Board, the same project that was approved by the Planning Board, only for the purpose of getting to the same place with the Zoning Board and getting the project financed and built. As staff has pointed out, all of the requirements for appearing before the Zoning Board have been met. We have irregular lot shape, significant topographical grade differential, a high water table, soil conditions. We also have buildings that you cannot retrofit, which are a hardship. They have to be taken down and the entire parcel redeveloped.

Member Joyce states so basically we approved it by the Special Permit; now you have to go before Zoning Board to confirm what the Special Permit granted. Attorney Marinelli states that is exactly correct.

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Member Eng asks if you are coming before us tonight to change the bylaws. Attorney Marinelli states no. Member Eng asks if the Petitioner was changing the height. Attorney Marinelli confirms it is exactly the same set of plans that were presented before the Planning Board. It presents the same thing to a different Board. We are just getting the approvals that we feel will make any lender secure and comfortable to invest in the Landing.

Chair entertains a motion; Member Eng **MOTION** for favorable recommendation, seconded by Member Mikami; Vote: 4:0:0.

Petition #15-46 392-400 Franklin Street (Bertucci's)

Heather Dudko, c/o 2 Phoebe Way, Worcester, MA 01605 (owner of property, Wildwood Estates of Braintree) for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 904.1 to install a 4 ft. x 8 ft. 10 inch secondary wall sign on the rear elevation of Bertucci's. The property is located at 392-400 Franklin Street, Braintree, MA 02184 and is within a General Business District Zone, as shown on Assessors Map 1022, Plot 14, and contains a land area of +/- 3.25 acres. This requires a variance to put secondary wall sign on non-entry façade. Bylaws state you are allowed to provide secondary sign on a different wall, but there has to be some means of main egress. The door on the back is purely for service. Zoning Administrator feels this might set an unwarranted precedent and voted denial.

Chair Harnais entertains a motion. Member Eng **MOTION** for unfavorable recommendation; seconded by Member Joyce; Vote: 5:0:0

PUBLIC HEARINGS

8:05 pm – Definitive Subdivision Plan – All 5 Planning Board Members Participated – West Street LLC, 459 West Street – Del's Way (PB File #15-01)

Present for the applicant:

Eric Dias, Professional Engineer-Tunison Dias

Rich Whittington, Whitman Homes

Eric Dias, begins discussion, the last time we were here, we were asked to confirm: (1) soil test pits and (2) drainage and sewer manhole rim and inverts in West Street. We will address the drainage first. The previous plan showed a drainage trunk line running adjacent to the property in West Street. That drainage trunk line does not exist. The closest drainage trunk line, that we have confidence in, is to the west of the site at the intersection of Burton Road, which you can see in the lower left hand corner of the plan. Chair Harnais clarified with Mr. Dias how the previous plan was not accurate. The way that they were shown connecting together was incorrect. The second thing found was the test pits provided previously represented a soil classification that is much better than the mapping data suggest. The mapping data suggest a C or a C-D class of soil. The data we received previously from the test borings represented a sandy loam or a loamy sand material. When we went out to do our investigation there was still evidence of the test borings that were previously performed so we dug literally right next to them in four different locations. What we found is the soil condition is hardpan. Hardpan is a soil; it does not accept ground water; it is not permeable; it is akin to concrete. We found evidence of a ground water table of 2-4' across the front of the site. These two things led to significant changes to our storm water management design.

Member Reynolds clarified were the test borings inaccurately reported? Mr. Dias states the information they were provided was incorrect. The soil conditions that exist on the site are much more restrictive and much more limiting than we were led to believe. So what we have done in response, the layout of the site stays the same--the way that we are connecting pipes and getting water to where it needs to go along its natural flow path out toward West Street has stayed the same. Previously, we had proposed a subsurface infiltration basin and a surface basin. The reason we had a surface basin proposed was to try to keep that area above the ground water. We have moved everything underground to start with; they are prefab chambers. They are partially located within the seasonal high ground water table. Because of that, to prevent any co-mingling of ground water, we have proposed to wrap these systems in a 40mil impervious barrier, similar to a commercial roofing application. We are proposing to extend the trunk line from the intersection of Burton Road up the shoulder of West Street to the site. There are a couple other catch basins located in the front of the site. We are not sure where they go. They are older and brick construction. The network in Burton Road, we have worked with the Town Engineer and we know where that goes and we know that it has the capacity to handle what we are sending to it. Aside from that, the layout is the same as you have seen it in the previous iteration. Peter Williams was good enough to get us back the Peer Review comment; I have been through those, and I can speak to any of those tonight. We did not put together a full formal response to those comments yet, as we are still anticipating a formal response from Engineering, Fire Department and BELD. We spoke with their representatives today; everyone has indicated that they don't see a problem. Certainly, everything in Mr. Williams' comment letter is addressable.

Chair opens it up to the public. With no comments from the public, the Chair opens discussion up to Planning Board Members.

Member Joyce feels it might be beneficial to have our Peer Review Engineer touch on what his thoughts are on the revised plans and what we are still working on.

Peter Williams, GZA, who been retained by Board to review subdivision plans. He has compiled a review letter dated November 5th. One issue of ongoing concern is the location of the existing sewer line, where they propose a draining easement on the east side of the site. We want to make sure it does not become disturbed during construction. The other concern is that drain line is coming close to some of the existing property lines. This will require a construction easement from some of the abutting properties. With regard to the change in the detention basin system, they are proposing an enclosed system to prevent the ground water from entering and reducing the capacity, but what they have also done is provided a much lower outlet for this detention basin. Basically, they will have no holding capacity. They still have to meet the total storm water and total suspended solids removal eventually going to our water supply area. We have to make sure this is fully complied with within the design. One of the systems will be totally submerged during seasonal high ground water. There will be large forces on these systems to find leakages in the liner system. You want to make sure you don't have water infiltrating into the system or water flowing out. I have not seen this type of system employed in a subdivision. That leads to questions about the ceiling and potential drawdown of the ground water, which is something we don't want in this area. Also, I have seen in the past with plastic pipes, the pipes coming out of the ground due to buoyant forces. That may lead to difficulties in maintenance of this project and these systems in the future, and I find that a concern also. Now, Eric feels he can address these; we will have to have those discussions and see how he responds.

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Member Eng asks about the pipes floating up during high water season, what are the chances and is that a high risk? Mr. Williams states if you have no rain occurring and you have high ground water, then you have empty pipes filled with air surrounded by ground water. They are going to be lifted up. He has seen an HDEP pipe lifted out of the soil in a less severe condition.

Member Mikami asks what level of confidence do you have that there will be absolutely no water impact on West Street and individual lots if and when they are built. Mr. Williams thinks if system is built according to plan, it achieves the storm water mitigation. The question is more the function of the basins. If the basins can maintain their design volumes, they will be mitigating the increase in velocities to the downstream areas. Member Mikami paraphrases, the first line of defense will be the system installed in each lot. If that fails, then you are going to have an issue on West Street. Mr. Williams is not sure there is an issue on West Street, but it's not providing the mitigation to ground water and other features that we need it to provide. The Principal Planner clarifies that if the system fails it wouldn't necessarily be West Street it would be further downstream that there could be some problems. Mr. Williams states it could impact the reservoir.

Member Reynolds states that comments 11 through 19 in the GZA letter raise some legitimate concerns. Mr. Williams states we need to look at potential long-term maintenance costs for the system and, because it is not the normal construction, there will have to be really close oversight to make sure that it is constructed properly and will function as designed. Member Reynolds confirms that is where strong conditions come into play. Mr. Dias agrees with Mr. Williams that proper design and proper construction is vital to the functionality of these systems. To touch on a few other things that Mr. Williams mentioned with regard to the system, one of the things was the buoyancy of the systems. One of the things to note about this water table, this is a perched water table. As you get deeper and deeper into the soil, there is some relief there beyond the 8' mark. We have done buoyancy calculations, and we do feel these meet the requirements set before us.

Member Joyce has questions for applicant's engineer. Why are you still using Braintree Town GIS Topo data for your existing conditions? Mr. Dias responds they had done some field work, taken the GIS data and spot checked it. Everything they had checked out within 6 inches of shelf, which is an acceptable margin in dealing with topographical contours. For the plans that we will be resubmitting, we have tweaked them to match better what we shot in the field. Member Joyce asks have they done soil testing anywhere else on the site except for West Street. Mr. Dias states they have done other tests. As they get higher in grade, things get better. They still hit the hardpan soils around 4-5' mark. Member Joyce asks, are you still estimating the areas on the north portion of the site a perched water table a couple feet below the surface. Mr. Dias states it is a little deeper; once you get up there, a perched water table may be around 6'; it may be even higher for the two lots on the top; we are looking at probably 8' at that location. Member Joyce asks, the cut that you are doing on the cul-de-sac looks to be around 8' or so. Mr. Dias states, once they get to the cul-de-sac itself, they are probably around a 5'. In the middle of the road, we are a bit deeper than that, probably around 7'. Member Joyce asks, are you concerned with exposing ground water table and weeping into the road. Mr. Dias states he is not concerned because it is a perch table. Member Joyce states, in the storm water report, some of the volume numbers were over estimated. Member Joyce and Mr. Dias discuss recharge volume. Mr. Dias states that was something that was a carryover from the previous report. They have taken another look at that. Under the Storm Water Management Regulations, they give relief from recharge in two cases; for a subdivision, residential, single-family between five and nine units is only required to comply with the Storm Water Management standards to

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the greatest extent practicable. They go further in Standard 3, saying when you have C and D soils, you again only have to comply with the recharge to the greatest extent practicable. There really is no way to account for ground water recharge because it doesn't happen now.

Member Joyce asks would it be potentially feasible to put some amount of recharge at the building lots. Mr. Dias states it is something that they have talked about. Two things come to mind. One, by the time they do their road grading, they do have a cut through the road and will be getting closer to that perch table. No matter what they do, it is going to hit that semi-impervious layer.

Member Joyce understands the engineering reasons why, but we are already looking at an increased density. In these areas, it is always good to get an amount of recharge or potentially turning the drainage swales into more of an engineered infiltration.

Eric Dias states it is certainly something to take a look at, maybe at the houses in the back.

Member Joyce asks if roof drainage for the houses is just proposed to splash to the surface. Eric Dias states, right now it will likely be over land unless we come up with some sort of manifold system. It is accounted for in our closed drainage design. So the closed drainage and the basins are designed as if it does take the roof runoff from the houses.

Member Joyce asks if you are proposing essentially a closed system to collect the rain water underground, why recharge chambers in stone and not an underground tank. Mr. Dias states the plastic chambers are more workable. They are easier to put in the ground. Secondly, they last longer. History proves that plastic doesn't decay; concrete breaks down over time. The plastic chambers have a greater capacity per chamber. They allow us to shrink the size of the detention facility that we need without getting deeper. Member Joyce asks if the cultec chambers that were selected perforated or solid. Mr. Dias states they are the open bottom, bedded in stone for additional treatment and capacity. They have also equipped each system with a several clean-outs because that will be a part of the operations and maintenance of the system to make sure that it continues to have the required volume. Member Joyce asks where the catch basin and drain manhole that is located very close to the driveway, where the road is entering on West Street, goes. Mr. Dias believes it goes across West Street and runs through a neighboring property and discharges there.

Member Joyce states the peer review engineer made a good comment on the construction of the trunk line from DMH 301 to 302; Mr. Dias states he did; he further states part of what is driving that trunk line to be where it is, is some of the utility poles we have on the plan. To your point before, it would behoove us to confirm the location of those utility poles based on some of the information we have been given so far. What we intend to do is confirm the location of those utility poles. If we can move that line, we should move it. Certainly, if we need the easement, we will get the easement. Member Joyce states they should make sure you locate the trees that are there and they are not impacted by that work. Member Joyce suggests updating the narrative to explain why recharge is not feasible, if that is in fact the case, and noting somewhere (more prevalently) that the maximum lot coverage on the lots is 20% and includes patios and sidewalks.

Member Mikami states the reason he asked the question to Mr. Johnson earlier is because of the water. He is going to say two things: (1) we can have absolutely no impact on West Street and (2) we can have absolutely no impact on the lots on the individual homes. So, as we go forward, Member Joyce is our drainage expert. That is what he is most concerned with. There

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are red flags that we need to address and that will need to be proven and, if this happens, for a period of time afterwards.

Member Eng has two comments. The swale that you have on the east side of project, does it go back far enough to catch everything before it hits Fallon Circle and the neighbor's property? Mr. Dias states that swale terminates at about the northwest corner of the rear house. So, short answer is yes.

Member Eng asks the sidewalk that is portrayed on this project, on the east side, is shaded to indicate that it is handicap accessible; why is it not shaded on the west side. Mr. Dias states it should be added to the plan, and he will make sure that it is added.

Member Reynolds wanted to re-emphasize the importance of the drainage mitigation plan, which will be of key importance. The continued success of a maintenance plan will be of key importance. Also, Mr. Williams comments 11 through 19 as Peer Review have peaked his concerns and he is interested in seeing the response. Mr. Dias is confident that they will get them all worked out without major revisions to the plan.

Chair Harnais is curious about the tests that were done before; how were they so substantially different? Mr. Dias responds that they indicate the presence of a sandy loam soil; you cannot classify hard pan as that. Soil classifications are supposed to be made in the hole, not how they are in your hand. The other thing is they don't indicate the presence of ground water. The ground water elevations are reported to be very low; there is evidence that it is very high. Chair Harnais asks how does someone make that mistake? Mr. Dias cannot speculate. Chair Harnais asks about the pipes, which are missing, where did that information come from. Mr. Dias got that information from the staff that was working on the project before he was involved. Chair Harnais asks how Mr. Dias found out they were not connected; Mr. Dias states they opened the manholes.

Chair entertains a motion. Member Reynolds **MOTION** to continue the public hearing to **December 8, 2015 at 7:30 PM**; seconded by Member Eng; unanimously voted. The applicant signed a letter of mutual agreement to continue the public hearing.

8:45 pm – Site Plan Review – four Planning Board Members Participated

(Chairman Harnais recused himself)

Riverwalk Development LLC,

205 Elm Street – Former Elks Location (PB File #15-16)

Vice Chair Reynolds reads the Public Notice into record.

The Principal Planner, Melissa SantucciRozzi, prepared a staff report for Planning Board and shared it with the applicant. The Board is somewhat familiar with this site from when we worked on a re-zone proposal, and under a ZBA proposal for some alteration to the pre-existing, non-conforming structure. Since that time, I have been meeting with the applicant (both myself and Kelly Phelan on the conservation side) and going through the plans. The concept makes sense, but the plans need quite a bit of fine-tuning, which is evident in the Staff Report. The applicant is here this evening to present the project. If the Board has any specific questions to anything in the Staff Report, I can address those when appropriate.

Present for the applicant:

Tom Cavanaugh, Attorney for the applicant
George Clements, Engineer-Riverwalk Development LLC
Shawn Hardy, Engineer-Hardy Engineering

Begin Discussion:

Tom Cavanaugh, Attorney, speaks on behalf of Riverwalk Development LLC who purchased this property at the beginning of this year. Since then, they were before the Board, as well as the Town Council, for a rezone. The parcel of land was split between Residence B and Residence C; it has since been rezoned as all Residence C. In addition, we were before this Board prior to attending a meeting for zoning relief relative to the pre-existing, non-conforming building. That relief was granted by the ZBA. Currently, we are looking to reconfigure that building and re-engineer it and put five condominiums and add four townhouses and behind those an additional three townhouses. As you can see on the plan, we are dealing with very invasive vegetation. They have secured Oxbow Associates, who has been helping with that. The way that the project stands is that there is a sense of urgency related to finances. In reading Ms. Santucci's report, we understand that there are some comments and questions. With me tonight is George Clements from Riverwalk Development LLC, who has been overseeing the site, as well as Shawn Hardy, our Engineer. Both of them can address any specific questions. In addition, we do have an issue with the current structure, which we have discussed with the community and other offices in this Town, because everybody wants to preserve this building (Former Cochato Club). That is something, when designing this project, we took into serious account. However, right now we are faced with structural issues that will need additional funding to stabilize. In order to do so, we are hoping to gain the support of this Board and to go through these issues tonight to vet these issues out, so if we need to appear before the Board again, we can move forward with this project.

Vice Chair Reynolds would like to take public comments.

Barry Culkin, 216 Elm Street, the property directly across the street from the proposed development, takes the podium. We purchased the house, a property that had basically been abandoned for the prior 12 years, in 2011 and restored it to its former glory. We have a vested interest in what goes across the street from us. Based on what we are aware of this project, we are very much in favor of it. We are also pleased that the former Cocheto Club will be saved as part of this process. While I do not speak for our neighbors, most of the people in the neighborhood that I have spoken to are also in support of the project.

Vice Chair Reynolds asks if there is anything specific from the Applicant that they would like to cover any changes.

George Clements, Riverwalk Development LLC, states they started this process late last year. In evaluating this property, we took an inventory on benefits and challenges that we will face. As you know, from a development standpoint, this site presents some significant challenges. With reference to three topics regarding hardships, we qualify for all three; we have topography issues, we have soil issues, and it is an irregular shaped lot. With that in mind, we put together a comprehensive plan, which serves a lot of benefit to the Town. Certainly with All Souls Church becoming part of the National Historic Register and the Culkin's investment in that area, we have made a significant investment in that area.

Right now we have some challenges. We have a site fence and a site trailer; we currently have a situation where the front canopy was sagging, and we were instructed by our engineer to take that canopy down. We were also asked by our engineer to remove some of the structure within the building to get a better assessment of what we are dealing with. What we have found is that the entire rear wall that supports the roof line on the second floor, which was constructed in the 1800's, has a severe structural issue. We have a mitigation plan; we can structurally stabilize this building. We are asking to try and move this process along. We agree that we need to tighten up some of these issues—nothing that is insurmountable. We are not coming before you as contingent buyers. We have made the investment; we have put the hard work in. We ask for your support to expedite this process. Our hope is that we can get through some of these issues this evening and perhaps get to Draft Conditions for our next meeting. Again, we are under order from our engineer to make those repairs, and we would like to have some assurance that we are on the right track.

Member Joyce thinks that this project looks to be a very positive project for this site and the neighborhood around it. The site layout makes sense, but given staff comments more detail needs to occur. Have you been in front of Conservation Commission? Mr. Clements comments, yes, they have appeared before Conservation and gave them information they were seeking. We provided some drainage calculations and have revised those drainage calculations. Currently, what we are trying to do is to clean up this riverfront, which has been atrocious for many years. We have been working and vetting through that process with the Conservation Commission. We have provided a proposed landscape plan for their review. We met with Conservation Commission at the site, and they are pleased with the fact that the riverfront is being cleaned up. That process is an ever evolving process. What we have heard from the Conservation Commission is that stabilizing that riverfront is the primary goal. We are working through that process, and we are going back before Conservation Commission in December.

Member Joyce asked if they had a landscape rendition. She likes seeing that there is some consideration for giving a common access point to viewing the river. Coordinating the landscape plan and site plan with staff is important. Mr. Clements follows up on that comment and states they did submit this landscape plan to the staff back in September. This site is predominantly riverfront. We are relying on both Oxbow and Conservation Commission. We are seeking guidance with that process. Member Joyce has questions on drainage, given that we are on riverfront area and we are trying to do something that is environmentally sound, it would be remiss in not providing recharge. Have you given any consideration to this? Mr. Clements will defer to engineer on that, but states some consideration has to be made for the fact that we are cleaning up that riverfront, which is a pretty healthy mitigation. We have looked at some infiltration, which Shawn Hardy will address.

Shawn Hardy, Engineer for the Applicant, states there is no treatment that exists now. There is a single catch basin that discharges directly to the bank. We are providing deep sump catch basins and an oil-water separator tank to provide 47% TSS removal. Through an Operation and Maintenance Plan, we will talk about snow storage, where it should be piled, low nitrogen fertilizers, de-icing chemical use, and regular street sweeping. Part of the process going through with the Conservation Commission is that we fully expect they will concur that it is a redevelopment project within the riverfront. In addition, a number of soil borings have been done back there. It is definitely a fill site. Some of the soil borings that were included in the report shows traces of glass, brick, etc. We didn't know that it is appropriate to be infiltrating through that, particularly in that it is a redevelopment and we are improving over existing conditions.

Member Joyce asks will each building have a sewer connection and water connection. Sean Hardy states that they had submitted revised plans that show individual connections both for water and sewer. Member Joyce confirms that the buildings will tie into that trunk line.

Member Joyce asks if the revised site plan shows sidewalks going out to Elm Street. Shawn Hardy states not yet. We acknowledge that there are some housekeeping type things that need to happen. Member Joyce agrees that there is nothing major.

Member Mikami is going to reserve any major questions until getting formal response to staff comments. Member Mikami would encourage the team to make it spectacular and a real showcase, beyond what we think it can be. He appreciates that you are having some challenges. To the extent that you can work efficiently and expeditiously with staff that would be good.

Member Eng first wants to congratulate you on everything you are trying to do here to better this building. He agrees that the Applicant has some hardships here. What is positive about this project is that you downsized it, which is significant. Member Eng's only comment is that it is in a very busy intersection. He wants to make sure it is going to be user friendly for these occupants. George Clements agrees. They do not want to make this capital investment and find out it doesn't function the way the way that it is meant to function. That is why they are working with a traffic engineer. Member Eng wants to make sure that prospective buyers are comfortable getting in and out of this site.

Member Reynolds is looking forward to the beautification and preservation of the site. As far as some of the other questions, your team has not had the opportunity to respond to those. He asks if there was anything that you have a counter point on. Shawn Hardy states as far as the questions regarding TSS removal and requested infiltration, we have stated why we went with the approach we chose and we would like to stand by that and wonder what the Board's response would be. Member Reynolds needs a little bit more information on background that factor into TSS removal. Member Reynolds asks for clarification from Principal Planner. First there is a clarification that the soils should be B not D soils. The Principal Planner states there are a lot of comments on the staff report; the soil logs are ideal soils for infiltration. The second point is that she has never seen that low a % of TSS removal in a project. This board has always required at least 80% TSS removal, and the staff is questioning what else can be done to improve that. The form of water quality unit that they are using does not provide that higher level of TSS removal. A lot of the questions, I think, hit on the point on housekeeping. The plans are difficult to read and there are a lot of inconsistencies between sheets. Staff has met with Mr. Cavanaugh and Mr. Clements, and we have been going through the details. It is a wonderful concept, but the plans really need to be tightened up. Staff still feels some infiltration can be provided—even something as minimal as a roof drain system. The third thing is the landscaping; I am not getting into the detail of what is happening in the riverfront, as that is being reviewed in detail by the Conservation Committee, but I am looking at streetscape and internal landscaping around the units to provide some softening of the existing sight. Other items are just providing clarity. All of the items need to be in infinite detail because those will all end up in conditions. This is a private condominium unit complex, which requires private trash, snow maintenance, snow removal, drainage maintenance. All those agreements are required to be incorporated into the condominium document. There are quite a few things that need to be decided, incorporated into the plans and conditions and as they work through construction reported on. I am putting the ball back in the court of the Applicant to fine tuning these plans and

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providing a layout plan that shows the proposed site conditions because there are things still on the plan that are no longer being proposed. It needs time and effort on fine tuning between engineer, landscape architect and all their consultants. There are a lot of good ideas that are not in the record materials.

Member Reynolds wants to go back to the drainage calculation. Typically in past projects we have been given additional documentation. Sean Hardy states there is a detail of the unit in the plans. Member Reynolds states he is hearing from staff that there isn't enough of a justification to support a 47% TSS removal. Staff clarifies that with every different structure comes with a TSS removal. We typically look for 80%; what they show on their plan is 47%. I am asking is there any way to increase the TSS removal before we discharge into the river. Shawn Hardy understands where 80% typically comes from; I don't believe it is a requirement of this Board. I believe it is a function of Storm Water Management Policy, which falls under Conservation. Part of the filing we have made with Conservation Commission, we believe we have demonstrated that this is a redevelopment project and allowed us to have a lower threshold to the maximum extent practical.

Member Reynolds asks quick question, did previous applicant go before Conservation Commission? Principal Planner states no. Principal Planner wants to make sure Applicant asks any questions so that there is clear direction from the Board on how the Applicant should proceed. Member Reynolds confirms the focus is around the drainage plan and curbing treatment internal to the site. The Applicant responds that it comes down to the drainage; they feel they have provided a lot of mitigation to this project. They meet a state requirement. This is a redevelopment; they are held to that standard and they meet that standard. There is a threshold where this project does not make financial sense for us any longer. The redevelopment of this site comes with some challenges, not only from an engineering standpoint but from an economic standpoint. We are trying to get 12 units to support the clean up a riverfront that has possibly not been touched in 100 years. We are trying to preserve a building that was built in the early 1800's. We are facing some serious financial woes, and we are continuing to invest financially. The Applicant feels they meet the state standard for the stormwater. I would ask the Board to please look at the project as a whole, the benefits that it brings to the Town, and the substantial investment that we are making in this community. We want to be good neighbors; we feel we have made the extra effort with this project. We have not asked for relief through zoning. We need your support to make this project happen.

Member Joyce states not to keep harping on the TSS removal aspect and recharge aspect, but she wonders if it is possible to put in Stormceptor inlets in place of the two catch basins and get rid of the water quality unit. That might provide more TSS removal. Shawn Hardy comments that would provide more TSS removal, but Stormceptor units cost upwards of \$17,000/each. Member Joyce does not think 80% is unreasonable given where your site is located, but she does understand that you are doing other things that are making the riverfront better. Member Joyce is fine letting Conservation Commission and staff both work through that. Member Joyce thinks anything you can do to recharge storm water would be beneficial to the site. Member Mikami concurs with Member Joyce and encourages Applicant to go back and think about it. Member Eng asks if you would consider one Stormceptor instead of two. George Clements states we have shown good faith and made compromises; we will certainly look at that.

Member Eng **MOTION** to continue the public hearing to **December 8, 2015 at 8:00 PM**; seconded by Member Mikami; Vote: 4:0:0. The applicant signed a mutual agreement to continue the public hearing.

**9:40 pm – Grading Permit – All 5 Planning Board Members Participated –
John Mento of Mento Homes – 1091 Liberty Street (PB File #15-17)**

Chair Harnais reads the Public Notice into record.

Present for the applicant:

Shawn Hardy, Engineer for the Applicant
John Mento from Mento Homes

Shawn Hardy begins, there is an existing single family residence; the proposal is to subdivide that lot and add an additional single family residence on the new lot. In order to do that, there is an approximate 10,177 SQ area that needs to be disturbed. We need to import 2500 cubic yards of fill material. The purpose is to grade the site up and provide a 2% driveway and a usable backyard. The fill material is proposed to come from the Mento Landscaping facility in Braintree as well as clean fill from G. Lopes in Taunton. The fill material is ordinary general fill, as classified by Mass DOT, other than the structural fill that has to be imported both under the proposed residence as well for the retaining wall. That will be certified by structural engineer. As far as erosion control and sedimentation, at the base of the wall we are proposing a hay bale fence line. As far as storm water management, being a single family residence, it does not require storm water management standards, but understanding the sensitivity as there are wetlands behind the property, we are proposing to take runoff from the proposed driveway and roof and put those into a culvert leaching chamber system located in the rear of the yard. That system has been sized to handle a 100 Year Storm, as well.

Chair Harnais opens discussion up to public.

Paul Giannino, resident at 11 Trainor Drive, lives behind proposed building site and has been there for about 29 years. If you walk out to the backyard and look at what they are proposing to do you would need to look straight up; I feel they have lost their common sense. They are proposing a 20' retaining wall, over 2000 cubic yards of fill, replacing approximately over 10000 square feet of trees. Trainor Drive is the lowest street in that area. Every resident on Trainor Drive has a water issue today; everyone has sump pumps in the cellars. Our backyard abuts it. All the neighbors have water issues now, and this proposal will make it twice as bad as it is now. We will have over 2200 cubic yards of earth replacing trees that were taking care of the water.

Santina Giannino, resident at 11 Trainor Drive, has the same feelings that this proposal is not appropriate. It does not make any sense at all. The extreme that they are going through to build one single home will affect a neighborhood. Where will wildlife go when this is built? The whole neighborhood feels the same way.

Timothy Lynch, resident at 45 Trainor Drive, states when it rains, his backyard takes two or three days before it dries out. It is a quality of life issue; he has small children and they cannot use backyard when it is like this. I think it is going to affect water in my yard because I am down lower. There are 3 things: it is definitely going to work; it is definitely not going to work or nobody knows. If it is nobody knows, I hope the Board would consider that.

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Michael Owens, 29 Crescent Avenue, represents District 5 on Town Council. He did get a chance to visit this site. What is most concerning about this project is on paper it doesn't appear very drastic or detrimental, but when you go to the back yards on Trainor Drive it is clear what the concern is here. Currently, I rise against this proposal, but he will save his detailed comments until he gets more information and deeper into the process. I am going to visit site tomorrow with Mayor Sullivan. I ask members of Board to view site because you will see drastic impact from those backyards.

Denise Little, 20 Hemlock Street, states her street has had water issues for some time. We are on a low lying area. On Holly Street, if you remove a tree, people get water. There is a delicate balance on these streets. It cannot support this type of project.

Eason Chau, 1107 Liberty Street, agrees with all the people on Trainor Drive. We also get water at 1107 Liberty. There is a major water issue. If this moves forward, suggest traffic investigation as there is a school. If project gets approved, safety is major concern.

Gina Capatrolli, realtor on this project, states there is a piece of land that is 0 Trainor Drive. The only real abutters would be 1107 Liberty. For everyone else, there is almost an 18000 square foot lot of land that separates the building site and their properties. There is a buffer there located at 0 Trainor Drive, which is for sale at \$50,000. These neighbors are not directly abutting 1091 Liberty. There is an 18000 square foot piece of property between building site and their properties for wildlife and trees.

John Ronan, 53 Trainor Drive, whatever is done to this property is going to affect mine. Two or three times a year, the volume of rainwater coming down Trainor Drive far exceeds the capacity of the drainage system. When the water starts to flow, it gathers in the road in front of my house. At the wetland in back of Liberty Street address, the water cannot move as it is held out because of the ineffective draining of Trainor Drive. We solve the problems by boarding up garages, but there is nothing more that we can do to prevent surface water from getting into our houses. We have to be very careful not to worsen this problem.

Steven O'Brien, District 3 Town Councilor and resident at 63 Pilgrim Road, wants to rise in support of what Michael Owens has said; he doesn't like this project as designed. We recognize that the owner of the property can build on the property. As designed, he feels this has some serious flaws for the neighborhood. Mr. O'Brien, as a resident of this town, I feel this would be a very negative view of our town.

Shannon Hume, Councilor at Large, did speak to several residents and did visit the site. You have to go to this site to appreciate what is being proposed. For construction vehicles, they are going to be on the main road transporting materials onto this site. There are 100's of trees there that may be removed; when you remove the trees, the water that is absorbed through the roots and the trees cannot be absorbed. She does support the residents on this project.

Member Joyce asks if there have been any alternative layouts looked at by the Applicant and, if so, can we talk about why this is the most feasible and desirable layout.

Sean Hardy states they did look at a few others; this ended up being the shortest length of wall and had the least amount of fill and would minimize work in the buffer zone and reduce impacts. Mr. Hardy agrees that it is a pretty steep slope. It is an 11000 SF land disturbance area; that doesn't mean it is going to be impervious; it is going to be a yard; it is going to be vegetated. As

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you can see on that profile, the intent is to have a flat area where the driveway is going to be, then a 3-1 slope to get down to the backyard area, which is then a flat lawn area. The retaining wall around the site is designed to have a 6" lip above the yard; it is not like rain is going to be cascading down this hill. The applicant is a landscaper that is paid to install these walls. As far as trees, we have been before Conservation once. We are continued. They are having a site walk on November 21st. They are having a tree-count; they want to know what the retaining wall will be made of. This generates 150' length of wall. Anything we did to move the house resulted in a longer wall with more fill, more trucks, and more traffic.

Member Joyce asks why isn't it possible to pull house closer to the road. Is there a scenario where it could be closer to the road similar to the existing house? Mr. Hardy states the location is to have the minimum lot width and still maintain existing curb cut and existing driveway on existing house. This is to preserve the existing residence as best as they could. Member Joyce asks if there could be a scenario where there was a shared driveway. Mr. Hardy states the intent is to have two 100% separate lots. The proposed location is the breakeven point where you don't have to start making the wall taller. Member Joyce asked about doing grading and terracing. Mr. Hardy states even with terracing, you are still looking at 16 feet of wall.

Member Joyce asks is the area to the west of your project a natural drainage way. Mr. Hardy states yes it is a drainage way; it's a wetland; it's a low lying area. Member Joyce states in our grading bylaw it talks about all natural drainage ways shall be clearly marked and a minimum buffer of 25 feet on each side of the drainage way shall be undisturbed. She is wondering if they should be applying that all the way through up to the street, and whether they are doing the best to preserve that natural drainage way. Is this construction impacting that? She states she knows they are doing some tree inventories on the site; hopefully we are looking at trees on the neighboring parcel that will be impacted by the wall that close. Mr. Hardy states the intent was to try and match the grades as best as they could. Currently, the retaining wall is staked out in the field at the request of the Planning Staff.

Member Joyce asks how far generally speaking does the geogrid extend on the fill side of the wall. Mr. Hardy states at the most it was 15' at the least it was 8'. Member Joyce asks the geogrid stops short of the foundation, right? Mr. Hardy confirms yes. Member Joyce asks how does that interface with the infiltration area? Mr. Hardy states there is a comment from staff about doing a test pit. That question was also raised at Conservation. The feeling is we are in the fill portion of the site and certainly some of it is below existing grade. Getting a machine down there to do a test pit is not a very likely situation. We wanted to propose that as one of the conditions that they would do a test pit at the time of construction, and worst case we would have to shuffle those chambers around. There is certainly plenty of room on the site to do that, both in the front yard and to change the configuration in the rear yard. Member Joyce asks do those chambers have an overflow. Mr. Hardy states no. They are sized for 100 Year Storm and the theory is they're sitting in gravel, but it is also clean, imported fill. So, there is additional capacity there as well.

Member Mikami looked at site today; the first question he would like to ask is, if this project does get built, what are the options. The street elevation looks to be about 170, what is elevation of first floor of proposed house currently. Mr. Hardy states 170. Member Mikami confirms so level to the road. Member Mikami states the way that they are looking at this, even if the house is moved forward, we are still going to have fill and there will still be a wall. Mr. Hardy confirms yes, but not necessarily to the same height. They confirm if the house is pushed back there would be more disturbances. Another alternative would be what if the first floor elevation is at

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160. Mr. Hardy states then the driveway and the access would be steeper, which is not desirable. Member Mikami feels there no good alternatives, and confirms this is the Applicant's best idea. Member Mikami states another related issue is size of the residence. Are they going to be looking down into homes on Trainor Drive? Is there enough protection? Mr. Hardy states Certainly we are higher than Trainor; there is a grade difference between Liberty Street and Trainor Drive. As part of trying to minimize the footprint and try not to disturb the area in the back, there is going to be some plantings of further additional trees as mitigation through the tree policy. Member Mikami's last question is when you look at site, take the common sense standpoint, why do this? There are a lot of challenges, a lot of issues, and you know you are going to get pushback from the neighbors. The Applicant, Mr. Mento, feels he is within his rights to do this.

Member Eng asks if the Applicant has explored any alternative types of walls; Member Eng suggests evergreen walls, which are precast concrete structures with pockets in it and you fill it with soil and you grow green in it that grows over the concrete. Have these been considered? The second thing this evergreen wall does is absorbs moisture because it has pockets of growing green in it. Member Eng understands it is Mr. Mento's right to build, but it is also the right of the public to make sure all issues are addressed. If there is a way to mitigate the drainage issue and the unsightliness of this wall, those are two big issues. Mr. Hardy feels that they are mitigating a drainage issue. Currently, on Trainor Drive the rain flows down the street, and there is nothing we can do at 1091 Liberty to prevent that from happening. Part of this design and the grading, we are mitigating it; we can look at the aesthetics of it. Member Eng states you mitigate what you can do on your property. He is just merely providing suggestions. Mr. Hardy also confirms that they are making an effort to mitigate the tree loss.

Member Reynolds discusses the proposed fill where it meets the existing grade of the existing dwelling. Is it going to be at the same grade or it looks to be 10' lower? Mr. Hardy states they are matching the grade of the existing pool at 158'. The intent is to match the backyards. Member Reynolds asks is there a retaining wall for the existing pool or is it natural slope? Mr. Hardy states it is vegetated. Member Reynolds asks is there any ledge? Mr. Hardy states there is ledge, but what they are proposing is to happen in the fill area. Member Reynolds asks for the proposed cultec location, what is the elevation of the base of the finished grade at the bottom, Mr. Hardy states the gravel below it is at 153'. Member Reynolds asks Mr. Hardy to walk through how the chambers work. Mr. Hardy provides an explanation on how the cultec system would work. Member Reynolds confirms that the cultec system does not sit on ledge. He further asks if there were any soil samples taken where the cultec system is being placed. Mr. Hardy states no. Mr. Hardy based his soil classification on soil maps, but this being a fill site we have control of what is going to be coming in. Member Reynolds confirms at this point we do not know what the soil is like.

Mr. Hardy states there is an opportunity to add more chambers if need be. The intent is to get it into the ground; what these chambers do is catch the water and get it into the ground.

Mr. Hardy states the difference here is our chambers are sitting in 2500 yards of fill material and we know what that material is going to be; it is sized for 100 year storm (6.8 inches of rain in 24 hours). Member Reynolds asks if there is a need for maintenance or replacement at some point of the cultec system. Mr. Hardy states there shouldn't be. Member Reynolds asks is there a maximum capacity of the wall itself; you are building a terrace and the wall is going to retain the terrace. Mr. Hardy the wall was designed by structural engineer based on site plan; the intent of the wall is not to hold up the house. The house sits back from the wall and has its own

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foundation. The function of the wall is so they don't have to push grading and continue out and get closer out into the buffer zone of the wetlands and have further impacts to trees and vegetation.

Chair Harnais understands that the applicant does have a right to build—every landowner does, but it is not the right approach to say “it is my right to do so”, as this is a huge wall and considering how many people are affected. We all need to go and look at this before we can make any decision. Chair Harnais asks what stabilizes the wall on the footing. Mr. Hardy states these block walls, they embed 1.5 blocks and then they start stacking them; they lean back. In every so many layers of wall there is a geogrid fabric that gets sandwiched between the blocks and rolled out back a certain distance. That gets fill placed on it as you go; the fabric is what holds the wall from toppling over. This is more of a landscaped, block wall.

Chair Harnais asks neighbors for permission to observe site from their backyard.

Chair entertains motion to continue this hearing. Member Eng **MOTION** to continue the public hearing to **December 8th at 8:30 PM**, seconded by Member Reynolds; unanimously voted. The applicant signed a mutual agreement to continue the public hearing.

10:45 pm – Billboard Special Permit/Site Plan Review – All 5 PB Members Participated – Total Outdoor – 290 Wood Road (PB File #15-08)

Present for the applicant:

Lynnea Taylor, Attorney for Applicant

The first hearing for this Applicant is for the property located at 290 Wood Road; the applicant has spent some time looking at the land and the Applicant is willing to lower the sign to no higher than 50'. This puts the top of the sign at approximately 73.5' above the highway. The property owner of the F1 sign has agreed to lower his sign to accommodate the billboard at the lowest possible height that the billboard can go. If it can go lower than 50', it will go lower than 50'. The peer review questions have been answered. She would like to note that the lowering of the sign will impact the shadow study; the impact of the shadows will shrink.

Member Joyce asks about the illumination issue between 1:00AM and 6:00AM. Director Stickney clarifies that she spoke with the Town Solicitor; Section 905 is an issue with illumination; it hasn't been enforced in the community. It is an oversight in the Amendment of the new Billboard, and we would make a correction by going for an Amendment to 905 that would exempt billboards from the 1-6AM prohibition.

Member Joyce asks about daily operation of sign. Is there something in place for dimness of sign to be an open discussion? Attorney Taylor states the Applicant is always willing to work with the town and if there is something that arises after a billboard is up that can be changed. It is a standard of state regulations that sets how bright sign face should be. Director Stickney states they did get a recommendation from the Peer Review as they explained a mechanism that can be put into the sign for adjustment.

Member Joyce is pleased that applicant has taken into consideration the Board's concerns for height.

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Member Mikami asks Director Stickney if F1 is willing to lower their sign, will that have to be done before the electronic sign goes up. Director Stickney states that can be conditioned. Attorney Taylor clarifies that the issue with the F1 sign is that it will be blocked from one direction and blocking the billboard from the other direction. It is a conflict in viewing the two signs. Attorney Taylor states they do not have a proposed elevation for the F1 sign at this time. The property owner of the F1 sign has assured the Applicant that they will make whatever accommodations need to happen.

Member Eng asks do you have a picture of where F1 can go to and where the Applicant sign will be. Attorney Taylor states the idea is to get the billboard as low as possible and get the F1 sign up once that is done. Member Eng would like to visualize it.

Member Harnais confirms height of sign as no higher than 50' from the ground. From the highway to the top of the cliff is 23.5 feet. They also confirmed the fact that the landowner is willing to lower their sign beneath the billboard sign. Attorney Taylor is under the impression that it is the same sign just at a dropped height. Attorney Taylor will see what they can do about a photograph or composite for the next meeting.

Chair Harnais mentioned having a special meeting to discuss all billboards on December 1st.

Chair entertains motion; Member Reynolds **MOTION** to continue the public hearing to **December 1 at 7:15 PM**, seconded by Member Eng; unanimously voted. The Applicant signed a mutual agreement to continue the public hearing.

11:02 pm – Billboard Special Permit/Site Plan Review – All 5 PB Members Participated – Total Outdoor – 236-240 Wood Road (PB File #15-10)

Present for the applicant:

Lynnea Taylor, Attorney for Applicant

Attorney Taylor states this is the second time before the Board for this Application. Since the last time, the Peer Review has completed the review and the Applicant has responded to all of the questions that were asked. One change from the initial application is the location of the pole or the actual structure. In the Peer Review Report, there was concern about the location of the structure and where it was in respect to loading docks and the driveway. So, the Applicant has moved the structure; it's toward the building, and it is away from the loading docks. They will take safety measures because it is in an area where there will be cars.

Member Joyce states there are existing utility lines. Will they be impacted? Attorney Taylor says no; those are anticipated to be the power source for the billboard.

Member Joyce refers to the water and sewer line that runs parallel to the building. Attorney Taylor states at this point in time it does not appear that they will be impacted. The property owner is aware of their existence. Member Joyce asks Attorney Taylor to refresh their memory on the height. Attorney Taylor states this billboard is proposed at 75'. The land sits in the lower position in a valley; that is why the height is necessary. Highway elevation is approximately 107'; so the top of sign will be 87' above the highway.

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Member Mikami asks, given the new location, do surrounding trees make it more or less visible? Attorney Taylor states the new location makes not much of a difference; it might be slightly more visible. The height study was done in original location. The new location is as a result of the concerns the Peer Review had. There is one tree that is an issue for either location. Attorney Taylor states it is approximately 20' from the old position to the new position.

Member Reynolds confirmed with Ms. Taylor that the proposed height was 75'.

Chair Harnais clarified with Ms. Taylor that from the ground to the top of the sign is 87'. He asks what is height from ground to base of sign? The sign base is 11' higher than highway. This sign is 6' higher than the sign for 290 Wood Road.

Member Reynolds **MOTION** to continue the public hearing to **Dec 1st at 7:45 PM**, seconded by Member Eng; unanimously voted. The applicant signed a mutual agreement to continue the public hearing.

**11:15 pm – Billboard Special Permit/Site Plan Review – 4 PB Members Participated
Lamar Central Outdoor LLC – 340 Wood Road (PB File #15-09)**

(Ms. Joyce did not participate due to a professional relationship with the property owners and she left the hearing room.

Present for the applicant:

Attorney Jeffery Drago

Michael F. Murphy – Lamar Providence Vice President/General Manager

Attorney Drago begins, from last time, we have completed peer review; the only outstanding issue that the Board requested was a height study, which you have copies of. We do have all of the calculations, and we can answer any questions from the Board.

Member Mikami asks about elevation from highway. Michael Murphy responds stating distance from highway to base of pole is 110'; the height of the board from the base to the top of the sign is 75'; sea level from the base of the board is 123' plus 75. Highway sea level is 119'; this makes height elevation from highway 79'.

Member Eng in your letter regarding accommodating the Haemonetics sign, has there been any further discussion with them? Michael Murphy has meeting next week with Haemonetics. They would like to sit with Lamar and work out an arrangement that would address the concerns of both sides. Jeff Drago states the landowner at 340 might be willing to move their sign to make it more acceptable for Haemonetics. Attorney Drago believes Haemonetics' position has softened. Attorney Drago states the property owner's sign at 340 would be moved to provide a clearer view of Haemonetics sign.

Director Stickney asks about the Blue Hills sign that has two faces. Did the Applicant get a ZBA relief for that sign or was there a sign permit? Do you know the history of that sign? Both Attorney Drago and Mr. Murphy state they do not. Director Stickney states that is something we should know about. Also, Director Stickney asks where would the landowner's sign be relocated to? Michael Murphy states, the landowner sent a letter stating he is willing to relocate the sign to the other side of his building. That would be on the north side of the building (toward's Quincy). Attorney Drago states that they could provide a copy of that letter.

Chair Harnais confirmed that the Applicant's sign height from the highway to the top is 79'. Mr. Murphy confirmed yes.

Member Reynolds **MOTION** to continue the public hearing to **December 1 at 8:15 PM**, seconded by Member Eng; unanimously voted 4:0:0. The applicant signed a mutual agreement to continue the public hearing.

OTHER BUSINESS:

Request for Minor Modification – 200-550 Grossman Drive “The Marketplace at Braintree”/Requested by Seritage Realty Trust (PB File #94-4)

Principal Planner, Melissa SantucciRozzi, provides brief introduction to the Planning Board of this minor modification request to The Marketplace off of Grossman Drive. Josh Swerling is representing Seritage Realty Trust, who has purchased the K-Mart realty unit. The new property owner is proposing to remove about 32000 SF of building; there will be no loss of parking; they will be reconfiguring loading docks; they will be subdividing the remaining square footage, which is about 87000 SF, into three tenant spaces. One will be Nordstrom Rack; the other one will be Saks Off 5th. Then there will be a small 4500 SF space to do specialty retail. We have encouraged them to look at some restaurant uses there. Discussion is then turned over to Josh Swerling.

Mr. Swerling confirms that is exactly what they plan on doing. They hope to come back before the Planning Board with a change in use for restaurant and maybe an addition, but at this time they are just trying to make way for these two new tenants that are excited to come to The Marketplace.

Member Mikami asks does Seritage own all the properties in the entire complex? Josh states just K-Mart and Ulta; Member Mikami confirms that they are just looking to redevelop that site. He further asks if there is a lot of work in this. Mr. Swerling confirms there is building work to be done; there is no change in impervious areas; there is a slight decrease in impervious area. The details of the plan show extensions of utilities from the current back wall to the new back wall. That includes fire protection, domestic water services, electric and roof drain leaders. That is the extent of the site work with minor grading. It is focused primarily behind the building. We are doing some very minor modifications to the ADA spaces out front just to flatten them out and make them ADA compliant. Member Mikami clarified that eventually you are going to put parking spaces in the back. Mr. Swerling replied they anticipate putting some employee spaces, but at this point it is going to be striped for loading area. When they come back with another tenant, to offset potentially a building addition, at some point in the future, we would stripe out some of the paved area that is replacing building back there.

Member Eng asks what is the schedule for this happening? Mr. Swerling states as soon as possible; they have attempted to submit draft building permit plans for initial review. The architecture is very far along, and they are looking to start their work to turn the store over to the tenants as soon as they can. They are hopeful that they can do their work and be done by early spring.

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The Principal Planner states, if the Board is going to act favorably, we would like any approvals conditional on final consent of the other condominium owners. This property is owned as condo units, which is a bit different. While we treat this property as one site, there are eight individual owners. The applicant is in the process of seeking those approvals now; so, we would withhold any paperwork until that satisfies Town Counsel.

Chair will entertain a motion; Member Reynolds **MOTION** to approve this as a Minor Modification; seconded by Member Eng; unanimously voted 5:0:0.

Discussion and Action – Abutters Restoration Plan – 400 West Street (PB File #14-09)

Principal Planner requests that Brian Noble get extension of Abutters Restoration Plan.

Member Reynolds **Motion** to give Brian Noble until April 15, 2016 to finish abutter's restoration plan; seconded by Member Eng; unanimously voted 5:0:0.

Other Business:

Chair Harnais makes comment that he noticed Fitzgerald Project on Independence Avenue has not moved accordingly. He asks the Board to make a motion to send Mr. Fitzgerald a letter requesting that he come before the Planning Board on December 8th to explain why the project has stopped.

Member Eng **MOTION** to send letter to Mr. Fitzgerald, as requested by Chair Harnais; seconded by Member Mikami; unanimously voted 5:0:0.

Request for As-Built Approval –

Buker Estates Definitive Subdivision/Requested by Norman Preston (PB File #99-21)

Planning staff provided the Applicant with a Staff Report; this matter is being tabled until the Applicant is prepared to address items in the Staff Report.

Informational – Holiday Traffic Plans (South Shore Plaza)/Marketplace

The Holiday Traffic Plans have been provided to the Planning Board for informational purposes; these plans have been forwarded to the Police Department for their approval.

Approval of Meeting Minutes

The Chair entertains a motion to approve minutes of October 13, 2015 meeting. Member Eng **MOTION** to approve minutes; seconded by Member Mikami; unanimously voted.

The Chair entertains a motion to convene the meeting at 11:45 PM. Member Reynolds **MOTION to adjourn** the meeting, seconded by Member Eng; unanimously voted.

The Meeting adjourned at 11:45PM.

Respectfully submitted,

Louise Quinlan
Planning/Community Development