



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
90 Pond Street – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

### PLANNING BOARD

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

# APPROVED

Braintree Planning Board  
December 13, 2011  
Town Hall

#### Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

The Chair called the meeting to order at 7:10 P.M. and called the roll: Mr. Harnais, Mr. Reynolds, Mr. Eng, Mr. Mikami and Ms. Lauria all present.

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

Request for As-Built Approval/589 Granite Street [#11-02]  
Requested by Dunkin' Brands, Inc.

Eric Wagner, Manager of Store Planning, Dunkin' Brands, Inc. 130 Royall Street, 3 East B, Canton, MA 02021 was present to represent the Applicant Dunkin' Brands, Inc.

No members of the Planning Board had any questions for the Applicant at this time.

Ms. Santucci Rozzi explained to the Planning Board that there had been a \$2,000.00 As-Built Surety posted by the Applicant in June and that they were seeking release of this surety along with the As-Built Approval.

Motion by Mr. Eng, second by Mr. Reynolds to grant As-Built Approval and release of As-Built Surety.

Vote: 5/0

Zoning Board of Appeals – December

#11-53  
350 Grossman Drive

Ms. Carol Bugbee, representing the Applicant, Professional Permits, 115 S. Main Street, Suite 203, Mishawaka, IN 46544 was present and addressed the Planning Board. Ms. Bugbee explained the proposed project which is to erect two (2) wall signs reading “ULTA Beauty” at the site currently occupied by K-Mart at 350 Grossman Drive.

The proposal is to have a primary sign measuring 6’ x 15’9” on the front façade of the building facing the main parking area. There will also be a secondary sign measuring 4’ x 10’5 ¾” on the right side of the building where there is additional parking.

Ms. Santucci Rozzi noted that the Planning Staff had prepared a report and this request is similar to what had previously been proposed by Game Stop.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Mr. Eng had no questions at this time.

Mr. Reynolds had no questions at this time.

Motion by Mr. Reynolds, second by Ms. Lauria to approve the request.

Vote: 5/0

#11-51  
39 Vinedale Road

Mr. Peter Williams of Vine Associates, a Division of GZA GeoEnvironmental, Inc., 190 Old Derby Street, Suite 311, Hingham, MA 02043 was present and addressed the Planning Board. Also present was Mr. Steven Greer, Chairman Metropolitan Yacht Club, 39 Vinedale Road, Braintree, MA 02184.

It was explained that the proposed project was improvement to the waterfront structures. The improvements would include the deck and the ramp to make them more stable and less intrusive on the shoreline. In addition there will be an outside function area and handicap accessibility. The Applicant is seeking a variance from the minimum rear setback for the construction of two (2) piers that will extend beyond the rear property line

into the Weymouth Fore River. Ms. Santucci Rozzi noted that they can not construct a deck anywhere behind the building with out encroaching on the setbacks.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Mr. Eng inquired how many pilings would be driven to support the new structure. Mr. Williams informed him there would be 16. Mr. Eng also wanted to know if they were to be timber. Mr. Williams said that they would be constructed out of Southern Yellow Pine. Mr. Eng asked if there was no other option except to drive the pilings into the water. Mr. Williams said that was the case. Mr. Eng explained that he preferred structures to be over land rather than over water.

Mr. Reynolds had no questions at this time.

Motion by Mr. Reynolds, second by Ms. Lauria for a favorable recommendation.  
Vote: 5/0

#11-52  
444 Quincy Avenue

Chester Sherman LLC, (Quirk, Manager) Applicant.

Ms. Santucci Rozzi informed the Planning Board that no one was present to represent the Applicant for this application. She explained the proposed project was the removal of two (2) existing signs which are to be replaced with three (3) new signs. In relation to the zoning criteria the requested signage does use language that is not allowed and the total square footage does slightly exceed the cumulative 150 square foot requirement. Ms. Santucci Rozzi stated that the Planning Staff did have one question they would have liked answered by the Applicant, that being if there will be another Chevrolet bow tie emblem included in the proposed signage.

Mr. Harnais said that when an Applicant is not present usually no action is taken by the Planning Board.

Mr. Reynolds agreed that normally action would not be taken but that usually pertains to requests regarding home owners. He went on to say that he agrees with the Planning Staff that the changes are minimal and that he had no problem taking action at this time.

Motion by Mr. Reynolds, second by Mr. Eng for a favorable recommendation.  
Vote: 5/0

Approval of Minutes from 9/13/2011, 10/11/2011 and 11/7/2011

Motion by Mr. Reynolds, second by Mr. Eng to approve the Planning Board meeting minutes from 9/13/2011, 10/11/2011 and 11/7/2011.  
Vote: 5/0

Request for Reduction of Surety/Elmlawn Rd. Extension Definitive Subdivision [#10-03]  
Requested by Al Endriunas of Elmlawn, LLC

Mr. Al Endriunas of Elmlawn, LLC was present and addressed the Planning Board. He explained that he was requesting the reduction of surety for the work that had been completed. He did state that the Town Engineer had not yet seen the completed work.

Ms. Santucci Rozzi said that the request for the preliminary inspections had been submitted but the Town Engineer has not yet done them. The vote this evening could be taken with the amount to be released to be determined by the Town Engineer. It was stated that \$190,000.00 was being held. She is confident that a good portion of this can be released. She also stated that the Town Engineer will do a punch list.

Ms. Lauria had no questions at this time.

Mr. Mikami requested a quick update on the status of the project. Mr. Endriunas explained that most of the work had been completed, mentioning the curbing and the sidewalks. He stated that the project has been cleaned up nicely. Mr. Mikami asked if the neighbors are ok with the project. He was informed that they were.

Mr. Eng wanted to know when the rest of the work would be completed. Mr. Endriunas replied that the street trees would be done in the next week or so with the completion being finalized when they get the punch list. It was confirmed that the project is quite close to being completed. Ms. Santucci Rozzi added that all the lots were sold except for one (1) and that all but two (2) of the houses were up. Mr. Eng asked what amount was to be released. Ms. Santucci Rozzi said that the amount was not yet known and would be based on the recommendation of the Town Engineer.

Mr. Reynolds stated that they have done a very nice job on the project and asked if there had been any comments from the neighbors. Ms. Santucci Rozzi replied that on the Quincy side there had been a concern over drainage which had been taken care of. There

had also been another concern which had nothing to do with the subdivision. There was an issue with the boundaries of three (3) of the properties which is being rectified by Elmlawn, LLC. They are working on the plans to come up with the neatest, cleanest way to resolve this issue. Mr. Reynolds expressed that he is comfortable trusting the recommendation of the Town Engineer.

Motion by Mr. Reynolds, second by Mr. Mikami for release of funds as determined by the Town Engineer.  
Vote: 5/0

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

Ms. Santucci Rozzi informed the Planning Board that Mr. Kane was not present this evening but she has been working with him on the request. At this time there is some information that is not matching up. She has also spoken with Mr. Charles Woodward, of Professional Land Survey Associates, 25R Central Street, East Bridgewater, MA 02333, Mr. Kane's engineer on the project, and he would like to meet with the Planning Staff this week.

Motion by Mr. Eng, second by Mr. Reynolds to table the request until the next meeting.  
Vote: 5/0

Request for Release of Bond Surety/Commerce Drive/The Lincoln [#97-03]  
Requested by Equity Residential Properties Operating Limited Partnership

Ms. Santucci Rozzi addressed the Planning Board explaining that this was a request for release of surety for The Lincoln. No one was present this evening to represent Equity Residential Properties. The project had been approved in the late 1990's and \$100,000.00 was being held for traffic mitigation. Since that time, all of the residential units in Phase II have been constructed and the final As-Built was approved in 2006. It was explained that Turtle Crossing has direct access through The Lincoln's driveway to Liberty Street, so now there are additional developments as well as cut through traffic from Commerce Drive accessing Liberty Street via the Lincoln driveway. The Traffic Engineer has analyzed the trip generation and although there is an increase in trips it does not impact the driveway intersection's level of service. It was also noted that there are two (2) roundabouts further up Liberty Street at Pearl and Middle Streets. The Planning Staff has no problem with the release of bond surety.

Page 6  
Planning Board Minutes  
December 13, 2011

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Mr. Eng stated that he had no questions and that he agrees with Ms. Santucci Rozzi that the traffic does move very well. He does not think that a traffic signal is needed.

Mr. Reynolds had no questions and stated that he also concurs with Mr. Eng and Ms. Santucci Rozzi.

Motion by Mr. Eng, second by Ms. Lauria to release the surety.  
Vote: 5/0

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

Ms. Santucci Rozzi informed the Planning Board that Pulte Braintree, LLC would be coming before the Board in January.

Motion by Mr. Reynolds, second by Mr. Eng to adjourn the meeting at 10:05 P.M.  
Vote: 5/0

Respectfully submitted,

Beth Herlihy



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Braintree Planning Board  
December 13, 2011 – Public Hearing @ 7:40 P.M.  
Town Hall

Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

101 Wildwood Avenue/Steven Charbonnier

Application: Grading Permit

[#11-07]

*Please note: Member Lauria did not participate in the vote.*

Mr. Steven Charbonnier of 101 Wildwood Avenue, Braintree, MA 02184 was present and addressed the Planning Board. Mr. Charbonnier explained that he was requesting a permit for grading work that had already been completed at the property located at 101 Wildwood Avenue. He stated that at the last Planning Board meeting dated November 7, 2011 it had been decided that the Town Engineer would conduct a site visit and evaluate the situation. It was the determination of the Town Engineer to grant the permit as he had concluded that the work conducted at 101 Wildwood Avenue could not have caused the flooding issue that the abutting property suffered.

Mr. Harnais opened the Public Hearing to the public in attendance.

Mr. Richard Stoye of 201 Cain Avenue, Braintree, MA 02184 was present and addressed the Planning Board. He stated that the original petition did not mention that 21 trees had been removed. Mr. Stoye stated that he believed that the Planning Board will grant the permit two (2) years after the completion of work.

Page 2

Planning Board Minutes

December 13, 2011 – Public Hearing @ 7:40 P.M.

Mr. Herbert Clark, representing the trust of 219 Cain Avenue, Braintree, MA 02184 was present and addressed the Planning Board. He explained to the Planning Board that after the unpermitted work had been done at 101 Wildwood Avenue, the property at 219 Cain Avenue flooded. He stated that it comes down to a question of cause and effect and they cannot prove that it was this work that caused the flooding. Mr. Clark said that there was a process in place for proper permitting which had not been followed. He also mentioned the low containment area saying that this had been a retention area for 45 years and since in that time there had never been flooding he feels that the grading work done is the cause of the problem. Mr. Clark does not see why the permit should be granted after the fact.

Mr. Harnais informed him that even if the permit is granted, this does not relieve anyone of liability.

Ms. Santucci Rozzi addressed the Planning Board informing them that the Town Engineer (at the resident's request) had gone to the resident's home at 219 Cain Avenue and had given the property owner some recommendations on how to improve the site to reduce the likelihood of flooding.

There were no further comments from the public.

Ms. Lauria had no questions at this time.

Mr. Mikaimi remarked that Mr. Charbonnier had been chastised and that he hopes that a lesson had been learned. He also feels that it is a reasonable action to have the Town Engineer give a determination. Despite the initial negative aspect of there being no permit prior to the work he is satisfied with the determination of the Town Engineer.

Mr. Eng mentioned the crushed stone area with an elevation of 160. He inquired if the elevation of the house that is getting water is known. Ms. Santucci Rozzi referenced the drawing that accompanied the Planning Staff Report. The elevation of the low point in between the properties is 151.7 with the elevation of the property getting water being at 152.4 and 152.9, explaining that the low point of 151.7 is where the four (4) properties meet. Mr. Eng asked if this is a low point where the water would settle? Ms. Santucci Rozzi confirmed this. Mr. Eng then stated that this area where the water can go is lower than that of the home that experienced the water problem and he is confident with the determination of the Town Engineer. He went on to say that he disagrees with the statement made regarding the removal of the trees, as they could retain some water but not the amount in question. He is glad that the Town Engineer went out to the site.

Mr. Reynolds noted that he had nothing to add.

Mr Harnais explained that some things are done intentionally and other things are done by accident. There are cases where you have to go back and look at the situation. He does not

Page 3  
Planning Board Minutes  
December 13, 2011 – Public Hearing @ 7:40 P.M.

believe that in this situation the grading work caused the water problem. They also have to rely on professionals. Mr. Harnais also made mention of the snow storms during the time in question. There had been substantial snow storms in the two (2) weeks prior to the water problem. While he can understand the concerns he does not see a connection between the grading work and the water problems of the neighboring property.

Motion by Mr. Eng, second by Mr. Mikami to accept and enter the correspondence list dated October 11, 2011 through December 8, 2011.  
Vote: 4/0

Mr. Eng stated that during the previous week there had been heavy rains and he inquired if the property on Cain Avenue had sustained any flooding. Ms. Alice Clark of 219 Cain Avenue, Braintree, MA 02184 was present and addressed the Planning Board. She stated that there had not been flooding since as a result of the previous water situation she had a drainage system put in. She explained that there have been puddles in the back of the property for 45 years but never water in her home. She said that there was no snow on the ground on December 27, 2009 which was the day of the water problem at her property. Ms. Santucci Rozzi pointed out that there had been snow storms in the previous two (2) weeks and that the snow had perhaps melted. Mr. Eng again noted the driving rain during the last week. Ms. Clark said that there had been no water then but that there had been big damage before.

Motion by Mr. Eng, second by Mr. Reynolds to close the Public Hearing at 8:00 P.M.  
Vote: 4/0

Motion by Mr. Reynolds, second by Mr. Eng, that based on the information and commentary to approve the grading permit provided that Mr. Charbonnier agree with the conditions.  
Vote: 4/0

Respectfully submitted,

Beth Herlihy



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Braintree Planning Board  
December 13, 2011 – Public Hearing @ 8:10 P.M.  
Town Hall

Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

257 Ivory Street/Covanta-SEMASS

Application: Special Permit and Site Plan Review

[#11-06]

Mr. Len Landry, Supervisor, Covanta-SEMASS Transfer Station, 257 Ivory Street, Braintree, MA 02184 was present and addressed the Planning Board. Mr. Landry explained that since they had last been before the Planning Board they have had several meetings with the Planning Staff and that the Conditions drafted were acceptable with the exception of Condition #55. Mr. Landry stated that in this condition after the word “annually” they would like “if controlled measures are not working adequately”, added in the language. Mr. Harnais questioned that this was the only draft condition that they had an issue with. Mr. Landry confirmed this. Ms. Stickney asked for confirmation that they were referring to the conditions as of December 7, 2011 and that they had no problems with any other conditions. Again, Mr. Landry confirmed this.

Mr. Reynolds asked for confirmation of the change. Mr. Landry again stated that in Condition #55 after the word “annually” they would like the addition of “if controlled measures are not working adequately”. Mr. Reynolds then asked if the report card that had been previously discussed would be part of this. Mr. Landry confirmed this. Mr. Reynolds wanted to know if the report card would give the Planning Board a measure of progress. Mr. Landry confirmed this as well.

Mr. Mikami asked if the report card would let them know how they are doing with regards to the industry standards and that he is interested in knowing what will be on the report card, stressing

Page 2

Planning Board Minutes

December 13, 2011 – Public Hearing @ 8:10 P.M.

that this is how they will know how the Transfer Station is doing. Mr. Landry introduced their odor consultant who is present this evening to give the Planning Board a presentation. It was noted that the DEP is reviewing the final draft conditions which had been submitted today and they should be receiving something back in the next ten (10) to fifteen (15) days. Dan Peters, Senior Environmental Engineer for SEMASS/Covanta, was present and addressed the Planning Board. He told the members that they have presented the odor system at a prior meeting and tonight their consultant will present how they will develop a monitoring system which will eventually become the report card.

Ms. Martha O'Brien, of Odor Science and Engineering (OS & E), 1350 Blue Hills Avenue, Bloomfield, CT 06002, was present and addressed the Planning Board. Ms. O'Brien explained that she was here to provide information on a proposal that addresses concerns connected with Conditions #54, 55 and 61. She provided a brief history of the company that was founded in 1987 and has been in business for 25 years. In addition to their office in Connecticut they also have a small office in California. She explained that the company provides specialized odor evaluation and control. They establish control requirements and train client staff in odor investigation and monitoring procedures. Ms. O'Brien stated that they work with transfer stations, resource recovery facilities, waste water treatment plants, municipal solid waste facilities and landfills. She also informed the Planning Board that even facilities with "pleasant odors" such as bakeries need odor management. She went on to say that usually the sites after the transfer station have the worst odors.

Ms. O'Brien said that she believes that Covanta is going the extra step as they are working to actually remove the odor not just cover it up. Ms. O'Brien showed the methodology of odor monitoring with projects they did in Texas and Maine.

With the Covanta project OS & E will be providing odor consulting services the objective being to: establish odor baseline for current "pre-construction" conditions; establish longer-term odor baselines as construction of the enclosure of the tipping floor and other building improvements are made to document adequacy of odor containment and control methods; provide odor monitoring training to Covanta and Town of Braintree staff; establish odor complaint investigation and response protocol.

Ms. O'Brien explained the properties of odor and how they are measured based on an eight (8) point scale. Ms. O'Brien stated that Odor Intensity is the most direct measure of odor objection ability. This is conducted on an actual scale rather than perception. The scale was described with the lowest being one (1) and the highest being eight (8). When odors become a distraction they obtain a level of three (3) on the scale. Odors of three (3) and higher result in complaints. She said that their monitoring would involve four (4) to five (5) days of surveys for pre construction levels/conditions. Ideally this would be done during the worst time (summer with the temperatures being the highest). There is not much sense in testing during the winter months, so due to the construction schedule OS & E are looking to conduct testing in April, May or June.

Page 3

Planning Board Minutes

December 13, 2011 – Public Hearing @ 8:10 P.M.

There will be samples taken around the area which will be numbered. The details will then be added which will allow OS & E to plot an odor footprint for baseline assessment. There will then be continued odor surveys at fixed locations around the perimeter once a month during construction. These will be unannounced surveys.

Ms. O'Brien went on to say that there will be an odor training program put in place for the Transfer Station personnel as well as the Town of Braintree Board of Health. Covanta staff will then do quarterly or seasonally odor surveys. There will also be an Odor Complaint and Response Protocol established for Covanta Staff and the BOH. Monthly audits will provide the elements for the report card.

The public in attendance had no questions or comments at this time.

Ms. Lauria had no questions at this time stating that she felt that Covanta had been very forthcoming with information.

Mr. Mikami asked if they would receive a copy of the Powerpoint presentation. Mr. Peters replied that they had copies with them tonight. Mr. Mikami went on to say that he appreciates the detail to the fact that odor will be one of the top issues. He asked what ASTM meant? Ms. O'Brien told him that it stood for American Society for Testing Methods. Mr. Mikami continued that this would be objective testing, which Ms. O'Brien confirmed. He also wanted to know that if there were no particles in the air did that mean that there would be no odor, also confirmed by Ms. O'Brien. Mr. Mikami asked Ms. O'Brien if these standards were for the entire waste industry uses. She replied no, that things were done on a case by case basis and that usually these standards were not applied to Transfer Stations. Mr. Mikami asked if Transfer Stations were the exception to this. Ms. O'Brien explained that in a Transfer Station the garbage is usually the freshest, this is an enclosed building and the waste moves on from here. Ms. O'Brien stated that complaints usually depend on the proximity of the residential area and prevailing wind patterns. Most Transfer Stations do not have the odor control mandated. Mr. Mikami stated that this location is very important. Ms. O'Brien told him that some states do have regulations and that these can be used as a guide. Mr. Peters added that the DEP has requirements for no nuisance conditions. As the age of waste increases so do the odors associated with it. However, Mr. Peters pointed out the Braintree floor is cleaned daily. Mr. Mikami stressed that the Town does receive calls regarding odor at this location and that he would like to have the right thing done now while they have the chance.

Mr. Mikami asked if there had been any preliminary studies done yet. Ms. O'Brien said there had not. He then asked if there would be monthly testing. She said there would. He then wanted to know for how long. Ms. O'Brien replied that would be determined initially during construction. After the equipment was put in place then trained Covanta personnel would determine the frequency of studies.

Mr. Mikami wanted to know if the equipment was state of the art. Ms. O'Brien replied that in her opinion it was. She feels that this is above and beyond for this type of facility as they will actually be removing the odorous compounds. Mr. Mikami addressed Ms O'Brien asking her if this were her Town and she lived close to the facility, is the Planning Board asking the right questions or is there anything else that they should be looking at. Ms. O'Brien replied that she did not think so. She thinks that the project looks good. Mr. Mikami thanked Ms. O'Brien for her professionalism and her scientific study adding that the subjective part would be the phone calls that are received.

Mr. Eng asked Ms. O'Brien what discipline area is a trained odor scientist in and what education and training are involved? She replied that it involves quantifying and characterizing using scales and that she had done undergraduate and graduate work in biology and health. Mr. Eng asked that in her experience with her business what is the highest level of odor that she had ever encountered. She answered that was a refinery. Mr. Eng inquired that if the levels should be high around the Transfer Station would she be able to come up with a solution. Ms. O'Brien said that if the equipment was already installed and not handling the odors, that yes they could come up with a new solution. He then asked how long this would take. Ms. O'Brien said that depended on the problem. It could mean changing the filters more frequently or cleaning the driveway from the facility.

Mr. Eng then wanted to know where the DEP permit stands. Mr. Peters said that there has been issued draft approval to which they have responded and that it usually takes one (1) to two (2) weeks to issue a permit. Mr. Eng asked if it was probable by the end of the year. Mr. Peters said that was likely.

Mr. Reynolds commented on the excellent presentation and that the entire team had done a good job. He also thanked them for submitting the letter from the Town of Holliston. He has no overall concerns with the proposal. His main concern is the odor. He asked if there was a prominent wind direction of the Covanta site. Mr. Landry stated that he had been at the facility for four (4) years and that while there was no scientific determination, in his personal observation the wind was predominantly westerly into northerly.

Mr. Reynolds then brought up the comment regarding the establishment of the baseline with summer surveys being the best. He noted that the proposal was to include surveys that were done in April, May or June. He asked why the winter months were not good for the surveys. Mr. Landry replied that the lower temperatures in the winter do not allow for the decomposition of waste. Mr. Reynolds asked if with the proposed baseline is there another scale when weather is not optimal? Ms. O'Brien stated that the construction schedule is the issue. The optimal months to establish the baseline are the summer months. She again described the process of sampling at various areas around the Transfer Station on various days to get a variety of samples. Mr. Peters said that due to the construction schedule starting in the spring with completion in the

fall the assessment would be done in the worst months for sampling unless they are conducted as stated in April, May or June.

Mr. Reynolds then asked if Ms. Stickney had any additional questions. Ms. Stickney referenced the conditions, specifically the addition to Condition #55. Mr. Landry stated that with the addition to Condition #55 the draft conditions were acceptable. Mr. Harnais asked for clarification that they were all set with the conditions. Mr. Landry said yes with the addition to Condition #55. Mr. Harnais stressed that they must pass the odor test. If there is an odor it must be corrected.

At this time there were no more questions.

Mr. Harnais thanked Ms. O'Brien for her presentation.

Ms. Stickney stated that the today Town Engineer provided the estimate for the performance bond which is \$16,000.00. Mr. Landry said that Covanta was okay with that as well.

Motion by Mr. Reynolds, second by Mr. Eng to accept the correspondence list including tonight's presentation.

Vote: 5/0

Motion by Mr. Reynolds, second by Ms. Lauria to close the Public Hearing at 9:00 P.M.

Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to approve with the Findings and Conditions as revised in Condition #55 and with the \$16,000.00 bond recommended by the Town Engineer.

Vote: 5/0

Respectfully submitted,

Beth Herlihy



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Mr. Darryl Mikami, Member  
Ms. Michelle Lauria, Member

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

825 Granite Street/B & R Partners, LLC  
Application: Special Permits and Site Plan Review  
[#11-08]

*Please note: Member Lauria did not participate in the vote.*

Attorney Frank A. Marinelli, 439 Washington Street, Braintree, MA 02184, representing the Applicant B & R Partners, LLC, Sealcoating Inc., 120 Industrial Park Road, Hingham, MA 02043, was present and addressed the Planning Board. Also present were Richard Goodick and Liz Wuori of Sealcoating, Inc., Thomas French of Highpoint Engineering and Attorney John Reidy.

Atty. Marinelli stated that at the previous meeting the Planning Board had voted to draft conditions which the Applicant finds acceptable with minor revisions that were made prior to tonight's meeting.

Atty. Marinelli gave a brief review of the proposed reuse of the former Coca Cola distribution facility. He noted that the proposed use (Contractor's Yard) is a use allowed by right in the Commercial Zoning District. Also mentioned were the age of the facility and various improvements that will be made to the site including replaced landscaping, a DEP compliant drainage system and compensatory flood storage. In addition the commercial tax base will be enhanced.

Page 2

Planning Board Minutes

December 13, 2011 – Public Hearing @ 9:05 P.M.

There will be no addition to the building and there will be only minor demolition. All regulations are being met including the height of the buildings. There has been a traffic study with 57 less trips in the peak A.M. hours and 15 less in the peak P.M. hours. The parking requirements are also met. There is a requirement of 40% open space with 57% being proposed. The various department comments submitted are favorable and there will be a meeting with the Conservation Commission on this coming Thursday evening. The Applicant would like to move forward on this project.

There were no comments from the public in attendance.

Ms. Lauria had no questions at this time.

Mr. Mikami noted that he and Ms. Santucci Rozzi had made a site visit to the Sealcoating facility located in Hingham. Ms. Santucci Rozzi addressed the Planning Board stating that she and Mr. Mikami had gone to the site in Hingham prior to Thanksgiving. She stated that they had a full tour of the facility's office, storage and vehicle repair area. In addition they witnessed the vehicle fleet, storage tanks and the fueling station. Ms. Santucci Rozzi stated that everything was neat, orderly and organized and that there was nothing to report negatively on. They parked in front of the facility and no odor was detected. There was perhaps some odor detected at close range. The odor would have to travel a considerable distance to bother neighbors. It was also noted that everything at the proposed location will be new.

Mr. Mikami stated that he understands that Sealcoating, Inc. would like to get out on their own with their own property. He stressed that the operation was very clean and very professional. He also noted that there was enough room in the conditions should there be issues or problems. He went on to say that he sees this as a welcome change to the property and that he looks forward to them coming in.

Mr. Eng addressed Atty. Marinelli asking him that if he lived across the street from the facility would he feel comfortable with this proposed use. Atty. Marinelli responded if he lived across the street from the facility he would be aware that it is a Commercial Zoning District and that yes he is confident with the proposed use of the facility. He informed the Planning Board that he had also been at the site visit and was comfortable with the operations of Sealcoating, Inc. They have been given the requirements and he trusts the Applicant. It is a well run business.

Mr. Reynolds had nothing to add. He feels that all the right things are being addressed and he is impressed with the work that had been done on the drainage. He also stated that the site visit conducted by Mr. Mikami and Ms. Santucci Rozzi have added to his confidence in the proposal.

Mr. Harnais had no issues at this time.

Page 3  
Planning Board Minutes  
December 13, 2011 – Public Hearing @ 9:05 P.M.

Motion by Mr. Reynolds, second by Mr. Eng to accept the correspondence list dated 10/17/2011 through 12/12/2011.

Vote: 4/0

Ms. Santucci Rozzi addressed the Planning Board to note the minor revisions that had been made to the conditions. In Condition #43 the word “diesel” had been added. In Condition #45 regarding parking, “or other tenants of the same use” shall be added after “Said spaces shall be available for use of the employees and patrons of Sealcoating, Inc.”. In Condition # 53 regarding odors, the word “reasonable” shall be added before “satisfaction of the SPGA”. In Condition #63 regarding the future installation of a dumpster, the words “At the discretion of the Planning Staff” shall be added before “All external dumpsters shall be properly maintained and shall be protected by a stockade fence with a gate”.

Mr. Mikami brought up the resolution of complaints should any arise. Mr. Harnais stressed that should there be any problems they should be addressed quickly.

Motion by Mr. Reynolds, second by Mr. Mikami to close the Public Hearing at 9:30 P.M.

Vote: 4/0

Motion by Mr. Reynolds, second by Mr. Eng to approve the application and to accept the suggested changes to the findings.

Vote: 4/0

Respectfully submitted,

Beth A. Herlihy



# Department of Planning and Community Development

Melissa M. Santucci Rozzi, Principal Planner  
90 Pond Street – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

# APPROVED

Joseph C. Sullivan  
Mayor

## PLANNING BOARD

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

Braintree Planning Board  
December 13, 2011 – Public Hearing @ 9:35 P.M.  
Town Hall

Present:

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

Christine Stickney, Director  
Melissa Santucci Rozzi, Principal Planner

464 Quincy Avenue/Castlegard, LLC

Application: Major Modification to Special Permit and Site Plan Review

[#05-11]

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

Atty. Marinelli presented a brief review of the proposed project which is located at the former Ashmont Discount store location and has been used as a self storage facility for the past 5 years. He explained that Castle Storage had used the building as it had existed. The proposal is to construct an addition with a 6,488 square foot footprint to the existing building on the northerly side.

At this time Mr. Harnais read the Public Notice.

Atty. Marinelli explained that the proposed project would add 163 units to the facility bringing the total to 717 units. Atty. Marinelli referred to the Planning Staff report mentioning Condition #63 regarding parking. For the original 554 units there had been parking to accommodate the employees and clients (four (4) spaces) at peak occupancy. With the additional 163 units there will need to be 5.17 more spaces. The proposal includes 39 spaces which is seven (7) times the demonstrated need.

There was then an update on traffic. The anticipated counts were to be ten (10) vehicle trips in the A.M. peak hours and sixteen (16) vehicle trips in the P.M. peak hours. The actual reported vehicle trips were four (4) in the A.M. peak hours and nine (9) in the P.M. peak hours. With the additional units the projected trips will be one (1) added in the A.M. peak hours and three (3) added in the P.M. peak hours which is still lower than the 2005 projection.

Atty. Marinelli noted Condition #55 which refers to access to the units. The Applicant is looking to amend this condition and have eleven (11) units have direct access via over head doors. These units will not be accessible when the facility is closed. It was noted that the monitoring when the facility is open is quite impressive. All of the units are visible on a monitor and are color coded to show when someone is inside the unit. There is also video surveillance.

There have been no negative department comments submitted.

The issue of tree removal was raised. Mr. Robert Puleo of Boardwalk Construction, was present and addressed the Planning Board. He did confirm that to the northerly and westerly borders some trees would have to be removed to sustain the integrity of a retaining wall. It was noted that all of the abutters are commercial. There will be landscape enhancement at the front door. Mr. Gardner addressed the Planning Board and apologized for his previous incorrect answer regarding the removal of trees.

At this time Mr. Scott McDonald, General Manager of Castle Storage, gave a demonstration of the locking system that would be used for the units. This system uses a computer locking system so that there can be no after hours access to the units. Mr. Mikami wanted to know what would happen if someone damaged the locking system. It was noted that all of the individual units are alarmed.

Ms. Santucci Rozzi asked the Planning Board if they wanted to see more parking spaces in reserve. Mr. Harnais inquired how they keep people from parking at the site overnight. Mr. Gardner explained that there is a gate that can be padlocked.

Ms. Lauria had no questions at this time.

Mr. Mikami questioned the hours of operation. Condition #50 was referenced, noting that Monday through Friday the facility would be open from 8:00 A.M. to 7:00 P.M., Saturday it would be open from 8:00 A.M. to 5:00 P.M. and Sunday from 10:00 A.M. to 4:00 P.M.. Mr. Mikami also wanted to know how many employees there were currently at the facility. Mr. Gardner replied that there were two (2) employees in addition to the General Manager, and that there is usually an overlap of the employees in addition to the

General Manager being on site. Mr. Mikami asked when they have had the most parking utilized. Mr. Gardner replied that at the most there have been 5 or 6 people on site.

Mr. Mikami inquired about the safety record at the location. Mr. Gardner stated that there had been no problems or break ins, again noting that each individual unit was alarmed. Mr. Mikami asked if this was intended to be the final expansion. Mr. Gardner replied yes.

Mr. Eng brought up the issue of the removal of the trees. Mr. Puleo informed the Planning Board that all of the trees on the north and west side will have to come down due to the retaining wall, adding that some of the trees are dead and propose a hazard. He also noted some of them having shallow roots. Mr. Eng asked if they would be supplying some greenery back in to the site. Mr. Gardner confirmed that the front of the facility needs to be “perked up” and that it is his intention to hire a landscape designer to handle that aspect of the proposed project. Atty. Marinelli also described the change in grade to the Quirk property and to the Twin City property.

Mr. Reynolds had nothing to add at this time.

Mr. Harnais had nothing to add but did question the existence of the fencing and the gates on the property.

Motion by Mr. Eng, second by Mr. Reynolds to accept and enter the correspondence list dated October 31, 2011 through December 6, 2011.

Vote: 5/0

Ms. Santucci Rozzi commented that the Planning Staff would like to continue the draft conditions and meet with the Town Engineer, outlining that on the plan in addition to continued work on the landscaping.

Motion by Mr. Eng, second by Mr. Reynolds to table the application to the Planning Board meeting of January 10, 2012 at 7:45 with the draft conditions.

Vote: 5/0

Respectfully submitted,

Beth Herlihy