



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
Melissa B. McDonald, Member

Braintree Planning Board
March 12, 2013
Town Hall – Cahill Auditorium

APPROVED

Present:

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

Christine Stickney, Director
Melissa Santucci Rozzi, Principal Planner

Robert Harnais opened the meeting and called the roll at 7:00 P.M.

New Business/Old Business

Zoning Board of Appeal Petitions – March, 2013

ZBA (13-06)

7-11 Independence Avenue / Thomas Fitzgerald

Attorney Jack Garland, represented Thomas Fitzgerald

The Board previously affirmed their application for rezone. Ms. Santucci Rozzi explained that the Board received the revised submission. Mr. Garland explained the applicant is seeking relief from the Zoning Board of Appeals relative to the proposed development of 36 residential units, across 4 floors with a garage under that accommodates 72 vehicles (2 vehicles per unit). Mr. Garland clarified that unlike previous ideas, this proposal does not incorporate commercial space. This proposal is a 25% reduction in the number of units compared to the 44 that were proposed earlier but not formerly filed.

Mr. Garland expressed that he wanted to address the specific issues in the staff report. Relative to dimensional and density regulations, pursuant to maximum number of stories and maximum height, this is a 5 story proposal. Four (4) stories are visible on the Independence Avenue side but 5 stories are visible from the Bennett Lane side due to the severe slope. Summarizing, it is a 5 story proposal in a 3 story zoned area.

Also requiring relief is the issue noted in the Staff Report concerning the distance between driveways. Seventy five feet (75 FT) are required in the garage opening and the proposal indicates 32' on the Bennett Lane side (a private street in the rear of the parcel).

Ms. McDonald stated that she is usually positive about redevelopment but this project she had problems with. Her concerns are the density of eight times the allotted amount and the proposed parking facility; all leave no consideration for open space.

Mr. Garland introduced Phil Canolos, a representative of Uplift, Inc., installer of the parking system reflected in the plans but the Board did not have questions for him at this time.

Ms. McDonald further questioned the area of land per unit, 743 SF for a 2 bedroom. Mr. Garland agreed that it is substantially different than what is required. He said the Braintree portion of the parcel is 26,000 SF. He explained that there is a lot of history and problems with the unique lot.

Mr. Mikami agreed with Ms. McDonald stating that from his original review, his expectation was improvement, what is proposed is craziness. This is a massive structure and way out of bounds. The financial issues are not the concerns of the Planning Board. Because of the many issues, he cannot support the project.

Mr. Eng described the project as very aggressive. He questioned the parking system logistics and asked if it would be attended. Mr. Garland explained that the system is operated by the owners of each unit. Mr. Eng then asked if Mr. Garland read the Staff Report and if he has answers to the questions that were raised on the report

Mr. Garland said he read the report, acknowledging Staff concerns for density, parking, the absence of guest parking, and size of the units. He said that the dumpster will be sized appropriately. As to the Staff Report Comment No. 6, the exterior square footage shares private driveways to enter and exit the building.

The site plans need further revision between the architectural and engineering plans.

As to Staff Report Comment No. 9, Bennett Lane parking has been removed.

As to Staff Report Comment No. 10, regarding drainage systems, all environmental reports will be made available to the Board.

As to Staff Report Comment No. 12 – this has been addressed.

Some architectural features on the building are additions that dress up the building, presenting a more residential appearance that are more appropriate for the town.

Mr. Eng asked if the architect was present at the meeting, (not present), he asked if the architect has traveled around Braintree to get a sense of other apartment complexes in town stating that this project is too aggressive for the environment of Braintree.

Mr. Reynolds, not wanting to repeat prior questions, addressed the density issue. Obviously, the development portion of the project is entirely in Braintree requiring aggressive relief. He agreed with the other Board Members that this proposal is very concerning. Mr. Reynolds acknowledged the right of the

land owner to develop the site, benefiting everyone. It would be good to see the site cleaned up, however, there has to be a balance; the proposal as presented strikes concern and places a burden on the town.

Mr. Harnais clarified that the Planning Board is a recommendation Board, not the final permitting Board; they are not bound by the Planning Board recommendation. If the Zoning Board approves to go forward does not mean that what is agreed in Zoning will be agreed to with the Planning Department. He emphasized the importance of projects fitting in and if this project passes from the Zoning Board back to the Planning Board, it will have a long hard road.

Mr. Eng does not want to vote on a recommendation to the Zoning Board without some changes and suggests the Applicant return.

Applicant acknowledged the importance of a favorable recommendation from the Planning Board and requested the Planning Board defer their recommendation so the Applicant can meet with the Staff to address the issues raised.

Ms. Santucci Rozzi clarified that by request of the Applicant and agreement of the Board, the hearing is continued to April 9, 2013.

ZBA (13-8)

79 Town Street / Paula Orinofsky

Paula Orinofsky addressed the Board explaining that together, she and her sister own the property at 65 Town Street and individually, she owns the abutting property at 79 Town Street. The purpose is to add property, provide privacy and add open space to the 65 Town Street; essentially, taking .37 acres from 79 Town Street and deed it to 65 Town street.

Melissa McDonald asked Melissa Santucci Rozzi if two applications were needed.

Melissa Santucci Rozzi stated that currently, both parcels are non-conforming and require two applications. Only one application was submitted for 79 Town Street. Another application would have to be filed in order for both lots to be altered. One lot will become less non-conforming and one will become more non-conforming, requiring a finding and the other will require a variance. Ms. Orinofsky apologized stating she was not aware of the need of a second application. She asked what was needed at this point.

Ms. Santucci Rozzi explained that a second application has to be filed for 65 Town Street to request a finding. Further, she advised that the plan be brought back to the surveyor because the numbers on the plan did not match the percentage of square foot of acreage. She explained further that the plan to create the new lots has to be exact. These will be used for the ANR application and recorded at the Registry of Deeds requiring accuracy.

Ms. Orinofsky asked for more specifics of the plan.

Mr. Eng asked Melissa if they need 2 plans.

Ms. Santucci Rozzi said they can use the same plan but they need two applications. The staff is recommending the lots be equal in size.

Mr. Eng urges the Applicant to work with the Staff.

Mr. Reynolds addressed the Applicant and her sister explaining that the non-conforming status was simply that the lots were established prior to the zoning laws established some 40 years ago. Preexisting non-conforming property, going forward is subject to the zoning laws. However, circumstances and hardships are considered by the Planning Board. He advised that in this instance, the applicant(s) will benefit working with the professional staff at the Planning Department to help make this a clean process. Final approval will come from the Zoning Board of Appeals after consideration of the Planning Board recommendation.

Ms. Santucci Rozzi reiterated the necessity to get accurate numbers by the surveyor for both applications. Once Zoning approves both Petitions, they will be subject to an "Approval Not Required" endorsement by the Planning Board at which time; the numbers will be double checked again.

Mr. Mikami had no comments but emphasized to the Applicant that if the numbers are not correct she will have a legal problem down the road.

Ms. Orinofsky thanked the Board for their information and guidance and will follow the recommendations.

Mr. Eng motioned to continue to the April 9, 2013 Planning Board Meeting; seconded by Ms. McDonald

Vote: 4:0:0

ZBA (13-9)

35 Rocsam Park Road / David Lehmkuhl

Paul Mirabito represented the Applicant

Mr. Mirabito explained that the Applicant owns a commercial bus terminal with a small office. He is proposing to extend an existing wash bay and one of the 3 service bays. The reason for the project is to accommodate the local university busses which are longer than the standard size. Additionally, the project will add 762 SF to the existing office space.

Mr. Mirabito further explained that the site is developed and includes parking. There is no need to increase employees. The zoning variance is necessary because the existing building is right on the property. The plan is to move the wash bay back about 1 FT from the rear property line to make it a little more conforming. There are some proposed improvements to the stormwater drain system in keeping with the watershed requirements of the town. The site is mainly paved with gravel on the left side. The roof areas will replace existing paved surfaces so there is no increase of impervious area on the site.

Ms. McDonald asked if there was sufficient parking referring to a Staff comment. Mr. Mirabito said there is ample parking to meet the use requirements including expanded uses. He said he spoke with Melissa Santucci Rozzi who suggested there were an excess number of parked cars than shown as spaces. Ms. McDonald asked how many parking spaces were needed. Mr. Mirabito said there were 20 spaces now and 21 are required.

Mr. Mikami questioned the new bus size. Mr. Mirabito answered the new length is 48 feet and they bend in the middle. The common bus size is between 38-40 feet. An additional 10-12 feet is needed on each end of the longer bus bay to work with equipment.

Mr. Mikami asked if this will change the number of buses (Mr. Mirabito did not know how many buses were in the fleet) but the proposed addition would not change the number of buses.

Mr. Mikami asked if there were any additional safety issues. Mr. Mirabito stated there were no additional safety issues.

Mr. Eng questioned if Mr. Mirabito knew how many cars were parked there at any one time. Mr. Mirabito did not know. Mr. Eng discussed the Staff comment concerning an excessive amount of parked cars. Mr. Mirabito acknowledged the Staff comment and said that he will look into it with the owners of the property. Mr. Eng had no further questions.

Mr. Reynolds asked Ms. Santucci Rozzi about her comments. Ms. Santucci Rozzi explained that she spoke with Gregory Tansey, (project engineer) because the plan included calculations that didn't correlate with the uses. Mr. Tansey said that he recalculated the numbers and is now confident that he does not need a variance.

Ms. Santucci Rozzi stated that the issues related to parking, parking needs, circulation, overflow and any improved layout will be discussed during the Special Permit / Site Plan Review that will be heard in April. Therefore, a variance is not needed at this time.

Mr. Reynolds was satisfied and had no further questions.

Mr. Eng motioned for a favorable recommendation; seconded by Ms. McDonald.

Vote: 4:0:0

ZBA (13-10)

98 Inglewood Street / Timothy Kirrane

Mr. Kirrane addressed the Board explaining that his project originated in 2004 and this proposal will complete the shed dormer on the existing roof. The Applicant is seeking relief to raise the back left corner of the roof to square it off. The purpose is to raise the interior ceiling height that is currently about 6FT rendering it unusable.

Ms. McDonald had no questions.

Mr. Mikami asked if the Applicant has consulted with the Planning Department Staff. (The Applicant answered "no"). Mr. Mikami asked if relief was granted previously.

The Applicant explained that in 2004, he thought the plans included this work. Turns out, this was not part of the 2004 project so this proposal is to complete the original plan.

Mr. Mikami suggested that the Applicant work with the Planning Board Staff to avoid miscommunication and possible problems such as this situation.

Mr. Eng asked why the dormer is needed. The Applicant reiterated the 6FT interior ceiling height issue and he wants it to conform to the remainder of the house.

Mr. Eng stated that he has no objections because it does not exceed the original footprint of the house.

Mr. Reynolds had no issue with the proposal as it only increases a portion of the elevation.

The Applicant further stated that no abutting view will be impaired with the proposed change.

Mr. Harnais had no questions.

Ms. McDonald motioned for a favorable recommendation to the Zoning Board of Appeal; seconded by Mr. Reynolds

Vote: 5:0:0

Mr. Harnais was called away and at 8:00 p.m. Mr. Reynolds chaired the meeting

ZBA (13-11)

250 Granite Street (DSW) / Pro sign Service for DSW

Jessie Ramsburger for DSW

The Applicant addressed the Board stating he was seeking relief for 2 exterior signs at the South Shore Mall in the former space of Filenes Basement. One of the signs is for the basement entrance and the second is DSW's only exterior entrance – allowing customer's entry into the store from the parking area.

Ms. McDonald had no questions.

Mr. Mikami confirmed that the request is simply replacing not expanding.

Mr. Eng had no comments.

Melissa Santucci Rozzi stated that DSW will also be occupying a wall sign affixed to the south garage that was permitted separately during the expansion. ZBA conditioned that the slots could be replaced, not requiring additional relief at this time.

Mr. Reynolds agreed with the staff conditions and did not have any issues.

Mr. Eng motioned for a favorable recommendation; seconded by Ms. McDonald.

Vote: 4:0:0

ZBA (13-12)

60 Forbes Road / T.G.I. Friday's/Carlson Restaurants

Frank Marinelli, attorney representing Carlson Restaurant Group from Plano, TX, owner of T.G.I. Friday's

Mr. Marinelli explained that the current improvement project is due to the recent reduction of the hotel size. It downsized by nearly 45% adding 35,000 SF of retail space to the surrounding area.

T.G.I. Friday's was separated from the original structure. This improvement project aims to modernize the façade requiring new signage on the East, South and Westerly sides of the building. The proposed sign sizes are: Easterly – 42.71 SF; Southerly – 28.9 SF at the main entrance; and 36.35 SF on the Westerly side that faces the new parking area as presented on the plans that were previously submitted to the Planning board.

The Chair opened questions to the Board Members.

Ms. McDonald had no questions.

Mr. Mikami asked further about the sign sizes; Mr. Marinelli explained the size and locations. Mr. Mikami wanted to know if these changes will complete the refurbishments and if there are any more planned changes. Mr. Marinelli explained that interior changes are planned to freshen the brand appearance. The interior changes do not require filing with the Planning Board.

Mr. Mikami did not have further questions and stated he had no problem with the project.

Mr. Eng asked if all TGI Friday's signs are the same size. Mr. Marinelli said yes, the proposed signage size fall under the 150 FT standard.

Mr. Reynolds stated that all his questions were answered by the previous Member questions.

Mr. Harnais had no questions,

Mr. Eng motioned for a favorable action, seconded by Mr. Reynolds.

Vote: 5:0:0

Approval Not Required

90 & 96 Church Street and 178 Washington Street /G.B. New England 2, LLC

Frank Marinelli, attorney represented G.B. New England 2, LLC (GBC)

Mr. Marinelli explained that on February 12, 2013, the Planning Board approved the Site Plan for CVS replacing South Shore Auto Lines located at 178 Washington Street and 90 & 96 Church Street. This request is a formality being part of the Site Plan Approval. The Applicant seeks the Board's endorsement of the ANR Plan to remove the lot lines, combining the current 4 lots into one (approx.) 1.67 acre site.

Ms. McDonald has no questions.

Mr. Mikami asked Mr. Marinelli if there are any other steps to this project.

Mr. Marinelli stated that the Applicant has taken steps for the rezoning of 90 Church Street; been before the Board for a Special Plan Review; before the Zoning Board for a zoning variance for the depth. March 18th marks the appeal period deadline after which the Site Plan Review and the ANR Plan will be recorded.

Mr. Reynolds had no questions.

Mr. Harnais had no questions.

Planning Board Staff recommended endorsement of the ANR.

Mr. Eng motioned to approve the ANR; seconded by Ms. McDonald.

Vote: 5:0:0

Discussion:

50 Forbes Road, South Shore Place / Karma Nominee Trust

Christine Stickney, Director, Planning and Community Development

Ms. Stickney addressed the Planning Board explaining that there had been a request by Staff that warrants discussion about Condition #51 of the Original Decision for the Hyatt Hotel. Ms. Stickney read: there shall be no outside display, sales, or storage of any items, including trailers and containers on site, regardless of type and consumption.

She explained that some establishments in the new building will be seeking outdoor seating. Clarification is needed to establish if the Planning Board's intent is the same regarding this Condition; that it would not prohibit applications with the Licensing Board. When this condition was put into the Decision, it was Staff's intent for actual outdoor sales not necessarily a chair and tables outside of the food establishments.

Mr. Marinelli, Attorney for Carpenter & Company, addressed the Board stating that they developed the Forbes Road site, now known as 30, 50 and 60 Forbes Road encompassing the hotel, retail and restaurant redevelopment of about 10.5 acres. Mr. Marinelli agreed with Staff that there was no intent in condition #51 to prohibit sales, storage and display to prevent seating. The issue arose with Starbucks who wanted a few tables outside of their space.

Mr. Marinelli further stated that the 10.5 acre project redeveloped the hotel; Friday's and added new storefronts. With a wide concourse, the intent was to create a pedestrian friendly area to overcome the previous traffic and parking situation. Condition #51 was never intended to prevent outdoor seating providing it is in compliance with safety issues. The upper level was designed for outdoor seating.

Condition #51 was clearly intended to prevent outdoor racks of clothing or a yard sale type of appearance, prohibiting outdoor storage of inventory or product in trailers or storage boxes.

Mr. Reynolds asked the Board Members for their questions.

Ms. McDonald did not have any questions.

Mr. Mikami asked Mr. Marinelli, other than Starbucks, what tenants will want outdoor seating. Mr. Marinelli suggested speaking with Staff first regarding Starbucks because he was not a party to the conversation but understood that there were concerns requiring submission of a seating plan for safety reasons. Therefore, if other shops wanted outdoor seating, they would also be required to submit a plan.

Ms. Stickney stated that each establishment is required to apply to the Licensing Board to demonstrate ADA distance, passage and fire safety requirements. As far as Condition #51, it is about outdoor sales and storage rather than seating; each request will be looked at on their merit.

Mr. Mikami asked about temporary outdoor signage. Ms. Stickney explained that the site is subject to the same sign bylaws as the rest of the town. There has been a sign package for this site and we're keeping an eye on the upcoming issues. Mr. Mikami confirmed with Mr. Marinelli that this was his understanding also.

Mr. Eng had concerns about outdoor seating safety and outdoor food health safety. Ms. Stickney assured him that those issues were covered by the Licensing Department, Public Safety, ADA, Health and Building processes and addressed by each of those departments. Additionally, she clarified that the food was not served outside; rather, customers could pay for food inside and sit outside where seating is available.

Mr. Reynolds commented that it was a good project.

Mr. Marinelli summated that the discussion was to clarify the intent of Condition No. 51 and that it does not prohibit the subject sites to submit for outdoor seating.

Ms. Stickney stated that since this was a discussion, no vote was required; the minutes will reflect the discussion.

Request for No Jurisdiction

150 Bower Road, Quincy / Ultra Electronics Ocean Systems, Inc.

Ken Kearns, Vice President of Operations, Ultra Electronics Ocean Systems, Inc.

Mr. Kearns, Vice President of Operations introduced himself to the Planning Board and welcomed questions.

Ms. Santucci Rozzi stated that this Petition was filed in Quincy. This property has substantial land area in Braintree and is assessed in Braintree. The Proposal and all of the project work is located in Quincy. The Braintree abutters will be notified. Staff suggests the Board take no jurisdiction on the Application.

Mr. Kearns disbursed some supporting material to the Planning Board and informed the Board about Ultra Electronics, current use of the Quincy facility; planned use of the new construction and the new construction descriptions.

He further detailed the 2 local locations. The first location, established in 1976 at 115 Baystate Drive in Braintree, employs about 100 people. The other location in Quincy employs about 6-10 people. Ultra Electronics makes acoustic products for Naval defense contracts. The building is used for storage, light manufacturing and inspection. At most, there may be an addition of 1-2 employees and at most, an additional 10 -15 trips per year. The operation consists of cleaning, inspecting, testing and recertifying transducers from submarines. The planned new building location is situated between the manufacturing

building on the left and the testing building on the right. The proposed building is dependent on a defense contract award and will not be constructed if the contract does not come through.

Mr. Reynolds opened questions to the Board.

Ms. McDonald had no questions.

Mr. Mikami had no questions.

Mr. Eng asked if there were any explosives involved. Mr. Kearns explained there are no explosives involved at all.

Mr. Reynolds confirmed that although the work will be done in Quincy, the parts will be traveling through Braintree and that these (sonar or communications) parts would not be live in any way. Mr. Kearns assured the Board that there was nothing active in any way. They are connected to high voltage in testing and only in water, otherwise they are damaged.

Mr. Reynolds confirmed with Ms. Santucci Rozzi as to whether a vote is in order.

Ms. Santucci Rozzi suggested that the Board vote to take no jurisdiction and she would send a courtesy letter to the Quincy Planning Board stating that the Braintree Planning Board determined that there is nothing is under our purview.

Mr. Eng motioned to have no jurisdiction from this Board on this facility; seconded by Mr. Mikami.

Vote: 4:0:0

Public Hearing 7:45 P.M.

12-09 (Public Hearing)
370 Shaw Street / William and Linda Jablonski
Multiple Dwellings (135-710)

Melissa Santucci Rozzi clarified that Mr. Jablonski is still working out the details of a few items on the plans but he is seeking the Planning Board's direction regarding curbing. Mr. Jablonski first thanks Melissa Santucci Rozzi for all the help she has given which has made it easier. He is requesting the Board allow him to use Cape Cod Berm instead of Granite curbing. He circulated some photos to the Board showing the surrounding neighborhood and explained that none of the neighbors have granite and he feels the Cape Cod Berm will not detract from the neighborhood. He further explained that most of the curbing is viewed only on their three houses (existing and to-be-built). The properties are private and are situated uphill.

Mr. Harnais explained his reasons for favoring granite curbing. In the future, when the properties sell, the durability of granite will increase the value of the property.

Mr. Jablonski stated that both of his side neighbors are fine with it and sees granite to be an extravagance.

Mr. Harnais reiterated the durability and visual appeal of granite. Cape Cod Berm typically breaks down with weather and especially with winter snowplowing – it eventually looks unkempt.

Mr. Mikami agreed with the Chairman. He has insisted on granite for every project. Personally, he understands the economics, but he has viewed the Cape Cod Berm following the winter and it is literally chewed up by plows. Granite is durable and everyone else has been required to use it.

Mr. Jablonski joked that the neighbors will think he's "putting on airs" if he uses granite and points to the sparse use of it on his street.

Mr. Harnais agreed with Mr. Mikami, everyone is required for consistency, durability and appearance.

Mr. Jablonski disagreed stating that it is town property.

Mr. Reynolds offered a possible compromise by suggesting the use of concrete and asks the opinion of the other Board Members.

Mr. Eng explained that he has been in construction for over 30 years, in his experience, the Berm fails and concrete will not last. Mr. Eng agrees with the recommendation of the Chairman.

Ms. McDonald agreed with the Chairman and Mr. Eng that both the Berm and concrete break down.

Mr. Jablonski suggested that if he puts the Berm in, he would maintain it.

The Chairman stated that a vote on this issue will be continued to April 9, 2013 at 8 P.M.

Mr. Eng motioned to adjourn the meeting; seconded by Mr. Mikami.

The meeting adjourned at 9:05 P.M.

Respectfully submitted,

Elizabeth Schaffer