



# Department of Planning and Community Development

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Joseph C. Sullivan  
Mayor

## PLANNING BOARD

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

Braintree Planning Board  
March 24, 2015  
Cahill Auditorium

APPROVED

### Present:

Mr. Robert Harnais, Chairman  
Mr. Joseph Reynolds, Vice Chair  
Mr. Darryl Mikami  
Mr. James Eng  
Ms. Erin V. Joyce

Christine Stickney, Director  
Melissa SantucciRozzi, Principal Planner

Chair called roll at 7:17 p.m.

## Zoning Board of Appeal Petition – March, 2015

### ZBA (14-33)

#### 639 Washington Street / Bonnie Tan

William Phelan, Attorney for the Applicant  
Bonnie Tan, Applicant, 16 Chesterfield Street - #2, Readville, MA

Mr. Phelan represented the Applicant; he addressed the Board and reported he had no information about the ledge that was asked by Staff at the prior meeting. The number of units has been reduced to 7; there are (4) 3 bedroom units and (3) 2 bedroom units; with garages on the first floor. The building has been revised to accommodate the shape of the lot better. A porch off the master bedrooms has been added. There are 9 parking spaces in the garage plus 7 outdoor parking spaces.

The changes improved the turning radius and more space overall on the lot. The turning radius was discussed with the fire department.

Ms. Joyce asked about soil testing and storm water management.

Mr. Phelan explained that the expense of a more detailed plan will be engineered after it is approved by the Zoning Board.

Ms. Joyce asked if the applicant reviewed abutting properties for front setbacks. Ms. Tan said the property across the street has a 20 FT setback and the property abutting is set back further but she did not have a number.

Mr. Mikami asked about more specifics concerning the turning radius and the parking plan. He questioned if the plan that was submitted is realistic; he asked if it is sufficient for parking, turning and snow removal. Mr. Phelan assured the Board that the plan is sufficient.

Mr. Mikami thought the revised plan still looked tight; he did not agree with the increased density.

Mr. Eng noted that the applicant is seeking a variance on every requirement, he expressed the density is still too excessive for such a small lot.

Mr. Phelan responded by pointing out the benefit of Townhouse opportunity conveniently located to public transportation.

Mr. Eng noted that the number of units was reduced but the bedrooms that were added increased the density, he stressed the need to reduce the density.

Additionally, Mr. Eng said that 2 guest parking spaces are not sufficient and again emphasized the 9 variances being sought.

Mr. Reynolds agreed with the use but not with the density. He agreed that this type of housing is needed in town that utilizes public transportation. He believed the revised plan still needs work. He asked about the turning radius and wanted more information submitted to detail how the calculations were determined.

When asked about the snow storage – Ms. Tan explained that with an unusual snow such as this winter, it would be trucked away. Mr. Phelan said that on a normal winter there should not be a problem.

Mr. Reynolds noted the lack of adequate guest parking is a problem since there is no on-street parking on Washington Street.

Mr. Phelan pointed out the convenient location to public transportation. Mr. Reynolds acknowledged this but said this needs more work.

Mr. Phelan suggested the Applicant can work to reduce the 3-bedroom units and to work further on the parking and setback issues. Mr. Reynolds suggested knowing the ledge information would be helpful.

Mr. Harnais said the Applicant will be returning to this committee for the special permit after going before the Zoning Board.

Mr. Mikami said he is uncomfortable with the back and forth between Zoning and Planning. He said changes may occur in Zoning that the Planning Board is not aware of and it becomes confusing. He would prefer to see the plans before they are submitted to the Zoning Board.

Mr. Reynolds added his concern for the lack of open space for drainage.

Mr. Phelan suggested the use of the abutting vacant land for open space.

Ms. SantucciRozzi noted abutting lands zoning, and that the buffer special permit dimensions that apply.

Mr. Reynolds questioned if the Applicant is intending to return with a revised plan, Mr. Phelan informed the Board that the Applicant plans on going forward to the Zoning Board to request the 9 variances.

Mr. Reynolds made a Motion for unfavorable recommendation for nine variances; seconded by Mr. Mikami.

**Vote: 5:0:0**

**Public Hearings**

**188 Franklin Street / Blaine Brew**                      **7:55 p.m.**  
**Special Permit and Site Plan Review (File 15-03)**  
Blaine Brew, Applicant

Mr. Harnais opened the hearing and read the Public Notice for the record.

Blaine Brew addressed the Board. He explained he is seeking approval to construct an addition to his existing house that is situated on a very long and narrow piece of property. He intends to expand to the rear and over the expanded garage. He said he worked very hard to achieve a plan that would work on the odd shaped lot and the plan submitted is the best it can be.

Ms. Joyce commented that that the house was built before the setback requirement, she had no objection.

Mr. Mikami asked about the plan but said he did not have a problem.

Mr. Eng complimented the design considering the lot must be the narrowest lot in town; he asked what the addition would be used for. Mr. Brew said they intend to increase their family and want guest accommodations also.

Mr. Reynolds complimented the Applicant for the hard work to get to this point. Mr. Brew did not have a problem with the Conditions. He asked Ms. SantucciRozzi to clarify Conditions 25 and 26. Ms. SantucciRozzi explained the construction measures and future erosion control measures.

Mr. Harnais did not have any comments.

Mr. Eng made a Motion to accept the Correspondence beginning February 15, 2015 through March 24, 2015; seconded by Mr. Reynolds.

**Vote: 5:0:0**

Mr. Eng made a Motion to close the Public Hearing; seconded by Mr. Reynolds.

**Vote: 5:0:0**

Mr. Eng made a Motion to Approve the Special Permit; seconded by Mr. Reynolds.

**Vote: 5:0:0**

**205 Elm Street / Braintree Lodge of Elks**                      **8:07 p.m.**  
**Application for Rezone (TCO #15-006)**

Tom Cavanaugh, Esq., represented the Applicant

Mr. Harnais opened the hearing and read the Public Notice for the record.

Mr. Cavanaugh addressed the Board and explained that most of the zoning from Vinton Street along Middle Street, is zoned Residence C. The subject property is 1.7 acres and zoned

Residence C and Residence B. The Applicant is asking to include the Residential B portion of 205 Elm Street in the Residence C zone, uniform to the abutting parcels.

Mr. Harnais called for public questions or comments.

Jeff Burns a resident of West Street pointed out the congestion at the lights at Elm and Church Streets.

Mr. Harnais informed Mr. Burns of the development process that this meeting is only dealing with the zoning issue at the moment. He explained that there will be further meetings in the project process and they will be posted.

Mr. Cavanaugh informed the Board that the developer met with the District Counselor in a community meeting to answer their questions regarding the development.

Ms. Joyce commented that since the location is a similar use, it makes sense and did not have a problem with it.

Mr. Mikami clarified that the property developer is River Walk Development, LLC and that the Applicant will have to come before the Board for a Site Plan Review.

Mr. Eng reminded the Applicant of housing designs that overcrowd the area but he did agree with the zoning change.

Mr. Reynolds agreed with the zoning change for consistency.

Mr. Eng made a Motion to accept the Correspondence dated March 6, 2015 through March 13, 2015; seconded by Mr. Reynolds.

**Vote: 5:0:0**

Mr. Eng made a Motion to close the Hearing; seconded by Mr. Mikami.

**Vote: 5:0:0**

Mr. Reynolds motioned to Approve the Zoning Change of TCO 15-006; seconded by Mr. Mikami.

**Vote: 5:0:0**

**459 West Street (Del's Way) / 459 West Street LLC      8:20 p.m.**  
**Application for a Definitive Subdivision (15-01)**

Donald DelPico and Joseph DelPico, Applicants  
Robert Hannigan, P.E., REH Associates, Milton, MA

Mr. Harnais opened the hearing and read the Public Notice for the record.

Ms. Stickney reminded the Board that a Peer Review was voted on at the February 23, 2015 Planning Board meeting. Since then, the applicant had a conflict with the 3 firms chosen for the Peer Review. She said the Applicant had an issue with the first firm; his builder had an issue

with the second firm and Mr. Delpico contacted the third firm. She said essentially, the Board has no Peer Review Consultant.

On learning of this, Mr. Harnais directed the Staff to rebid the Peer Review Consultant. He strongly advised the Applicant not to interfere with the process; otherwise, it will only delay the Application.

Mr. Delpico addressed the board and questioned what he was advised by the board. His brother, Joe DelPico addressed the board and said he will accept any firm for the Peer Review.

Mr. Reynolds commented for clarification that the Peer Review does not work for the Applicant, they work for the Town. Further, any communication between the Applicant and the Peer Review Consultant has to go through the Planning Board.

Mr. Mikami asked the Chair why the Board would hear this proposal without a Peer Review report. Mr. Mikami said that the Board does not have any information submitted on this project or a Peer Review. Mr. Harnais explained this process to the Applicant and Mr. Hannigan. Mr. Harnais said he cannot stop a presenter.

Regardless, Mr. Hannigan presented drawings showing a division of 8 lots; the existing conditions; the proposed development; a 400 FT road with a sewer connection to West Street; a proposed drainage plan and an erosion control plan.

Steve Bonfiglioli of 435 West Street, wanted to know what a Peer Review was – Mr. Harnais explained the process to him.

Bob Campbell of 38 Fallon Circle, President of the Granite Park Civic Association, asked if the Peer Review considers neighborhood concerns.

Ms. Stickney added that typically the peer reviewer attends (this) meeting, but in this instance, he/she is not here so the reviewer will have to view the tape.

Mr. Eng expanded on the importance of a Peer Review.

Mr. Harnais sternly warned the Applicant not to interfere with the Peer Review process or it will seriously delay the subdivision project.

Mr. Mikami recommended that the Planning Board not hear this matter till the Peer Review is complete.

Mr. Eng made a Motion to Continue the Hearing to May 12, 2015 dependent on receipt of the Peer Review Report; seconded by Mr. Mikami.

**Vote: 5:0:0**

**579/585/587 Granite Street / BH Swim, LLC**      **8:50 p.m.**  
**Special Permit and Site Plan Review (File 15-02)**

Bill Burnett, Applicant  
Donald Bracken; Bracken Engineering, Inc., Buzzard's Bay  
Scott Hedges, BH Swim, LLC, Applicant

Mr. Harnais opened the Hearing and read the Public Notice for the record.

Mr. Bracken explained the proposed project for a swim school. He acknowledged that the hearing would likely be continued for lack of information and plan update.

Mr. Bracken summarized the project to be a good purpose for the existing building, the business is in harmony with the surrounding businesses and will be less of an impact than some other businesses.

Mr. Hedges addressed the Board explained the particulars of the business of the swim school.

Chair asked if the public had any questions.

Brian Noble - 376 West Street addressed the Board stating his objection to the Board approving any permits relating to this project, explaining ongoing unresolved issues including invasion of privacy, trespassing and damage to our property by the property owner, Jim Rader.

Thao Nguyen – 388 West Street addressed the Board and also stated his objection. He noted unresolved problems including grading distortion removal of fence and stone wall, removal of privacy trees. He urged the Board to withhold any considerations to the Applicant until the problems are resolved.

Mr. and Mrs. Bonfiglioli – 435 West Street, asked if the Applicant intends to incorporate the vacant house (at 400 West Street) into the project and when it will be improved from its' current abandoned appearance. Mr. Harnais explained that this issue will be addressed, but in later meetings.

Mr. Rader addressed the Board – said he submitted a plan to resolve Mr. Nguyen and Mr. Nobles' property damage issues – he said they offered a plan a few weeks ago. He further explained that he is working with Mr. Nobles' counsel, Carl Johnson to resolve his particular property issues.

Regarding the abandoned house at 400 West Street, Mr. Rader said that there are no immediate plans but he envisioned it being renovated in the future for residential use.

Ms. Joyce asked the Applicant about how the estimated traffic was determined and if it is known what impact the additional traffic will have on the area.

Mr. Hedges said it was based on traffic studies their company had done on larger swim facilities; it is simply a daily projection. Mr. Bracken concurred, that it is just a projection. Lastly, Ms. Joyce asked about landscaping. Mr. Bracken discussed in general, the landscaping and the drainage.

Mr. Mikami did not want to hear this Applicant because he said this property owner (Mr. Rader) has not yet resolved the issues at 400 West Street.

Ms. SantucciRozzi said there has been some progress on the 400 West St. application. She acknowledged plans the Applicant submitted on March 17, 2015, detailing requested items including landscaping, drainage and a resolution for the neighbors. She explained that those items should be included in this application and although the site was improved, some of the work completed required prior approval from the Board and that was not applied for. She said Staff is not recommending the Board move forward on this application but to open the meeting and have the opportunity for some questions.

Mr. Mikami acknowledged that this Applicant did not participate in the previous proposal. He encouraged him to first completely resolve the outstanding issues of 400 West Street since these impact this Applicants' project.

Mr. Mikami then confirmed with Mr. Hedges that a pool will be built inside the existing building. Mr. Hedges said the construction will take about 3-4 months and the pool will be under the supervision of the Braintree Health Department.

Mr. Mikami noted (from the Applicants' website) that the business will be swim instruction and family swim time. Mr. Hedges clarified that instruction is 98% of the business and 2% family swim time (one hour per week), respectful of the traffic increase. Mr. Mikami asked that the family swim time be clearly identified to the Board. He clarified that the traffic study estimate was based on full student capacity.

Mr. Eng focused on the existing traffic counts at the Five-Corners intersection. Mr. Hedges clarified that the total number of cars estimated during the evening hours would be 64 (16 cars per hour). Mr. Eng pointed out the existing traffic congestion in the area; he said it will be difficult and dangerous for vehicles to depart the location heading left onto Granite Street.

Mr. Reynolds asked about the operational hours. Mr. Hedges said the hours Mon-Fri will be 9 am - noon, reopening between 1 – 4 p.m.; Sat. 8 a.m. - 3:30 p.m. and 4 - 6:30 p.m.; Sun 11a.m. - 6 p.m. Mr. Hedges estimated a maximum of 100 students per day. Mr. Reynolds asked an estimation of needed staff. He said there is a maximum of twenty students in the pool per lesson; a 4/1 student-teacher ratio.

Mr. Reynolds then commented on the traffic issue, he wanted to know how the Applicant arrived at the estimated counts, noting that Braintree Five-Corners is presently at its' lowest level of service – if this project impacts that level of service, it is of concern.

Ms. SantucciRozzi explained Article 14 of the Zoning Bylaws. It will require a traffic study by an Engineer; she suggested the Applicant engage a traffic professional to prepare an accurate study for full review.

Mr. Harnais explained the importance of the resolution of the existing abutter issues at 400 West Street. He questioned Mr. Raders' current interest to resolve the issues. He said he did not like that the problems were not addressed when they occurred about a year ago, forcing some property owners to seek legal counsel for resolution. Further, he said, now Mr. Rader is eager for a resolution because, it appears, the current Application is a profitable project. Mr. Harnais said the respect for the neighbors have priority over bringing in another tenant to make money. Again, he said it is troublesome that only now Mr. Rader moves to resolve the issues.

Mr. Mikami asked Mr. Hedges if the business was an exclusive use to the school, Mr. Hedges confirmed that it was exclusive.

Mr. Eng made a Motion to Continue to May 12, 2015 at 8:45 pm; seconded by Mr. Reynolds  
**Vote: 5:0:0**

**Discussion/Action – Oregon Avenue Definitive Subdivision 9:35 p.m.**

Staff presented a Default settlement Agreement relative to Zampine Farm for acceptance.

The Agreement was negotiated by Town Counsel, Peter Morin and the Bond Company, North American Specialty Insurance Company. The settlement for incomplete work on Oregon Avenue was discussed by Mr. Morin in the December 15, 2014 Planning Board Meeting. At that meeting it was voted to accept the recommendation of Town Council contingent on further negotiation of the bond funds. Presented to the Board is the final settlement in the amount of \$58,470.00.

The Board asked for the fund execution date, staff said within 15 days of signature.

Mr. Eng made a Motion to accept the settlement; seconded by Mr. Mikami.  
**Vote: 5:0:0**

**Zoning Initiative 9:40 p.m.**

Ms. Stickney addressed the Board and briefly explained that the Planning Department issued a Solicitation for zoning review. Three firms responded; each firm will be interviewed after which one firm will be selected to complete the estimated 2 ½ year project.

**Application Fee Review**

Ms. Stickney informed the Board of a proposed fee increase that will be prepared by the next meeting for the Board to review.

**Notice of Annual Planning Board Membership to file with Norfolk County Registry of Deeds and Land Court**

Mr. Reynolds made a Motion to Continue the current membership organization of the Braintree Planning Board; seconded by Mr. Mikami.  
**Vote 5:0:0**

**Approval of Minutes of February, 2014**

Mr. Reynolds made a Motion to accept the February 23, 2015 Minutes; seconded by Mr. Mikami  
**Vote: 5:0:0**

Mr. Reynolds made a Motion to adjourn the meeting; seconded by Mr. Eng.  
**Vote: 5:0:0**

The Meeting adjourned at 9:46 p.m.  
Respectfully Submitted,  
Elizabeth Schaffer