



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

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### PLANNING BOARD

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

**APPROVED**

### Braintree Planning Board – April 12, 2016 – Cahill Auditorium

Present:

Mr. Robert Harnais, Chair

Mr. Joseph Reynolds, Vice Chair, joined the meeting at 7:30 PM

Mr. James Eng, Clerk

Mr. Darryl Mikami

Ms. Erin V. Joyce

Melissa SantucciRozzi, Principal Planner

Jeremy Rosenberger, Zoning Administrator

Chair, Robert Harnais, called roll call at 7:10 PM.

### Zoning Board of Appeal Petitions – April 26, 2016

#### OLD BUSINESS:

**Petition #15-10:** 60-80 Campanelli Drive (Thayer Academy & Jay I. Hanflig) The Zoning Administrator reminds the Planning Board that they provided a favorable recommendation for this Petition. However, there are no updates at this time.

**Petition #15-61:** 128 & 0 Town Street (BSC Partners, LLC & Town of Braintree) No updates currently.

**Petition #16-04:** 1317 Liberty Street (Daniel J. O'Sullivan) – The Planning Board provided a favorable recommendation at the last meeting. The Petitioner will be withdrawing this Application, but will be the subject of an ANR discussion tonight.

#### NEW PETITIONS:

##### **Petition #16-06 Longwood Road**

Mario and Joan Bertone, 16 Bluff Hill Road, Hull, MA 02045 c/o Carl Johnson, for relief from Bylaw requirements under Chapter 135, Sections 407 and 701 for a variance from the minimum lot frontage provisions for a vacant lot containing 35,790+/- sq. ft. that fronts on Longwood Road. The applicant seeks a variance for a frontage that does not meet minimum requirements and to establish this as a buildable lot. The property is located at Longwood Road, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2086, Plot 12, and contains a land area of +/- 35,790 sq. ft. The Zoning Administrator recommends an approval, as they meet the warrants for relief for a variance both because the lot has a number of topographically unique situations and characteristics; also, as it was laid out in 1947 and not allowing it to go forward as a buildable lot would be a significant hardship to the owner. Attorney Carl Johnson is before us tonight to discuss this project, which has been before Planning Board as an ANR last year or the year before.

Attorney Carl Johnson, law offices at 45 Braintree Office Hill Park. represents the applicants, Mario and Joan Bertone. This is an application from Joan Bertone, as Mr. Bertone passed away last week. This was a subdivision lot plan. Attorney Johnson points out where the lot is located on the displayed plan. In 1947, the Zoning Ordinance required 7,500 square feet for lot size, and 70 feet of lot width; there were no frontage requirements at that time. Frontage came in 1954 requiring a minimum frontage requirement of 50 feet. Attorney Johnson provides an overview of the subdivision. Mr. Bertone bought the property in 1985. The lot substantially exceeds all other lots in the Longwood Road area. What is unique about this property is that it is a unique (pork chop) shaped lot. The second issue that affects this lot is its topographical condition. Attorney Johnson highlights the elevation information for the lot. The overlay shows the aerial plan. Attorney Johnson discusses drainage and storm water flow.

Attorney Johnson submitted two letters with the Application; one by Bradley McKenzie, registered Professional Engineer who described the site and soil characteristics; the other is Bradley Homes, a wetland scientist, who flagged the area around the pipe to note that the Applicant will have to file a Request for Determination with Conservation. In any event, the steep slope impacts this. Reference was made that this was before the Planning Board for an ANR plan a couple of years back. Attorney Johnson discusses the ANR Plan.

They looked at two possible uses for the property. The first was to lay it out as a subdivision. Attorney Johnson discusses the characteristics of subdivision requirements. The second plan is the preferred plan. It shows a 16 foot driveway, which preserves some of the existing vegetation, has buffers and will be indistinct from some of the other driveways along the Longwood Road area. This provides a proposed location of a house with a substantial distance between existing dwellings and takes advantage of a siting. This may need a grading permit. The grade is relatively flat.

Attorney Johnson discusses the laws around a variance. Attorney Johnson summarizes the characteristics of the lot and the hardship of the lot. The hardship is not personal to the petitioner; anyone developing this lot would face the same conditions. There is no other use for the land. Hel feels all of the elements of the variance are present. This should have no impact on abutting properties; there are no traffic issues. It is a substantial distance from existing properties. There are opportunities to buffer.

Attorney Johnson discusses the potential for a subdivision. A subdivision would be economically unfeasible.

Member Joyce refers to previous application and triangular piece of land on Blanchard Boulevard. Do you know who owns this land? Attorney Johnson responded that there was a title problem with this land; the town did not reference the property. It is the stub end of Conrad Street and not Blanchard Boulevard. Member Joyce has no further questions and agrees that this is the way to do it.

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Member Mikami states that under all options there can only be one house built. Attorney Johnson agrees. That was Mr. Bertoni's wish. Attorney Johnson states the land will likely be sold with conditions to be approved, and it will likely be before Conservation Commission and perhaps back before Planning Board for a Grading Permit.

Member Eng asks will whoever purchases this land take care of how this land drains at the end of the 12 inch RCP. Attorney Johnson states that is something that the engineers will have to look at and design. Member Eng suggest they not regrade the site so that the drainage ends up on neighbor's property. Attorney Johnson understands that this would be a concern for the neighbors and feels this would fall under the jurisdiction of a Grading Permit. Member Eng feels the plan is a good plan.

Member Eng **MOTION** to make a favorable recommendation; seconded by Member Mikami; Vote: 4:0:0.

Member Reynolds joins the meeting at 7:30 PM.

**Petition #16-07 1259 Liberty Street**

**Bob Harnais steps away from meeting at 7:30 PM.**

Frank Fasoli, 1259 Liberty Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407 and 701 to subdivide 840 sq. ft. of land from subject property and combine with 1265 Liberty Street; subdivision of subject property would create a lot of 14,558 sq. ft. that does not meet the minimum lot area. In essence, ultimately you are reducing a lot size so it won't be conforming to offset a property behind it that doesn't have the minimum front yard to increase that. Zoning Administrator provided a recommendation of denial and states it does not meet the requirements for a variance.

Member Joyce asks if Zoning Administrator knows the reason why they want to subdivide the parcel in this manner. The Zoning Administrator states the Applicant is currently redeveloping the property in the front; through that process the Abutter behind him requested if he may buy some additional property to increase his front yard, as he has an existing 15 foot front yard setback. In the end, you are creating a variance by relieving another one. It is not satisfactory for granting a variance. It is purely for leisure, as they want more front yard. Member Joyce agrees with Zoning Administrator recommendation and suggests maybe they could use that space through an easement.

Member Mikami thinks the staff's recommendation is very straight forward and agrees.

Member Eng agrees with the denial.

Member Eng **MOTION** to deny; seconded by Member Mikami; Vote: 4:0:0.

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**Petition #16-08 87 Trefton Drive**

Brian McGourty/McGourty Company Inc., 2 Garden Park, Braintree, MA 02184 (owners, Thomas and Christine Canavan) for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to construct a 6' x 30' addition to an existing rear deck, which would not meet the minimum rear yard setback. The applicant seeks a permit, variance and/or finding that proposed alteration is not more detrimental to the neighborhood. The property is located at 87 Trefton Drive, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3039, Plot 11, and contains a land area of +/- 6,000 sq. ft.

The Zoning Administrator reminds the Planning Board that this location was before the Planning Board back in September; it was a fire damaged single-family home. It came before the Planning Board for a finding, and you provided a favorable recommendation to demolish the fire damaged home and replace it with a single-family dwelling that met all the setbacks. They realized that approved rear deck did not meet their needs. They are going before ZBA to increase the size of their rear deck, which would encroach into the rear yard setback. The Zoning Administrator recommends denial; in this case, they don't meet the necessary requirements for a variance. The Zoning Administrator has not seen any rear decks with the same situation of encroachment into the rear yard setback. There is no specific topographical uniqueness to this. The Zoning Administrator recommends that they meet the setback. They can get an additional three feet, but they feel they need six feet.

Members Joyce and Mikami have no questions or comments.

Member Eng asks if Zoning Administrator has recommended reducing the width of the deck size to the Applicant. The Zoning Administrator did speak with Petitioner's representative. Member Eng confirmed that the Applicant did not show hardship. Member Eng agrees with denial.

Member Reynolds states that there is a limitation and a line that needs to be drawn. Member Reynolds agrees with the Zoning Administrator's recommendation.

Member Eng **MOTION** to deny; seconded by Member Mikami; Vote 4:0:0.

**Petition #16-10 214 Shaw Street**

Lawrence Graziano, 508 Commercial Street, Braintree, MA 02184 (owner, Kenneth A. McKeen) for relief from Bylaw requirements under Chapter 135, Sections 403 and 701, to construct a 30' x 36', two-family dwelling, with 6 off street parking spaces, on an existing non-conforming lot. The property is located at 214 Shaw Street, Braintree, MA 02184. This is a proposal that will be before the Planning Board in May for a Special Permit because it is a two-family use in a General Business District. The applicant is looking to replace a fire-damaged office/residential dwelling in a General Business District Zone that currently is vacant. It is going before the ZBA for a finding for an existing lot that is undersized both through lot area as well as width and depth. If this was in a residential district, it would be allowed to build as of right, but because the use is subject to Special Permit, it is subject to a finding. The Zoning Administrator recommends approval.

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Member Joyce states staff report notes there are other two-family dwellings in area; it seems like mostly single family residential. Do you have any information on how many two-family's are located in the vicinity? The Zoning Administrator states, although there are predominantly single family homes, there were about four two-family's in the area. The Zoning Administrator clarified that this applicant will be on Planning Board Agenda for May 2016 meeting regarding Special Permit for use.

The Zoning Administrator advises that this was a fully paved property, used ad hoc as a contractor yard. There were ensuing water issues. This project will help relieve water problems and return it back to its natural state, significantly improving the aesthetics of the neighborhood. Member Joyce asks if there were any comments from abutters; the Zoning Administrator advises that some abutters are very concerned about a two-family use. Member Joyce clarified that the recommendation tonight is just for the finding about the structure, and the decision about the use is not part of this vote.

Member Mikami clarified that original home was one family with an office. Member Mikami asks about lot coverage. The Zoning Administrator clarified that they were removing 3000 square feet of asphalt, and it meets lot coverage requirements. Member Mikami clarified that each of the dwellings would be two-bedroom. Member Mikami confirmed the Zoning Administrator's opinion that, though the neighbors are concerned, this would be an improvement. Member Mikami has no further questions.

Member Eng asks if we approve the ZBA Petition, are we setting ourselves up to approve Special Permit. The Zoning Administrator believes that is discretionary. The Principal Planner clarifies that there is separate criteria for the Special Permit, which will be spelled out in a Staff Report next month. Member Eng clarified loss of pavement amount, which is 3000 square feet.

Member Reynolds is very familiar with that piece of property, and he would agree that elimination of asphalt is a plus. The proposed footprint is within the means of legal setbacks. Member Reynolds agrees with the Principal Planner's comments regarding Special Permit review.

Member Eng **MOTION** to favorably recommend; seconded by Member Mikami; Vote 4:0:0.

Chair Harnais rejoins meeting at 7:45 PM.

**Petition #16-11 220 Forbes Road**

Bart Steele c/o Viewpoint Sign & Awning, 35 Lyman Street, Northboro, MA 01532 (owner, STJ Forbes Equity Partners, LLC) for relief from Bylaw requirements under Chapter 135, Sections 407, 904.2 and 905, to replace an existing 144 sq. ft., 21 ft. tall ground sign with an internally illuminated, 387.3 sq. ft., 34 ft., 9 inch tall ground sign that will be illuminated and provide for graphics that will move every 15 seconds and geared toward on-premise advertising. The Zoning Administrator recommends denial as he has issues with the sign; also, there are conversations that pre-date the Zoning Administrator with this owner about site improvements, including façade, building and landscape. There doesn't seem to have been any movement or

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conversations with regard to those improvements that have been discussed. A sign before those discussions does not seem to be a prudent action, so I recommended denial.

Member Joyce states her only question/comment was that in the video it feels more like a billboard than a sign; it looked like some of the advertising was maybe for businesses not at the facility. The Zoning Administrator states it is a bit of a grey area. He feels we could put some conditions about signage, if we wanted to approve a sign that changes.

Member Mikami feels there is going to be a lot of positive redevelopment in that area, and the owners should, as the Zoning Administrator stated, updated the facility, which would be more valuable; he feels this is totally inappropriate.

No comments from Member Eng.

Member Reynolds agrees with previous comments and states that it is a question of whether this is a billboard rather than a sign. Member Reynolds cannot support this.

Chair Harnais feels "no".

Member Reynolds **MOTION** to recommend denial; seconded by Member Eng; 5:0:0.

**Petition #16-12 22 Hamilton Street**

Sharon McDonnell, 22 Hamilton Street, Braintree, MA 02184, is before ZBA for relief from Bylaw requirements under Chapter 135, Sections 403 and 701, to remove the existing second story roof dormers and construct a full size second story with attic. The applicant seeks a finding that proposed alteration within the existing footprint. The property is located at 22 Hamilton Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 2011, Plot 37, and contains a land area of +/- 9,946 sq. ft.

Upon looking at the application, they have an existing above-ground pool that is in the rear yard setbacks. It also doesn't meet the accessory setback for a pool. There is a rear deck that encroaches into the side yard. It probably meets the Statute of Limitation, as these are structures that have been there for over ten years and may have become Legal Non-conforming. The Zoning Administrator has asked the Applicant to provide some abutter support letters that show they are supportive of this, as well as some more documentation to see if they can find exactly when these were built. Therefore, the Zoning Administrator recommends deferral until the issues are addressed. The proposed addition is all within the existing footprint.

There are no comments from Members Joyce, Eng, and Mikami.

Member Reynolds agrees with the Zoning Administrator's recommendation; Member Reynolds asks, in the Zoning Administrator's deferral recommendation, is there anything about movement of the shed. The Zoning Administrator states the Applicant said the one in the far corner would be a tough one to move; it is on cinder blocks and is a large, heavy structure. The Zoning Administrator has asked the Applicant for evidence on how long the shed has been there or when it was put there.

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Member Eng **MOTION** to defer at this time; seconded by Member Reynolds; 5:0:0.

**Petition #16-13 188 Franklin Street**

Blaine S. Brew, 188 Franklin Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407, 609 and 701 to construct a two-story addition that will not meet the minimum 10 ft. side yard setback. The applicant seeks a permit, variance, and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 188 Franklin Street, Braintree, MA 02184 and is within a Watershed Residential B District, as shown on Assessors Map 1020, Plot 1, and contains a land area of +/- 16,800 sq. ft.

This came before ZBA for a Variance and Planning Board for a Special Permit/Site Plan Review back in 2014. They were granted relief in 2014 from ZBA, but never exercised or registered the granting of relief. The granting of relief is that they are seeking to demolish an existing garage and sunroom and construct additions of new living space on the first and second level, as well as a new garage and deck. The ensuing project would result in encroachment in the side yard area resulting in a 7.5 feet setback. They have a unique sized lot and a topography issue in the back. The Zoning Administrator recommends approval.

No comments from Members Eng, Joyce, Mikami.

Member Reynolds asks for clarification that there are no material changes since the last application, and the Zoning Administrator confirms that there are no changes.

Member Reynolds **MOTION** to recommend approval; seconded by Member Eng; unanimously voted 5:0:0.

**PUBLIC HEARINGS**

**Special Permit (s) and Site Plan Review – 130 Allen Street – Brian Yeary of Blackwater Towing (PB File #16-04)**

**Present for the applicant:**

**Kevin Burke, Attorney for the Applicant**

**7:55 PM All five PB members participated**

Chairman Harnais read the legal notice into the record.

Attorney Burke apologies to staff and to residents that were thinking there would be a hearing this evening. Attorney Burke agrees that Applicant got things backwards. There are a number of things they need to do. He agrees that they need to address some issues, meet with neighbors, meet with staff and straighten out a number of issues. It is their intention and they hereby request that the Planning Board continue the Public Hearing on this matter. In the interim, he had a very clear discussion with the owner that they should cease and desist all operations at the location. There should be no business of any kind conducted at that location. They have a

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fully licensed yard in Abington, and all of the operations will be conducted from that location. As of this very moment, there is one vehicle on site currently; it should be gone by tomorrow morning. Attorney Burke apologizes to staff and to residents that were thinking there would be a hearing tonight. He is hopeful that, with meetings with residents and with the staff, we can get to the right answer on this matter.

Chair Harnais has no problem with a continuance as long as the Applicant is not conducting business at that address. Attorney Burke provides a guarantee.

Melissa SantucciRozzi, Principal Planner, clarifies whether the deadline for the next meeting on May 10<sup>th</sup> is sufficient for accomplishing things. Attorney Burke would prefer a June meeting. A June meeting gives the Applicant six weeks to work through things and submit. Staff proposes June 14 at 7:45 PM.

Member Eng **MOTION** to continue the public hearing to **June 14 at 7:45 PM**; seconded by Member Reynolds; unanimously voted 5:0:0. The applicant's representative signed a mutual agreement to continue the public hearing.

**Special Permit(s) and Site Plan Review – 57 Holbrook Avenue – Kevin McGrath  
(PB File #15-05)**

**Present for the applicant:**

**Frank Marinelli, Attorney for Applicant**

**Kevin McGrath, Applicant**

**8:15 PM All five PB members participated**

Chairman Harnais read the legal notice into the record.

Attorney Marinelli presents on behalf of the Applicant, Kevin McGrath, who is here with his two daughters and son, all of whom reside at 57 Holbrook Avenue. This is an application for a Special Permit for improvement and approval of a two-unit use of the structure that was originally built about 125 years ago, in about 1890. The two-unit residential structure is located in the General Business/Village Overlay District in South Braintree. Holbrook Avenue begins at CVS on Washington Street, and then you have various multi-family residential structures as you proceed easterly. Attorney Marinelli cited where there are other multi-family uses in the neighborhood. There is the 18 unit apartment house owned by Mr. Frazier and approved by the Planning Board behind this property, as well as office use across the street at 42 Holbrook Avenue.

In 1958, Kevin's father bought the house; there was a tenant on the first floor and the McGrath family lived on the second floor. In 1964, Kevin's sister moved into the downstairs apartment, his grandmother lived in the downstairs apartment and after that Kevin's brother lived in the downstairs apartment.

Kevin moved back into the property approximately 35 years ago, in 1982, and he has lived there ever since. The application is for investment and improvement in South Braintree, certainly an area where the Town likes to see investment and improvement. In 2014, Kevin installed a new roof, new siding, and new windows. He has done a lot to the property. In this process, we have worked with the staff to come up with a set of plans that I hope the Board will find to be a good investment and improvement to the property. Recently, in preparation for this project, Kevin

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demolished an old freestanding garage, which is where the new garage footprint, which is connected to the house, is located. Essentially, there are two units, a first floor and a second floor unit. Garage will be added to the house, and above that will be an addition to the second floor unit.

Attorney Marinelli highlights the floor plan, the added area, the garage, the second floor unit. There is a larger addition on the westerly side, and a much smaller addition on the easterly side of about 72 square feet per floor. The Applicant is preserving the attractive, historical gabled facade; the architect, McKinnon Architects, has worked with existing design of the house to incorporate the same design for the garage and for the second unit upstairs. In addition to the plans, the General Business Village Overlay District requires only 10% open space; we have approximately 49% open space (almost 5 times the amount of required open space for Village Overlay). All of the dimensional requirements of Village Overlay are complied with. We have submitted to staff a landscape plan, which shows the addition of trees, shrubs and grass. The application is supported by all Department Heads that have reported to the Planning Department; various abutters that have been contacted have signed their support for the project on a petition. Staff summarized it well on page 6 of the Staff Report where it talks about the introduction of a quality dwelling unit within walking distance of good services, eating establishments and transit provides a level of convenience currently lacking within South Braintree Square. Not only is this use compatible with the village district, but it will improve the overall appearance of the structure and result in a positive impact to the area from an economic and sustainable aspect.

Chair Harnais opens to public; no comments.

Member Joyce asks for clarification with regards to the two units. Attorney Marinelli states the first unit is all on first floor; the second unit encompasses the second and third floor. There is clarification about the common entryway, which is existing, to get to both units.

Member Mikami asks for an explanation about the history of it going from a two-family to one family back to two-family. Attorney Marinelli provides clarification and states the intent has been to maintain two units. Until 2010, Mr. McGrath's mother was using first floor and Kevin's family was on second floor. Since then, it has been used by one family. Member Mikami clarifies that even though it might be a two-family it is better to go through this process. Member Mikami asked for clarification about rental. Attorney Marinelli states the first floor unit will be rented, and the applicant will occupy the second unit. Member Mikami asks for clarification about parking. Attorney Marinelli states the Site Plan shows it is a deep lot that is over 30 feet wide. Member Mikami clarified that you could have at least four cars there.

Member Eng feels like it is a great design. He agrees that it has the access and egress to comply with those regulations. Member Eng asks for clarification on Condition 35 regarding storage. The Principal Planner refers to restrictions on what can be stored on a residential property in the Zoning Bylaw. It talks about accessory uses in a Residential District. This is in a General Business District so reference was added with some question marks. The Principal Planner knows that Mr. McGrath has recreational vehicles that he might want to store there, and she thought that they could have some discussion to put a limit on that because the restrictions in residential district would not apply in this zoning district. She wants to try to eliminate storage of things in rear yard on lawn area, with a preference of storing in the garage. Member Eng clarifies with Attorney Marinelli the storage of recreational vehicles. Mr. McGrath states trailer will be off the property. The Principal Planner states she will use the limits of up to one recrea-

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tional vehicles, which would be permissible in a Residential District would probably work for this property, as well. If that is amenable to the Applicant, we will use that same language. Attorney Marinelli states that is fine. Member Eng asks if there were any other conditions that are controversial or cannot be met by the Applicant. The Principal Planner would like to speak to Condition 33. She had written the condition, and Mr. McGrath brought to her attention that the tenant will not be using the garage. That is for the owner's use. Mr. McGrath will be storing his totes inside the garage, and the other two totes for the tenant will either be stored to the rear of the garage or potentially an alcove area near the rear of the structure. Staff is fine with that.

Member Reynolds thinks this particular project fits very nicely into the Village Overlay. What is depicted in the plans will not only boost the value of the home, but it will boost value of the neighborhood, as well. It is very encouraging to see the types of improvements in that neighborhood that have come with the change of the Overlay District. This is a great example of the spirit of the Bylaw to get creative. Member Reynolds' last point in that multi-family unit housing, transit oriented development areas is the future. We have to accommodate that type of housing. This is a great use.

Chair Harnais thinks it is a great use and has no problem with this.

Member Reynolds **MOTION** to accept correspondence from March 3, 2016 through April 8, 2016 (13 documents); seconded by Member Eng; unanimously voted 5:0:0.

Member Eng **MOTION** to close the public hearing; seconded by Member Reynolds; unanimously voted 5:0:0.

Member Reynolds **MOTION** to approve the application with Conditions 33 and 35 clarified as discussed; seconded by Member Eng; unanimously voted 5:0:0.

**CONTINUED PUBLIC HEARING**

**Special Permit (Floodplain) and Site Plan Review – 100 River Street – Gary Gabriel  
(PB File #16-01)**

**Present for the applicant:  
Gary Gabriel**

**8:45 PM four PB members participated; Chair Harnais is not participating, as he missed testimony.**

Member Mikami **MOTION** to accept correspondence from January 11, 2016 through March 30, 2016 (25 documents); seconded by Member Joyce; unanimously voted 3:0:0.

Applicant Gary Gabriel and his Engineer has reviewed all the conditions provided by staff and agrees with them.

The Principal Planner states the Applicant was here two months ago and has spent some time diligently reviewing the materials and comments from the staff and he has provided an updated revised site plan. He has also responded to all the questions in the Staff Report. The Principal Planner has Draft Conditions, which address the use, the location and the parking. We talked

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last time about the contractor's yard and activities that might happen outside. That is all restricted to the inside of the building with the doors closed. We have restricted vehicle washing on site due to the location of the river. He has submitted schematic building elevation that was included in the packet. Landscaping has been defaulted to restoration plan implemented by the Conservation Commission. There is a very limited area between the building and the river. This is best suited by treating and planting, as dictated by Conservation. This is conditioned in the Order of Conditions, and Mr. Gabriel has agreed to that.

Vice Chair Reynolds asks if there is any public comment.

Member Joyce asks will doors at rear of building be at same elevation as front doorways. Mr. Gabriel states yes. Member Joyce states that it looks like the elevation on the back includes a four foot drop. The Principal Planner states because you are in the floodplain, you will need stairs inside the bay. Mr. Gabriel states he can do that and do a small well on the inside. Member Joyce refers to doorways along River Street, it was discussed that they would exit onto crushed stone; she wants to make sure that is reflected on Site Plan. Mr. Gabriel confirms that they could do a strip of crushed stone along there. The Principal Planner clarifies the stone should be all along the building. Member Joyce states at the northwest corner of the building, make sure the stone does not extend onto the other lot. Member Joyce didn't notice any overflow from the cultec system in the drainage report. She doesn't see any outlet from the cultec system. Member Joyce suggests we make sure that is accounted for and clarified. Mr. Gabriel states he has a detail on the revised plan for the roof liters. The Principal Planner states the trench drain is going in there too. The Principal Planner states we can condition that to be verified. Member Joyce mentions that there is a water gate shown near the driveway for the western most unit. It is in a different location from the where waterline into the house is shown. She knows there is a condition for the As Built to show the utility services. She suggests they might want to clarify the water gate. Member Joyce's only other comment was related to the O&M Plan for the storm water system. It needs to be revised. The Principal Planner states the O&M Plan does not address the trench drain, and she has asked that it also be revised to include snow removal under Condition 34.

Member Mikami clarifies whether the prefab building is what is going there. Mr. Gabriel states something like that, which is anchored to the concrete. He was going to do beige with green trim. Member Mikami asks about signage. Mr. Gabriel does not want signage. Member Mikami confirms that all storage is inside.

Member Eng asks about Staff Report, Order of Conditions, Number 4--The Performance Guarantee Surety, is not applicable, why. The Principal Planner states that condition relates to public improvements or upgrade of sidewalks, none of that is being done here. Member Eng clarifies that Condition 52 states no vehicle washing is permitted on property; he asks if the Applicant is comfortable with that. Mr. Gabriel agrees with that condition. Member Eng asks about lighting mounted on building and glaring onto other properties. The Principal Planner has conditioned wall-pack cutoff fixtures and the locations on the plan. She clarifies that this is just a box fixture for light for the door, two on back and three on the front.

Member Reynolds asks about maintenance of drainage and cleaning; the Principal Planner states that is contained under Condition 34. A plan has been submitted, but it needs some revisions. We are requesting a revised Operations and Maintenance Plan and that Mr. Gabriel also lets us know what he is going to do with the snow. It is a very tight site. He does have that 15 foot right-of-way that he needs to keep clear for the tenant/property owner to the rear.

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Mr. Gabriel states they agreed to put it between the driveways in sloped down area when this was addressed with Conservation. The Principal Planner states that would be acceptable.

Member Eng **MOTION** to close the public hearing; seconded by Member Mikami; unanimously voted 4:0:0.

Member Eng **MOTION** to approve the Special Permit/Site Plan Review (SP/SPR) with conditions as prepared by staff with minor revisions; seconded Member Mikami; unanimously voted 4:0:0.

Chair Harnais rejoins the meeting at 9:00 PM.

### **CONTINUED PUBLIC HEARING**

#### **Grading Permit – 745 Washington Street – Thayer Academy (PB File #16-03)**

**Present for the applicant:**

**Nate Cheal, Engineer**

**Bill Stevenson, Business Manager for Thayer**

**9:05 PM All five PB members participated**

Nate Cheal states since last meeting, we have received draft conditions from the staff and they all seem reasonable. Mr. Cheal mentions that Mr. Stevenson met with neighbor that was concerned at last meeting about traffic. The Principal Planner would like to hear what happened at meeting. Bill Stevenson, Business Manager for Thayer, states he met with Meredith Boericke, 59 Hobart Avenue, who is closest residence to where work will be done. She was concerned with stopped or idling trucks outside her house. It is one of the conditions that we not do that, in any case. Mr. Stevenson arranged for owner and president of site construction to come to the site; he was very reassuring that there would not be any trucks allowed on the street. There is room to stack two in the bus turnaround lane, but they will be organized to come directly into the site rather than waiting in that idling area. The abutters expressed relief and reassurance that there concerns had been addressed.

Chair Harnais opens discussion up to the public for questions or comments. There are no comments from the public.

Member Joyce asks if there is a set plan for entrance and exit of the trucks onto the site. Nate Cheal states the concensus was to keep everything in and out through Hobart, with the exception of the first couple of weeks where they will need to use the access gate off of Tremont Street, but they would still be coming through Hobart to Tremont. Member Joyce agrees, as she would rather see it on the least amount of side streets as possible.

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Member Mikami questions whether this is the end of grading, fixing fields, new fields? Is it all complete? Bill Stevenson states it is certainly the last installment in their current planning cycle. They have completed work in all of the area to the rear of the buildings except for the football field and track. The track has recently been resurfaced as part of ongoing maintenance, which is good for five years. At that point, it probably will be necessary to reconstruct it entirely. So there may be a proposal then to do something different with the football field, possibly make it artificial turf. It is uncertain at this point. He feels it is safe to say in the next five years there should be no further work. Member Mikami is happy that they made the provision for overflow parking. The Principal Planner states there has been an updated plan for parking to accommodate the different layouts on the field. The Principal Planner put a copy of the updated parking plan in the file for the Art Center, as well.

Member Eng states all issues have been addressed in Staff Report and Conditions, and he feels they are good to go.

Member Reynolds' concerns have been addressed. He thanks the Applicant for their work with the staff and the neighborhood.

Chair Harnais ask the ADA Coordinator to provide their opinion on compliance. Kristen Zechello, ADA Coordinator for the Town of Braintree, states everything has checked out beautifully; she has met with applicant's representatives and everything looks great.

Chairman Harnais read the correspondence into the record. Member Reynolds **MOTION** to accept correspondence from January 19, 2016 through March 24, 2016 (17 documents); seconded by Member Eng; unanimously voted 5:0:0.

Member Eng **MOTION** to close the Public Hearing; seconded by Member Reynolds; unanimously voted 5:0:0.

Member Reynolds **MOTION** to approve the application with conditions as stated by staff; seconded by Member Joyce; unanimously voted 5:0:0.

**OLD BUSINESS**

**Request for Release of Surety/Lot and As-Built Approval – Buker Estates Definitive Subdivision – File #99-21 - Norman Preston, Applicant**

The Principal Planner reminds the Planning Board that the Applicant was before the Board last month to waive Conditions 35 and 37 related to drainage. She has done a quick update in red to staff report noting what has been completed to date. We are looking very good. She has prepared a recommendation to the Board, which asks the Board to release the final surety, which in this particular case is Lot 4. She has prepared a Certificate of Lot Release, if the Board is so inclined to vote that to be endorsed.

Also, the second vote would be to grant As-built Approval surviving Conditions 26 and 38. Condition 26 says this is a seven lot subdivision, and any new lots will require a new subdivision. And Condition 38 is the condition related to the drainage, and if those drainage structures are on your property, you own the maintenance on those drainage structures. That is an old condition that we have moved on from now, but this is an older permit. Staff has been working with Mr. Preston; he has a draft of the street acceptance plan. This is moving along at nice pace.

No questions from Members Joyce, Mikami, Eng and Reynolds.

Member Reynolds **MOTION** to approve staff recommendations; seconded by Member Joyce; unanimously voted 5:0:0.

**Approval Not Required Subdivision Plan – 1317 and 1321 Liberty Street – Daniel J. O’Sullivan**

Jeremy Rosenberger, Zoning Administrator, is here regarding an Approval Not Required Subdivision Plan for 1317 and 1321 Liberty Street. The Applicant, Mr. Daniel O’Sullivan mentions that he was here a couple of months ago discussion the previous plan, and the Zoning Administrator asked him to revise the plan to make it a conforming lot. The previous plan submitted was non-conforming. Basically, he is looking for extra frontage in his front yard to create the driveway. The Zoning Administrator reminds the Planning Board that they provided a favorable recommendation to ZBA to create the undersized lot. However, ZBA recommended that he withdraw and try to meet the minimum square footage for a lot of 15000 square feet. Mr. O’Sullivan agreed to do that, and he will be withdrawing for the next ZBA meeting. Both properties frontage meet minimum frontage requirements. In the end, his property is providing 6,198 square feet to the rear property, which he also owns, and creating a lot in the front of 15,001 square feet. That will result in Lot 2 becoming 29,030 square feet. Both meet zoning requirements.

Member Mikami states it is real easy when you do it correctly, so we appreciate that.

Member Eng **MOTION** to endorse the Approval Not Required (ANR); seconded by Member Reynolds; unanimously voted 5:0:0.

**Approval Not Required Subdivision Plan – Town of Braintree Municipal Parking Lot (Plan 3006 – Plot 12C) – Town of Braintree c/o Michael Coughlin, Applicant**

The Principal Planner presents this Application for an Approval Not Required Subdivision Plan. Director Stickney has prepared a recommendation, which she has circulated. This is related to subdividing the F.L. Wright Connector from the Municipal Parking Lot. It exists as one piece of property now. The Town is proposing to make two lots, as one of the lots will be deeded over

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to Mr. Katzen. Attorney Marinelli is here if there are any particular questions. This is the second phase of perfecting the recently approved Special Permit for the Mixed Use Project.

Attorney Marinelli states, as the Planning Board knows, you approved the Landing Apartments Project, which is a mixed use transit oriented development, 172 apartment units and about 12000 square feet of retail. It is on 3 properties: 37 Commercial Street, which is the former Chair Fair building; next door is 19-19A Commercial Street, which is where Trio Restaurant was located; and behind is a portion of the municipal lot. What this ANR plan does is to segregate the piece of land that is to be conveyed to the development. It separates that from Wright Connector. The developer was the only respondent in the RFP for the acquisition of the portion of the municipal lot.

No comments or questions from Members Joyce, Mikami, Eng or Reynolds.

Member Reynolds **MOTION** to endorse the Approval Not Required (ANR); seconded by Member Eng; unanimously voted 5:0:0.

Member Mikami **MOTION** to approve the minutes from July 14, 2015 and March 8, 2016 meetings; seconded by Member Joyce; unanimously voted 5:0:0.

Member Eng **MOTION** to adjourn the meeting; seconded by Member Reynolds; unanimously voted 5:0:0.

The Meeting adjourned at 9:15 PM.

Respectfully submitted,

Louise Quinlan  
Planning/Community Development