



# 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

Present:

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

Christine Stickney, Director  
Melissa SantucciRozzi, Principal Planner

Vice Chair, Joseph Reynolds called roll at 7:09 p.m.  
Chair, Robert Harnais was not present.  
Member Erin Joyce joined the meeting at 7:20

## Zoning Board of Appeal Petitions – April, 2015

### ZBA (15-6)

#### 166-194 Forbes Road / KW Braintree LLC

Attorney Frank Marinelli, Attorney for the Applicant, Braintree, MA  
Ara Aftandilian, Manager, KW Braintree LLC, 304 Boston Post Road, Wayland, MA

Mr. Marinelli addressed the Board and explained that the Applicant is proposing to demolish the existing building and redevelop a 6 story hotel (Residence Inn by Marriott Hotel) and a restaurant located east of the hotel. The hotel is in the Highway Business district. The Applicant is seeking a variance from the maximum building height, number of stories and a finding that the alteration is not more detrimental to the neighborhood. The proposed hotel will sit on a one acre building footprint. He explained that since the existing building does not conform to set back or parking requirements; it will be demolished.

Mr. Marinelli said that the landscaping will increase surrounding the building improving the appearance. The lot has a lower elevation which will visually accommodate the 6 stories compared to other hotels in the area. The slope presents a hardship in that it encompasses about an acre of land. The lot has unsuitable fill requiring soil improvement. The design is in keeping with the shape of the lot.

The Applicant is also seeking parking relief. Proposed are 226 total parking spaces; one parking space per room plus 52 spaces for the restaurant and 34 spaces in parking easements. Mr. Marinelli said the parking easement relates to the neighboring office building that conducts business between 8 am – 6 pm. He emphasized the tax benefit to the town.

Chair called on Ms. SantucciRozzi who reviewed her staff report.

Mr. Mikami questioned the parking plan, particularly the seating needed for the restaurant. Ara Aftandilian addressed his questions. He explained the proposed lunch and dinner operation. Mr. Mikami asked Ms. Stickney about the parking at the Hyatt – she explained there have been no problems with the parking at South Shore Place.

Mr. Mikami asked if the height included the mechanicals. Mr. Aftandilian said it is to the top of the roof beam; no roof HVAC is planned. Mr. Mikami asked why six (6) stories, above the four (4) maximum bylaw. Mr. Aftandilian said the rear slope ledge up to the cinema presents a hardship, so they economically designed it upward.

Mr. Mikami asked about parking striping and noted the importance of landscaping.

Mr. Eng asked if the ledge can be blasted. Mr. Marinelli said the slope of the property makes it unfeasible to blast. He again noted the lower elevation. Mr. Eng asked about the visual elevation – Mr. Aftandilian said the height would be at or about the level of the parking surface of the cinema.

Mr. Eng asked if he was comfortable with the amount of parking space – Mr. Aftandilian said yes, that one parking space per room is the Marriott standard.

Ms. Joyce said after reviewing the material, she agreed with the reports, she wasn't concerned about the parking but was about the height setting precedence. She asked about patron access to Logan Express – Mr. Aftandilian said they are working on that possibility.

Mr. Marinelli noted that a traffic study will be submitted in the future that will support the by-right use.

Mr. Reynolds commented on the hardship of the property, that the hotel is screened from neighborhoods, by the cinema and other businesses. He believed it qualified as a hardship.

Mr. Marinelli presented photos and plans indicating the exterior, the site, and several aerials.

Mr. Eng made a Motion for favorable recommendation; seconded by Ms. Joyce.

**Vote: 4:0:0**

### **Public Hearings**

#### **400 West Street and 579-587 Granite Street / 400 West Street LLC      7:45 p.m. Grading Permit/Special Permit(s) (File 14-09)**

Ms. SantucciRozzi explained that without a full Board, the Applicant requested the matter be continued to May 12, 2015 at 8:40 p.m.

Mr. Eng made a Motion to continue the hearing; seconded by Mr. Mikami

**Vote: 4:0:0**

#### **250 Granite Street / South Shore Plaza – Rick Tonzi, GM (File 08-03) 7:50 pm Request for Minor Modification – Electric Car Charging Station and VIP Parking Program**

Mr. Tonzi addressed the Board explained the proposed location of 3 parking spaces near the (former Legal Seafood) necessary to install 2 electric charging stations. Per the Planning Department review, there are still 15 spaces in excess of the parking required for the site.

Mr. Tonzi also discussed a marketing program that Simon is about to engage; a rewards for spending program that earns reserved parking.

Ms. SantucciRozzi said the Planning Staff has no issues with the request(s).

Ms. Joyce did not have any comments.

Mr. Mikami asked if the spaces will be monitored, Mr. Tonzi said the logistics are still in the works but said it will be on the honor system.

Mr. Eng asked why there are only 2 electric stations. Mr. Tonzi said it is a starting point. The stations will charge a fee to plug in. Mr. Tonzi said there is a fast fill and a slower pump; one is handicap accessible.

Mr. Reynolds asked about the power supply dynamics, under unfortunate circumstances, Mr. Tonzi said the power is designed to trip the breaker (shut power down).

Mr. Eng motioned to approve the Minor Modification; seconded by Mr. Mikami.

**Vote: 4:0:0**

Mr. Mikami motioned to approve the VIP Parking Program; seconded by Mr. Eng.

**Vote: 4:0:0**

**200 West Division Street / VINFEN 8:01 p.m.**

**Grading Permit (15-04)**

Kristopher Howard, R.E. Project Manager, Vinfen, Cambridge, MA

Craig Finn, Senior Project Engineer – VHB, Watertown, MA

Mr. Reynolds read the Legal Notice into the record.

Mr. Howard briefly addressed the Board and explained the project.

Mr. Eng made a Motion to Accept the Correspondence dated February 25, 2015 through April 13, 2015; seconded by Ms. Joyce.

**Vote: 4:0:0**

Mr. Reynolds invited Councilor Clifford, District 6 Representative to provide his comments.

Mr. Clifford said that the sale of the land was approved by the Town Council around September of 2014. He said some neighborhood concerns have been worked into the sale regarding things beyond the scope of the Planning Board (monitoring that there are no sex offenders or drug rehab residents in the home. He further explained that West Division Street, where the home is proposed, is very narrow and without sidewalks. He questioned if there is a possibility of additional access. He summarized his meeting with the Mayor on September 24, 2014 in which this issue was discussed. He presented a plan for access into the property from Route 37, involving the property that the Norfolk County Sheriff's Office is on and land owned by CATS Academy. He said that there is a 200 FT distance where an access way could lead into the Vinfen property providing there are no conservation/wetland issues. He said the residents would like to resolve this.

Mr. Reynolds called on Staff for their comments. Ms. SantucciRozzi reviewed the Staff Report outlining the project. She noted resident access from all rooms of the home to outdoor ADA accessible surfaces to an outdoor surface; revised plans for drainage, snow storage, secure construction fencing, and reconstruction of stone wall.

Mr. Reynolds called for public questions or comments.

**Joe Sargent of 35 West Division Street, Holbrook**, asked why this is not disruptive to Division Street but found to be disruptive to Roosevelt Ave. He noted the history and past use of this property. He said Braintree acquired this land in 2008 and they originally planned it be designated for open space. He said he and his family used these woods for over sixty years for recreation and open space. He said the District Representative, at the Town Council meeting, said that they would have ample time for information before anything would be done by the Councilors. He said [they] went in and just started cutting trees. He then noted Bradford Street. He said they have not been heard.

Mr. Reynolds asked Mr. Sargent if he/they had an opportunity to attend any of the Town Council meetings when this was being decided on. Mr. Sargent said yes, that there was one Councilor that asked to postpone the matter and he was "shut down". He said that the project was originally planned to be located on Bradford Street. He said that when the neighbors learned that Vinfen was moving into the neighborhood, about 90 residents of Bradford Street talked to their District Representative and the Mayor and within 3 or 4 months the project was relocated to West Division Street. He said upon inquiry with the Mayor's office, he was told that it was none of his business. The vote for this property was already done. He expressed his concern about the clearing.

Mr. Reynolds said the Board is not aware of any of the details Mr. Sargent detailed. He explained the Board's purview is to vote on the grading permit.

Mr. Peter Morin, Town Counselor, clarified that once West Division Street is under a P&S Agreement between Vinfen and the Town of Braintree; once the permitting is in place, then the transfer takes place and Bradford Road will be sold. He said that the Town is willing to work with Vinfen to provide the access through the hospital grounds.

Mr. Sargent expressed his frustration that the neighbors have not been heard, that this project is going forward so the Bradford property can be sold.

Mr. Clifford said the residents of West Division Street have been heard. He said Mr. Sargent is ill informed about his regular meetings with the residents and the Mayor. Further, in regard to other meetings that went on, Mr. Sargent did not contact him.

Mr. Sargent again expressed concern about the permitting and that he and others have used that property for open space for years noting a disruption of quality of life.

Mr. Reynolds recognized his concerns and reminded Mr. Sargent that there are other citizens to be concerned about also. He reinforced this meeting is about a grading permit. He noted the Board's responsibility to acknowledge the rights of all property owners including Vinfen who will own the subject property.

Mr. Sargent asked if all the trees on the property can be cut down. Craig Finn, the Applicant's engineer stated they are clearing less than 20,000 SF, equivalent to less than half of the entire lot as depicted on the submitted plan.

**John Davis of 39 West Division Street, Holbrook**, commented that 90 residents of Bradford Street opposed this project and it was moved to West Division St. He gave some history of the property. He said the political reasons drove this to be put on West Division Street. Mr. Davis alleged this land has Indian heritage and suggested the Town explore use one of the empty buildings on the hospital grounds to locate this project.

**Kevin Lacey of 21 Tingley Circle, Braintree; owner of 146 West Division Street, Holbrook**, asked if the grading permit could be put off till the access issue is settled. He noted that he attended now three meetings on Vinfen and he expressed that he was not permitted to comment in those meetings. Ms. Stickney clarified that Mr. Lacey was correct, the previous Planning Board meeting was not a public hearing, it was an "Approval Not Required" matter which is why there was no public comment. That meeting concerned the subdivision of land out of the larger parcel.

Mr. Reynolds explained that there are different kinds of hearings. An Administrative Hearing (in this instance) not requiring approval, took place to combine parcels owned by the same party for the purpose of making it a legal parcel. The use of the site was not the subject of the Approval Not Required hearing.

Mr. Lacey asked how many residents would be housed at Vinfen. Kristopher Howard clarified that there would be 4 individuals with brain injuries.

**Mariam Sternagle of 146A West Division Street, Braintree**, reiterated Mr. Sargent's comments that the Bradford Road property was supposed to be sold before Vinfen was allowed to construct. She stated her concern about the neighborhood changes, particularly about taking her property for sidewalks.

**Bethany Lyons 184 West Division Street, Braintree**, said she has met with Councilor Clifford and asked about access to the proposed home. She pointed out that the Street is in Holbrook but the subject property is in Braintree; the street is very narrow and she felt it would not accommodate the needs of the disabled residents (she noted emergency vehicles), particularly if there is any snow on the street. Ms. Lyons explained that Holbrook is responsible for plowing and doesn't do a very good job of it.

Kristopher Howard said that all the Vinfen operations make sure that there is adequate access for their residents – Vinfen intends to work with Holbrook and they have staff on location and plow vendors that they would utilize if they needed immediate access.

Ms. Stickney added that 911 operators are aware of the disability level in such homes.

Ms. Lyons also questioned the process of setbacks noting a past addition she made to her property but she said it seemed this project is not subject to. Mr. Reynolds and Staff explained (not knowing the particulars of her property) that this particular property meets all the setback requirements.

Addressing Ms. Lyons concerns about possible traffic increase, Councilor Clifford explained that at his last meeting with the Mayor on April 2, 2015, he asked for a resolution in the next month. In a discussion with Staff, he was informed that other department resources such as Engineering and Conservation have to be consulted.

**John Davis** asked how much additional traffic this will bring. Ms. SantucciRozzi estimated 16 trips per day. Mr. Davis also pointed out the narrow street and the danger it presents and suggested a traffic study. Mr. Howard added his traffic estimate to be 30 trips per day.

**Mr. Sargent** wanted to know who was required to be legally notified for this meeting and within what time frame.

Ms. SantucciRozzi said notification is sent to abutters to abutters within 300 feet and those directly across the street. The notice is typically mailed 14 days prior to the hearing. Mr. Sargent said he didn't receive his until this past Saturday when his neighbors received theirs earlier. Staff explained how the notice is issued from the Planning Department and that they are mailed via US Postal Service, there was no answer as to why he received his late.

**Ms. Sternagle** asked about a postmark missing on the notification. She was informed that this was beyond the scope of the Planning Department; postmarks are issued by the Post Office.

Ms. Joyce asked Staff asked if the Board votes on the grading tonight, will the access issue simply be a minor modification. Ms. SantucciRozzi explained that considering the different access factors it may be a major or minor modification or may require a filing for the Sheriff's land. Ms. Joyce clarified that the access being considered is a secondary access.

Ms. Joyce questioned the grading and commented that perhaps more screening on the property would be helpful. Mr. Howard said that anything removed would be replaced to achieve a natural landscape, particularly at the street and Mr. Finn discussed the grading plan.

Ms. SantucciRozzi commented that because this home had more pavement than a regular home, Vinfen is willing to consider additional drainage although Single Family Homes are not required to do so.

Mr. Mikami noted the challenges and informed the public about the scope of the Planning Board; in this instance, the responsibility of the Board is solely related to the grading at this meeting.

Mr. Mikami asked Mr. Howard if this model is typical who said that this home is licensed by the Department of Developmental Services for a maximum of 4 permanent residents occupying the home. Mr. Howard explained that the residents are brain injured; they have limited mobility which is why they planned a patio and larger interior space.

Mr. Mikami asked about the grading impact on the neighborhood; Mr. Howard estimated about 25 truckloads for 1-2 days for the excavation and plans on a police detail.

Mr. Eng asked about the extent of tree cutting and the utility line disturbance.

Mr. Reynolds commented on the grading process. Ms. SantucciRozzi commented on Condition #17 and Condition #37 concerning re-vegetation. Mr. Finn assured the Board that vegetation removed will be replaced.

Ms. Joyce suggested selective cutting. It was determined that the cutting would be clearly staked.

Mr. Eng motioned to close the public hearing; seconded by Mr. Mikami.

**Vote: 4:0:0**

Mr. Eng made a Motion to Approve the Grading Permit with clarifications of Conditions #17 & #37 and marking of the clearing limits in the field; seconded by Mr. Mikami.

**Vote: 4:0:0**

**1561-1563 Washington Street / Auto Country - Michael Fagan** 9:40 p.m.

**Special Permit(s) and Site Plan Review (File 15-05)**

Michael Fagan, Applicant

Mr. Reynolds read the Public Notice

Mr. Fagan briefly addressed the Board and explained his business.

Ms. Stickney reviewed her Staff Report and explained that this site has always been used for car sales but with a change in business owners a Special Permit is required in the General Business Zone.

Mr. Mikami asked Ms. Stickney if this was a way for legalize. Ms. Stickney explained this process keeps a better control of the use of the property.

Mr. Mikami asked about the limitations of the business. Ms. Stickney said there are 24 spaces. Mr. Fagan said there will be one employee and that he reviewed his plan with Staff for suggestions regarding egress, line-of-site, etc. He said he opened the alleyway by eliminating two of those spaces.

Mr. Mikami asked if there are any visual improvements – Mr. Fagan noted building painting, removal of overgrown vegetation and stated his intended business hours.

Ms. Joyce asked about the lighting – Mr. Fagan detailed existing lighting and the repair of some existing lighting and security lighting.

Mr. Eng asked if the Applicant is agreeable to the Conditions. Mr. Fagan said he is agreed.

Mr. Reynolds said he appreciated the Applicant working with the Staff.

Mr. Eng made a Motion to approve the Special Permit; seconded by Mr. Mikami

**Vote: 4:0:0**

**361 Washington Street / Alex and Zach Inc.** 10:10 p.m.

**Special Permit and Site Plan Review (File 15-06)**

Demetrios Kafkas, Attorney, Kafkas Law Offices, Winchester, MA

Alkiviadis Pappas, Applicant

Vice Chair read the Public Notice for the record.

Mr. Eng made a Motion to accept the Correspondence dated March 13, 2015 – April 10, 2015 seconded by Mr. Mikami.

**Vote: 4:0:0**

Ms. SantucciRozzi reviewed her Staff Report and explained the reason for the Special Permit.

Mr. Kafkas summarized, the remaining issues to be a dumpster and a grease trap. He noted the delivery schedule for the provisions which will take place each Wednesday between 2 - 3 p.m.

Ms. SantucciRozzi commented on the Conditions and some revisions to those.

Ms. Joyce had no further questions.

Mr. Mikami asked about the name, signage and interior improvements. Mr. Pappas said the Alpha Pizza name will remain and some interior equipment will be upgraded.

Mr. Eng commented on striping the rear parking spaces; Mr. Pappas will consider it.

Mr. Reynolds had no questions.

Staff commented that she will include the parking striping as a Condition and she will work with the property owner to achieve this. The Applicant will get a dumpster that fits the location. Staff will remove Condition #5 (lighting) and is waiving the As-Built Approval process as it is unnecessary.

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

**Vote: 4:0:0**

Mr. Eng made a Motion to approve the Special Permit and Site Plan Review with Conditions; seconded by Mr. Mikami.

**Vote: 4:0:0**

**Administrative Hearing - Planning Board Fees / Braintree Planning Board 10:20 p.m.  
MGL Ch. 40 S. 22F; MGL Ch. 40A S. 9 & 11; MGL Ch. 41 S. 81Q**

Mr. Reynolds read the Public Notice for the record.

Ms. Stickney noted the recent acceptance of the Billboard Amendment and Overlay District, requested that the Board allow a billboard filing fee of \$5,000.00. She then asked that the remaining filing fees be considered for review and adjustment at the June 9, 2015 meeting.

Mr. Mikami made a Motion to require a Billboard fee of \$5,000.00; seconded by Mr. Eng

**Vote: 4:0:0**

Mr. Mikami made a Motion to continue the remaining fee discussion on June 9, 2015 at 9 p.m.; seconded by Mr. Eng.

**Vote: 4:0:0**

**579, 585 and 587 Granite Street / 579 Granite Street LLC - James Rader**  
**Approval Not Required Subdivision Plan**

Ms. SantucciRozzi explained the Application that proposes to combine the 4 lots into one parcel.

Mr. Mikami asked Staff if this vote affects any of the other Applications that this Applicant has, (it did not).

No questions from Ms. Joyce or Mr. Eng.

Mr. Eng made a Motion to Approve the Approval Not Required Subdivision Plan; seconded by Ms. Joyce.

**Vote: 4:0:0**

**385 Quincy Avenue / Citgo Petroleum Corporation – Carol Voigt**  
**Request for As-Built Approval (File 14-04)**

This matter was continued to May 12, 2015.

With no further business, Mr. Mikami made a Motion to adjourn the meeting; seconded by Ms. Joyce.

**Vote: 4:0:0**

The Meeting adjourned at 10:35 p.m.

Respectfully Submitted,  
Elizabeth Schaffer