



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 – May 10, 2016 – Johnson Chambers

Present:

Mr. Robert Harnais, Chair

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami

Christine Stickney, Director

Jeremy Rosenberger, Zoning Administrator

Chair, Robert Harnais, called roll call at 7:07 PM. Member Erin Joyce was not present for this meeting.

Motion was made to go to Executive Session by Roll Call unanimously 4:0:0.

### EXECUTIVE SESSION

Pursuant to MGL Chapter 30A Section 21(3) for the purpose of discussing strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares to discuss the strategy with respect to the following litigation:

1. Total Outdoor Corporation vs. Braintree Planning Board (Appeal of 290 Wood Road Decision)
2. Kenneth Ingber, Trustee Wood Road Nominee Trust vs. Braintree Planning Board and Lamar Central Outdoor, LLC (Appeal of 340 Wood Road Decision)

Motion was made to conclude Executive Session by Roll Call unanimously 4:0:0.

### Zoning Board of Appeal Petitions – May 24, 2016

### OLD BUSINESS:

Petition #15-10: 60-80 Campanelli Drive (Thayer Academy & Jay I. Hanflig): The Zoning Administrator provides a quick update. This project was voted on at the last ZBA Hearing. As a reminder, the Planning Board recommended an approval with a condition of safety. The ZBA approved this petition 3:0 on a finding and 2:1 (where only a simple majority was necessary) for recommendation that they were providing adequate parking. The next meeting is to talk about conditions on the approval. Both parties are going through the conditions the Zoning Administrator proposed.

Petition #15-61: 128 & 0 Town Street (BSC Partners, LLC & Town of Braintree): This petition was continued. This is still an ongoing project with no updated information.

Petition #16-06: Longwood Road (Mario and Joan Bertone): This petition was continued. The Planning Board had recommended an approval on that.

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**Petition #16-11: 220 Forbes Road (Bart Steele c/o Viewpoint Sign & Awning):** This was for a billboard, and the Planning Board recommended an unfavorable recommendation. This petition was continued.

**NEW PETITIONS:**

**Petition #16-14 55 Logan Road**

Ryan Polin, 55 Logan Road, Braintree, MA 02184, is petitioning for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to demolish an existing deck/shed and construct a 20'x40' detached garage.

The Zoning Administrator is recommending a deferral based on three issues: 1) insufficient plans/lack of plans; 2) with abutters support being a concern here, I recommend providing evidence of abutters support; 3) the need to provide evidence of when the existing shed was constructed/added.

Member Eng **MOTION** to recommend deferral; seconded by Member Reynolds; unanimously voted 4:0:0.

**Petition #16-15 112 Academy Street**

Nicholas DiMartino, 112 Academy Street, Braintree, MA 02184, is petitioning for relief from Bylaw requirements under Chapter 135, Sections 403, 407 and 701 to demolish an existing single car garage and construct a two car garage with living space above that does not meet the minimum rear yard setback of 30 ft.

The Zoning Administrator recommends approval that the meet the hardship requirement. Namely, this is a uniquely shaped lot. It has four rear yard lot lines. Where he is infringing is the closest to his house. It is a 32'X42' footprint. The first question was why the need for the relief; he could actually build this "as of right". In doing so, we would have almost a suburban California situation here where the garage is going to be closer to the front yard then the house, being the focal point. If you know Academy Street, that is not the condition; it is a nice neighborhood. Garages are not the prominent feature; the nice homes are. He could build this "as of right", and he would have this large garage that would be closer to the street than the dwelling. By going for this variance, he is able to bring it back; it is not the focal point. He is doing the right thing and protecting the aesthetic. He wants to be a good neighbor.

Member Reynolds asks if this is a straight forward variance; the Zoning Administrator states he needs a rear yard variance. No special permit or grading permit will be necessary.

Member Eng clarifies that the variance is for relief of 9 feet, as he will be at 21 feet vs. 30 feet. He will provide evidence of abutters support.

Member Reynolds **MOTION** to approve; seconded by Member Eng; unanimously voted 4:0:0.

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**CONTINUED PUBLIC HEARING**

**Special Permit(s) and Site Plan Review –  
Town of Braintree c/o Mayor Sullivan and BSC Partners LLC  
128 Town Street (Braintree High School Property) – (PB File #15-19)**

The Applicant has requested that this matter be continued without Testimony.

Member Reynolds **MOTION** to continue the public hearing to **June 14, 2016 at 8:15 PM**; seconded by Member Eng; unanimously voted 4:0:0. The applicant will sign a mutual agreement to continue the public hearing.

**NEW BUSINESS/OLD BUSINESS**

**Request for As-Built Approval – 340 Wood Road (PB File #81-10 & #85-50)  
Attorney Derric Small, Applicant for the Property Owner**

Director Stickney introduces Attorney Derric Small who is representing property owner, Jumbo Capital and Applicant, Lamar. They are working to resolve the outstanding 1985 Special Permit.

Attorney Derric Small, 15 Broad Street, Boston, states they are here seeking a conditional approval for the As Built for 340 Wood Road; this approval and file is related to the proposed billboard at the location. Currently the issue is that two of the conditions remain outstanding. One is that we were supposed to put hoods on the catch basins. The contractor went out and put a hood on one, but the other one was too large so they reordered it. Attorney Small had a letter from the contractor stating he has special ordered the other hood to be placed on this Thursday (May 12, 2016).

The other issue was the modified drainage, previously approved by Planning Board. There was some confusion by the folks at Lamar as to the timing of the drainage plan. Lamar was under the impression that drainage could be done in concert with the erection of the billboard. Only to find out through Director Stickney in the Planning Department that drainage was to be done prior to the billboard being erected. They have a contractor ready to do the drainage project next week. As far as a timeline goes, the Applicant is looking to get this conditional approval and then the first week of June apply for the permit to erect the billboard. Attorney Small mentions, as the Planning Board is aware, there is litigation going on; it is Attorney Small's understanding that the litigation is working out in favor of the Town of Braintree so far.

Member Eng states you said contractor is ready to install drainage and hood is coming. When will both items be complete? Attorney Small says it is the intent of the applicant to complete the work within the next two weeks. Member Eng states he would go along with the As Built if items are complete by end of May. Is that fair? Attorney Small thinks that is fair, as the Applicant has committed to doing it in the next couple of weeks because they want to get the Permit for the billboard in the first week of June.

Director Stickney states procedurally we would hold back As Built Certificate until these outstanding provisions are complete, similar to an Order of Conditions. That would be our security. Chair Harnais confirmed that they couldn't get the permit until that has been certified.

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Member Mikami states, the fact that there is some litigation and the Planning Board is being asked to do something, he feels that is not kosher. Other parties have come in with intent, and the intent has not been fulfilled. This is an important project. He doesn't want anything to go wrong. Member Mikami feels it should be done, and he takes a different position than his colleagues.

Member Reynolds states, with due respect to Member Mikami's point of view, on the other hand the Applicant is very highly motivated to get this done as quickly as possible; therefore, that gives the Planning Board an upper hand. Member Reynolds is in agreement with the condition where we have the leverage of holding back any issuance of an As-Built Certificate.

Member Reynolds asks Attorney Small about the last paragraph with regard to Condition 11. Attorney Small states he has a letter from the owner of the property, Jumbo Capital Management, with a list of the current tenants in the building. That condition was implemented when BlueCross/BlueShield was in the building and there were a lot more people and traffic going through there; currently there are only 12 tenants in the building. They are very small companies (1-4 man shops). There is not as much traffic. Member Reynolds asks if Attorney Small can provide a total of individuals that were in the building when it was BlueCross/BlueShield with a contract of what the total is currently. Member Reynolds thinks that would be helpful. Attorney Small states he can try to get that information.

Director Stickney would suggest that condition, with transportation management be a surviving condition. We could work with the property owner, but it would get Lamar where they need to be. Member Mikami asks how many years that condition has been in place. Director Stickney clarifies since 1985. Director Stickney states, in fairness to Attorney Small, Jumbo Capital is a new owner. Member Mikami states when you own something you also take on the responsibility.

Chair Harnais has no problem with holding the As Built until work gets done. Member Eng agrees that we should keep an eye on the traffic condition because if a new tenant goes in the issue may become valid again.

Director Stickney states that Condition 11 is the only one she suggests being a surviving condition.

Member Mikami asks if on May 31 we go up and work is not done, what happens? Director Stickney states that we would not issue the As Built, and the Applicant would come before the Planning Board at our June meeting to provide an update.

Member Reynolds **MOTION** to endorse the As Built with condition 11 surviving and hold back on issuance of the certificate until there is proof that two provisions (hoods on catch basins and drainage) have been complete; seconded by Member Eng; unanimously voted 4:0:0.

**Request for As-Built Approval – 233 Middle Street (PB File #01-06)**

**Welch Healthcare & Retirement Group Inc., Applicant**

This Request has been moved to the June 14, 2016 Meeting.

**Request for As-Built Approval – 177-179 Commercial Street (PB File #13-06)**

**James O'Leary, Applicant**

This Request has been moved to the June 14, 2016 Meeting.

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**Request for As-Built Approval – 575 Quincy Avenue (Dry Docks) (PB File #04-06)**  
**March Fourth LLC, Applicant**

This Request has been moved to the June 14, 2016 Meeting.

**Request for As-Built Approval – 1091/1093 Washington Street (PB File #12-01)**  
**Richard Clancy, Applicant**

This Request has been moved to the June 14, 2016 Meeting.

**Recommendation on Street Acceptance – Buker Corner Lane**  
**Town Council Order #16-031**

This is before the Town Council; it needs a recommendation of approval by the Planning Board.

Member Reynolds **MOTION** to recommend approval on the Street Acceptance of Buker Corner Lane; seconded by Member Eng; unanimously voted.

Member Reynolds **MOTION to approve** the minutes from the April 12, 2016 meeting; seconded by Member Eng; unanimously voted 4:0:0.

Member Reynolds **MOTION to adjourn** the meeting; seconded by Member Eng; unanimously voted 4:0:0.

The Meeting adjourned at 8:23 PM.

Respectfully submitted,

Louise Quinlan  
Planning/Community Development