



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 – July 12, 2016 – Johnson Chambers

Present:

Mr. Robert Harnais, joined the meeting at 7:10.  
Mr. Joseph Reynolds, Vice Chair  
Mr. James Eng, Clerk  
Mr. Darryl Mikami  
Ms. Erin V. Joyce

Christine Stickney, Director  
Melissa SantucciRozzi, Principal Planner  
Jeremy Rosenberger, Zoning Administrator

Vice Chair Reynolds called roll call at 7:01 PM.

### Zoning Board of Appeal Petitions – July 2016

#### **Petition #16-24 87 Jefferson Street**

Sean and Suzanne Moran, 87 Jefferson Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to remove an existing breezeway and garage; construct a two-story addition (17.7'x 46.9' footprint) containing a one-car garage and in-law suite. 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 87 Jefferson Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 1045, Plot 07, and contains a land area of +/- 8,125 sq. ft.

The Applicants requested that this Petition be continued until the August 2016 ZBA Meeting.

#### **Petition #16-25 258 Quincy Avenue**

NH Signs, 66 Gold Ledge Avenue, NH, 03032 (owner, William C. Starkie, Jr.) for relief from Bylaw requirements under Chapter 135, Sections 407, 904.5 and 905 to rebrand existing gas station from Sunoco to Citgo; install digital LED price changers to replace existing manual price changer and replace existing canopy signage. The proposed signage does not meet the signage zoning bylaws pursuant to Section 135-904.5 and 905. Therefore, pursuant to Section 135-407, variances are required. The property is located at 258 Quincy Avenue, Braintree, MA 02184 and is within General Business/Residence B District Zones, as shown on Assessors Map 3051, Plot 17, and contains a land area of +/- .495 acres.

Staff recommendation is Approval with Conditions as follows: 1) Removal of existing, unpermitted sign advertising ice and propane on the existing ground sign; and 2) No sign illumination during hours the gas station is not in operation.

Member Joyce asks if Citgo sign is illuminated like Sunoco, entire sign or just letters. Vice Chair Reynolds provides information that we did have Citgo in front of Police Station. The Principal Planner thinks it is a face or panel with a white light inside, internally lit. The Zoning Administrator will clarify this with Applicant.

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Member Mikami was not aware they sold propane. The Zoning Administrator provides background that in 1994 they went to ZBA to install an approx. 2000 gallon propane tank.

Member Eng asks how those unpermitted signs got installed. The Zoning Administrator was not sure; he looked for permits in the Building Department, but he could not find any. Member Eng states Zoning Administrator should ensure they take signs down. The Zoning Administrator points out that is one of his conditions.

Member Eng **MOTION** favorable recommendation with conditions 1 and 2, as indicated; Member Mikami second; unanimously voted 4:0:0

**Petition #16-26 98 Storrs Avenue**

Michael Coughlan, 98 Storrs Avenue, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407 and 701 to construct a 16' x 16' side/rear deck, which would not meet the minimum rear yard setback. The Zoning Administrator points out that this was subject of a Cease and Desist Order in 2009 due to an illegal use in a detached structure. After 2009, it was left that they would have to apply for a Special Permit through the Planning Board. The property was sold to the current owner, and he is looking to construct a side/rear deck. It extends under one foot into the rear yard.

After analysis and looking at the vast history of this property, the Zoning Administrator has a recommendation of Approval with a series of Conditions as follows:

1. The proposed deck shall not be constructed any closer than 12 ft. from the rear property line;
2. Proposed deck to remain unenclosed; modifications that create living space or an enclosure will require relief from the ZBA;
3. Provide evidence the detached garage is not being utilized as a dwelling unit; and
4. Provide evidence of abutter support.

Member Mikami recommends getting both evidence and a statement from the owner regarding Condition 3.

Member Eng confirms that the corner where deck is 11.7 feet has to move in on an angle so that it will be exactly 12 feet away from the property line. The Zoning Administrator states he can pull the deck back six inches from the corner of the existing façade. There are two ways to approach it. Nonetheless, there is not really a hardship associated with providing this.

Chair Harnais joins meeting at 7:10.

Vice Chair Reynolds states that a good thorough job was done on this analysis. There was a lot of history here. He has no problem with the Conditions.

Member Eng **MOTION** a favorable recommendation on petition with four noted conditions; seconded by Member Mikami; unanimously voted 5:0:0.

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**Petition #16-27 39 Sterling Street**

Amanda and James Santagate, 39 Sterling Street, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 403, 407 and 701 to replace an existing 15' X 16' rear deck with a new deck measuring 20' x 18.4', with rear stairs, which would not meet the minimum rear 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 39 Sterling Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3020, Plot 27, and contains a land area of +/- 6,746 sq. ft.

The Zoning Administrator explains that there is a caveat within our zoning bylaws that says residents are not allowed to build any stairs or protrusion that is more than 30 square feet. These rear stairs will be 38 square feet. The Zoning Administrator spoke with Applicant today, and they are updating their plot plan to put stairs on the interior of the rear deck towards the interior of their property, alleviating the need for variance; they will, however, need a finding because the current side yard setback is at 3 feet, but they will be changing it to 6 feet.

Part of the Zoning Administrator's conditions is to move the proposed rear deck stairs to the right side of the deck to alleviating the need for variance; they are going to do that. In addition, the rear deck should remain un-enclosed. Modifications will be subject to Zoning Board of Appeals.

Member Eng confirms they are improving the side yard from 3 to 6 and moving stairs, both positive things.

Member Mikami asks, if they build deck now, would be able to build living space on deck later. The Zoning Administrator states not without going before ZBA for a finding.

Member Harnais **MOTION** for a favorable recommendation; seconded by Member Eng; unanimously voted 5:0:0.

**Petition #16-28 28-30 River Street/0 Hooker Street**

**And**

**Petition #16-29, 32-34 River Street/0 Hooker Street**

Jean and Daniel O'Leary, 11 Portland Road, Braintree, MA 02184 (Owners) for relief from Bylaw requirements under Chapter 135, Sections 403 and 701 to create two new lots from three pre-existing nonconforming lots; a determination that the two resulting lots will be less nonconforming than the existing three lots, one of which contains an existing two-family dwelling and the other, a proposed change from an office use to a two-family dwelling. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The properties are located at 28-30 River Street, 32-34 River Street and 0 Hooker Street, Braintree, MA 02184 and are within a General Business and Village Overlay District Zone, as shown on Assessors Map 2024, Plot 5 and 5B, and contains a total land area of +/- 10,746.25 sq. ft.

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The Zoning Administrator explains this will also be the subject of a Special Permit by the Planning Board. First, they are seeking a finding of consolidating their three properties into two properties, each a little over 7000 square feet. We will end up seeing a vast reduction in lot coverage/building coverage and removal of quite a bit of asphalt. They are talking about a landscaping plan. Currently the lot is fully paved in the rear. On the Plot Plan, there is an abundance of new open space planned. There is a cut-through to get to the rear of this property; by bringing in new impervious surfaces, that access will be cut-off alleviating an unsafe condition. Based on Zoning Administrator's analysis, he is recommending approval.

Chair Harnais asks for clarification on combining properties into two properties vs. one property. The Principal Planner clarified that they talked through various scenarios with the Applicants. The Zoning Administrator provides clarification on office space at 28-30 River Street, which they are looking to convert back to two-family, existing two-family at 32-34 River Street and splitting 0 Hooker Street, which is a closed off parking area behind both properties to add to the River Street properties. This will make two long properties. The Zoning Administrator feels this may be a catalyst to other improvements in the neighborhood. The Zoning Administrator recommends approval.

Chair Harnais asks if there is any historical significance to the properties. The Principal Planner states she feels they do not have any historical significance. She will be making some other further suggestions related to screening on the cemetery side, as part of the Special Permit.

Member Mikami asks if the petitioners have owned these properties long. The Zoning Administrator believes the O'Leary's have owned it for some time. They have been before ZBA for other proposals. Member Mikami asks what can petitioners do with extra space? Can they add another building? The Zoning Administrator advised they cannot because of space and parking requirements.

Member Joyce asked about Special Permit. The Zoning Administrator states that is for use conversion from office to residential. Member Joyce asks about common drive access. The Zoning Administrator states it is listed as a common drive but physically it isn't drivable or passable. It is very narrow. The Principal Planner is going to be talking to Applicant about abandoning that. No one should be driving through there.

Vice Chair Reynolds states this was a very historical area. He thinks it will be a great change.

Member Harnais **MOTION** for a favorable recommendation; seconded by Member Eng; unanimously voted 5:0:0.

For the record, Chair Harnais has arrived and will be taking back the gavel.

**PUBLIC HEARINGS**

7:30 PM      128 Town Street (Braintree High School Property) – File #15-19  
Applicant: Town of Braintree c/o Mayor Sullivan and BSC Partners LLC  
Special Permits(s) and Site Plan Review

***This project will be continued without Testimony as the Applicant has requested that this matter be continued to the August 9<sup>th</sup> Planning Board Meeting.***

Member Eng **MOTION** to continue project to Planning Board meeting on August 9 at 8:45 PM; seconded by Vice Chair Reynolds; unanimously voted 5:0:0.

**Requests for As-Built Approval/Release of Surety**

**33 Middle Street - File #01-06 - Welch Healthcare & Retirement Group Inc., Applicant**

The Principal Planner provided the Planning Board with a memo from David Kelly. This site was a mess a month ago, they didn't stripe the parking lot correctly, they put some bollards in the middle of the parking lot, and they didn't do a good job with the landscaping. David took it over and got everything fixed up. The Principal Planner confirms that they are in the process of selling. Staff is recommending As-Built Approval with surviving conditions and releasing remaining \$3000 As-Built Surety.

Member Eng **MOTION** to grant As-Built Approval with Surviving Conditions and release \$3000 surety; seconded by Member Joyce; unanimously voted 5:0:0.

**Requests for As-Built Approval/Release of Surety**

**400 West Street - File #14-09 - 400 West Street LLC c/o Jim Rader, Applicant**

This is being continued until August 9<sup>th</sup> Planning Board Meeting at the request of Jim Rader, Applicant.

**Requests for As-Built Approval/Release of Surety**

**579, 585 and 587 Granite Street - File #15-02 - BH Swim, LLC, Applicant**

This is being continued until August 9<sup>th</sup> Planning Board Meeting at the request of the Applicant.

**Discussion**

**20-60 Forbes Road - File #10-07**

**South Shore Place/Hyatt Hotel – Traffic Monitoring Review**

Director Stickney states they will be coming before Planning Board in August to discuss Traffic Report; it did show a substantial increase on Saturday, so we are having more data collected and will be looking at it. Director Stickney states a left turn signal might be helpful, and this will be discussed with Engineering. Member Joyce states there is definitely room for that.

Member Mikami asks when they initially did traffic for retail and now they have food, did that change how we should look at traffic, meaning did they undercount in the beginning? Director Stickney states we are getting new levels of service at the driveways. Member Mikami asks for them to bring what we thought we had before so we can do a comparison. The Principal Planner provides clarification about signs at Jarrod's and confirms that signs are gone, which opens up parking.

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**Updates:**

Director Stickney provided updates on the following:

Lamar Outdoor pulled the building permit for the billboard, so they are taking the risk.

Director Stickney states new Town Solicitor, Lisa Maki, is now attending Town Council Meeting, but she will be stopping up for an introduction.

Town Council is approving Easement for Harry Saras, Landing Pub, for deck and handicap ramp. For Planning, Mr. Saras must have a shovel in the ground by August 18, 2016. For Conservation, he must be done with the work for the culvert by August 20, 2016, unless he gets an extension.

**Approval Not Required Subdivision Plan**

1259 and 1265 Liberty Street

Fasoli Development LLC, Applicant

The Principal Planner states that Mr. Fasoli was here for ZBA Petition a couple of months ago. He has developed a front home and is looking to carve out a very small 844 Square Foot piece of land off the back of that lot and give it to the lot in the rear. The Mylar has a couple of issues, and we also identified a minor error in the Zoning Decision. What we are proposing this evening, if the Planning Board is so inclined to vote this conditional, Jeremy Rosenberger will have Variance corrected at end of month with ZBA. That needs to get re-recorded. When the revised Mylar is submitted that addresses all the comments here, Mr. Eng (Clerk of Planning Board) will be contacted to endorse that. Basically, this is just the next step after the Variance. The front lot will go under 15,000. The front lot will be 14,549 square feet; the back lot will go up to 23,500 square feet.

Member Joyce asks did the ZBA grant the variance on the lot size. The Principal Planner states yes.

Member Eng asks for a clarification of existing lot sizes. Greg Bunavicz, Professional Land Surveyor from Borderland Engineering, clarifies that Lot 2 is currently 15,398 square feet and Lot 5, according to a record from 1965, is 21,200 square feet. Mr. Bunavicz will double check that. He further states that they are creating an 800 square foot parcel, adding it to the 21,200. Mr. Bunavicz will double check new totals, as there seems to be an error. Mr. Bunavicz is proposing to add a note stating "Record Area" and "Measured Area" for each lot. Proposed Lot 2A becomes 14,549 square feet; proposed Lot 5A becomes 23,500 square feet.

Member Eng asks purpose; Mr. Fasoli clarifies that the front stairs are very close to property line. The purpose of this change is to provide room. Member Eng asks what is offset; The Land Surveyor states approximately 25 feet off the stairs. The Principal Planner states this is classic pork chop lot, and it is a situation where the front of the back house is facing the front lot's back

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yard. Member Eng confirms that lot 2A will be undersized; the Principal Planner clarified that they got a Variance from Zoning Board of Appeals.

Member Mikami asks if all these houses were built or are they being developed. The Applicant clarified that they are already built.

The Principal Planner would like the Planning Board to vote approval conditional on receipt of the revised Mylar.

Vice Chair Reynolds **MOTION** for approval of endorsement conditional on receipt of revised Mylar; seconded by Member Mikami; unanimously voted 5:0:0.

**Approval of Meeting Minutes**

Member Reynolds **MOTION** to approve the minutes from the May 10, 2016 Executive Session; seconded by Member Joyce; unanimously voted 5:0:0.

Member Eng **MOTION** to approve the minutes from the June 14, 2016 Regular and Executive Session; seconded by Member Reynolds; unanimously voted 5:0:0.

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

The Meeting adjourned at 7:52 PM.

Respectfully submitted,

Louise Quinlan  
Planning/Community Development