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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 – August 9, 2016 – Cahill Auditorium

Present:

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

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

Vice Chair, Joseph Reynolds, will act as Chair and called roll call at 7:04 PM. Chair Harnais will not be attending this meeting. Because of Chair Harnais absence, the Executive Session scheduled for tonight will be postponed until our September Meeting.

Zoning Board of Appeal Petitions – August 23, 2016

OLD BUSINESS:

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

NEW PETITIONS:

Petition #16-30 234 Commercial Street

Lauren R. Sweeney, 15 Grove Circle, Braintree, MA 02184 (Owner, U.S. Bank N.A.) for relief from Bylaw requirements under Chapter 135, Sections 403, 701, 801 and 806 to construct a second story, rear addition (+/- 494 sq. ft.) with +/- 140 sq. ft. first floor bump-out; increase the height of the existing second floor (755 sq. ft.) to 32 ft. This is near the corner of Commercial and Union Streets. This property abuts the Monaquot River and is in within the 100 Year Floodplain. If you looked at the property now, it is in quite a dilapidated condition; there is a tarp on the roof; there are animals living inside. This gentleman and his wife bought this property through foreclosure and are now the owners. They are looking to significantly improve this property. It is an existing two family. The records from the building department show that there was approval for the existing egress rear staircase that is on the property. The building inspector confirmed the occupancy, and it has been assessed for a number of years as a two family.

Based on the plans, it is mostly within the footprint. None of the setback issues will be exacerbated. As far as the request for a finding, the overall expansion of the pre-existing, nonconforming two-family requires a ZBA determination that the proposed expansion/alteration is not substantially more detrimental. The existing structure is non-conforming due to the existing front, side and rear yard setbacks. The expansion/alteration will not increase any of the existing setback nonconformities, but in fact maintain them. As a result, the Zoning Administrator recommends approval.

Member Mikami asked about the conservation easement for access to the river. The Zoning Administrator states it is purely a discussion point.

Member Eng feels that this is a good proposal. It is going to improve a rundown property; he has no further comments.

Acting Chair Reynolds comments that the plan is a good plan; considering the size of the property, the conditions that the Zoning Administrator had outlined and analysis by staff, he would feel comfortable going forward with this.

Member Eng **MOTION** for favorable recommendation; seconded by Member Mikami; voted 4:0:0.

Petition #16-31 200 Grossman Drive (Nordstrom Rack)

Heather Dudko/National Sign Corporation, 2 Phoebe Way, Worcester, MA 01605 (owner, Seritage KMT Finance LLC) for relief from Bylaw requirements under Chapter 135, Sections 407 and 904.2 to install (2) two tenant panels (9 sq. ft. and 42 sq. ft.), on (2) two existing ground signs, displaying Nordstrom Rack. If you remember, last month Saks came before you for signage; this petition is for Nordstrom.

The reason they are before ZBA is because there is a clause saying that “no wall sign will be visible to the major highway if a ground sign has been permitted.” This is often a clause that affects shopping centers of this size. In this case, the petitioner has received a permit for their Nordstrom wall sign. They would like now to put up panel signs, and thus, they are in conflict with this provision, as they would have both a wall sign and a ground sign facing Route 3. The proposed panel signs are consistent with all the tenant sizes, and the Zoning Administrator recommends approval.

There are no questions or comments by Planning Board Members.

Member Eng **MOTION** for favorable recommendation; seconded by Member Mikami; voted 4:0:0.

Petition #16-32 250 Granite Street

Sears Holdings Corporation, 3333 Beverly Road, BC-174B, Hoffman Estates, IL 60179 and Primark US Corp., 101 Arch Street, Suite 300, Boston, MA 02110 (Property owner, Braintree Property Associates) for relief from Bylaw requirements under Chapter 135, Sections 135-407 and 904.2 to install eight (8) Sears wall signs, totaling 544.2 sq. ft. and four (4) Primark wall signs and glass display window, totaling 767 sq. ft., at the South Shore Plaza.

As you will see in the accompanying analysis, no surprise that this number of signs exceeds square footage, number of signs allowed, sign height, linear frontage. Many of these have been consistent with signage at the mall that has gone before ZBA, namely Macy's, Target, Nordstrom. Based on analysis and looking at what the Petitioner has presented thus far, the Zoning Administrator puts forth an approval with a number of conditions.

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The Zoning Administrator would like to discuss two of the conditions that are important. The first is to reduce the size of the SEARS West Elevation main entrance sign to a maximum of 6' in height. The second condition is the allowance of only one 4' x 31' PRIMARK sign on the West Elevation. There are two other provisions, but he feels that the two that he mentioned are most important.

Attorney Carl Johnson, who represents Sears Holding Corporation, mentions the architect, Greg Siroonian of Rescom, who will go over the Sears signs and answer any questions and go through some of the material. Also, from Primark US Corporation, which is an Irish company, is Julie Reker, an architect with Gensler. Attorney Johnson states this is a variance for wall signage. The Sears Department Store building, which has been there since the late 1960's, is a large building that is over 223,000 Square Feet. It is three levels; the lower level is accessed from the north parking garage. They have submitted some documents, including the OS1 Plan, which is a plan of South Shore Place. This was recently updated on 7/14/2016. It shows that the corner of the Sears Building is 1276 linear feet from the first entrance off Granite Street. The purpose of this is to show you the 112 acre site at the South Shore Plaza and what the visibility is for Sears relative to wall signage and where Primark is going to go. You will see that it is only 19 feet from the closest point to Common Street, and the rear entrance is through that North Garage structure.

The next Plan is the AS1 plan, which provides three elevations. The signs are located on those elevations. There are a number of wall signs that already exist for Sears; it is the only occupant that is on three levels. Those signs will be replaced, as indicated. Some have been recommended, when we met on site; the one in contention is the main Sears sign over the west elevation entrance. That is shown on the three elevations. First is the west elevation, which faces toward Granite Street. The second is the north elevation along Common Street. The third is a cross-section, as if the garage was not there; you don't see these signs from any public way because they are internal. Two exist already with Sears; what this does is substitute Primark on the upper level. Primark is a subtenant for Sears. Primark will be located in 3 locations in Massachusetts: Downtown Crossing, Burlington Mall and South Shore Plaza. Primark is a very desirable new tenant.

The problem with Primark is that they have no exterior entrances – other than the third level of the parking garage. On the plan, the lighter gray is where Primark will occupy, and the darker gray is where Sears remains. Attorney Johnson highlighted that the Sears Booklet shows the proposed signs highlighted in “red” and the signs being removed highlighted in “yellow”. Greg Siroonian, the Architect from Rescom, will highlight this and answer any questions you might have.

The next plan shows three views; this was prepared by Primark and will be explained by Julie Reker, the Architect for Primark. Attorney Johnson highlights another set of plans that show, if you were in an automobile and coming along Common Street to the Sears Building or the new Primark store, photos which will match those stations. Julie Reker will explain the importance of the Primark sign. You will see you only have a very short window to direct customers to where both of these stores are located.

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Attorney Johnson states that after the presentation of the signs, he would like to make some comments as far as the variance criteria. He will say that in 1982 the sign bylaw was first drafted. It was not under the Zoning Bylaw at that time; it was under the General Ordinances. The elevation on Granite Street is many feet higher than the elevation at South Shore Plaza. The vegetation on the State Highway inhibits view of any signs at South Shore Plaza. This is a unique situation. It is a real hardship to direct customers to where the store is located; Primark has no exterior exits except for the back of the garage.

Attorney Johnson introduces Greg Siroonian, Architect representing Sears Corporate, to discuss the Sears signage and the discussion related to the possibility of reducing the size of the sign on the new main entrance on the west elevation. Mr. Siroonian states they had discussion with Sears Corporate related to size of sign. He states that Sears is trying to recreate their brand and that they looked at these signs related to size of building. The size of the sign is driven by scales of the building. In this particular store, they are using the existing entrance and recladding it and making it more attractive. It is the same image for all the stores that are being renovated. Sears Corporate would like to ask for relief to stay with the 7 foot sign.

The Zoning Administrator states that one thing to recognize is the formerly existing signage square footage vs. what they are proposing. The existing signage that was there was approximately 430 square feet; the plans dated August 8th are now proposing 544 square feet. It was originally proposed at 573 square feet; however, based on a site review they did reduce the original proposal. There is about 100 square feet in additional square footage.

Member Joyce clarified sign coverage; the Zoning Administrator states his opinion, from an aesthetic point of view, is that it seems smaller because the Sears "block" is reduced in font size. However, the proposed square footage is more. Member Joyce refers to other examples of sign heights. Would 7 feet be tallest at Plaza? Mr. Siroonian confirmed yes. The Zoning Administrator mentioned that back in 2007 Macy's tried to increase sign height to 10 feet, and that was withdrawn. Mr. Siroonian feels, in looking at proportions, a smaller sign at this elevation gets a little lost. Member Joyce confirms, given staff recommendation to shrink height of Sears' sign to 6 feet, Sears is not in agreement. Member Joyce asks about making it closer to Macy's sign at 6 feet 9 inches? Mr. Siroonian would take the Planning Board recommendation, but Sears Corporate was looking for 7 feet. Attorney Johnson understands that Planning Board makes recommendation to ZBA, but it is up to ZBA to make decision. Sears has spent approximately \$5Million on building repairs and new entrance. He wants to stress that this is important for Simon and South Shore Plaza, as well as Sears and Primark. When you are at such large distances, you lose visibility. ZBA recommended a smaller sign for Nordstrom's and their sign is lost – it is undersized.

Member Mikami asks if the Zoning Administrator will be making any adjustments before presenting to ZBA. The Zoning Administrator feels the scale can be brought down, and it is up to the Petitioner to justify why it cannot. Member Mikami would say that these conditions and analysis by staff looks reasonable. Primark is an emerging and popular company that has done well in other locations, and we certainly welcome them. He feels that shoppers will be able to find these places without the signs. He feels what staff has presented is reasonable.

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Attorney Johnson introduces Julie Reker, from Gensler Architects representing Primark, to address Primark's signage. Ms. Reker states there are two documents provided by Primark. The first is the more straight forward document showing the section of the signage. This provides detail about how the signs are constructed. There are straight forward, channel letters. The lights inside are LED, and they are white. The face of the letters are Primark aqua, which is specific to Primark across all of their locations. This is attached to a backer that is then attached to the building. The backer is the same color as the façade of the building. We have two different sizes of signs; the larger signs are the west elevation locations. The north elevation and the sign on the parking elevation are slightly shorter at 3 foot 6 inch high letters. All of them are the same style of sign. Additionally, we have a window display area on the ground level on the west elevation. That will have changing seasonal displays of their product. This is a unique condition as we noted Primark occupies the third floor; this is a queue to help people know that they could enter the mall entrance here to be able to go up to Primark, since we have no exterior entrances directly into Primark except for from third level of the parking deck.

The second document Ms. Reker discusses is the view corridors you get along Common Street, specifically focused on the west elevation. The document with the three photographs is from a car perspective as you are driving toward the Plaza. Photo one is at the first traffic light and you can focus on the banner that says "Sears is Open". Ms. Reker highlighted where they have the Primark sign on the west elevation. Photo number two has a lot of trees preventing viewing the façade, but you still get glimpses. So we would like to have signs on that elevation. Photo three is where you can turn in and enter mall entrance closest to the sign and window display. You have a clear view of the "Sears is Open" banner, which is where one of the Primark signs would be. Our other sign is visible in this view as well. They certainly understand both signs may not be possible, but she wanted to provide you the view corridors for driving and entering.

Member Eng asks about window display and states technically that is your third sign. Attorney Johnson refers to first AS1 Plan where the window boxes are included; he wants to point out that Target required window display boxes. Because these are boxes, you cannot see through to the inside because that is Sears premises. These are counted as signs. The idea is to direct customers to Entrance 6. Member Eng has a comment related to entering Primark. He wonders how a person would know to get up to the third level on left side of the west elevation to get into Primark. Ms. Reker responds Primark is known for more cheeky terminology which would direct customers- she feels it is a huge challenge, but by seeing signs on top of the building, you know this is where Primark is. Attorney Johnson states Simon is going to provide temporary directional signage to direct people to Primark. Attorney Johnson also refers to the wayfinding signage, which was done in 2008. The Principal Planner states the wayfinding package was done in 2008, when the expansion was done; basically, the size of the sign and the number of slots was approved. There are no more slots, but there is room to put "Sears/Primark", which will get them to this general area of the mall. Hopefully, reoccurring customers will take advantage of the garage level on top floor, which is usually not heavily occupied. There are some advantages and some disadvantages. We have spent time on wayfinding signs and circulation at the mall. It is extremely challenging to locate these signs, as the sign over the door is on the third level of the garage and not visible from any roadway.

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Member Joyce asked if it was possible to mount signage on garage structure. The Principal Planner states that was her recommendation. Attorney Johnson thinks it is better to put the signs where the wayfinding signs are located at eye level and not higher up.

Member Eng asks if there was enough room on Wayfinding Signs to put “/Primark”. Attorney Johnson states yes there is room; they will put a new panel in the existing slot. The Zoning Administrator states that parking on top level is advantageous.

Acting Chair Reynolds asked for clarification of conditions. The Zoning Administrator clarifies that Primark is proposing 766 square feet; that includes the four signs plus the window display in totality. Vice Chair Reynolds sees that there are two Primark signs on the west elevation. The Zoning Administrator’s recommendation is to remove the one on the far left. Two large tenant signs like that are not in existence at the mall. The visibility is fleeting. The Zoning Administrator does understand the reasoning for getting as much signage up as possible, but it would be precedent setting to allow two large signs. The Zoning Administrator confirms that the calculation of 766 square feet reflects two wall signs on the west elevation. It would be reduced by 124 square feet if one wall sign is removed.

Acting Chair Reynolds asks about signage on the third floor level of the parking garage facing east. Is that lit? Ms. Reker confirms that it is, and this sign is only 3 feet 6 inches. Acting Chair Reynolds’ assessment is that it is a unique geographical location; he agrees with argument that it is the least viewed section of Mall. With vegetation on highway and elevation of Granite Street, this factors into decision making. Acting Chair Reynolds confirms the signage closest to Common Street would be the one that would be eliminated if you needed to.

Member Eng asks, if you eliminate one sign on west elevation, would you relocate the sign on the right closer to the middle or leave it there? Ms. Reker states we would leave it above the window display.

Architect Greg Siroonian states, with regards to the 7 foot Sears sign, if the Planning Board makes the recommendation of 6’9”, they could make that work. The Zoning Administrator’s recommendation is no more than 6 feet high, but some of Macy’s existing signage does get up to 6’9”. Vice Chair Reynolds would be open to 6’9” due to distance across parking lot.

Member Eng wants to clarify the conditions for recommendation: 1) Sears’ sign west elevation height limit of 6’9”; 2) there would be one Primark sign on west elevation plus window display; 3) provide detailed plans regarding materials and lighting for window display; (Ms. Reker clarified that there would be illumination on mannequins and a very small Primark sign) 4) signage illumination will be consistent with Special Permit and hours of operation of South Shore Plaza signage guidelines (Note: Special Permit conditions to be clarified per Principal Planner).

Acting Chair Reynolds adds comment related to west and north elevation, there are no residential homes within both of these areas. The closest homes are further down Common Street, and they don’t see this part of the building.

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Member Eng **MOTION** to move for favorable action, with Zoning Administrator's conditions with one amendment changing height limit for Sears' sign on west elevation under Condition 1 to 6'6"; seconded by Member Mikami; voted 4:0:0.

PUBLIC HEARINGS

Grading Permit – 53 Ellsmore Terrace – David Cushing (PB File #16-09)

Present for the applicant:

Jim DeCelle, Decelle-Burke & Associates

8:00 PM Four PB members participated; Chair Harnais did not participate due to absence.

Acting Chair Reynolds reads the Public Notice into record.

Jim DeCelle, from Decelle-Burke & Associates, was called into this project a little after the fact – the wall was up. They did existing conditions survey, and they took at the topo from Braintree's GIS; it showed a small house, so they interpolated what was there before vs. what was done when Mr. Cushing put the wall in.

Back in 2014, the property was a small white house with a steep slope. The lot was pretty wooded. It was purchased by McGourty Company, and they rebuilt this house between 2014 and 2015; they would have been the ones that added the driveway walls. Mr. DeCelle does not know what the finish grades were when this new construction was done by McGourty. There is a set of pictures, and on the first page it shows the old white house that was there this picture shows the Town topo. On the second picture, you can see the steep slope going down the side. The Principal Planner clarifies that these are exhibits that demonstrate the conditions of the lot that were there when Mr. Cushing purchased it.

Mr. DeCelle clarified that these pictures were taken for the sale back in 2014. If you look on the third page, you will see a picture done on 10/24/15 for the MLS listing prior to Mr. Cushing buying the house; you can see trees were removed and the edge of a new stone wall. Some grading was done at that point. Mr. DeCelle feels, by looking at the wall, a couple of feet were added, previous to Mr. Cushing buying the house. The only tree removal that was done by Mr. Cushing was the one diseased tree and some underbrush. The contractor says he has brought in about 105 cubic yards. When they do the interpolation, they come up somewhere in the vicinity of 350 cubic yards, but they cannot say how much was done prior to Mr. Cushing's purchase. Mr. DeCelle has hatched out the area of disturbance; the amount of disturbed area is about 4600 square feet. They propose a new erosion control barrier, which should handle any run-off until it is stabilized. In the Staff Report, there was a question about the boulder wall and who removed the trees, which Mr. DeCelle just addressed that other than the one diseased tree it was done prior to Mr. Cushing house purchase.

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The Principal Planner states Mr. DeCelle did a pretty good job; staff did receive an email today with the updated disturbed area. What that translates to is an increased fee, as this type of application is based on the disturbed area. The Applicant has been contacted. The Principal Planner appreciates the additional photos related to the trees. She did some research herself and was inclined to ask for additional plantings. She went back out to the site today. While the lot was fairly wooded before, she is not sure who installed what landscaping. Mr. Cushing is also proposing to install some trees on the top of the wall for screening. It is a quirky, triangle lot with no front or back yard. This grading was in the works, and we asked them to stop working to get the Grading Permit. Now we have proper drawings, information and erosion controls. Staff has put together Draft Conditions. She did have concerns about minor erosion along West Street. The Engineer was not overly concerned with that area, but it is an active construction site. So, she wants to make sure everything is stabilized and compacted appropriately. She is asking for an As-Built calculation on the fill. Mr. Cushing has been very cooperative throughout the permitting process. The items that have been raised by staff have been addressed in the presentation. If the Planning Board is so inclined, we can talk about conditions.

Member Joyce states it sounds like we're trying to understand how much fill has been brought in; so starting with record GIS and your recent survey, how do we tie in the volume of the site? The Principal Planner states we don't want to penalize Mr. Cushing for what may have happened before. It will be the total volume not just since Mr. Cushing has owned the property. Through the As Built process, we will get all the final grades shot accurately, get top of wall elevations, put the plantings in, and loom and seed. Then, they will be able to do a final calculation, and we will have that number in the record. Member Joyce asks if there any plan for a fence at the top of that wall. The Principal Planner states there is a plan for a four foot picket fence with plantings behind it. The plantings won't be that close to the edge; they will be about 4 or 5 feet in. Member Joyce asks if the wall is going to be much taller. The Principal Planner states it will go up by a couple of feet. At the highest point it was 5.5 feet, and at the low end it was about 2.5 feet. Mr. DeCelle clarified the landscaping with a row of pine trees, an existing tree and mulching. He will clarify whether the row of pines will be continued.

Member Mikami states the first thing that he recognizes is that there was a Cease and Desist order coming from the Building Department. When did that occur? Mr. DeCelle thinks around the end of June. The Principal Planner clarified that she came upon the wall and grading that was being done without a permit. Member Mikami asks what the excuse is from the homeowner. Mr. DeCelle states the homeowner didn't know. Member Mikami said the other unusual thing is the house structure. Mr. DeCelle states McGourty Company renovated the house. He is not sure if they stripped it down to the studs. When Mr. Cushing bought the house, it said that it was a completely renovated house. Member Mikami clarified that McGourty must have filled approximately 250 cubic yards. Member Mikami asks about the rock retaining wall. Mr. DeCelle states you can see this rock retaining wall in McGourty's MLS listing. Member Mikami gets clarification from Mr. DeCelle on the grading; Mr. DeCelle confirms that it is not going to change. Member Mikami got clarification from Mr. DeCelle on the process for which his services were requested.

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Member Eng asks if Mr. DeCelle is confident about drainage and confident that it will drain properly. Mr. DeCelle states it will drain correctly, and the soils are pretty good Class A soils.

Acting Chair Reynolds feels based on controls put in place, there will be a slower, more manageable runoff. He states that he appreciates Mr. Cushing addressing the issues when it was brought to his attention. It is unfortunate that some of the information prior to Mr. Cushing taking ownership of the property isn't available to us, but we appreciate your calculations and observations.

Acting Chair Reynolds opens discussion up to public. There were no comments or questions from the public.

The Principal Planner made note to touch base with Mr. Cushing about what he plans to do between the walls and noting the improved erosion control measures. She mentions the work that Mr. Cushing is doing, as pointed out by Mr. DeCelle, will slow down the rate on the West Street side. Vice Chair Reynolds confirmed with the Principal Planner that there was no participation from the Planning Board on the prior construction done by Mr. McGourty at this address.

Acting Chair Reynolds reads the Correspondence List into record. Member Eng **MOTION** to approve the Correspondence List; seconded by Member Joyce; voted 4:0:0.

Member Eng **MOTION** to close hearing; second by Member Joyce; voted 4:0:0.

Member Eng **MOTION** to approve grading permit; seconded by Member Mikami; voted 4:0:0.

**Special Permit(s) and Site Plan Review – 28/30 River Street –
Daniel and Jean O’Leary (PB File #16-07)**

8:15 PM Member Eng has recused himself from this hearing going forward, as he is an abutter.

The Principal Planner explained that, due to Chair Harnais' absence and the fact that Member Eng cannot participate as he is a noticed abutter, it was necessary to continue this hearing.

Acting Chair Reynolds reads the Public Notice into record.

Member Mikami **MOTION** to continue the Public Hearing until September 13, 2016 at 8:00 PM; seconded by Member Joyce; voted 3:0:0.

**Special Permit(s) and Site Plan Review – 32/34 River Street –
Daniel and Jean O’Leary (PB File #16-08)**

8:30 PM Member Eng has recused himself from this hearing going forward, as he is an abutter.

The Principal Planner explained that, due to Chair Harnais’ absence and the fact that Member Eng cannot participate as he is a noticed abutter, it was necessary to continue this hearing.

Acting Chair Reynolds reads the Public Notice into record.

Member Mikami **MOTION** to continue the Public Hearing until September 13, 2016 at 8:15 PM; seconded by Member Joyce: voted 3:0:0.

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)**

8:45 PM four PB members participated; Chair Harnais is absent

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

Director Stickney mentions that because we have three public hearings already scheduled for September 13, this would be the fourth hearing and it would have to be scheduled for 9:00 PM; Acting Chair Reynolds recognizes that the Board has been waiting on materials to review; there is extensive information that we have been looking forward to seeing. He is certain that the Board Members will have plenty of questions to ask. As we have three hearings already, he would recommend that we go to October for this hearing.

Member Joyce asks if we know if the Pool is going before Conservation Commission for September. Director Stickney clarified that information is due by August 18, for a September 1 Meeting. Member Joyce feels if we continue until October, we will have more time to coordinate with Conservation Commission.

Member Eng feels we should put it on the schedule for September to put more pressure on them to act. If we don’t put it on the schedule, it moves from month-to-month, and this project is going nowhere. His recommendation is to put it on the schedule and make them give us what we want. Director Stickney states the worst case scenario that could happen is that we put it on the schedule for September and they are not ready, they could continue again. That would be the third continuance on this project. She wants it clear that they bring things in two days before public hearing and then stand up before the Board and say they just got our response today.

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Member Mikami agrees with Member Eng, but as Member Joyce said Conservation Commission may not be through, timing may not be right. They have some extensive information to be provided. He is not optimistic that work will be done. Member Joyce states the Board is doing its due diligence by giving the Applicant the next available spot.

Member Eng **MOTION** to continue the public hearing to September 13, 2016 at 9:00 PM; seconded by Member Mikami; voted 4:0:0.

NEW BUSINESS/OLD BUSINESS

Requests for As-Built Approval/Release of Surety

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

Requests for As-Built Approval/Release of Surety

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

The Principal Planner begins the discussion of the requested As-Built Approval for the 400 West Street address, as well as 579, 585 and 587 Granite Street, which were companion applications. The first was the playground and detention basin for the Children of America, which required a grading permit and some abutter restoration. The other application was the Use Permit for the Goldfish Swim School. Both of those projects have been completed. As-Builts have been received and a Staff Report was issued back in July. Mr. Rader, the property owner, has been working on chipping these away. I have provided for the Board Mr. Rader's response to these items. All of the items in the Staff Report for 579, 585 and 587 have been addressed and follow-up inspections have been done, except we need two disk copies of the updated As-Built Plan. They provided paper copies. There is also a large amount of landscaping, debris and brush between the site and Five Corners on the Granite Street side of the property. Mr. Rader has indicated that he didn't put that there, but he is willing to clean it up.

The staff has put together two separate As-Built Certificates with the surviving conditions. For 400 West Street, we were holding two bonds: one to ensure the completion of Mr. Noble's and Mr. Nguyen's property. A second one was to make sure Mr. Rader did, in fact, complete these projects and submit the As-Built; that was for \$10,000. At this point, staff is recommending those be released; the release of that money is conditional on receiving the disks and the clean-up. If the Board is so inclined to vote this evening, we will hold the paperwork back; when it is cleaned up, we will go out and make another inspection; then, we will release the paperwork for the As-Built to be recorded, and we will process the refund on the surety.

For the second one, Swim School at 587 Granite Street, we are not holding any surety for that particular matter. The items raised in the staff report have been addressed. There are several As-Built Conditions being suggested. They are also aware and on the hook that they will be doing the required traffic monitoring; this will be done in December 2016.

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The Principal Planner states this will require two separate votes for these As-Builts, but she thought they could be discussed simultaneously.

Member Mikami asks if all the abutter issues were resolved for 400 West Street. Staff said it has been accomplished; beautiful fences were installed; she has made several attempts to reach Mr. Noble with no response. She states it looks really nice; the rear of the properties is drastically improved.

Member Mikami sees that the Swim School got an Occupancy Permit. Does that mean they are already in business? Staff states they have been in business since December 2015.

Acting Chair Reynolds states that we will first take a motion related to 400 West Street, which is File #14-09. Member Eng **MOTION** to approve As-Built and release Surety based on conditions stated earlier related to receiving disks and clean-up; seconded by Member Joyce; voted 4:0:0.

Next, Acting Chair Reynolds addresses the motion for As-Built Approval for 587 Granite Street, which is File #15-02. Member Eng **MOTION** to approve the As-Built; seconded by Member Joyce; voted 4:0:0.

Request for As-Built Approval/Release of Surety

575 Quincy Avenue (Dry Docks) (PB File #04-06) - March Fourth LLC, Applicant

The Principal Planner states this approval will be tabled until September 13, 2016. Some additional information was submitted, but we have to clarify a few things. This is an old project, and we need to go back and double check some things.

Request for As-Built Approval/Release of Surety

**400-432 John Mahar Highway (Jonathan's Landing) – (PB File #04-09) Major Modification
Pulte Homes of New England**

The Principal Planner advises that the Applicant has completed the project; they have submitted As-Built Plans. They have responded to the Staff Comments; Staff did a fairly lengthy report on June 13, 2016. They have provided both an engineering response and a response from the developer. The items that are still hanging are: (1) the condition of the emergency access drive; all of the internal drives and parking areas received a binder coat and a full topcoat of pavement; for some reason, the emergency access drive only has a binder coat. Staff reached out to the Fire Department, and she has a response from Deputy Chief Steve Sawtelle that they want a topcoat on that to maintain the integrity of that access way. (2) The other item was Number 5 in the staff report, which relates to the ongoing maintenance of the traffic island. If members recall, they landscaped and improved the traffic island at the intersection of John Mahar Highway and Plain Street. We have a commitment in writing from the Condo Association to incorporate that into part of their landscaping maintenance. They will be continuing to maintain that area. (3) The last item includes a somewhat detailed response from the developer, which relates to condition 74; this was the implementation of a shuttle to and from the T Station. The reality for this particular case is that it is almost too close for a shuttle. People are either walking over or getting dropped off. There was not enough interest from the residents; only 4 residents were interested and would pay the fee out of 318 units. So they are asking that this condition be waived. Other than that, everything else looks great. They have provided full

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responses to all items, and there are been very few complaints. They have been very successful in building this site out and selling the units. It is a well-maintained, well-built property.

Member Joyce confirmed that there were 4 potential positives for the shuttle out of 318 units on site.

Member Mikami feels they have done a good, thorough job. Our primary issue is making sure that we are properly assessing property taxes on these units.

Member Eng feels Pulte did an excellent job building this development; he has heard everything positive from residents.

Acting Chair Reynolds agrees with comments from Board Members. With regard to Condition 74, he doesn't have an issue with waiving it. Perhaps a community initiative could be accomplished for a shuttle.

Member Eng **MOTION** to eliminate Condition 74; seconded by Member Mikami; voted 4:0:0.

Member Eng **MOTION** to grant As-Built Approval and release Surety on the condition that they satisfy Fire Department's paving issue; seconded by Member Mikami; voted 4:0:0.

The Principal Planner will write up the As-Built Certificate and submit it to Member Eng, Clerk of Planning Board, for signature, once the emergency access receives a topcoat.

Extension of Special Permit

280 Ivory Street (Major Modification) – (PB File #12-10)

Robert Calway, Senior Vice President, Southwest Region, Atrius Health, which includes Harvard Vanguard delivery sites in Braintree as well as Quincy, is here tonight seeking an extension of parking at Carter Rice Building for six months. As he mentioned previously, Atrius will be undertaking a plan to permanently address its parking needs and ultimately eliminate their need for off-site parking. He is here to report on that progress that necessitates the extension of the parking permit for a brief period. Atrius has developed a master space plan for its south region sites. That plan anticipates that they will be building a new building on Ivory Street at the location that they are parking now. It is their intention to either retain control or ownership of the current Braintree building that we lease from Harvard Pilgrim Health Plan.

In the period of time while we are preparing those final plans, they need the space to continue to support off-site parking. This plan will allow for a consolidation of services that currently exist in Quincy and in Weymouth to the new physical plant in Braintree. Mr. Calway provided his presentation with statistical information on the Atrius Health organization. It has changed since his last presentation in that Harvard Vanguard Medical Associates, Dedham Medical Associates and Granite Medical Group merged to form a single organization now known as Atrius Health, a 501(c)3 not-for-profit Massachusetts charitable corporation. They serve 650,000 patients predominantly in eastern Massachusetts. He continues with organizational statistical information and then he further provides statistical information regarding the Braintree location. The lease for the existing location with Harvard Pilgrim (the owner of the site) expires in June 2019. The 40,000 patients receiving care at the Braintree location include a 30% market share in Braintree – 1 out of 3 citizens get their care from the Braintree location. They have been forced to move a

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number of their clinical services off-site to address the parking issue. It is their intent to bring those services back to Braintree under one roof for the convenience of their patients.

The future space plan anticipates building a new facility on Ivory Street. Although they have not identified the total square footage, it will be up to 72,000 square feet. That number is determined in order to accommodate appropriate parking on the property. This building will house all primary care functions, and it will also include the move of large primary care group currently located in Quincy at Crown Colony into that facility. This will represent the largest of the primary care groups within Atrius. He also anticipates that this will house services that were relocated to Weymouth. They have begun negotiations with Messina, the owner of the property on Ivory Street. Secondly, as mentioned, they want to maintain control of the Grossman Drive site, which will house the full range of medical specialty programs that currently exist across the south region under one roof.

For background on parking, Atrius has been leasing parking spaces offsite at the Braintree location since the mid-1990's. That started with leasing spaces at 150 Grossman until a major tenant moved in. That evolved over the years until the 2012 Permit to park at the Carter Rice building from the Town. They continue to park no more than 70 cars at Ivory Street Site. This will not change from prior use. They park Monday through Friday, as early as 6:30 AM and no later than 8:00 PM. There is no overnight parking. They run a shuttle during the winter months in particular, in order to get staff safely back and forth. Their intent is to continue to use that space for the next six months, during which time they are going through the process of negotiating terms with Messina, seeking final approval from Atrius Board on the basis of those terms, developing the design of the property and commencing construction. He anticipates that they will be working with Messina to locate alternative parking during the time when construction is underway.

The Principal Planner states staff has put together a template, if the Board is so inclined to act this evening, for a six-month only extension. The Town wants to keep the dialogue moving forward and hopefully see something forthcoming, as Mr. Calway described.

Member Eng asks do you anticipate asking for an additional extension. Mr. Calway states no; they do not. Mr. Calway states if this deal falls through, they will be looking outside the Town of Braintree.

Acting Chair Reynolds very much welcomes the Atrius plans on Ivory Street. The Town of Braintree clearly welcomes this type of use, as well as the opportunity to take advantage of the transportation available nearby.

Member Eng **MOTION** to extend the Parking Permit for six months; seconded by Member Mikami: voted 4:0:0.

Approval Not Required Subdivision Plan

62 Johnson Lane and 66 Rocsam Park Road/T.J. Development Rocsam Properties

Director Stickney states she has provided the Planning Board with a report tonight. There are a number of issues. We are going to work with the Applicant to try to get through some of those issues. They signed a continuance until the September 13 Meeting. She states, if the Board is agreeable, we would like to extend that ANR Endorsement Deadline until September 16 so that the Board can hear it on September 13.

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Member Eng **MOTION** to extend the ANR Endorsement Deadline to September 16; seconded by Member Mikami; voted 4:0:0.

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

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

The Meeting adjourned at 9:25 PM.

Respectfully submitted,

Louise Quinlan
Planning/Community Development