



Department of Planning and Community Development

Melissa M. Santucci, Principal Planner
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Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
Linda Cusick Woodman, Clerk
James Eng, Member
Darryl Mikami, Member

APPROVED

Braintree Planning Board
January 12, 2010
Town Hall

Present:

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng
Darryl Mikami

Christine Stickney, Director
Melissa Santucci, Principal Planner

The Chair called the meeting to order at 7:00 P.M. and called the roll: Mr. Mikami, Mr. Reynolds, Mr. Eng, Mr. Harnais all present; Ms. Cusick Woodman not present.

New/Old Business

Zoning Board of Appeal - January

For details please see Ms. Santucci's staff report dated January 6, 2010.

40 Longwood Road/A. Hickey

Andrew Hickey was present and addressed the Board regarding his proposal to construct a 42' x 13'± deck off the rear of their house. To Mr. Reynolds's question as to whether the applicant felt he had a hardship, Mr. Hickey replied, "nothing in particular." At that point Mrs. Hickey informed the Board that there was a deck on the house in that location when they purchased the house and they really were only replacing that rotted and unsafe structure with a larger deck. There is a door exiting to the rear yard and they will need some means of egress. Mr. Reynolds continued to suggest that the homeowners were creating a non-conformity, to which Mrs. Hickey replied that the edge of the original deck and that of the proposed deck are the same distance from the property line. The only difference is that the proposed deck is a bit larger and extends the width of the house. It is her understanding that any deck would need a variance.

Mr. Reynolds asked if the homeowners had spoken with staff and discussed alternatives, such as staff's suggestion to shift the deck to the west to reduce the amount of encroachment into the rear yard. Mr. Eng, Mr. Mikami and Mr. Harnais all posed questions which led the homeowners to state that the rear of their property is wooded and the neighbor to the rear cannot see the deck. They do not wish to have the deck on the side of the house for privacy reasons [both for them and the neighbors on that side].

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Motion by Mr. Eng, second by Mr. Mikami to recommend favorable action to the ZBA given the fact this is a replacement deck.

Vote: 4/0

91 Evergreen Avenue/E. Polio

Steven Aucoin, contractor, was present to represent the applicant who is currently out of state. He was unprepared to respond to most of the issues raised by staff and the Board members, knowing only that the applicant had moved in with her father, that they needed a two-car garage and would remove a non-conforming shed [the reason they wished a 32' deep garage].

Mr. Mikami asked if the applicant had considered a one-car garage [no] and Mr. Reynolds asked if the applicant had spoken with staff [no]

Mr. Harnais informed Mr. Aucoin that the Planning Board's vote was a recommendation only to the ZBA.

Motion by Mr. Reynolds, second by Mr. Eng to forward no recommendation to the ZBA based on the lack of information.

Vote: 4/0

Request for Lot Release and Posting of Surety – Whites Hill/O.I.B.

Motion by Mr. Eng, second by Mr. Mikami to table discussion on this issue.

Vote: 4/0

Approval of Minutes for 10/20, 11/2, 11/17, 11/30 and 12/15

Motion by Mr. Reynolds, second by Mr. Mikami to approve the minutes of 10/20, 11/2, 11/17, 11/30 and 12/15

Vote: 4/0

Motion by Mr. Eng, second by Mr. Reynolds to adjourn at 9:00 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
January 12, 2010
Town Hall

Public Hearing at 7:30 P.M.

Present:

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng
Darryl Mikami

Christine Stickney, Director
Melissa Santucci, Principal Planner

376 Franklin Street

Application for Special Permit [135.702.B.12] and Grading Permit

For details please see Ms. Santucci's staff report dated 1/6/10.

The Chair opened the public hearing and read the legal notice.

Attorney Carl Johnson was present to represent the applicant and noted that the Planning Board was familiar with this proposal since the applicant had recently been before the Board for an ANR approval and for a rezone of this property. He stated that the applicant would mitigate the encroachment into the buffer [between the General Business and Residence zones] with a landscape screening and would provide deed restrictions on the two abutting residential lots on Franklin Street to allay fears of possible further expansion along Franklin Street of the uses at 400 Franklin Street. The lot in question will be "merged" with 400 Franklin Street, a curb cut eliminated and drainage improved.

Ms. Santucci asked for an explanation of the infiltration system.

Rob St. John of Messina Enterprises explained that they are extending the grade from 400 Franklin Street to 376 Franklin Street and will be capturing the infiltration on this property. There will be no increase in the rate or volume of runoff.

Jennifer Turcotte of Green Environmental, who designed the grading and drainage on the property, stated that all Stormwater Management standards will be met. No existing drainage patterns will be altered; recharge will be on site; 100% of the pavement runoff will be infiltrated

and an emergency outflow provided to the wetland area to the rear of the property. The rate and volume of runoff will be below that of the pre-development condition.

Attorney Johnson added that this project is critical to the revitalization of 400 Franklin Street. They are making the parking area “functional,” increasing the handicapped parking, improving the fire lanes and adding landscaping. He cautioned that the applicant has constraints since the property is along a state highway under the control of the Massachusetts Highway Department.

The Chair asked for a motion to accept a summary of the correspondence.
Motion by Mr. Reynolds, second by Mr. Mikami to accept the summary.
Vote: 4/0

The Chair then asked for comment from the public.

Ron Gates, 377 Franklin Street, noted his concern that traffic will be exiting from 376 Franklin Street directly across from his home. He asked the Board to add some sort of screening [from headlights] along Franklin Street similar to that proposed on the southerly property line of 376 Franklin Street.

Mr. Mikami asked if flooding had occurred in the parking area at 400 Franklin Street [no] and how the new drainage system tied into the old. Mr. St. John responded that the grading and drainage at 400 Franklin Street will remain unchanged. The only improvements will be removal of islands, construction of new islands and sealing of the entire lot.

Mr. Eng asked if the drainage was designed for the 100 Year Storm [yes] and if there is a maintenance program in place [semi-annual cleaning]. He also asked about the hardiness of the trees to be planted and how the snow would be plowed, noting the potential to damage the trees if the snow were pushed against the green screening. Mr. St. John stated that heavy snow would be removed from the site. As for keeping the area free of weeds, the applicant would do the best they can. Mr. Eng followed up on the abutter’s request for installation of a “headlight screen” and asked if the applicant would consider a green buffer [yes]. Mr. Eng questioned staff about the lack of surety. Ms. Santucci responded that no work will be done on a public way.

Mr. Reynolds asked about the final count for the handicapped parking spaces [8].

At this point extensive discussing began regarding traffic, traffic reporting and a trip generation report. Mr. Reynolds noted the potentially adverse impact of traffic at Five Corners associated with the new tenant [Panera]. He would like the applicant to provide a trip generation memo so in future the Board will have a baseline for comparison if the traffic flow is adversely impacted.

Greg Godfrey from Panera Bread addressed the Board regarding peak hours at Panera shops generally: 6 A.M. – 10 A.M./11 A.M. – 2 P.M./5 P.M. – 7 P.M. However, he noted that most of the morning trips are from people driving by already. Panera will not generate new trips at this time.

Mr. Mikami asked about sales numbers [\$40,000/week; 15% AM; 35% midday; 15% dinner hour]

The representatives from Messina Residential Properties were extremely concerned about this issue, noting that they are before the Board for a Grading Permit and in this instance traffic issues are not germane. Attorney Johnson noted that a number of developers had contributed thousands of dollars for traffic studies, money which has not been spent. [The Chair asked if the monies had been submitted during this Board's tenure (no).] After extensive exchanges, Attorney Ron Marshall responded that the applicant would have no problem submitting trip generation information which would be prepared by Panera.

Ms. Santucci asked for clarification on the slope stabilization and Attorney Johnson provided copies of a slope cross section to the Board, which led Mr. Eng to question whether the curbing would be Cape Cod berm or granite curbing as noted on this cross section [Cape Cod berm].

Regarding the trip generation memo, Ms. Santucci advised that trips from the former tenant could be subtracted from the anticipated Panera counts. Mr. St. John responded that the applicant wants to work with the Board to achieve what the Board wants.

Motion by Mr. Eng, second by Mr. Reynolds to close the public hearing
Vote: 4/0
Motion by Mr. Eng, second by Mr. Reynolds to re-open the hearing
Vote: 4/0

Attorney Johnson asked if Conditions #53 and #56 would be redrafted [yes].

The Chair asked that the abutter work with staff regarding a revised landscaping plan.

Motion by Mr. Reynolds, second by Mr. Mikami to close the public hearing
Vote: 4/0
Motion by Mr. Reynolds, second by Mr. Eng to approve the application for a Grading Permit and a Special Permit [135-702.B] based on the draft conditions and the changes discussed. [Staff will work with the applicant on the wording for the amended conditions.]
Vote: 4/0

Respectfully submitted,
Linda Raiss