



Joseph C. Sullivan
Mayor

Department of Planning and Community Development

Melissa M. Santucci, Principal Planner
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PLANNING BOARD

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

APPROVED

Braintree Planning Board
May 11, 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. Eng, Mr. Reynolds, Mr. Harnais all present.

New/Old Business

Zoning Board of Appeal - 625 Washington Street/Krause

Mr. Krause appeared before the Planning Board in April and the Board suggested that he reconsider his proposal to relocate his two-car, two-story garage. Mr. and Mrs. Krause were present to discuss options with the Board and to present a revised plan. There was some confusion about the revised plan because the plan presented to staff and to the Board is not the one which Mr. Krause wishes to move forward with.

There ensued extensive discussion among the members of the Board and the Krauses, which included clarification about the revised plan before the Board and suggestions on how the Krauses might proceed in order to require less relief [moving the garage and changing the angle of the garage]. The Chair spoke of the need for the Board to be judicious in their recommendations for applicants seeking relief from the Zoning Bylaw, as decisions to grant relief will be precedent-setting. It was agreed that Mr. Krause would reconsider his options and return to the Board in June with a revised plan.

Mr. Reynolds noted he was not present for the initial discussion of this project and asked if he could participate [yes].

Executive Session

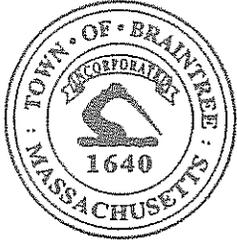
The Planning Board took a roll call vote to enter into Executive Session to discuss pending litigation with Town Counsel and to return to continue regular business at the end of the Executive Session.

Roll Call: Mr. Mikami – yes; Mr. Eng – yes; Mr. Reynolds – yes; Mr. Harnais – yes.

Motion by Mr. Eng, second by Mr. Reynolds to adjourn at 11:00 P.M.

Vote: 4/0

Respectfully submitted,
Linda Raiss



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Braintree Planning Board
May 11, 2010
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Public Hearing at 7:30 P.M.

Present:

Robert Harnais, Chair
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Darryl Mikami

Melissa Santucci, Principal Planner

400-432 John Mahar Highway/Pulte Braintree LLC Application for Major Modification to Planning Board Decision 04-9

The Chair opened the continued public hearing.

Mark Mastroianni of Pulte Homes was present with Reed Blute, Chris Huntress, Mike Rosatti and Dermott Kelly to continue discussion with the Planning Board on the request by Pulte Homes to modify Planning Board Decision 04-9 [The Residences at Union Station].

Mr. Mastroianni was concise in his presentation, noting that the applicant had provided detailed information at the first public hearing. He stated that the modification is a more appealing project, a less intensive development. Working with staff the applicant has responded to all comments and resolved all issues which had been raised at the earlier hearing. Regarding the drainage concerns raised by abutters, Pulte representatives have met with abutters, the Conservation Agent and members of the Conservation Commission. The applicant feels that they have identified the causes of the abutters' concerns about flooding of their properties and are proposing solutions to resolve the issues.

Mr. Blute noted the presence of residents of Jonathan's Landing [the new name of the residential development] and thanked them for their support of the proposed modification.

Mr. Reynolds asked if the applicant could detail the drainage issues raised during the earlier hearing by two Sagamore Street residents and explain how the applicant intends to correct them.

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Public Hearing @ 7:30 P.M.

Mr. Rosatti addressed the Board and on a large plan pointed out the area of concern, which turns out to be two separate wetlands. He stated that the Pulte property drains **in two directions** to a pipe along Mahar Highway and to a detention pond on their property. He also provided explanations for the “flooding” on abutters’ properties caused by a combination of pipe capacity, swelling of the Monatiquot River and a drainage pipe from the applicant’s property which was not installed per plan by the original owner of the Mahar Highway property. The applicant proposes the following to eliminate the problems:

- install a flapper at the end of the pipe behind the Toma’s property to keep the rising river waters from backing up and traveling through the pipe to exit behind this abutter,
- relocate the pipe which improperly drains into Frisoli’s property, and
- install an outlet structure which will regulate the flow of water from the detention area to eliminate the flow of water going from a larger drainage pipe to a smaller one.

He also noted that the riprap at the end of the pipe is full of dirt and 8” – 9” above the invert. They propose to make the riprap level with the pipe.

Mr. Reynolds asked if there would be continued maintenance [yes, through the operation and maintenance plan].

The Chair opened the hearing to comment from the public.

Ed Marenberg was present to represent the 42 members of the Sheetmetal Workers’ union who live in Braintree. He was present to protect “our town” and encouraged the Planning Board to require the submission of a monetary guarantee because Pulte is “less than a reputable company.”

Tom Kane, a resident at “Union Station” [former name of the development in question] and a retired sheetmetal worker, addressed the Board. He is attending the hearing to speak on behalf of Pulte Homes, hopes the plan goes through and encourages Pulte to hire local contractors.

Mike Keany, resident at 12 Common Street and a member of Local 17, stated that unemployment is a big problem for some local families, urged the applicant to hire town residents and noted that union members do quality work.

Joe Moscaritolo, a resident of the development in question, informed the Board of all the problems that residents of the development have had since the original developer had financial problems [Contractors remained unpaid and services to the residents were often abruptly cut off.] The development which was conceived and marketed as upscale became a “dog park and a haven for shopping carts.” He said the current developer has listened to the current condominium owners and he fully supports the developer’s proposed plan to modify the original concept.

Board Participation:

Mr. Eng noted that he has felt that Pulte Homes was “trying to make things right” and was very surprised by the handouts provided outside the meeting room. He would like the applicant to send information providing a history of Pulte projects to enable the Board members to ascertain the quality of their other developments.

Mr. Harnais added the other developments should be in Massachusetts.

Mr. Mikami emphasized the need for the Inspections Division to be provided with adequate plans to make certain that quality issues are addressed early on. He continued with questions about the revised fiscal impact analysis and the validity of the numbers used in the analysis: Are all 11 units which have been sold been assessed? Are the owners paying taxes? [Ms. Santucci is looking into this question.] He pursued this line of questions by asking if there is a discrepancy between the figures used for the 13 units to be completed and sold for \$550,000 and the remainder of the units to be built and marketed for an average price of \$375,000, the implication being that the newer units will be of a different quality.

Mr. Mastroianni responded that the earlier constructed units are between 2200 and 2800 SF and will be marketed at a price point consistent with the housing market in 2008. The units to be constructed in the yet-to-be constructed buildings are smaller [between 1,000 and 1,800 SF] and per square foot are priced similarly.

Mr. Mikami asked about the wall assemblies and Pulte’s intention to reduce sound by 10% - 20% between units. Mr. Mastroianni responded that there is a difference between the requirements of the code and the actual result when the wall assemblies are tested. Pulte has tested the installations and the resultant decrease in sound is between 10% and 20%.

Mr. Mikami continued by mentioning the proposed lighting which he anticipates will be tasteful and not excessive. [Mr. Mastroianni responded that they have added 5 to 10 lights on pathways/travelways per staff’s recommendation. Walkway lights are 8’ high and lighting on the travel ways are 12’. All shine down and abutters will not be impacted.]

Mr. Mikami asked about the anticipated construction schedule and completion of project to which Mr. Mastroianni responded that Pulte expects to complete the units in the existing buildings and market them in 2010 and then construct and market Buildings B and A and continue with construction to a completion date in four to five years.

Mr. Reynolds asked about “beautification” proposals for Plain Street and the island at the intersection of Plain and Mahar Highway. Mr. Mastroianni has been working with staff on this issue and informed the Board that the applicant wishes to be allowed to use the emergency access on Plain Street for construction purposes as the Mahar Highway entrance to the property

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is completed and would be negatively impacted by construction related traffic. In addition, using the rear access would minimize disruption to residents. Pulte will ensure “right turn only” from the site by installing signage. They also propose to clean up and landscape a portion of Plain Street as it turns north after the cemetery, to install tracking pads on interior travel ways to avoid tracking dirt onto the Town ways [and to clean the abutting streets as needed], and to repave Plain Street at the end of construction. Mr. Reynolds asked how the “right turn only” would be enforced [Contractors work for Pulte who will ensure compliance.]

Mr. Eng asked Mr. Blute about continuing their commitment to hiring local contractors. Mr. Blute informed the Board of their two-stage plan: currently they have hired local contractors for the pool, for landscaping, for irrigation, electrical and plumbing work; in future they intend to contract the geotechnical work to a local contractor. For other future work they have not yet been able to make any commitment as they have sent out bid packets. Mr. Blute stated that Pulte wants to continue their commitment to hiring local firms, but this will be determined by the capability, pricing, manpower, and ability to adhere to Pulte’s scheduling demands of firms who submit bids for the work.

Referring to the staff report dated May 6, 2010, Mr. Reynolds continued his inquiries relative to “beautification”: the Mahar Highway island and the proposed funding of improvements to Mattulina Park. Mr. Mastroianni described their proposal for the island and deferred to Ms. Santucci to explain the Mattulina Park issues. Ms. Santucci informed the Board that it appears upgrades to parks are more complicated than she had anticipated. She is working with Pulte Homes on increasing their funding for the park in order for the improvements to have the desired impact. The initial figure proposed would seemingly not result in dramatic visual improvement. She proposes continuing to define the scope of the park improvements with the applicant.

Before continuing the hearing, the Chair summarized what the Board will be looking for from the applicant before the next hearing date: a list of Pulte developments in Massachusetts and a plan for Mattulina Park.

Mr. Blute suggested that they arrive at an agreement about the amount of funding for the park with the components to be determined.

Motion by Mr. Eng, second by Mr. Reynolds to continue the hearing to May 24, 2010 at 7:00 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
May 11, 2010
Town Hall

Public Hearing at 8:15 P.M.

Present:

Robert Harnais, Chair	Christine Stickney, Director
Joseph Reynolds, Vice Chair	Melissa Santucci, Principal Planner
James Eng	
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Elmlawn Road Extension [Assessors' Plan 2072, Plots 60-67]/Elmlawn LLC Application for Definitive Subdivision Approval

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

Paul Brodmerkle of Site Design Professionals was present to represent the applicant. He described the plan for an 8-lot subdivision on a 458' cul de sac. The applicant intends to remove the greenhouses, extend the water main, install a sanitary sewer system, and construct a subsurface detention basin which will drain to a swale and then to the municipal drainage system. They will be requesting consideration of a number of waivers.

Mr. Harnais asked about curbing [sloped granite]. Mr. Eng asked why the applicant was proposing sloped granite [less intrusive and does just as good job].

Referring to Mr. Brodmerkle's statement that a subdivision on this property had been approved in the past, Mr. Mikami wished him to understand that the current Planning Board was totally unfamiliar with any earlier plan.

Kelly Carroll, 150 Holmes Street, asked if there would be a change in the water table which would affect his property [no].

Bruce Sheehan, 198 Elmlawn Road, asked about a dead tree at the corner of Robert Street and Elmlawn Road which he wishes to have removed. Ms. Santucci injected the fact that discussions on the earlier-approved subdivision had included a number of issues relating to Mr. Sheehan's property and concerns. Mr. Sheehan continued by asking about soil testing, oil/gas spills, pesticides and dust control, all relating to the use of the property to support Almqvist

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Flowerland. Mr. Almquist, property owner, responded that a 21E investigation in 1986 gave a “clean bill of health” to the property and added that no crops were planted in the ground.

Victoria McCormick, 202 Elmlawn Road, mentioned pooling of water in the street and Annette Lyons [3 Conrad Street] asked about dust control during construction as windy conditions would negatively impact her property and how far from the property line the homes are proposed.

Keith Drake, 130 Holmes Street, asked about the drainage swale abutting his property.

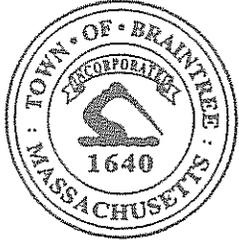
The Chair asked if the applicant had invited neighbors to an informational meeting. When he discovered that no meeting had been organized, he stated he would like the developer to meet with the neighbors to describe his project and to answer any questions they might have.

Mr. Eng requested the applicant provide a catalogue cut of the Coltex system [subsurface detention system] and engineering calculations to the next meeting.

Motion by Mr. Reynolds, second by Mr. Eng to continue the hearing to June 8, 2010 at 7:45 P.M.
Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
May 11, 2010
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Public Hearing at 8:45 P.M.

Present:

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Petition to Rezone 741 Granite Street from Residence B to Highway Business

Petitioner: Messina Residential Properties, LLC

For details please see Ms. Stickney's staff report dated 5/10/10.

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

Attorney Carl Johnson, representing the petitioner, provided handouts to the Board and summarized the background of the abutting property as well as the property in question. In 1992 the abutting property was changed to Highway Business in an attempt to stop residential development which – it was felt at the time – put a burden on Town services. In both 2002 and 2006 the property owner unsuccessfully attempted to have Town Meeting rezone 741 Granite Street, which has been a residential island surrounded by Highway Business development. Rezoning will facilitate future use of the abutting Granite Plaza. The current house at 741 Granite Street would either be razed or moved.

Mr. Mikami asked about future plans for the site and if there were any thought to beautification, if the petitioner would combine the lots and what any fiscal impact to the Town might be.

Attorney Johnson responded that he is not sure of the owner's plans, but noted he will adhere to the setbacks, that the lots would be combined for zoning and that there would be no negative fiscal impact. Rather, the property would be taxed as Highway Business-zoned land, a benefit to the Town.

Mr. Eng stated rezoning of 741 Granite Street could be a catalyst to rehabilitate Granite Plaza.

The Chair asked if anyone wished to speak on this petition.

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Public Hearing @ 8:45 P.M.

Alan Flowers, 48 Fallon Circle, expressed his deeply held belief that it is critical for this parcel to remain residential. We do not need more development in Town, development which generates too much traffic which negatively impacts North Braintree. Residential zoning is the only protection for the residents.

Robert Bailey, 756 Granite Street, expressed his thoughts on Braintree, traffic, and the possibility of proposed development in Granite Plaza which is across from his family's home. He is very concerned that there might be a proposal for a gas station where the dwelling is located.

Joe Sloan, formerly residing at 744 Granite Street [currently residing at 55 Concord Street, Milton], provided the Board with a long, thoughtful and emotional request that the Board not recommend the rezone, noting that the economic gains are minimal.

Mr. Reynolds stated that he appreciates the comments from the public. This is a case of a residential "island" on an arterial road, noting that the public will have an opportunity to comment on future development. To Mr. Sloan he responded that conditions have changed and the parcel in question no longer has a residential feel. Its residential character is history.

Mr. Harnais stated that as a planning scheme it does not make sense to leave this residential island zoned as it is. [Mr. Flowers injected his deeply held opinion that there is too much business-zoned land in Braintree and we must preserve residential properties.]

Mr. Mikami agreed that Braintree is a "hodge-podge" and he looks forward to proper development. He assured those who spoke earlier that the Board members live in Town, too, and are affected by development.

Mr. Eng added that he lives close to the area in question and, although he was caught off guard by the emotions expressed by the public, he feels rezoning 741 Granite Street is the right thing to do.

Ms. Stickney stated that staff urged the Board to send a favorable recommendation to Town Council.

Mr. Flowers commented how this new form of government is not working and this is an example. Mr. Harnais stated that problems that might be perceived as existing today have not been created under the current form of government, but that it is the responsibility of the current government to try to correct these issues.

Motion by Mr. Reynolds, second by Mr. Eng to recommend that Town Council proceed to rezone 741 Granite Street from Residence B to Highway Business.

Vote: 4/0

Respectfully submitted, Linda Raiss