

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
James Eng, Member
Darryl Mikami, Member

APPROVED

Braintree Planning Board
June 8, 2010
Town Hall

Present:

Robert Harnais, Chair

Joseph Reynolds, Vice Chair

James Eng, Clerk

Darryl Mikami

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 - June

For details please see Ms. Santucci's reports.

60 Edgehill Road/McKenna

Mrs. McKenna was present and explained her proposed plan to construct a single story addition [36' x 15'] for a family room and mudroom at the rear of her home. The property abuts Town-owned land and has extensive ledge outcropping.

Mr. Mikami asked if she were familiar with the setbacks [Yes, but she was hoping that it "was no big deal going from a 2.7' setback to a 1.7' one. She would like the family room to be lined up with the house.] Mr. Mikami asked if the applicants had considered only one design. [yes]

Mr. Eng asked if the applicants needed a 36' wide addition [Yes, because the house is small.] and if the applicants would consider changing the orientation of the 36' x 15'. Mrs. McKenna noted that at one time the Town had offered the property to a previous owner. She seemed to be thinking of alternatives to the proposal during the meeting and asked if it would make a difference if they changed the dimensions to a 10' wide addition.

Mr. Reynolds asked if the applicant understood in this context what a hardship was, because it seems that the applicant is proposing to build into what the Board would consider a hardship [ledge]. He added that the Board must be concerned with setting precedent and about abutters' rights. He added he has difficulty with the current design.

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Because the lot is more deep than wide and there is serious invasion into the side yard setback, Ms. Santucci suggested that the applicants look into an octagonal shape for the addition.

Mr. Mikami suggested that the applicants approach the Town to see about the possibility of purchasing the abutting land.

The Chair proposed that the applicants work with staff to redesign the addition to minimize its impact and that they return to the Planning Board at a later date. He added that the Planning Board's role is of an advisory nature only.

Mrs. McKenna said she would re-think her project, re-do the plan and return to the Board.

The petition was tabled.

197 Quincy Avenue/T-Mobile Northeast LLC

Attorney Brian Grossman, Sheik Mahmoud and Jim George were present representing the applicant who seeks a use variance to construct a 60' high wireless communication unipole [stealth flagpole] at 197 Quincy Avenue. He informed the Board that there were changes to the original application [tower relocation and fencing added at the base of the tower]. He added that they are also seeking a variance for the setback from residential property and a variance for the fact the proposed tower is within two miles of an existing tower. He explained that T-Mobile needs inbuilding coverage around 197 Quincy Avenue because the existing hill excludes the area from coverage.

Mr. Mikami asked if the tower requires a Building Permit [yes], what the installation will look like and if it is state-of-the-art technology [the best to minimize its visual impact]. He feels it will "stick out like a sore thumb" and will have a negative impact on the neighborhood.

Mr. Eng asked if it were possible to move it to the rear of the site. Mr. George stated that woods and the parking area preclude that possibility.

Ms. Santucci noted that the applicant needs to meet the "fall zone." At the proposed 60' in height the pole must be more than 6' from the property line. Attorney Grossman added that this was the second location proposed.

Ms. Santucci continued with comments relative to the analysis of alternatives and stated she feels the analysis is too general. She would like that they analyze coverage for a pole of different heights [i.e. 47', 37'], noting that the coverage gap is not extensive.

Mr. Harnais informed the applicant's representative that they must show the Board that the proposed location is the only possible location.

Mr. Reynolds asked that the application provide the percentage of coverage increase with the proposed installation and if the pole would be for T-Mobile only [yes].

The Board had serious concerns about the location for and the look of the installation. There were comments about painting the tower to imitate the brick façade of the former school building, about constructing the tower to incorporate a flagpole. This raised questions about the flag-raising and lighting requirements.

The petition was tabled for the applicant to work with staff to address the Board's concerns.

265 Wood Road/Norfolk Kitchen & Bath [Rosen]

Ben Rosen was present and explained his company's application to install an illuminated ground sign with manual interchangeable letter tracks. He provided the additional detail staff had requested.

Mr. Reynolds had a question about the wording of the Zoning Bylaw, "major artery." In this case it is Wood Road.

In response to the staff report noting that changeable message signs are prohibited under the Zoning Bylaw, Mr. Rosen stated they wish to be able to inform the public of interesting specials. He feels drivers along Wood Road would be particularly interested in their specials.

Mr. Reynolds said his only concern is the track lettering. Mr. Mikami agrees.

Mr. Eng asked if there were another sign with track letters [one building at the end of Wood Road].

Mr. Harnais noted the concern of the Planning Board with setting precedent and informed the applicant that the Board's role is advisory only.

Motion by Mr. Eng, second by Mr. Reynolds to recommend that the Zoning Board of Appeal grant the relief requested *without the changeable letter track area*.

910 Washington Street/Sake Japanese Restaurant

Ms. Santucci informed the Board that she was unable to prepare an analysis of the proposal as the applicant did not submit information pertaining to the requested relief.

Motion by Mr. Reynolds, second by Mr. Eng to take no vote due to the lack of information and the Board's inability to understand the proposal.

Vote: 4/0

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206 Allen Street/Barrett-Hoard

Ms. Santucci said the applicant was away on vacation and asked to appear next month.

Request for As-Built Approval – Harbor Villa Avenue/G. Gabriel

Ms. Santucci informed the Board that she has been working with the applicant, Gary Gabriel, regarding his request for As-Built Approval. She would like the Board to consider voting to release the surety being held predicated on the filing of the Grant of Easement and the submission of any additional information she requires.

Motion by Mr. Eng, second by Mr. Reynolds to release the surety.

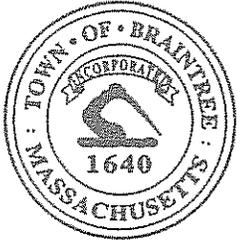
Vote: 4/0

Motion by Mr. Eng, second by Mr. Reynolds to adjourn at 10:30 P.M.

Vote: 4/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
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250 Granite Street/Dave & Buster's of Massachusetts, Inc. Application for Special Permits and Site Plan Review

The Chair opened the continued public hearing and noted that the applicant had requested that the hearing be continued.

Motion by Mr. Reynolds, second by Mr. Eng to continue the hearing to July 13, 2010 at 7:45 P.M.

Vote: 4/0

Respectfully submitted,

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Elmlawn Road Extension [Assessors' Plan 2072, Plots 60-67]/Elmlawn LLC

Application for Definitive Subdivision Approval

The Chair opened the continued public hearing.

Paul Brodmerkle of Site Design Professionals was present to represent the applicant. He noted that the applicant had appeared before the Conservation Commission, had met with Town Engineer and B.E.L.D. and was waiting for comment from the D.P.W. for the 8-lot subdivision on a 458' cul de sac. He stated that the applicant had responded to Ms. Santucci's staff report and submitted revised plans. He reviewed his May 26, 2010 letter to the Board:

- The taxes have been paid.
- The previous subdivision plan is invalid
- The applicant will discuss the location and design of electrical utilities with B.E.L.D.
- The applicant is waiting for D.P.W.'s response. They probably will not be looping the water line.
- There will be natural gas on site.
- The easement documents will be provided
- The lot depths shall be re-calculated.
- The applicant is working with Town Engineer regarding the contours.
- The applicant shall be planting Linden and Bradford Pear trees on the subdivision roadway.

The Chair asked for comment from the public.

Joanne Smith, 49 Robert Street, stated that drainage and trees are huge issues. She asked about the road location and how far from existing homes it will be. She also wished to know if the proposed drainage structure had been installed elsewhere in the Town. [It is a commonly used

product used most recently at 400 Franklin Street and at Jonathan's Landing.] The Smiths don't want worse water problems.

Gary Smith of the same address asked who would be responsible if something went wrong. Would there be a bond to cover damages for the neighbors? [The contractor is responsible and his insurance would cover damages. Both the Chair and staff explained bonding and responsibility.]

Mr. Mikami asked if the applicant could inform the Board of the issues raised during the neighborhood meeting: drainage, water and trees.

Mr. Brodmerkle stated that the applicant has done additional survey work and redesigned aspects of the project.

Mr. Mikami asked about the sidewalk on only one side. Bruce Sheehan, 198 Elmlawn Road, said there is no sidewalk on Robert Street and if a second sidewalk were constructed current residents would lose 7' in front of their homes.

Mr. Mikami asked about the line of sight. Mr. Brodmerkle stated that there are no issues with vehicles stopping as they have 300' and they need only 200' to comply with the requirements for stopping distances. The cul-de-sac is one-way only. Mr. Mikami asked about a stop sign. [Mr. Sheehan requested a four-way stop sign.]

Mr. Eng asked about what storm events the system was designed to handle. Mr. Brodmerkle responded that it was designed for 100-year storm events. The drainage system is designed with 15" intake pipes and 12" outflow pipes which lead to a swale leading to a drainage ditch. Ms. Santucci added that highest elevation in the ditch is at 115' and the water during a 100-year storm would reach only 113.8'

Mr. Brodmerkle assured Mr. Eng that the system will work.

Jim Wong, 63 Robert Street asked who would maintain the system once the lots were sold. [A homeowners' association will be formed and will be responsible for the system. Mr. Brodmerkle said they would have no problem changing the language to state "must" rather than "shall."

Mr. Reynolds commented on the proposed waivers, regarding the layout width, he wants input from the Fire Department; regarding the proposed grass strip, he is okay with; regarding the pavement width, he is okay with since it is less impervious surface; regarding the line of vertical sight, he is okay with. He would like more information about drainage in the buffer and he wondered about the planting of trees. [There is relatively dense vegetation between the subject property and the Smiths' property and, should trees be removed during construction, Mrs. Smith requested that they be replaced. Developer Al Endriunas stated he is not sure at this stage what

will be removed and what will stay, but he will work with the neighbors. Mr. Harnais wished to ensure that the issue was trees, not brush [yes].

Mr. Mikami asked about the number of lots proposed in the past: 3 in 2006 and now 8. Ms Santucci explained that the owner of the property had earlier wished to preserve a large lot for his gardening business and develop two house lots.

The Board voted on each waiver request for relief from the Design Criteria of the Rules and Regulations Governing the Subdivision of Land:

Section VIII.A.1 – Layout width from 50’ to 40’ transitioned to 50’ within the existing layout

Motion by Mr. Reynolds, second by Mr. Eng to grant the waiver

Vote: 4/0

Section VIII.B – Grass strip from 6’ to 5’ on new cul-de-sac and 2’ on right side of existing roadway

Motion by Mr. Reynolds, second by Mr. Eng to grant the waiver

Vote: 4/0

Section VIII.B – Pavement width from 28’ to 26’

Motion by Mr. Reynolds, second by Mr. Mikami to grant the waiver

Vote: 4/0

Section VIII.D – Vertical Alignment for minimum clear sight distance from 400’ to 300’

Motion by Mr. Reynolds, second by Mr. Eng to grant the waiver

Vote: 4/0

Mr. Reynolds - signage

Section VIII.D – Maximum length of a dead end with a turnaround from 400’ to 458’

Motion by Mr. Reynolds, second by Mr. Mikami to grant the waiver

Vote: 4/0

Section VIII.D – Minimum radius at street sideline from 30’ to 15’ at the existing 40’ layout

Motion by Mr. Eng, second by Mr. Reynolds to grant the waiver

Vote: 4/0

Section VIII.D – Minimum radius of curb return from 30’ to 22’

Motion by Mr. Reynolds, second by Mr. Mikami to grant the waiver

Vote: 4/0

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Regarding Section X.E.9.k – Buffer of existing vegetation between drainage basin and property line from 50' to 34', no motion made.

Section XII.G.1 – Sidewalks on both sides of roadway to one on the existing 40' roadway

Motion by Mr. Eng, second by Mr. Reynolds to grant the waiver

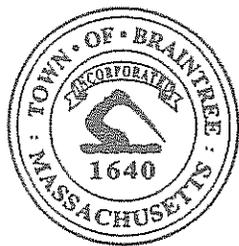
Vote: 4/0

Motion by Mr. Eng, second by Mr. Reynolds to continue the hearing to July 13, 2010 at 7:30 P.M.

Vote: 4/0

Respectfully submitted,

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Public Hearing at 8:15 P.M.

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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 and Mike Rosatti 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 noted that the applicant had received significant comment to their proposal from neighbors during the last continued hearing and they have addressed the issues raised:

Regarding the request to use the emergency access as a temporary construction access: The applicant had no idea the neighbors would have objections to the extent expressed and the applicant rescinds the request to use Plain Street.

Regarding the dust created by the original developer during the early phase of the project: The site work is nearly complete; most cuts and fills are completed; the site is stable. The applicant has submitted a dust mitigation plan which they have used successfully in other developments.

Regarding the issue of the Better Business Bureau's grade of a "C": The applicant contacted the BBB, provided clarifying information to them; the grade was revised to an A-. [Mr. Eng asked why it was not an A+, to which Mr. Mastroianni responded that they are not a paying member of the BBB and the BBB was waiting for additional information regarding the one complaint against Pulte Homes. *Later in the meeting Mr. Blute explained that the one complaint- out of 800 units constructed - was from an individual who misunderstood that the propane tank provided for his unit was a rental. The BBB closed the complaint. Pulte has clarified the potential for*

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further future misunderstandings by amending the contracts with unit purchasers.] Mr. Mastroianni added that an A+ is warranted, but that the BBB works on a 36-month timeframe. Pulte Homes is proud of their commitment to quality and hopes the public hearing will be closed and their request to modify the approval will be granted.

The Chair opened discussion to the public.

Jeffrey Keane, 36 Kendall Avenue, stated he is a longtime resident and complimented both the Planning Board and the applicant for their receptivity and the manner in which the process has taken place.

Marianne Robinson, 31 Kendall Avenue, asked if the applicant was permanently rescinding the use of Plain Street. The Chair commented that he was in favor of allowing use of the emergency access under extremely controlled and rare circumstances for 18-wheelers. He would have no problem allowing the infrequent use if needed with a 24-hour notice.

Kathy McLeod, 320 Plain Street, wanted assurance that the development would not contain rental units. Mr. Blute responded that Pulte does no renting, but that would not preclude an individual unit owner from renting his/her unit. Regarding the number of units which could be constructed, Ms. Santucci stated that the number is dependent on the area.

Mr. Mikami noted if the buildings did not get built and the units sold, there would be no tax revenue, including auto excise tax revenue.

Walter Sullivan, 241 Plain Street, asked the nature of the complaint to the BBB [*answer above*].

Motion by Mr. Eng, second by Mr. Reynolds to accept the summary of correspondence from 2/16/10 to 6/8/10.

Vote: 4/0

Mr. Mikami wished to thank both the neighbors and the applicant for the dialogue they created, for the adjustments to the proposal and for the willingness of the applicant to further the Mayor's beautification efforts.

Mr. Eng wished to emphasize the Board's desire to have a quality development and to set the highest standards for safety. He asked how the Board could ensure they were doing all they could to protect both the residents and the applicant regarding safety and quality and mentioned more inspections, a higher bond and an annual review of progress.

Ms. Santucci responded that she meets with developers and sends a message that the Conditions of Approval and the Approved Plans are to be followed with no deviations. She noted that there are inspections by the D.P.W. [both engineering and water/sewer], as well as those that she conducts on site. Perhaps the Board would like to have the applicant meet with the Planning Board or submit annually a report on site progress.

Mr. Mikami said he did not want a repeat of the experience with the previous owner and would be interested in having the applicant submit an annual report and meet with the Board.

Mr. Eng echoed Mr. Mikami's comments.

Mr. Harnais stated he was very pleased that people have come to the meetings, gone on record with their concerns, thereby not remaining anonymous with their opposition/criticism. He appreciates the "responsible involvement" that has been demonstrated.

Mr. Reynolds concurs with the Chair's comments. He had a few questions regarding the draft conditions.

Condition #55

Drainage: Ms. Santucci stated that the As-Built Conditions require the submission of certification that the drainage has been "built per design."

Conditions #95, #96, #97

Beautification: The improvements to Mattulina Park shall be completed by November 2011. *[Subsequently changed to November 2010.]*

Condition #83

There was some discussion about being sensitive to those holding funerals at the cemetery and how the applicant could communicate with the Cemetery Superintendent. [Mr. Sullivan should contact the Pulte representative in this regard.]

Mr. Reynolds also had a question about "wind fences" which was addressed by Mr. Rosatti. In order to minimize wind sweeping from west to east on the vacant areas of the property [before additional building construction], wind barriers will be installed around buildings.

Condition #85

Access through the emergency gate: This condition was amended to allow use of the emergency access on a very limited basis with 24-hour notification to the Department and to require installation of a "Right Turn Only" sign at the exit [emergency gate]. *The language amending the draft condition will be forwarded to the Board members.*

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Mr. Harnais instructed the applicant to provide a phone number to neighbors in case a situation needing resolution came up when staff were unavailable. Mr. Blute stated that the number is on the sign at the entrance and Pulte representatives are always available.

Mr. Mikami asked the applicant to reconsider his withdrawal of paving Plain Street [because their vehicles will not be using that roadway]. There was discussion on this point, resulting in the applicant agreeing to repave a portion of Plain Street adjacent to the project by November 2011. The work would be completed by November 2011.

Mr. Eng asked if the concern of the Spring Street resident was addressed.

Elliott Schiffman, resident at Jonathan's Landing asked about contractual obligations of the project's current owner to residents who purchased units from the original developer. Mr. Harnais stated this is a legal matter out of the jurisdiction of the Board.

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

Motion by Mr. Reynolds, second by Mr. Eng to approve the request to modify the Conditions of Approval based on the clarifications and changes to amend the draft conditions.
Vote: 4/0

Mr. Reynolds added his appreciation for the cooperation received from and the due diligence of the applicant as well as the participation of the abutters. It is a model going forward.

The Chair repeated his remarks regarding responsible involvement.

Respectfully submitted,

Linda Raiss