



Department of Planning and Community Development

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

PLANNING BOARD

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

APPROVED

Braintree Planning Board
September 13, 2011
Town Hall

Present:

Mr. Robert Harnais, Chair
Mr. Joseph Reynolds, Vice Chair
Mr. James Eng, Clerk
Mr. Darryl Mikami, Member
Ms. Michelle Lauria, Member

Christine Stickney, Director

The Chair called the meeting to order at 7:00 P.M. and called the roll: Mr. Harnais, Mr. Reynolds, Mr. Eng, Mr. Mikami and Ms. Lauria all present.

New Business/Old Business

Status Update [Incomplete Public Improvements]/Priscilla Avenue Definitive
Subdivision [#99-12]

Ms. Stickney informed the Planning Board that she would be filling in for Ms. Santucci this evening for the meeting. She also told them that Ms. Santucci had met with Mr. Kane.

Mr. Kevin Kane of Aspinwall Corporation, 25 Adams Street, Braintree, MA 02184, was present and addressed the Planning Board.

Mr. Kane explained that the road had been repaved and that there had been replanting done. He informed the Planning Board that he had met with Ms. Santucci on site the previous Thursday. It is his hope that when Ms. Santucci returns to the office they will be able to sign off on the project.

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The Planning Board had no questions or comments at this time.

Motion by Mr. Eng, second by Mr. Reynolds to extend the time for completion until October 18, 2011.

Vote: 5/0

Application for Endorsement of an Approval Not Required Plan under the Subdivision Control Law and pursuant to MGL Chapter 41, Section 81-P

The applicant, Mr. Glen Curran of 12 Rosewood Court, Duxbury, MA 02332, was present and addressed the Planning Board.

Mr. Curran gave a brief explanation of the proposed project. The existing lot at 5 Dickerman Lane is to be subdivided into two buildable lots. It was noted that there has been ZBA approval of the 85 ft. width in addition to approval through Land Court.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Mr. Eng had no questions at this time.

Mr. Reynolds had no questions at this time.

Motion by Mr. Reynolds, second by Mr. Mikami to endorse the Approval Not Required Plan.

Vote: 5/0

Scheduling of November Planning Board Meeting

Ms. Stickney addressed the Planning Board and explained that Tuesday, November 8, 2011 is election night for the Town of Braintree. She requested that the Planning Board members look at their calendars and decide if they wanted to hold the meeting on Monday, November 7, 2011 or on Wednesday, November 9, 2011.

Motion by Mr. Eng, second by Mr. Reynolds to schedule the November Planning Board meeting for Monday, November 7, 2011.

Vote: 5/0

Discussion on Change in Use/Granite Plaza (703 Granite Street)
Requested by Thomas J. Cavanagh, Esq. on behalf of Braintree Brew House LLC

Note: At this time Mr. Harnais excused himself from the Planning Board meeting. Mr. Reynolds now acting Chair.

Attorney Thomas J. Cavanagh, 15 Foster Street, Quincy, MA 02169, was present to represent Braintree Brew House LLC.

Ms. Stickney explained that the proposal is to open a new establishment and that three licenses would be required: 1) All Alcoholic Restaurant License, 2) Common Victualler License and 3) Entertainment License. She explained that the proposed project involves the North side of the Plaza (the Granite Grill building). Ms. Stickney also referenced Condition #50 from the original Planning Board decision.

Within the proposed building, the first floor has been designated retail and the remaining three floors office space. Any change in use of any of these floors, other than as designated, shall require review and approval of the Planning Board in conjunction with Condition #17.

It was noted by the Planning Staff that based on the information and traffic memo provided along with review of existing parking, that this should be considered a minor modification.

Attorney Cavanagh addressed the Planning Board. He introduced Mr. Alexandros G. Kesaris of 30 Rosewood Drive, Braintree, MA 02184. Mr. Kesaris is the owner and manager of The Brew House. He is also the manager of record for the alcohol license.

Atty. Cavanagh described that the proposed restaurant would be going in to the location to the left of Ivy's Bakery which previously had been occupied by Omni Fitness. This would result in the change of use from retail to restaurant.

Atty. Cavanagh also mentioned parking and traffic. He noted that TEPP LLC prepared a traffic assessment memorandum which concluded that there would be no major issues in relation to trip generation. The busiest hours of the proposed restaurant would be different from those of other tenants in the Granite Plaza. While there may be a slight increase in traffic, there would be different peak hours.

Atty. Cavanagh explained that the North Lot has a total of 596 designated parking spots. The proposed restaurant (having 78 seats) would require 22 parking spots.

Mr. Reynolds thanked Atty. Cavanagh for his explanation of the proposed project.

Ms. Stickney stated the Planning Staff's recommendation that this should be considered a minor modification.

There were no questions from the public in attendance at this time.

Ms. Lauria had no questions at this time.

Mr. Mikami noted that 20 years ago when the original site plan review had been done the Planning Board had the fore sight to put the referenced condition in. He questioned the hours of operation. Would it be lunch, dinner, and after dinner? Mr. Kesaris confirmed that it would be all three. He explained that any live music would be primarily for fund raising events, such as Braintree Youth Hockey, political events and some open mike nights.

Mr. Mikami inquired if the 78 seats included the bar. Mr. Kesaris replied yes.

Mr. Mikami wanted to know that if the use should change again in the future would there be the potential for any issues. Ms. Stickney replied that she could not foresee any. Mr. Mikami again questioned the traffic issues. He raised the question of future site changes. If different retailers with different hours and use changes came into the plaza were they tying their hands? Ms. Stickney referenced Atty. Cavanagh's memo. As new occupants came in the building department would have to review.

Atty. Cavanagh explained that when the site plan for the North Lot was approved in 1991, it was approved for a total of 758 parking spaces. Currently there are 596 spaces that are designated with additional parking (162 spots) to the side and rear of Burlington Coat that are approved but not striped.

Mr. Mikami again asked for confirmation from Ms. Stickney that the Planning Board was not tying its hands by calling this proposed project a minor modification. Ms. Stickney replied no.

Mr. Eng inquired about the unstriped parking area, wanting to know if it was lit. He is concerned with safety. He stressed that if this area is to be used for additional parking it must be checked to see if it is lit. Mr. Kesaris explained that deliveries are made to Burlington Coat in back so he does think that the area is lit. Mr. Eng pointed out that deliveries are not made at night. He does not want patrons going out to the parking area in the dark.

Mr. Eng expressed that he was concerned over the entertainment, stating that he did not want anything "rowdy". Mr. Kesaris said that the entertainment would not be anything like that. Atty. Cavanagh also stated that the purpose was not to have big bands or anything like that.

Mr. Eng brought up the point that many businesses have gone out of the Granite Plaza. There are challenges with competition and he hates to see businesses come and go. Atty. Cavanagh described Mr. Kesaris' background to the Planning Board. He explained that Mr. Kesaris is a successful business man and has been in the restaurant business his entire life. Mr. Kesaris' family owned and operated the Clam Box in Quincy for 40 years, and he himself has managed/owned several successful establishments in Boston and Quincy.

Mr. Reynolds stated that he has no issues, saying that the parking bylaw is pretty clear. He pointed out that the overall use of the site is not at maximum. Mr. Reynolds commended Mr. Eng on his comments regarding public safety. He went on to say that this use is somewhat unique and that he has no concerns other than what has been presented by the other Planning Board members.

Motion by Mr. Eng, second by Ms. Lauria to accept the Planning Staff recommendation and approve the revision as a minor modification to the original approval and Condition #50.

Vote: 4/0

Note: At this time Mr. Harnais was again present.

Request for Waiver From Site Plan Review
Braintree Highlands Community Playground Committee

Ms. Stickney addressed the Planning Board stating that this was a somewhat unusual situation and that the zoning change that goes along with this request had been addressed at last month's meeting.

Ms. Lauria had no questions at this time.

Mr. Mikami had no questions at this time.

Mr. Eng had no questions at this time.

Mr. Reynolds had no questions at this time.

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Ms Stickney explained that the Planning Board must take a vote to waive jurisdiction.

Motion by Mr. Reynolds, second by Mr. Mikami to waive jurisdiction.
Vote: 5/0

Zoning Board of Appeals – September
Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Section 135-
403, 407, Chapter 135, Article 7, Section 701
#11-41

It was noted at this time that the Applicant, Kenneth Nguyen, of 69 Davis Road, Braintree, MA 01284, was unable to attend tonight's Planning Board meeting.

It was presented to the Planning Board members that the Planning Staff recommends approval of the proposed project (demolition of existing single family dwelling and construction of new conforming dwelling) located at 69 Davis Road.

Mr. Harnais did express his concern that the Applicant was not in attendance.

Mr. Reynolds stated that the request is pretty straight forward and inquired if there were any comments from neighbors. None were presented.

Motion by Mr. Reynolds, second by Mr. Eng to recommend favorable action on the relief requested.
Vote: 5/0

Approval of Minutes for 7/12/2011 and 8/9/2011

Motion by Ms. Lauria, second by Mr. Reynolds to approve the Planning Board meeting minutes of 7/12/2011 and 8/9/2011.
Vote: 5/0

Note: At this time there was a brief 5 minute recess before the start of the Public Hearing scheduled for 7:45 P.M.

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Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 9:10 P.M.
Vote: 5/0

Respectfully submitted,

Beth A. Herlihy



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APPROVED

Braintree Planning Board
September 13, 2011 – Public Hearing @ 7:45 P.M.
Town Hall

Present:

Mr. Robert Harnais, Chair

Christine Stickney, Director

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami, Member

Ms. Michelle Lauria, Member

692-700 West Street/Gerald M. Ridge-Blue Hill Cemetery

Application: Special Permits and Site Plan Review

#11-05

Mr. Harnais opened the continued Public Hearing at 7:45 P.M.

Attorney Michael F. Modestino was present to represent the Applicant, Mr. Gerald M. Ridge Jr., of Blue Hill Cemetery, Inc., 700 West Street, Braintree, MA 02184, and Dave Crispin of BSC Group.

Atty. Modestino explained upon returning from vacation that he had received correspondence from Ms. Stickney last week addressing certain zoning issues pertaining to the project. At this time Atty. Modestino would like to continue the Public Hearing in order to respond to the staff correspondence and asked that it be continued until the Planning Board meeting scheduled for Monday, November 7, 2011.

Motion by Mr. Eng, second by Ms. Lauria to continue the Public Hearing until the Planning Board meeting on Monday, November 7, 2011 at 7:30 P.M.

Vote: 5/0

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September 13, 2011 – Public Hearing @ 7:45 P.M.

Note: At this time there was another recess before the start of the Public Hearing scheduled for 8:15 P.M.

Respectfully submitted,

Beth A. Herlihy



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Braintree Planning Board
September 13, 2011 – Public Hearing @ 8:15 P.M.
Town Hall

Present:

Mr. Robert Harnais, Chair

Christine Stickney, Director

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami, Member

Ms. Michelle Lauria, Member

257 Ivory Street/Covanta-SEMASS

Application: Special Permit and Site Plan Review

#11-06

Mr. Harnais opened the continued Public Hearing at 8:15 P.M.

Mr. Len Landry, Supervisor of the Covanta Transfer Station, 257 Ivory Street, Braintree, MA 02184, was present and addressed the Planning Board.

Mr. Landry re-capped from the last meeting items that were of concern including the issue of mitigation of odor at the facility. Present tonight with the Covanta team is Pristine Engineering who specialize in odor mitigation and will be giving a presentation. Mr. Landry highlighted some of the odor mitigation proposal and introduced Mr. Mustafa of Pristine Engineers.

Mr. Golam Mustafa, PE, of Pristine Engineers, Inc., 534 New Sate Highway, Raynham, MA 02767, was present and gave a power point presentation to the Planning Board on the proposed odor control system at the facility.

Mr. Mustafa showed the proposed 30 air handling units locations and explained that the industrial air cleaners were designed to filter contaminants in a multi-stage process. He

described the 3-stage filtration process of the proposed units: stage 1 is a pre-filter, stage 2 is an Extended Service Life filter and stage 3 is a carbon filter. He explained that the purified air re-entering the facility will deaden the noise levels while diffusing and dissipating the clean filtered air. He also mentioned that within the enclosure the negative pressure will prevent odors from being released when the doors are open and should a unit fail there is a remote alarm system. The Carbon Monoxide purge fans on the roof and the National Institute for Occupational Safety and Health standards for Carbon Monoxide concentration were discussed. The fans will automatically start if the Carbon Monoxide levels exceed permissible standards. There will also be an on-site generator in case of a power outage. Mr. Landry explained to the Planning Board that during the first year of operation of the updated facility each filter would be manually inspected to develop trends of when the filters need to be replaced. In addition to the manual inspection, the automatic monitoring system will be used as well.

There were no questions from the public in attendance at this time.

Ms. Lauria had no questions at this time stating that her concerns had been addressed.

Mr. Mikami stated the odor mitigation is a major concern for the public and questioned the following: 1) What is Covanta doing currently to mitigate odor? 2) How does Covanta plan to improve odor mitigation and 3) What will Covanta do if the proposed odor mitigation doesn't work? He also expressed concern over the residue that comes from the trucks and splashes on the roadway, again... 1) How is that being handled, 2) What do they plan to do to improve and 3) What if that does not work? Mr. Landry responded they have been trying out a steel brush on their street sweeper to see if this would improve the situation. They have used that several times over the past few weeks and that appears in his opinion to have shown an improvement. He also mentioned that the trucks departing the truck enclosure will cross over a grate in the driveway down gradient that should help collect any residue from the trucks. Mr. Mikami wanted to know how this mitigation will be measured so that they know that it is being taken care of and that people are happy. Mr. Landry said that they have communication with the local Board of Health and that they plan on continuing that same process.

Mr. Mikami inquired if there could be some sort of report card put in place as a form of measurement. Mr. Mikami stated that the Planning Board wants this project to be a success and the odor control issue mitigation is huge from what is expressed by residents in the area. Mr. Mikami asked Covanta representatives why these units had not been implemented until now. Mr. Mikami asked for more information regarding the fans. Mr. Mustafa stated that these are state of the art units and are the latest products. Mr. Mikami wanted to know how does the engineering measure up with the current situation. Mr. Mustafa replied that these new units should be at least six times better than the current situation. Mr. Mikami again brought up the suggestion of a report card, i.e.

some way to measure complaints. He stressed that this needs to work for the neighbors, and if it is not working what is the fall back? What if what is being done is not enough? Mr. Landry stated that they think it is designed correctly.

Mr. Mikami inquired if this system is in operation at other Covanta facilities. Mr. Landry said that one similar to this is in operation in Holliston. Mr. Mikami asked if it was in a more or less residential area. Mr. Landry replied that it was more residential.

Mr. Eng again brought up the issue of residue from the trucks wanting to know if it could be further reduced by using a wash down area similar to what is used at construction sites and if Covanta had thought of this in their design? Mr. Landry stated that it had been thought of however, it would present an icing issue in cold weather as well as slowing down the movement of the trucks. In addition, it would generate more waste water that would then have to go into a holding tank. Mr. Eng stated that this should not go in the town's storm water system. Mr. Landry explained that the tipping floor drain goes directly into a tight tank on-site that is routinely pumped and there is no connection to the Town's sewer or drainage systems. Mr. Landry also noted that there have been discussions with the Conservation Commission on the existing catch basins within Ivory Street to be retrofitted with pollution control devices.

Mr. Eng then said that the Town of Braintree is home to the Commuter Rail and MBTA rapid transit and that many people outside of the Town also see the facility. He wants the Town to be represented well and he wants to be confident that the facility will not be offensive when someone is driving by the front door. Mr. Landry again explained that even though there will be a monitoring system in place, all the filters in each unit will be inspected manually for the first year of operation and that complaints could still be forthcoming because of the trucks themselves having odor. The removal of the filters will be done by a contractor and the facility personnel will inspect them as well.

Mr. Eng asked in regards to the Department of Environmental Protection (DEP) process, relative to Covanta's solid waste permit, where are they? Mr. Landry replied that in the first week of August they had filed an application for major modification. He went on to say that the prime focus of the DEP is how excavation for the proposal will affect the land cap if encountered. Covanta will be meeting on September 15th with DEP and should know more.

Mr. Eng expressed concern over leaking contaminants should the landfill cap be encountered and what precautions will be taken to prevent contaminants from entering into the groundwater. Mr. Landry responded that Covanta must demonstrate to DEP a plan for such encountering of materials.

Mr. Reynolds asked for clarification that the number of air handling units is thirty (30). Mr. Landry confirmed this. Mr. Reynolds then wanted to know how many needed to be working to be effective. What if some fail? Mr. Mustafa again gave a description of the units and discussed the multi-stage filter system.

Mr. Reynolds questioned how long a time period can exist if a small number of units fail before they would need to be fixed. He also wanted to know what happens if a majority of the units go off line. Would this stop the facility operations? Mr. Landry stated that in the event of total failure, the refuse would still be picked up. Covanta has contractual requirements. Mr. Reynolds wanted to know how quickly and the availability of replacement units should the air handlers have a major failure. Mr. Tad Wollenhaupt, the representative for the manufacturer informed the Planning Board that the units are readily available, usually in one week or two weeks at the maximum. Mr. Reynolds stated that he is assuming that there is an extensive maintenance program.

Mr. Reynolds asked if the decibel levels of the units could be equated to something common. Mr. Mustafa replied that it would be similar to a vacuum cleaner.

Mr. Reynolds wanted follow up to Mr. Mikami's inquiry regarding the other facility in Holliston and the number of units proposed here in Braintree compared to Holliston. Mr. Landry said that facility is not refurbished to the extent that the Braintree facility will be and Braintree will have more filters.

Mr. Reynolds concurred with Mr. Mikami's desire for setting bench marks.

Mr. Tom Stanwood, New England Regional Transfer Station Manager with Covanta Energy, addressed the Planning Board. He stated how Covanta has addressed issues at facilities in other towns and now has good relationships with the neighbors. Since 2007 no units have failed in Holliston and they manage all problems to be sure that they are addressed in a timely manner. Covanta has worked hard towards the goal of a good facility and are in the process of getting a letter of support from the Board of Health in Holliston.

Mr. Reynolds stated that he knows that many people have been working hard and doing a great job on this proposed project, citing Jeff Kunz as an example. He went on to say that he would like to see reports from other communities that have Covanta facilities and did acknowledge that the Planning Board does ask a lot of questions.

Mr. Harnais asked for clarification on the monitoring. Mr. Wollenhaupt replied that there will be a monitoring system in place. He stated that the filters last a long time and that they do a good job at what they are designed to do. Mr. Landry went on to say that

there is monitoring of many items and each one must be signed off on allowing for accountability.

Mr. Harnais then asked for clarification regarding the use of a contractor for the monitoring of the filters. Mr. Landry explained that the contractor will be used for the physical removal of the filters which will require a lift to reach them with facility personnel doing the inspecting/monitoring.

Ms. Stickney inquired if the Planning Staff can work with the Applicant on the conditions. Mr. Harnais replied that the Planning Staff knows the concerns of the Planning Board and should work with the Applicant.

Motion by Mr. Eng, second by Mr. Reynolds for the Planning Staff to start the draft conditions.

Vote: 5/0

Mr. Mikami wanted to know how the quality of air is measured. Is there a scale or a number that is used? How do we know if it has improved, is there an industry standard? Mr. Landry replied that it is done by the condition of the filters and that the filters would be looked at more often if odor complaints arise. Mr. Mikami stated that something needs to be formalized to know if a good job is being done. Mr. Landry explained that complaints usually come in to the BOH and that they could work with them to get a scorecard.

Motion by Mr. Reynolds, second by Ms. Lauria to continue the Public Hearing until the Planning Board meeting on November 7, 2011, at 8:00 P.M.

Respectfully submitted,

Beth A. Herlihy