



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
April 21, 2009
Town Hall Auditorium

Present:

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

Christine Stickney, Director
Melissa Santucci, Principal Planner

The Chair called the meeting to order at 7:00 P.M.

Roll Call: Mr. Reynolds, Ms. Cusick Woodman, Mr. Eng, Mr. Mikami, Mr. Harnais [all present]

New Business/Old Business

Zoning Board of Appeal Petitions - April

For details please see Ms. Santucci's staff report dated 4/17/09.

300 River Street/AT&T Mobility

Attorney Edward Pare, applicant's representative, addressed the Planning Board with a summary of the project to remove three antennae on the 132' monopole and install six new antennae at the same elevation [121'] to increase signal coverage.

Ms. Cusick Woodman asked if the monopole is on the school maintenance building. Ms. Santucci indicated it is not on the building, but on the property.

Motion by Mr. Reynolds, second by Mr. Eng to forward a favorable recommendation to the Zoning Board of Appeal.

Vote: 5/0

517, 521 and 525 Grove Street/P. Pacheco

The applicant has presented two applications to the Zoning Board of Appeal:

525 Grove Street: He intends to alter the westerly property line to decrease the lot size from 30,000 +/- SF to 15,000 +/- SF.

517 and 521 Grove Street: He is proposing to demolish the single-family dwelling, construct a 4,000 SF addition to the remaining building, and alter the easterly property line to increase the lot size from 22,000 +/- SF to 37,000 +/- SF.

Mr. Pacheco and his engineer, Jong Yoon, were present. Mr. Pacheco explained that he is proposing to upgrade the property and expand his work area. He is going "solar" and "green" and needs to have his facility ready to comply with the forthcoming regulations [2010] about water-based paint application.

Ms. Santucci added that the proposal will result in improved drainage and on-site parking. And, in addition, will allow for a more efficient use of the property and will eliminate non-conformities. The alterations to 521 Grove Street will result in the lot meeting all of the Cluster II dimensional requirements.

Ms. Cusick Woodman asked if the paint spraying booths vent to the outdoors. Mr. Pacheco stated that the new regulations will be more environmentally friendly.

Mr. Eng asked about the proximity of residences to this business, if there were complaints about odors and how the fire apparatus could access the rear of the building. [The area between the dwelling and the business will increase from 10' to 24'.]

Motion by Mr. Eng, second by Ms. Cusick Woodman to send to the ZBA recommendations of favorable action for both Petitions 09-7 and 09-11.

Vote: 5/0

34 Lakeview Avenue/P. Holland

Mr. Holland explained to the Board that he wishes to widen his detached two-car garage by 2'. He stated that his hardship is ledge outcroppings on the property which he has encountered during other earlier home improvements. He submitted photos to the Board.

Mr. Eng asked if staff had visited the property. Ms. Santucci stated that she had and noted that the ledge outcropping appeared to be 20' - 25' behind the house and to the rear of the garage.

Mr. Mikami asked why he wished to widen the garage [to accommodate the installation of two 9' wide garage doors].

Mr. Harnais asked if he would be extending the driveway [only tapering at the end].

There was a discussion about a genuine hardship and how the applicant knew the location of the ledge.

Ms. Santucci noted that the property is in the Watershed Protection District and wanted to make sure the applicant would not exceed 50% lot coverage.

Motion by Ms. Cusick Woodman, second by Mr. Eng to forward a favorable recommendation to the ZBA.

Vote: 4/0/0 [Mr. Reynolds did not participate.]

742 Washington Street/B. Willinder

Ms. Willinder owns a small building at the corner of Washington and Union Streets. She is seeking an additional 2' x 5' wall sign to match the allowable existing sign and a 12 SF ground sign facing Washington Street [replacing the 10 SF sign]. She explained to the Planning Board that there was an additional sign on the front wall 18 months ago which was removed because the past tenant did not need it. She is only seeking to replace that sign.

Mr. Harnais explained to the applicant that the Planning Board really had nothing to go on as the proposed sign was not included in the application. They did not have enough information to make a recommendation.

Eric Erskine, one of the Town's Local Inspectors, explained that the applicant was asking to be granted a variance only for the square footage for a sign and once a tenant was found the applicant would return to the ZBA for a business-specific sign.

Ms. Santucci reminded the applicant that she needs to return to the ZBA each time the wording on the sign changes, adding that she thinks a portion of the building might be in the right-of-way. Ms. Willender responded that the corner of the building encroached on Town land, but she had added to her property by purchasing 1500 SF. Ms. Willender tried to explain to the Board that she was attempting to be able to assure a potential tenant that they could have a sign for their business and eliminate that potential stumbling block to leasing the space [in the case that the ZBA refused to approve a second wall sign].

In response Mr. Eng informed the applicant that the Planning Board would act with due dispatch on any future application.

Motion by Ms. Cusick Woodman, second by Mr. Eng to take no action.

Vote: 5/0

147 Jefferson Street/B. and C. Callow

The applicants were not present.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to make no recommendation.

Vote: 5/0

24 Portland Street/T. Matthews

The applicant was not present.

Ms. Santucci stated that the relief requested was diminimus in nature.

Motion by Mr. Reynolds, second by Ms. Cusick Woodman to make no recommendation.

Vote: 5/0

Staff Update – South Shore Plaza Mitigation

Ms. Santucci stated that the Conservation Planner, Kelly Phelan, has been working with MassHighway on their requirements for the proposed landscaping at Capen's Circle [one of the Conditions of Approval for the South Shore Plaza expansion. The landscaping was required to be in by May 2009. However, the approvals are not anticipated until this spring [with planting in Fall 2009]. She expects a letter from the South Shore Plaza's representative in this regard. [Mr. Reynolds asked if the Planning Board needed to take any action. No.] The final design plans for the pedestrian crossing near the Common Street mall entrance have been approved.

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Planning Board Minutes 4/21/09

Acceptance of Planning Board Meeting Minutes

Motion by Ms. Cusick Woodman, second by Mr. Reynolds to accept the minutes from the Planning Board March 17, 2009 Planning Board Meeting

Vote: 5/0

Motion by Mr. Eng, second by Ms. Cusick Woodman to adjourn at 10:15 P.M.

Respectfully submitted,
Linda Raiss



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20 Mill Lane/S. Zeboski
Application for Special Permit and Site Plan Review

The applicant has requested continuance.

Motion by Mr. Eng, second by Mr. Reynolds to continue the hearing to 5/19/08 at 8:30 P.M.

Respectfully submitted,

Linda Raiss, Recording Secretary



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39 Lantern Lane/R. and M. Dirrane

Application under Braintree Zoning bylaw Section 135-711

For details please see Ms. Santucci's staff report dated 3/12/09.

The Chair opened the continued public hearing.

David Kelly, Kelly Engineering Group, and Martin and Rita Dirrane were present.

Mr. Kelly's presentation recapped background information on the property, past filings and the proposal before the Board, all of which was presented at the last continued hearing. He stated that the Chair of the former Planning Boards suggested that the Dirranes withdraw their earlier proposals because they had not provided enough information to support their applications.

Mr. Kelly noted that most of the lots in the neighborhood are undersized, only one is greater than 7500 SF, and that the applicant has proposed to widen the access drive to the property to address the issues of safety that neighbors had raised. The driveway will be 18' wide with sloped granite curbing. Mr. Kelly continued that he had taken copious notes on the opposition raised at the last meeting. He reminded those in attendance that the widening of the driveway - which severely impacts two neighbors - could be done by the applicant anytime he wished. This is private property. He stated that many of the neighbors mentioned the lack of neighborliness on the part of the Dirranes. However, he wished the Planning Board to understand that that the Dirranes had made a number of attempts to reach out to the neighbors by inviting them to meet on site to discuss the proposal. The proposed fence [western side of driveway] which seemed to be an issue for some was actually designed to benefit the neighbors preventing glare from cars passing on the driveway. He added that any neighbor would be welcome to come onto the Dirranes' property to accomplish maintenance tasks on their own land. Mr. Kelly emphasized that many opponents continued to refer to the access way as a street. It is not a street, but rather a driveway which is a foot wider than some of the roads leading to Lantern Lane. Parking on the Dirranes' property seemed to be an issue for some. He repeated that no parking would be allowed on

Lantern Lane and each unit would be provided two spaces off the cul de sac. There would be two additional spaces as well. The Fire Department submitted a revised letter for the record which will be read into the record. As mentioned at an earlier hearing, the delivery of water to the area has been dramatically improved with a 6" water line in the street and a stub for Lantern Lane. As for landscaping and the homes to be constructed, the applicant will make every effort to leave as many mature trees as possible for buffering abutting properties. The homes will be modest colonial variations of approximately 2200 SF.

The Chair asked for public participation.

David Crispin, BSC Group, wished to make some clarifying remarks on behalf of some of the abutters who have hired him. He said abutters would like to have the property lines staked out so they could ascertain the boundaries of the Dirranes' property. He was highly critical of the plan, even calling it flawed. Most of his comments were related to zoning issues and he noted that the Dirranes' parcel is not a legal building lot which would need seven waivers from the Subdivision Rules and Regulations. He emphasized that the project fails under M.G.L. Chp. 40 and under the Braintree Zoning Bylaw Sections 710 and 704. He repeated the argument he advanced at the last hearing that the proposed driveway [street] will create frontage for both the Johnsons' and the Carmody's properties. He stated that if the Planning Board approves the application, the Building Inspector cannot issue a permit.

At this point Mr. Harnais asked Mr. Crispin for his definition of a street and a discussion took place between the two relative to Town definitions for both street and driveway, Mr. Crispin contending that the access way is a street, while Mr. Harnais disagreed and stated it is a driveway.

Jack O'Connor, of 52 Elm Knoll Road, had questions about the proposal. There was another contentious go-around about the street/driveway issue. Mr. O'Connor stated that his opposition to the project was because it was detrimental to his property and that of others, because it created safety hazards for children, and because of the potential of erosion onto his land. He asked about the sewer easement, ledge and potential blasting, depths of foundations in relation to the ledge and perc tests. [Ms. Santucci responded that the Fire Department has jurisdiction over blasting and that pre- and post-blasting surveys are conducted. The parameters of the surveys are dictated by an insurance company. There is, however, an alternative to blasting: hydraulic hammering. She added that perc test results were submitted to the Department and are certainly available to the public.] Mr. O'Connor asked about silt containment. Now trees minimize the flow to his property.

Mr. Kelly provided a detailed description of the proposed drainage which would result in no additional runoff to abutters' properties. The roof runoff will be recharged into the ground. Honeycombed chambers [4' x 4' x 4'] surrounded by stone will collect runoff which will then slowly infiltrate into the ground. There will be very little tree clearing.

Mr. O'Connor asked about maintenance of the proposed catchbasins. [Mr. Harnais declared that it would be conditioned.]

Mr. Kelly wished to address the mis-statement that the test pits revealed groundwater at a depth of 60". He said in November no groundwater was found above 8' in one test pit and above 10' in another. A note in the report indicated that there was evidence of mottling at 60", This was not high groundwater, but soil discoloration.

Mr. O'Connor returned to the issue of the old septic system [Is there reason for concern about contamination?] and the sewer easement. Mr. Kelly assured everyone that the 8" sewer line was more than sufficient to accommodate the proposal and stated that the easement is irrelevant to the proposal.

Jean York, 58 Bellevue Road, has concerns about blasting and asked the members of the Board to put themselves in the position of the neighbors.

Christine and Ken Bernier, 27 Bellevue Road, expressed concerns about potential conflict for cars exiting their driveway and potential damage to a very large tree at the corner of their property.

Mr. Kelly acknowledged that the applicants would ensure that the property boundaries were staked to assist abutters in fixing their own property limits. He stated that the proposed wall would not be 6' high from end to end, but graduate up to and down from 6'.

Margaret Meehan, 25 Prescott Lane, told the Board of parking issues for her family of five.

William Johnson, 32 Prescott Lane, asked if the Chair would read the letter from Councilman Hank Joyce into the record. [The Chair said it would be read later] He added that the Fire Chief had submitted a memo indicating that the ladder truck cannot access the property, but that each of the proposed dwellings would have a sprinkler system. Mr. Johnson contended that sprinklers would not avoid a tragedy.

Ms. Santucci stated that the letter was submitted by Deputy Chief Donahue who had no objections to the project. The dwellings will have sprinklers because the ladder truck cannot access Prescott Lane, not just the driveway [Lantern Lane]. She corrected the mistaken contention regarding the 86' wide cul de sac. The Planning Board's Rules and Regulations for the subdivision of land requires a roadway to have an outside diameter of 120' [and a pavement width of 100'. In some instances the Planning Board has voted a waiver to allow a pavement width of 86', which is suitable for the Fire Department.

Mr. Johnson made some negative comments about the applicant. *Mr. Reynolds stopped Mr. Johnson and indicated that such comments were out of line and irrelevant to the public hearing.* Mr. Johnson added he had no idea where the property lines are and asked for them to be marked. [Mr. Harnais stated it might behoove abutters to have their own surveys done to ensure that the staking is correct.] Mr. Johnson said he understood that the surveying had been done by using aerial mapping and wondered about its accuracy. *Mr. Kelly responded that the parcel in question is registered in Land Court and assured the Planning Board that all surveying work [to establish the boundaries] was done on the ground by instrument survey.*

Jim Frechette, 16 Prescott Lane, reminded the Board that he had allowed Mr. Dirrane to push snow onto his property this winter. He wished to know how snow will be disposed of with the added width of the driveway and the cul de sac. *Mr. Kelly responded that the homeowners would be responsible for snow removal, as well as for maintaining the driveway, the drainage structures and the common areas. Snow could be pushed along the side of the driveway or removed from the site. The snow could not be pushed to the street nor create a nuisance to neighbors.*

Pauline Delvecchio, 37 Prescott Lane, informed the Board of the difficulties emergency vehicles have in accessing the neighborhood, especially during snowstorms.

Jack and Tina Carmody, 50 Hewmason Road, informed the Board that the applicant had told them they would have to remove their fence and back steps. They could not understand how that could be right. *Mr. Harnais responded by saying if their steps and fence were on the Dirranes' land, then the Carmodys are using the Dirranes' property as their own. It is a very unfortunate situation, but the Dirranes have the right to use their property as they wish.*

Ed Cassidy, 71 Bellevue Road, questioned how the fire trucks would access the property if there were parking on the driveway. He also wondered about trash pick up and the location of a dumpster and blasting/drilling and the invasion of rodents. He noted that any boundary stakes are long gone and asked where future residents would park large campers or boats. *Mr. Harnais said the Board could not deal with hypotheticals and Mr. Reynolds added the following: regarding Fire Department access, It is a question for the Fire Department; regarding blasting and pests, Pest control plans are monitored by the Board of Health; regarding oversized boats/campers, The Code Compliance Officer would ensure compliance with the Zoning Bylaw. All residents must adhere to the Bylaws.*

George Collins, 79 Bellevue Road, identified himself as an engineer and soil evaluator and wished to apologize to the Board for any offense taken at his comments during the last hearing. Most of his remarks were relative to the test pits and drainage and he disputed Mr. Kelly's description of the mottling identified in the test pits. Mr. Collins feels further evaluation is necessary. He also asked about trash pick up, stated that site visits are a waste of time without boundary staking and asked if having more than one dwelling on a lot was really in the spirit of the Bylaw. *Mr. Harnais informed those in attendance that the Director of Planning and Community Development had requested comment from Town Solicitor on the validity of the application. Her response was received late that afternoon.* Mr. Collins further questioned whether there could be some offsite mitigation to accommodate the entire neighborhood, whether easements would be needed for wall construction, and asked for additional landscaping. He warned that approving this application could be precedent-setting.

Tina Fuller, 50 Hewmason Road, informed the Board that her parents' home was constructed in 1928 and wondered about any statute of limitations regarding her family's use of the Dirranes' property for so many years. *Mr. Harnais said that was a legal question they should address to a lawyer.* She also stated that the trash trucks go up Lantern Lane. *This was contradicted by Mr. Dirrane who stated he takes his trash to the dump.*

Sara Zwicker, 98 Stetson Street, had questions about drainage improvements on the southerly side of the property. Her property floods whenever there is a heavy rain because there are no storm drains on the top of Bellevue nor on the top of Stetson. She had concerns about blasting as her garage is already leaning. *Mr. Kelly said the drainage from the rear of the site goes toward Prescott Road and assured the Board and others that runoff from the project would not be of a higher intensity than that existing.* Ms. Zwicker asked who would maintain the drainage structures [homeowners].

Larry McCarthy, 46 Prescott Road, asked about snow removal and the definition of cluster and if condos can avoid subdivision control laws. He added that the project is detrimental to the neighborhood and is not good planning.

Mr. Harnais said he wants the property to be staked before the next meeting and urged the Dirranes and Mr. Kelly to be available to answer neighbors' questions.

Ms. York said people can go to Town Hall to find out where their property lines are. Mr. Johnson asked if the Chair would read into the record the letters from the Deputy Fire Chief and Councilor Joyce. *Mr. Harnais assured Mr. Johnson that he would read everything into the record.*

Motion by Mr. Reynolds, second by Mr. Eng to continue the hearing to June 15, 2009 at 8:00 P.M.
Vote: 5/0

Respectfully submitted,

Linda Raiss