



Department of Planning and Community Development

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Joseph C. Sullivan
Mayor

PLANNING BOARD

Robert Harnais, Chair
Joseph Reynolds, Vice Chair
James Eng, Clerk
Darryl Mikami, Member
Melissa B. McDonald, Member

Braintree Planning Board
January 8, 2013
Town Hall – Johnson Chambers

APPROVED

Present:

Mr. Robert Harnais, Chair (delayed)
Mr. Joseph Reynolds, Vice Chair
Mr. Darryl Mikami, Member
Ms. Melissa McDonald, Member
Mr. James Eng, Clerk (absent)

Christine Stickney, Director
Melissa Santucci Rozzi, Principal Planner

Joseph Reynolds temporarily chaired the meeting and called the roll at 7:10 p.m.

New Business / Old Business

Zoning Board of Appeal Petitions – January

ZBA (13-1)

100 Grandview Road / Metro PCS Massachusetts, LLC

Ricardo Sousa, attorney for and representing the Applicant

Mr. Sousa distributed material to the Planning Board explaining Metro PCS is licensed by the Federal Communications Commission (FCC). The Applicant wants to amend the existing permit to install a roof antenna on the penthouse screen wall at 100 Grandview Road.

Ms. McDonald asked is this was in addition to the existing antenna?

Mr. Sousa: Yes, the addition of one antenna. The height is within the required bylaw.

Mr. Mikami asked if the addition of this antenna adds capability. Mr. Sousa: Yes, this is a wireless fiber medium to add more bandwidth to the site enabling higher speeds and more traffic.

Mr. Reynolds: explained that he reviewed the file previously and spoke with Staff, so he has no further questions.

Mr. Mikami motioned for a favorable action, seconded by Ms. McDonald.

Vote: 4:0:0

Mr. Harnais joined the meeting at 7:17 p.m.

ZBA (13-2)
10 Livoli Avenue / John Walsh

Mr. John Walsh explained that on his lot there is an 890 S.F. ranch and he wants to add a second floor and an addition on the back. Right now, the plan is not feasible to add to the existing structure. in conformance with zoning and building regulations. He said the lot is undersized for the Highlands.

Ms. Santucci-Rozzi explained to the Board that Mr. Walsh's information is accurate. However, the watershed information and his coverages have not been submitted and are unknown. His Plot Plan showed only an outline of the proposed dwelling, it did not show walkways, driveway or detached structures.

The staff requested these calculations be added to his plan and provided to the Zoning Board. The Zoning Board can then view this in two different ways. If they view this as an existing structure it will be considered a reconstruction because it was built prior to 1982, allowing the Applicant to cover up to 50% of the lot.

If the Zoning Board views it as a new structure in 2013, the Applicant would have to comply with the 20% maximum coverage which is the criteria for the watershed.

The Staff requests the surveyor add the unknown information to the plan and submit it to the Zoning Board as an existing dwelling.

Mr. Reynolds expressed that there is not enough information to make a decision.

Mr. Walsh said that there will be no shed or garage.

Mr. Reynolds questioned that Mr. Walsh understood what was being asked. Mr. Walsh said he understood.

Mr. Harnais explained to Mr. Walsh that he has to determine the dimensions.

Mr. Walsh stated that he took the dimensions.

Ms. Santucci-Rozzi explained to Mr. Walsh that the Plot Plan record needs to reflect where the actual dimensions are.

Ms. McDonald, Mr. Mikami and Mr. Harnais agreed that more information was needed before a Board vote.

Mr. Walsh was concerned that his plans would be delayed in going to the Zoning Board.

Mr. Reynolds and Ms. Santucci-Rozzi explained to Mr. Walsh that this can be moved to the Zoning Board without the Planning Board recommendation.

Mr. Harnais motioned for no recommendation due to insufficient information; seconded by Mr. Mikami.

Vote: 4:0:0

ZBA (13-3)

833-843 Washington Street / Cumberland Farms (Lessee)

Carolyn A. Parker, for Applicant

Ms. Parker explained that the applicant is seeking 2 variances for the height and illumination of LED signs to replace the existing manual signs. The LED signs will enable attendants to change the price of gasoline inside the store, no longer using a pole. They would like to remove the current Gulf sign but want to keep the 20 ft. height to maintain a safe line of vision for traffic.

Mr. Reynolds called for questions.

Ms. McDonald has no questions or comments.

Mr. Mikami asked about diesel. Ms. Parker informed him that they do not handle diesel.

Ms. Santucci-Rozzi informed Mr. Mikami that before such a change, Cumberland would have to apply for a separate permit to increase the fuel gallon storage.

Mr. Harnais comments that this is a smaller sign overall. Ms. Parker states that this is smaller in height and a smaller sign; more in conformance.

Mr. Reynolds asked about the actual size of the letters – Ms. Parker stated that they are a 24 inch letters for pricing.

Ms. Parker said the existing sign is 2' 6" with 18" letters.

Ms. Santucci-Rozzi offered her observations of other stations in the area which size ranged between 18" - 24". This request is in keeping with those.

Mr. Harnais motioned for a favorable recommendation; seconded by Mr. Mikami.

Vote: 4:0:0

ZBA (13-4)

20 Rockdale Street / Extended Stay Hotel

Heather Dudko, Saxton Sign Co., representing Extended Stay Hotel

The Applicant is seeking a favorable recommendation to replace two wall signs and one small ground sign at the entry due to a re-branding. The two existing internally illuminated signs (at 52 Sq. Ft. each) will be replaced by wall signs to 60 Sq. Ft. each. The existing ground sign, located at the driveway, is 27 S.F with a height of 5'. This will be replaced with a 27 S.F. sign with an overall height of 4' that indicates "Entrance".

Mr. Reynolds calls for questions.

Ms. McDonald has no questions.

Mr. Mikami reviewed the photos in the material packet and has no questions.

Mr. Harnais has no questions.

Mr. Reynolds has no comments.

Mr. Harnais motioned for a favorable recommendation; seconded by Mr. Mikami.

Vote: 4:0:0

ZBA (13-5)

90 & 96 Church Street and 178 Washington Street / G.B. New England 2, LLC

Frank Marinelli for G.B. New England 2, LLC

Joe Driscoll, attorney for Michael and Greg Shea

Mr. Marinelli explained the CVS project involves the removal of the existing buildings on the 1.6 acre site and redeveloped into a retail store. The signage is the subject issue tonight. The proposed signage is an improvement along with the introduction of a sophisticated drainage system and tripling the size of open space. Consistent with the level of development, the Applicant is seeking variances for proper signage with national branding to ensure their success.

Joe Driscoll, Attorney for Michael and Greg Shea, explained the existing 609 S.F. of signage will be reduced overall to a total of 376 S.F., a reduction of approximately 38%. He explained that the existing 4 FT. letters will be replaced by no larger than 3FT. letters. He reviewed which sides the signage will be located and how they will appear.

The Church Street side, facing the residential area, will consist of 75 S.F. of opaque channel lettering illuminated with gooseneck lighting to be respectful of the residents.

There will be 75 S.F. of no-glare lighting on the Northerly side, facing the parking lot; and 75 S.F. of similar lighting on the Westerly side that faces the Expressway and MBTA. There will not be signage on the Southerly side.

Mr. Marinelli presented elevations that were previously submitted to the Planning Board. He further explained that utilizing gooseneck lighting will help keep the glare to a minimum and is environmentally friendly.

Additionally, they are intending 2 ground signs. The directional signs are 2-3 S.F., one to identify the drive-through and one for exiting directions. The 1 pylon major ground sign located at the apex of the site may need relief because it is 2-sided. He explained the sign package is modest, does not cast a glare, respectful of the neighborhood and environmentally friendly.

Ms. McDonald said that the gooseneck lighting looks nice and asked if it was chosen because there is a price difference?

Mr. Marinelli answered no, it was chosen because it is more visible from the highway.

Ms. McDonald asked if other CVS Pharmacies in Braintree have similar lettering.

Ms. Santucci-Rozzi responded by saying the CVS in So. Braintree Square has standard CVS lettering, no gooseneck; and the CVS at Grove Plaza has the standard lighting.

Mr. Marinelli explained further that it is a more efficient lighting.

Mr. Mikami, concerned about a potential neighborhood distraction, asked if the pylon sign will be lit. Mr. Marinelli said yes, it will be internally lit but it's not a bright light, deliberately planned in the right place and in a responsible way.

Mr. Mikami reiterated the drive-through signs guide customers through the front of the store and to the left where there will also be a "do not enter" sign to direct the flow of traffic. He asked if two drive-through lanes are necessary, with concern that the area would be a tight space to negotiate.

Mr. Marinelli stated that the Fire Department reviewed and issued a favorable recommendation of the plan; one window intended for consultation and one for pickup.

Mr. Mikami had no further questions.

Mr. Reynolds asked about the backlit signs facing the expressway and noted that they are in need of numerous variances.

Mr. Marinelli presented the uniqueness of the site, stating that the Applicant is asking for a variance for the northerly face, west side to display an additional sign and ground signs that need a variance for the backside.

Mr. Reynolds stated his concern about the internally lit parking lot sign and suggested a gooseneck style as a compromise.

Mr. Driscoll explained that in 2009, they obtained a permit for the existing inventory consisting of 609 S.F.; pictures of the existing signage were entered into the record.

Mr. Reynolds asked if the lights will be on after closing. Mr. Marinelli answered no, only wall packs. Perhaps only one CVS sign that is facing the expressway, but there is no issue with the others being off after hours.

Mr. Reynolds asked the other Board Members if they had any comments about the gooseneck lighting.

Ms. McDonald said she likes the ideas but understands both sides.

Mr. Mikami agreed with the gooseneck style.

Mr. Harnais doesn't like the gooseneck.

Mr. Santucci-Rozzi stated that she would prefer to see the pylon left on.

Mr. Harnais prefers the sign facing the expressway on, as submitted.

Mr. Harnais motioned for a favorable recommendation of the plan as submitted with consideration, the exception that Washington and Church Street signs and lighting are turned off after hours and the pylon at the Apex as well as the wall sign on the MBTA side sign remaining on after hours; the motion was seconded by Ms. McDonald.

Vote: 4:0:0

Minutes

Mr. Reynolds motioned to approve minutes of September 11, 2012; seconded by Ms. McDonald

Vote: 4:0:0

Public Hearings

12-09 (Continued Public Hearing)

370 Shaw Street / William Jablonski

Multiple Dwellings

Ms. Santucci-Rozzi stated to the Board that, this issue was originally scheduled on the Agenda and is continued by request to February 12, 2013.

Ms. McDonald motioned to continue the hearing for 370 Shaw Street to February 12, 2013 at 8:00 p.m.; seconded by Mr. Reynolds.

Vote: 4:0:0

(12-10) (Continued Public Hearing)

280 Ivory Street / Harvard Vanguard Medical Associates

Special Permit and Site Plan Review

Carl Johnson, Attorney for the Applicant

John Clark, Director of R.E. Development, Harvard Vanguard Medical Associates

Kim Eric Hazarvartian, Transportation Engineer, TEPP LLC

Mr. Johnson explained he reviewed the conditions with Staff and there is one change. The 7 wall pack lights that face Ivory Street and the 4 BELD pole lights facing the MBTA. As installed, the wall pack lights are on a timer which will be adjusted to turn off at 10 p.m. This is a one year temporary use permit to Harvard Vanguard only.

Mr. Johnson continued stating that, after approval, the directional plan of sandbags and signs will be implemented soon, weather permitting.

Mr. Harnais opened questions to the public, no person had questions.

Mr. Harnais called for a motion to approve the correspondence through Item #32;

Mr. Reynolds motioned to approve correspondence; seconded by Ms. McDonald.

Vote: 4:0:0

Mr. Mikami asked Mr. Johnson when the sandbags and signage will be installed; Mr. Johnson estimated it to be as soon as possible, and within the 30-day compliance.

Mr. Reynolds and Mr. Harnais had no questions or comments.

Mr. Reynolds motioned to close the public hearing; seconded by Ms. McDonald

Vote: 4:0:0

Mr. Mikami motioned to approve with conditions the Special Permit and Site Plan Review; seconded by Ms. McDonald.

Vote: 4:0:0

At 8:00 P.M., Mr. Harnais took over chairing the meeting.

(T.C.O. 12-049) (Public Hearing)

107 Hancock Street / Hancock Realty Trust

Carl Johnson, attorney for the Applicants, the Patavina Family

Mr. Johnson explained that this is a continued public hearing for rezoning of a portion of the subject property.

Mr. Johnson offered visuals of the business area along Frederick Street where the property is located. He reminded the Planning Board of the history of the permits and changes that have taken place to present date, reviewing all the surrounding properties and buffering lots.

Mr. Johnson introduced Thomas Patavina, Trustee of Hancock Realty Trust. Mr. Johnson referred to the submitted plans (A, B & C) explaining that option A is not realistic, eliminating the use of the area for open space.

Staff stated their concerns of future maintenance and that the use is not known. Mr. Johnson explained that the existing properties are surrounded by wooded land. However, there are a couple of other parking lots surrounding the abutters.

Mr. Johnson warned of leaving it zoned residential, saying it could present the property and allow for extension of non-conforming lot use. He acknowledged that the Planning Board wants a buffer. He provided a tally of uses that was asked for by the Planning Board.

Mr. Johnson said that since 1991, the property has been taxed as commercial. He offered that Option "C" is the best.

Mr. Harnais opened questions and comments to the public:

1) **Abutter, Lordanou Liubomire - 16 Frederick Road** – using Mr. Johnson's map, Mr. Liubomire questioned where the business zoned area is. (Mr. Johnson clarified the location.) Mr. Liubomire complained about the existing container storage on the nursing home property lot and expressed his concern of what will happen to the subject lot in the future. He clarified the dimensions of his property on Mr. Johnson's presentation.

2) **Abutter, Mark Smith – 28 Frederick Road** expressed concern about the changes to the area. He pointed out how many businesses have surrounded the residential area of Frederick Road. He stated that it is used as a cut through for cars creating a traffic safety issue for children. He wanted to know what impact the proposed zoning change will have on the parcel. Further, there is no control in the abutting neighborhood nursing home parking lot.

3) **Abutter, Brian Mannering – 15 Frederick Road** is also concerned about the traffic and asked what the subject property was going to be used for and what is the allowance under the current zoning.

Mr. Harnais explained that the subject is zoning, a project has to be presented at a later date and in conformance with the zoning.

Ms. Santucci-Rozzi explained that the zoning is currently split, the front is general business use as what is generally seen in Braintree's Squares. Mr. Mannering clarified that it is the portion closest to Hancock Street which Mr. Santucci-Rozzi confirmed. She further explained that under this proposal, the Applicant is requesting that the entire parcel be zoned to this district. Under this proposal, it would allow them to use the

parcel for support of a development and multifamily (no more than 7 units). Nowhere near as dense as what exists on Frederick Road now.

4) **Mr. John Divincenzo – 10 Frederick Road** agreed that there are traffic issues and the size of the lot – the size of the lot indicates that a business will certainly go there.

5) **Mr. Lordanou Liubomire - 16 Frederick Road** spoke again stating that the residents want to move and that Mr. Divincenzo just put his property up for sale.

Mr. Johnson addressed the public comments reiterating the development of the business area since 1940. He said years ago, they did not do transitional zoning, considering homes, businesses and parking. It was the way the town developed. He acknowledged the existing homes and the Patavinas role in the area.

Mr. Johnson further explained that “uses by right” require a site plan review to determine the adequate provisions and requirements which is a more harmonious use of land. He stressed that if approved, this will be the most conforming parcel in the area.

6) **Brian Mannering of 15 Frederick Road** is assured by Mr. Harnais the process is too speculative at this time to know what will be built in the future.

Ms. McDonald empathizes with the residents and feels that it is zoned properly, a mix of business and residential.

Mr. Johnson stated the town has been negligent in zoning this parcel in this way.

There was some back and forth discussion between the Planning Board, Mr. Johnson and the abutters about what can or can't go there.

Mr. Mikami stated he is in favor of the residents. However, he also agrees with what the process relied on for zoning. He explained that balance is needed to define zoning. The potential uses are limited because of the location of the area of the plot. The rezone would permit a small business – the zoning defines the risks. The abutters could also purchase this property and so could any other surrounding business. Mr. Mikami suggests considering the neighborhood in the Planning Board choice.

7) **Abutter, Ms. Liubomire - 16 Frederick Road** – inquires about the buffer zone.

Mr. Harnais explains about buffering and if the property were not rezoned and sold to the Hancock Street business, there would not be a buffer.

The Planning Board helps the residents to understand that this is a problem of zoning in this area.

Mr. Reynolds expressed the difficult balance needed between property owner rights, neighbor concerns and town concerns. This parcel should be kept intact. He believed that the abutter at 16 Frederick should be able to purchase the property if he so desired. Then the entire parcel should be zoned the same and must respect the rights of the owners.

Mr. Reynolds Motions to close the hearing; seconded by Mr. Mikami.

Mr. Harnais said that Braintree has patchwork zoning is throughout the town. This neighborhood has antiquated zoning. In his opinion, the right thing to do is keep this uniform. He suggested control is needed to at least have somewhat of a buffer. The problem of inconsistent zoning is a town-wide issue

Mr. Reynolds motioned to recommend approval as submitted – as the property is represented today with the caveat that the town look at the zoning as a whole; seconded by Mr. Mikami.

Vote: 3:0:0

502-508 Elm Street / Brian McGourty
Re-endorsement of Approval Not Required Plan

Jennifer Hart representing Brian McGourty

Ms. Hart introduced herself to the Board.

Ms. Santucci-Rozzi addressed the Board informing them that the Planning Board originally endorsed the subject Plan on 6/16/11. She explained that Mr. McGourty contacted the Planning Department and expressed he is unable to locate his original Mylar. She advised Mr. McGourty to request this board to vote to allow the Clerk to re-endorse the Plan as originally approved by the Planning Board.

Mr. Mikami warned Ms. Hart about previous issues at Peach Street and questioned if there are any such issues here.

Ms. Hart answered “no issues”.

Ms. McDonald and Mr. Reynolds had no questions.

Mr. Reynolds motioned to re-endorse the original plan that was endorsed on June 16, 2011; seconded by Ms. McDonald.

Vote: 4:0:0

Zoning – Bylaw Changes

Christine Stickney, Director of Planning & Community Development

Ms. Stickney opened a discussion with the Planning Board of the problems of zoning such as the previous Agenda issue (107 Hancock Street). She presented an outline of a multi-year proposal that could be funded by the capital budget. The project would encompass forming a plan to presenting it to the public; including Zoning bylaws and the map.

Mr. Harnais agreed with the project, calling it necessary for the good of the town. This would address the patchwork zoning the town of Braintree has become, as previously mentioned.

Mr. Reynolds asked if this can be paid in increments. He agreed with the project and said it was long overdue.

The remainder of the Planning Board fully supported the project.

After a consciences, Mr. Reynolds motioned to adjourn the meeting; seconded by Mr. Mikami.
The meeting adjourned at 9:54 P.M.

Respectfully submitted,
Elizabeth Schaffer