



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

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### PLANNING BOARD

Robert Harnais, Chair  
Joseph Reynolds, Vice Chair  
James Eng, Clerk  
Darryl Mikami, Member  
Erin V. Joyce, Member

**APPROVED**

### Braintree Planning Board – January 12, 2016 – Cahill Auditorium

#### Present:

Mr. Robert Harnais, Chair (joined the meeting at 7:25 PM)

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami

Ms. Erin V. Joyce

Melissa SantucciRozzi, Principal Planner

Jeremy Rosenberger, Zoning Administrator

Vice Chair, Joseph Reynolds, called roll call at 7:10 PM; four members are present. Chair Harnais joined the meeting at 7:25PM.

### Zoning Board of Appeal Petitions – January 2016

#### OLD BUSINESS:

**Petition #14-33** 639 Washington Street (Bonnie Tan) No further update

**Petition #15-10** - 60-80 Campanelli Drive (Thayer Academy): Thayer Academy seeks to alter a pre-existing non-conforming structure located on a non-conforming lot. The proposed alteration does not meet the dimensional and density standards for the Watershed RC zoning district. A finding pursuant to Section 135-403 is required. Furthermore, a determination pursuant to Section 135-806.C for off-street parking is required for the proposed rink/field house. They were before the Planning Board on September 29, 2015 and had a hearing before ZBA in October.

The Zoning Board of Appeals took up recommendation of Planning Board for Peer Review Service. The Peer Review Agreement was with Stantec Inc. to undertake a Scope of Services related to traffic engineering and limited site plan review. You will find some analysis in your packet. Zoning Administrator has staff recommendation in draft form along with comments by Stantec regarding topic areas. There was meeting with applicant last week. There was final document by Traffic Engineer. For a reminder, this is before the Board of Appeals for a finding based on an alteration of a non-conforming use and on a non-conforming lot. The use has been discussed under the Dover Amendment, case law relative to educational exemption. It is here before Planning Board for non-binding recommendation. The Zoning Administrator would like Thayer to provide an update and review some of the results.

Susan Murphy, Attorney from Dain Torpy representing Thayer Academy, states at Zoning Board of Appeals Meeting there are two areas ZBA is looking at; one is existing non-conforming nature of property, which she believes ZBA is fairly comfortable with. The second is parking and traffic analysis. There are communications between Thayer Academy's Traffic Engineer, Jeffrey Dirk, and Stantec, Town's Peer Consultant. The only other document was a conceptual or tentative schedule of uses. What had been added prior to the September meeting was a discussion of third party use, on the last page of that document. Some of the material in there, for example, was Thayer's agreement not to have adult hockey leagues use the facility. From a recent meeting with some of the abutters in December 2015, there was a request to further limit non-Thayer Academy high school varsity use because those games are the ones that tend to create the most potential parking and traffic issues. What is in front of you is a "red-lined" version that shows on that last page a change that

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Thayer Academy agreed to make that there wouldn't be high school varsity usage, except for the independent school league, of which Thayer is a member and the Town of Braintree in keeping with the relationship that Thayer and the Town of Braintree has had to allow town use of its facilities. She would like to turn discussion over to Jeffrey Dirk.

Jeffrey Dirk, Traffic Engineer for the project from Vanasse & Associates, states since our last meeting we did have Peer Review to check the numbers that were presented, both related to trip and parking demands. The purpose of the Peer Review was to test the analysis that the applicant's Traffic Engineer had made related to trip projections and parking demands. The findings of the consultant were that the methodology was sound. Peer Review did agree with the traffic numbers for the project, both with and without an event, and the parking demand calculations for the development. They focused on game day analysis. What they asked us to do is increase the number of spectator related vehicles associated with the visiting team. The Applicant did that and performed additional analysis at the Granite Street/Campanelli Drive intersection. What it essentially showed was that additional traffic demands for the spectators increased the peak hour numbers by about 10 additional vehicle trips during the peak hour. We added that traffic into the intersection and performed the analysis. What is key in the analysis is that 10 vehicles do not sound like a large number. One of the things we wanted to make sure of was what you have at a school when the traffic is all exiting. There is a peak 15 minute time period when there is a lot of congestion. We were asked to model that distinct 15 minute period. What we typically look at basically is how the intersection operates over the hour, and we provide the average of the hour. This would be absolute worst case condition. What we show is that there was increased delay and increased queuing on Campanelli Drive. The test is what improvements might be necessary to accommodate those additional traffic demands that spike during that 15 minute time period. Stantec agreed that this is not an appropriate location for a traffic signal. What it came back to is that there is a need to have a traffic and parking demand management plan when these events occur. That is something that Thayer committed to do as part of the project. At the discretion of the Braintree Police Chief, there may be a need for a police detail to control traffic during those peak events.

Mr. Dirk continues, then related to parking demand analysis, we understood that zoning code did not have specific parking requirements for the rink use, as an education exempt use under Dover Amendment. Zoning code does have parking information for a warehouse use. One of the things that we have looked at was a hybrid analysis approach. What we would, in fact, look at is zoning code numbers for warehouse use. So if Robelle wasn't there and the space that remains after the rink was occupied by a generic warehouse use "as of right", what would be the parking demands for that use and then add on top of that the parking demands for the rink and see how that would relate. Stantec took a look at that analysis and concluded that if Robelle Industry stays in place, the rink comes into use and we have a hockey event taking place, so this peak design condition, there would be more than sufficient parking. However, if the site was occupied "as of right", by a generic warehouse use and the warehouse parking peaked at same time as rink use, which we don't think would happen, there is a deficit of 33 parking spaces. The conclusion goes back to the Traffic and Parking Management Plan. What we are saying is that with rink use on this site, when there are event conditions, you would need to implement the Traffic and Parking Management Plan, and with that in place there would be safe and efficient access to the site and parking could be managed and controlled in an efficient manner. There were also minor comments related to additional signs that Peer Review would like to see added to the Site Plan. We talked about circulation for the site. The intent is that buses would turn in on the east driveway, so as you turn onto Campanelli Drive, the first driveway that you come to, the buses would enter that drive, turn and go around the back of the site, proceed to drop off at the

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northern side of the building and then exit by way of the driveway that is at the west end of the site. One of the things they wanted to make sure of is that any student's parents that might be coming to watch the hockey game, they don't want them turning into that first driveway. They want a sign that says "Bus Entrance" and then an arrow saying straight ahead would be the main rink entrance so there is no confusion as to which entrance should be used. Then again, following the bus path around the back of the building, they wanted to make sure that during the peak events, if someone is searching for a parking space, and people get back towards the rear end of the site, they wanted a sign that says "Caution, Watch for Buses" so that people weren't surprised if a bus came around the corner. Thayer has agreed to add those signs.

Member Joyce confirmed that there is parking for spectators in that covered area in the rear, correct. Mr. Dirk confirmed there were about 90 spaces back there. There are 269 spaces total, with 90 in the back. Member Joyce asks why you don't want cars to go in the same direction as buses. Mr. Dirk states it is because of the corner on the building. They want to make sure that if you are driving around the back of the building you are aware of the fact that there may be a bus coming around there. The intent is there is no need for those spaces to be used. The entrance is closer to the front. We don't want to encourage them to use that parking. Member Joyce confirmed it is overflow parking. Mr. Dirk would see use of the rear parking only during major events.

Member Joyce has question, given that the site is in a commercial area, what is the plan for security. Is Thayer security on staff during events? Is that part of the management plan? Susan Murphy clarified, the policies that have been drafted and included in your packet, there will always be Thayer staff at the building, when the building is open. This is to make sure that all rules and regulations that are put in place are complied with, with the intent that anyone not complying will not be allowed to return and use the site. It will be managed in the same way as events are managed on the Thayer Campus. Member Joyce is thinking about times between games when you may have students outside. Susan Murphy clarifies, in those policies, it says that there cannot be "tailgating" or congregating in the parking lot. These are all regulations and policies that Thayer will have in place. Member Joyce asks if they have someone exterior to the building monitoring security. Susan Murphy presumes that, as that is necessary, Thayer will address it.

Member Mikami has a number of questions and comments. Member Mikami's feels that issues need to be addressed and policies need to be set up-front. He feels Thayer is asking to put a hockey rink and field house here with all of these issues. For example, not being able to say that there will be security, you should know that upfront as part of the policy. We can't make up these things as we go along. Member Mikami states last time Thayer was here we talked about busing, and he asks if busing is going to occur for every practice, every game for every student. When you talk about Traffic Management, is everyone going to be bussed from Thayer to the rink location? Mr. Dirk clarified, to be clear the Traffic Management Plan is for events. Member Mikami asked, what is an event defined as? Mr. Dirk states in the preamble of the Traffic Management Plan, there is a definition, and he agrees that in order for it to be effective, it needs to have exactly what Member Mikami said. Member Mikami clarified that the Braintree Police will have a definitive list of every major event that will occur in advance. Mr. Dirk states that it is very explicit. He reads the definition and states that they have the list of what the measures are. Member Mikami asked how many major events will be there for the year. Do major events only apply to hockey events? What about field house? Do all these same rules and parking management apply to that as well? Mr. Dirk states they do not. He further states that Stantec reviewed that and the time period when you need to have this is when hockey events are going

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on. There will be more than sufficient parking and capacity at site to accommodate the other uses. Member Mikami states field house will have a track; will indoor track events be major events? Mr. Dirk states not to the level that would require the Traffic and Parking Management Plan. Member Mikami feels that there are so many challenges and contingencies, which is why he has stated consistently that this is a special permit/site plan review process, which is not the route that is being taken.

Rick Foresteire, Athletic Director at Thayer Academy, clarified that there will be supervision by security and administrative staff both internal and external to the building. The number of staff at an event depends on the event, To address the track questions, that is an indoor recreational track, and Thayer would never have a meet there. During hockey season, mid-November until the end of February, is the timeline with significant traffic flow. Typically, Monday, Tuesday, and Thursday is primarily just practices. There would be very limited traffic flow. Member Mikami asked for clarification on whether all traffic for practices would be bussed back and forth from Thayer. Athletic Director confirmed there would be both bussing and private driving, it depends on the age group; however, on a typical traffic day structure there wouldn't be high numbers. Game structure is Wednesdays, some Fridays and Saturdays. Those would be the hours of concern, where you get into police details, etc. The amount of large events that would warrant the police detail activity might be six times in a season. Member Mikami feels they cannot go on experiences that are typical, as this is a new facility with an uncertain demand and unknown spillover effect. Member Mikami feels we should count every single thing (cars, attendance, buses, etc.) Member Mikami feels the complexity of this situation calls for another process.

Member Eng states that Stantec's letter feels that all of the concerns of parking and traffic have been addressed. Member Eng's concern is that the amount of time between each event causes concern because there is a 10 minute break between each event. Is that enough time to clear out vehicles and people from the previous group?

Susan Murphy states practice days (Monday, Tuesday, Thursday) are not a concern, with the majority of students being very low volume and bussed. Stantec confirmed that it is the game days that matter. There are two issues, parking and traffic. The Parking Management Plan is if you have a major event where there is a risk that there may not be enough parking spaces on the site. It may be on a Friday night Varsity Boys game that there is plenty of parking but there is a lot of backup of traffic on Granite Avenue. That is why they call for a sit down with the police chief or the designated police department officer in charge of traffic management. If you were permitting a Target, they would say "we're really busy between Thanksgiving and New Years and on Saturdays and Sundays, but we are going to manage that traffic, but we can't tell you exactly how many customers are going to come in." That is similar to what we are presenting; we know game days are going to be the most intense traffic and parking days; we are working on a plan to manage it. She feels it is a very thorough package provided. The Athletic Director clarified that the arrival of players is different than practice time. The 10 minute break between each event is only related to ice time.

Member Eng's other question is have you looked at the amount of traffic that is on Granite Street during these events, and are you comfortable with the amount of traffic already on Granite and that will be generated from these events at this facility. Jeff Dirk states yes; the only time that may need traffic control is from those peak events that were mentioned – six times roughly in a season. At that time, there might be a police detailed officer at the intersection. Member Eng sees a lot of traffic there already. Member Eng asked how the vehicles were counted; was there a counter on the road? Jeff Dirk states it was done in two different ways.

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They put a counter on Granite and Campanelli Drive for 72 hours (Thursday through Sunday morning). The second way is to physically have people at the intersection counting traffic between 6-9AM and 3-6PM week days and 10-2 on Saturday. This gives daily flow as well as peak flow.

Member Harnais asks about a pilot payment. Susan Murphy explains that a Pilot Payment is a payment in lieu of taxes, when an entity is not required to pay real estate taxes under state law might agree in some circumstances to make contributions to the municipality, but it is something that is dealt with between the property owner and typically the Mayor's office. Member Harnais asks if that has been discussed at all. Susan Murphy's understanding is that officials from Thayer and Mayor's office have been in continuous communications. Bill Stevenson, Business Manager at Thayer, states they have had meetings with the Mayor and other senior officials in the town including the Assessor's office. They are discussing payment of portion of property they are occupying and would continue to do that indefinitely based upon the current warehouse use. Therefore, there would be no loss to the town. Chair Harnais confirmed the amount of money being paid to the town is the same as the taxes currently being collected.

Vice Chair Reynolds thanks the applicant for the amount of work that has been done in working with the town, the staff and the Mayor's office. I am glad you are open to working with the town for monitoring over a 12 month perspective. Other points under the approval were conditions from our Staff Report; (1) that you work with police department and determine traffic and parking management plan for peak events; (2) submit to Braintree Traffic Department and Planning & Community Development 12 month post occupancy parking and traffic demand counts analysis. Vice Chair Reynolds asks is that one report at the end of 12 months? Mr. Dirk states they could easily provide it after each event. Member Reynolds agrees to periodic, based on type of events, using those opportunities to assess how things went and where improvements could be made. Mr. Dirk states whatever is most productive is what they want to achieve as well. (3) agree to work with Braintree Traffic Department and Planning & Community Development to approve any updates and or modifications to the existing Traffic and Parking Management Plan based on the 12 month post occupancy traffic counts and parking demand analysis; (4) work with Braintree Assessing Department to determine appropriate annual pilot payments; (5) lastly, the third party use of ice rink and field house will be consistent with the allowed third-party use of Thayer's other campus facilities. Documentation of third-party use of ice rink/field house will be submitted to the Planning & Community Development Department for review 12 months post occupancy. Mr. Dirk confirmed Thayer's agreement with these conditions. Susan Murphy states generally the recommendations are fine. She is making a couple of comments because she will be making the same comments to the Zoning Board and she wants to show the same courtesy to Planning Board. With respect to the Pilot Payments, as you know, it is something that is voluntary and not something that could be required pursuant to Dover Amendment. Therefore, it is an inappropriate condition because of Dover Amendment. With respect to third party use, she has concerns that Thayer needs to maintain the rink as a predominantly educational use facility. Thayer has already agreed to limit the type of third party uses, but It is not reasonable to make it account for every use.

Member Harnais adds that there are some things that can and cannot be put in. A meeting of the minds works well; he understands that there are things that cannot be legally required; however, why not agree to certain conditions. Member Harnais understands Thayer wants a rink; the things that you are committing to now could go away in 5 years. Member Harnais wants to make sure there is something in writing that protects the town. The Business Manager states they will work on something in writing over the next week with the Mayor's Office.

Member Mikami asks for a point of clarification about agreements and pilot payments? Are these items legally binding? Since it is outside the scope of the Special Permit, it is not binding. Principal Planner states there are a lot of documents that state they will do certain things. The Board is emphasizing them to become hard documents. These things are typically part of draft conditions, as part of a decision. The conditions presented to ZBA will be more in the form of what Planning Board is used to seeing, which are triggers and measures that Thayer needs to meet. Tightening this up will be a main focus for the staff before Zoning Board Meeting.

Member Reynolds clarified need for additional police detail within the site. The Athletic Director stated that it would be staffed by Thayer security or administrative staff. Member Reynolds question is related to pedestrian traffic. Will there be parking across the street? Is everyone going to be parking on the same side within the site? Mr. Dirk clarified that parking would be within the site; there is no offsite parking. If there is a condition where there is not enough parking within the confines of the property, then the Parking Management Plan comes into play. They would use other agreements with abutting properties or they will bus from Thayer Academy. We understand that this application is exempt from oversight from a Special Permitting review process. It is difficult to take myself away from the ability to assess and give a level of comfort that they have covered all important points such as impact to abutters, infrastructure impacts, safety concerns and things of that nature. Member Reynolds feels that with the latest documentation, he has a better level of comfort that ZBA working with Planning Staff, Police Department and the Administration are going to address those public safety concerns. He agrees with Chair Harnais that this is a good use for this sight, but not at the expense of public safety or detrimental impacts to traffic flow.

Member Reynolds confirmed that buses were part of traffic counts and that buses for teams have their own parking area with no guest parking in that area. He asked when you have shuttle buses for larger events will parking be accommodated on site or offsite. Jeff Dirk clarified there is enough room to accommodate them within the drop off/pickup area, but the intent is to send them offsite to maximize circulation within the site.

Member Reynolds feels we have come a long way – however, he is not 100% on board with the Dover Amendment opinion by legal counsel; however, he has a level of comfort that if these conditions, Planning Board recommendations and the spirit of agreement are met, he would be okay with making a favorable recommendation.

Member Reynolds is going to suggest a change of wording on page two, first paragraph, the ice rink/field house facility will be used for educational activities by Thayer Academy change to “the proponent has requested and Braintree town legal counsel’s opinion agreed with that of Thayer Academy on the applicability of the Dover Amendment”.

Comments and questions are opened to the public.

Don Charlebois, an abutter with four pieces of property of 290,000 square feet, aside from parking his greatest concern is safety. Yesterday there were 191 trucks and tractor trailers driving in and out of the facility. This is an industrial park. He feels having 100 kids in a parking lot is too dangerous. This is a warehouse area that is now becoming a mixed use area. Member Reynolds states the Planning Board has limited ability to make recommendations. Don Charlesbois felt applicants could not answer basic questions at last meeting even related to seating. Paul McNeally states there are 350 seats in the rink.

Don Charlebois asked where accident data came from; Jeff Dirk states the crash data comes from the Registry of Motor Vehicles. This is crashes that are reportable with personal injury or property damage over \$1000. However, if it is not reported or if it falls below those thresholds, it does not get into the count. Mr. Charlebois has 150 employees, and at least 9 or 10 have been in accidents at the end of the street. Member Reynolds recommends Mr. Charlebois attend the Zoning Board of Appeals Hearing; they are the deciding authority for this petition.

Member Joyce, given we have limited ability to speak towards the application, she doesn't have anything against the facility. The practical side and issue of safety of students, given what the abutter has said, could Thayer speak to why they selected this site. Susan Murphy states the short answer is that Mr. Hanflig, a Trustee of the Trust that owns the property, offered the site to Thayer Academy at no cost. Thayer Academy would never knowingly do anything to put their students in danger. We have been working on this project for almost a year and looking at it from every possible angle. It is not unusual to have an ice rink in an industrial district.

Member Joyce asks if Thayer has blue lights on campus as part of public safety on campus. If so, would there be a blue light system installed at this facility? Her concern is safety of students walking into back parking lot. Susan Murphy cannot answer question, but this can be looked into with campus security before ZBA Meeting.

Chris Iorio, an abutter with a business on Campanelli Drive, feels it is important to point out it is a pretty busy street. As big as trucks come, we get them. You are talking 80000 lbs. These are not passenger vehicles; they do not stop on a dime. I saw where the parking lot was in relation to the street, and you are talking feet. You are going to have kids with a Summer Camp, as young as three through high school age, within feet of vehicles that are 80000 lbs. There are no sidewalks along Campanelli Drive. In addition, there are a lot of business owners, and although the people on the Thayer side would disagree with this, to some extent, you are damaging their investment and you are fundamentally changing the nature of Campanelli Drive. If the shoe was reversed and we wanted to put an industrial building across from Thayer Academy, it would not be allowed. This is reckless. Member Reynolds clarifies that a rink is a "use by right" under Special Permit in the industrial park area; zoning would not allow for industrial use anywhere near Thayer Academy. Mr. Iorio feels it is reckless and setting it up for a tragedy. He further states there are a lot of buildings that are being under-utilized. As the under-utilized buildings get new business, it will increase the parking and traffic demands. Vice Chair Reynolds states Mr. Iorio's points are well taken and well-articulated. He suggests that he makes the same comments to the ZBA when they make their decision.

Jay Hanflig, owner of Robelle Industries and the property at 60-80 Campanelli Drive, states he understands the concerns of the abutters. The way this plan was orchestrated was to take all of this into account. He agrees safety is the most important thing. They are the second building in the facility, with more than ample parking to handle the situation with 300 parking spaces now and 269 after it is reconfigured for buses. There are only 12 home games a season. He feels that some of the issues are pertinent; however, they are doing everything possible to make everything work as they represent it, with safety foremost. As far as the value of properties, some of the buildings are eyesores. If you see what Thayer is willing to put into this development, it is not going to depreciate the value. It's going to raise the value. It's going to make an industrial park look beautiful. They are going to work as hard as they can to make everything work. You will see improvement everywhere and a tremendous effort to make it safe.

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Member Harnais feels you cannot minimize that it is going to be used; it will attract people and enhance athletics. However, safety is a concern. That location is good for many aspects, but a concern for other aspects.

Member Mikami states that he personally does not want to send wrong message to Zoning Board of Appeal because he feels a lot of details will not be covered legally or otherwise. He cannot agree to that.

Member Harnais **MOTION** for recommendation of approval with heavy emphasis on mitigation around safety measures; seconded by Member Eng – Vote: 4:1:0 (Member Mikami opposed).

**Petition #15-52** 120 Plain Street (Braintree Electric Light Department) No further update

**NEW PETITIONS:**

**Petition #15-53 33 Wildwood Avenue**

Robert Gabriel, 20 Christina Drive, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 609, 701 to extend existing poured foundation six inches into side yard area. This petition came before Planning Board a couple of months ago to tear down a single family and construct a new single family that met all the set-backs. There was an error in pouring the right side foundation underneath the parking garage and it encroached into the side area by six inches. It was supposed to be at 10 feet; the slab is into the side yard area by six inches. They haven't built above that; they intend to leave it unbuilt. The applicant seeks a variance. The property is located at 33 Wildwood Road, Braintree, MA 02184 and is within a Residential B Watershed District Zone, as shown on Assessors Map 1079, Plot 14, and contains a land area of +/- 17,000 sq. ft. Zoning Administrator, Jeremy Rosenberger, recommends **APPROVAL WITH CONDITION**. The alterations will not be substantially more detrimental to the neighborhood than the existing non-conforming lot, with the condition the petitioner not build upon the side yard foundation encroachment.

Member Joyce asks if you will be having them verify the wall to ensure they meet the setback and they don't, in fact, build on the six inches. Zoning Administrator agrees to make a note that there will be an As-Built. Member Eng suggests that we remind the builder that the Planning Board isn't interested in hearing about errors, and he agrees with Member Joyce's comments to ensure he doesn't build over six inches that he encroached on.

Member Mikami recommends that the Zoning Administrator submit this to Building Department for review.

Member Eng **MOTION** for favorable recommendation with comments, seconded by Member Joyce; Vote 4:0:0.

**Petition #15-54 340 Wood Road**

Derric Small, 51 Dobson Road, Braintree, MA 02184 (owner of property is Jumbo Capital Management, LLC) seeks relief from Bylaw requirements under Chapter 135, Sections 135-407 and 904 to relocate an existing ground sign to a new location on the subject property. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 340 Wood Road, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2053C, Plot 1J, and contains a land area of +/- 4.31 acres.

The petitioner has submitted a request for withdrawal without prejudice from the Zoning Board of Appeals. No action is needed at this time by Planning Board.

**Petition #15-55 27 Woodedge Lane**

Todd and Mary Ann Jackle, 90 Harness Lane, Braintree, MA 02184 (owner of property, Paul Mahony) seeks relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 609, and 701 to demolish an existing 1,268 sq. ft. single family dwelling and construct a two-story, 2,800 sq. ft. single family dwelling with a farmer's porch. The applicant seeks a variance as they are exceeding the lot coverage and the farmer's porch will encroach into the front yard by two feet. The property is located 27 Woodedge Lane, Braintree, MA 02184 and is within a Watershed B District Zone, as shown on Assessors Map 1056, Plot 17, and contains a land area of +/- 14,026 sq. ft. Zoning Administrator, Jeremy Rosenberger, recommends approval.

Member Joyce has question on plot plan submitted with application. It seems like there is a series of additions and not a complete demolition. Or is it a complete demolition? Can you clarify? The Zoning Administrator states it is complete demolition down to the foundation. Member Joyce states they are so close on the lot coverage and meeting the front yard setback. She is wondering if there is something else they could do to meet the setback and lot coverage in the way of minor adjustments to meet these requirements without needing variance. It seems like they could make some minor adjustments to not need these variances. The Zoning Administrator suggested that to petitioner, but he wanted to continue with building farmer's porch, as well as add a shed, which would put him above lot coverage. Member Joyce feels it is so close and she is not sure what the hardship is. Zoning Administrator states hardship is shape of lot, as it is five-sided and irregular frontage. Member Eng asks if there is any way they could cut down in shed so that open space is met or is the proposed shed not included in coverage evaluation? Zoning Administrator confirms that if shed is part of calculation and they removed it, it would make them compliant. Member Eng did confirm that it is an odd shape lot, and we should consider that in the Planning Board evaluation of the application. However, Member Eng is recommending they cut down size of shed. Member Joyce states the driveway appears to encroach on neighbor's parcel. Are they planning on changing that? The Zoning Administrator states this is a new purchase and applicant is in conversations to see what he can do about that, whether to leave it as-is or potentially seek an easement. Member Joyce confirms that the lot coverage and open space coverage requirements are because it is a watershed protection overlay. Member Eng feels the issue with the driveway is encroaching into somebody else's property. He further feels we should hold off on recommendation until it is determined that they advise what their plan is to remedy driveway encroachment.

Chair Harnais joined the meeting at 7:25 PM, during the discussion of this ZBA Petition.

Member Eng **MOTION** for to delay approval until we receive further clarification of driveway situation in abutter's property; seconded by Member Mikami; Vote 5:0:0

**Petition #15-56 533 Commercial Street**

Cuc T. Tran, 533 Commercial Street, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to construct a 336 sq. ft., 1 story addition, within the existing building footprint. The applicant seeks a finding that the proposed alteration is not more detrimental to the neighborhood. The property, an existing two-family, is located at 533 Commercial Street, Braintree, MA 02184 and is within a Residential B District Zone, as shown on Assessors Map 3057, Plot 7 and contains a land area of +/- 7,971.48 sq. ft.

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Members Joyce, Mikami and Eng have no questions or comments.

Vice Chair Reynolds wanted to point out that the Planning Board did have a staff recommendation of **APPROVAL WITH CONDITION**: to remove the pavement located in front of the house in the front yard area. Member Reynolds would not have issue based on the analysis. Member Eng asks if they can make removing the pavement a condition. Member Reynolds feels that the ZBA has that level of influence and authority to make that suggestion to the applicant. For the record, the Zoning Administrator has let the petitioner know his recommendation on the pavement issue.

Member Eng **MOTION** for no recommendation until Applicant provides information to Zoning Administrator related to pavement/driveway situation in front yard, seconded by Member Mikami; Vote 5:0:0.

**Petition #15-57 84 Inglewood Street**

Jeffrey Keyes Carpenters, 25 Raleigh Road, Weymouth, MA 02189 (owner of property, JT's Redo, LLC) seeks relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to demolish an existing 816 sq. ft. single family dwelling and construct a two-story, approximately 36 ft. x 24 ft., +/- 1,536 sq. ft. single family dwelling. The applicant seeks a finding. The property is located at 84 Inglewood Street, Braintree, MA 02184, and is within a Residential B District Zone, as shown on Assessors Map 3039, Plot 74, and contains a land area of +/- 3,600 sq. ft. Zoning Administrator, Jeremy Rosenberger, recommends approval.

Member Joyce comment would be that she appreciates the nice plan that applicant submitted with the application.

Member Mikami confirmed with the Zoning Administrator that it is not in the floodplain.

Member Eng asked if this is the smallest lot in Braintree. The Zoning Administrator confirmed it was definitely small, but he was sure there are smaller properties. Member Eng asks will a two-story new dwelling look okay in this neighborhood. The Zoning Administrator states the setback will be in context with the neighborhood, and it will provide value to the neighborhood. It doesn't worsen any of the existing dimensional deficiencies.

Member Reynolds would agree with Zoning Administrator's comments. You are minimizing a non-conformity in the front setback, and any other changes are substantially no more detrimental to the neighborhood than what exists today. Member Reynolds does believe that there would be a value of the new structure for the neighborhood.

Member Eng **MOTION** for a favorable recommendation, seconded by Member Mikami; Vote 5:0:0.

**Petition #15-58 7 Pantano Street**

Joseph DeGraan, 7 Pantano Street, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to construct a +/- 890 sq. ft., 1.5 story addition, within the existing building footprint. The applicant seeks a permit, variance and/or finding that the proposed alteration will not be more detrimental to the neighborhood. The property is located at 7 Pantano Street, Braintree, MA 02184, and is within a Residential B District Zone, as shown on Assessors Map 3064, Plot 31, and contains a land area of +/- 7,710.12 sq. ft. Zoning Administrator, Jeremy Rosenberger, recommends approval.

No questions or comments from Member Mikami and Member Eng.

Member Joyce states it looks like there is an overhang on the proposed building and I was wondering if the proposed front setback is measured from the overhang or the foundation. The Zoning Administrator states you are allowed a projection of up to 18 inches and that overhang is less. She has no further questions.

Member Harnais **MOTION** for favorable recommendation, seconded by Member Eng; Vote 5:0:0.

**Petition #15-59 360 Wood Road**

Haemonetics Corporation (formerly Latham Labs, Inc.), 400 Wood Road, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 135-407 and 904 to relocate an existing ground sign to a new location on the subject property. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located at 360 Wood Road, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2053C, Plot 1F, and contains a land area of +/- 14.18 acres.

The Zoning Administrator advises that this is part of the approval of the digital billboard. They will most likely withdraw, but the Zoning Administrator hasn't received any official word yet. The Zoning Administrator recommended deferral based upon the appeal. It didn't seem prudent providing a recommendation while there was potential court activity. There are still some site issues to deal with. No action is required at this time.

Member Harnais **MOTION** put aside or defer a recommendation; seconded by Member Eng; unanimously voted 5:0:0.

**Petition #15-60 64 Davis Road**

Dung Nguyen, 64 Davis Road, Braintree, MA 02184 for relief from Bylaw requirements under Chapter 135, Sections 135-403, 609 and 701 to demolish an existing 1,440 sq. ft. single family dwelling and construct a two and half story, +/- 4,424 sq. ft. single family dwelling. The applicant seeks a finding. The property is located at 64 Davis Road, Braintree, MA 02184, and is within a Watershed A District Zone, as shown on Assessors Map 2042, Plot 64, and contains a land area of +/- 20,000 sq. ft. The Zoning Administrator recommends **APPROVAL WITH CONDITIONS:** 1.) Submit plans depicting proposed driveway and any other impervious surfaces; and 2.) Lot coverage not exceed 70%.

Member Joyce's comment/question is on lot coverage. We don't have that number, and the plans should show what the proposal is at least for the driveway. The Zoning Administrator states he brought that up with the applicant seeking to depict what the square footage of the driveway is. A three-car garage would need a bit of pavement, and they basically have about 1200 square feet to work with. He hasn't heard from the petitioner, but that could be an issue.

Member Mikami asks if picture they have is of house. The Zoning Administrator states it is a house across the street (a large ranch) that I provided some square footage on, and then down the street a recently permitted single-family house with about 3400 square feet. The house across the street is listed in Assessing as 7000 square feet. It shows examples of large homes in the area.

Member Eng asks if Zoning Administrator spoke to petitioner about making it a two-car garage instead of a three-car garage. The Zoning Administrator states not pertaining to that; he asked for clarification on lot coverage and a proposed driveway to be shown on the plot plan, but has not heard back, but he can make a note to ask about garage. Member Eng because lot coverage is 20% and they are already at 14% with just house structure and not garage or any paving, it should be re-evaluated.

Vice Chair Reynolds states it appears they don't have a full picture of all the details that are needed as far as calculations go.

The Zoning Administrator agrees there needs to be clarification on lot coverage. He feels the Planning Board may be able to do a recommendation that they meet lot coverage requirement; anything else would require clarification or an unfavorable recommendation. Member Reynolds states, in essence though, this application appears to be incomplete. The Zoning Administrator states there are clarity needs on a variance of the coverage, and he is actively seeking clarification.

Vice Chair Reynolds opinion is, until they receive that further information, they do not have all the facts to make a sound recommendation.

Member Harnais **MOTION** for not taking a vote due to lack of pertinent information in the application; seconded by Member Eng; Vote 5:0:0

### **CONTINUED PUBLIC HEARING**

**Definitive Subdivision Plan – 459 West Street LLC, 459 West Street (Del's Way)  
(PB File #15-01)**

**Present for the applicant:**

**Eric Dias, Professional Engineer – Tunison Dias  
Rich Whittington – Whitman Homes**

**9:27 PM – All five PB members participated**

Eric Diaz, registered Professional Engineer with Tunison Dias Inc. representing Whitman Homes, states the last time they were here on December 8<sup>th</sup> they primarily focused on votes for Waivers, there were 11 and the Board voted to approve all but one of those. Since that time, they have made some very minor revisions to the Plan Set. They added sidewalk to both sides of the street, as requested by the Board. They added a list of waivers to the plans, and they provided the recording information on the Plans for the Variance that was granted by the Zoning Board of Appeals. Since that time, they have received draft conditions from Principal Planner. They have had an opportunity to go over them with her today; there were some revisions made and sent back to us. Both Mr. Diaz and the Applicant have reviewed those and do not take any exception to what is in that document.

Chair Harnais opens hearing up to the public; there were no comments or questions.

Member Joyce asks staff to provide final overview or summary of where this stands.

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Principal Planner, Melissa SantucciRozzi, states revised plans were submitted on December 30; those were circulated. This represents fine tuning and final comments from Peer Review Consultant, the Board and myself updated to reflect waivers that were and were not granted. She put together draft conditions, had discussions with Applicant today and worked out a few kinks and reissued today; all the revisions are in red. Staff is satisfied. Mr. Williams' peer review was very helpful and thorough.

Staff recommends that the Planning Board move forward with Draft Conditions.

Member Joyce asks about Item 40 upon completion of the drainage system the Applicant shall certify in writing that there is no increase in the peak rate of run-off; she is wondering how the Applicant's engineer will do that. Mr. Diaz states essentially it is a certification that it was built accordance with the plans in the design. The design shows no increase in run-off; in fact, there is a slight reduction. That is essentially what that certification would say. Member Joyce asks if the language can be amended to say the Applicant will certify that it was constructed in accordance with approved plans. Principal Planner states we can amend Item 40 to reflect that language. Member Joyce appreciates all the hard work that has been put into this. The plans have come a long way.

Member Mikami asked when we would get first report on drainage. The Principal Planner states there is a requirement for a condition that Mr. Diaz is going to submit an update of the site conditions every two weeks; the Principal Planner has permission to allow those to go to a lesser frequency period; she does periodic inspections. The Town Engineer has the right to do inspections as well. Condition 42 is a two-year monitoring with a Bond included. Mr. Whittington's goal is to have the binder down this fall, and he will build the houses over the course of a year or so and get out of there in 2 +/- years. Mr. Whittington is building the road and building the houses and that makes a big difference in how we are looking at this. Mr. Whittington will put drainage system in; it is going to be one of the first things he does. Once that is done, then the clock will begin. There will be a monitoring for 2 years. He will be on the site for 1 to 1 ½ years after the system goes in. Then there will be a little monitoring after that. The Principal Planner feels there is more than sufficient security for the Board to be comfortable going forward.

Member Mikami's follow-up question, given drainage is such a large portion, is the cash amount on bond sufficient. The Principal Planner states there are two different bonds; one is a subdivision surety, which also covers the drainage system. This will be separate and we can hold it a little longer. Mr. Diaz feels the bond amount is sufficient because by the time they ask for any money back related to the drainage system it will have been installed, certified and functioning. If there was to be an issue, they would have some inkling of it upfront. There is certainly a protective mechanism built in there with the additional bond of \$75,000.

Member Eng is glad that all other conditions were added and he is in favor of the engineer of record completing site inspections up to twice a month. Secondly, the other condition that he is glad was added is Number 70 related to granite curbing. He was also concerned with whether the amount of bond would satisfy the Board in making sure the project was going to be built accordingly, but he is comfortable with the response.

Member Reynolds comments that this project has come a long way for the better. The "due diligence" has been very impressive when you think about the layout, the consideration for the abutters, the drainage run-off, and the creativity. The dynamics of this application is a great

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example of how the Peer Review process brought a lot of value, the openness of the applicant, good/sound engineering and good community planning.

Member Joyce states on some of the lots we talked about the maximum lot coverage of 20%, how is that monitored. The Principal Planner states condition 58 allows Planning Department to evaluate the plot plans submitted to the Building Department for each lot as it is built at Building Permit time to ensure it meets with conformance.

Member Reynolds **MOTION** to accept correspondence between January 26, 2015 and January 12, 2016; seconded by Member Eng; unanimously voted 5:0:0.

Member Reynolds **MOTION** to close public hearing; seconded by Member Eng; unanimously voted 5:0:0.

Member Reynolds **MOTION** to grant approval of the Application with said conditions; seconded by Member Eng; unanimously voted 5:0:0.

**CONTINUED PUBLIC HEARING**

**Grading Permit – John Mento of Mento Homes – 1091 Liberty Street (PB File #15-17)**

**9:40 – All five PB members participated**

The Principal Planner explains that she had a discussion with Mr. Mento about the neighborhood meeting that Councilor Owens is going to have. Everyone is in agreement with allowing that to take place and also the Conservation Commission is going to do a Peer Review on the drainage. With those two things going on, a hearing tonight didn't make much sense and the Applicant agreed.

Member Reynolds **MOTION** to continue the public hearing to **February 9<sup>th</sup> at 7:45 PM**; seconded by Member Mikami; unanimously voted 5:0:0. The applicant signed a mutual agreement to continue the public hearing.

Member Reynolds **MOTION** to approve Meeting Minutes of November 10, 2015 and December 8, 2015; seconded by Member Eng; unanimously voted 5:0:0.

Member Eng **MOTION** to adjourn the meeting; seconded by Member Reynolds; unanimously voted 5:0:0.

The Meeting adjourned at 9:45 PM

Respectfully submitted,

Louise Quinlan  
Planning/Community Development