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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 – October 18, 2016 – Johnson Chambers

Present:

Mr. Robert Harnais, Chair

Mr. Joseph Reynolds, Vice Chair

Mr. James Eng, Clerk

Mr. Darryl Mikami

Ms. Erin Joyce

Christine Stickney, Director

Melissa SantucciRozzi, Principal Planner

Jeremy Rosenberger, Zoning Administrator

Chair, Robert Harnais, called roll call at 7:09 PM.

Member Reynolds **Motion** to go to Executive Session; seconded by Member Eng; voted by Roll Call unanimously 5:0:0.

EXECUTIVE SESSION

Pursuant to MGL Chapter 30A Section 21(3) for the purpose of discussing strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares to discuss the strategy with respect to the following litigation:

1. Total Outdoor Corporation vs. Braintree Planning Board (Appeal of 290 Wood Road Decision)
2. Kenneth Ingber, Trustee Wood Road Nominee Trust vs. Braintree Planning Board and Lamar Central Outdoor, LLC (Appeal of 340 Wood Road Decision)

Motion was made by Member Reynolds to exit Executive Session and resume to regular session; seconded by Member Joyce; voted by Roll Call unanimously 5:0:0.

CONTINUED PUBLIC HEARING

**Special Permit(s)/Site Plan Review – 28/30 River Street
Daniel and Jean O’Leary, Applicants (PB File #16-07)**

8:00 PM – Member Eng recused himself, as he is a noticed abutter.

Present for the Applicant:

Steven Guard, Attorney

Brian Taylor, Project Engineer, Stenbeck and Taylor

Dan O’Leary, Applicant

Member Reynolds **MOTION** to accept 24 items of correspondence for PB File 16-07 between June 20, 2016 and October 18, 2016; seconded by Member Joyce: vote 4:0:0.

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Attorney Steve Guard, acting on behalf of the Applicant, explains that the property owner has two different parcels of land on River Street (28-30 and 32-34); the one to the right is an existing two-family home, and the one to the left is an existing office building that is being petitioned to be converted to a two-family under the bylaws as a Special Permit Use. The unique part of this project is that the Applicant also owns the rear lot in the back; it is Parcel C on the Assessor's Map. After the determination was made that a successful building on that lot was impossible because it does not meet the zoning, the Applicant has decided it would make more sense to divide that rear lot in two and enjoy it with the two properties out front and then create some nice open space and parking area in the rear for the residential units. At the present time, there is no plan to make the units condominiums. They will be maintained as two separate two-family homes. The owner has been unsuccessful in renting the office building in this particular part of town and has made the determination that the only successful way to continue to own the property is to convert it to residential use and rent it. We have met with the Town Planner as well as the Zoning Administrator, and we have addressed most of the concerns. There are some last minute things that have come in, and we are certainly going to be able to address with the plan.

You will see that we have eliminated any vehicular access to the front of the property from River Street. All the vehicular access will be from Hooker Street in the back. Fortunately, for this particular property, that proves to be very convenient. There was already asphalt and a driveway back there. We didn't need to make a lot of big changes to have that happen. We did take the recommendation to eliminate the driveway between the houses. We have softened that down to a walkway. Each building will have its own separate yard area.

The reason that we have to do two applications tonight is because it is two separate properties, and of course, we are dividing the property in the back. It was suggested by the Town Planner that we come in with an application for the existing two-family property for a Special Permit to clean that up. It is a very straight-forward and pretty simple project. We have tried to do the best we can to keep the Applicant's requirements for the site work and infrastructure as small as possible, given the location and size of the site. The economics of this property is not large. With that in mind, we would appreciate any discretion that the Planning Board might have.

Brian Taylor, Project Engineer, Stenbeck and Taylor, highlights the back of the two properties from Hooker Street by providing an explanation of the photographs. They realized, when they did a topographical survey, that the grade to drain worked very effectively. What they are proposing is to take the sea of pavement and saw cut it and substantially increase the green area. This is a redevelopment project from a storm water management aspect. This will increase the amount of green space on the property. There is also a landscape plan that was submitted. After meeting with staff, they went through a couple of plan iterations, and they have added quite a bit of detail. They are providing concrete sidewalks for an edging that allow individual access to the entry points of each two-family house and also form a nice curb-stop for the parking. The parking has been designed in a configuration of a 24 foot aisle. It allows plenty of room for people to back out and turn out. The goal is to minimize the amount of pavement they have to have. They are providing four spaces for each building, with a 24 foot aisle in between. They have an existing driveway that was used as a cut-through between River Street and Hooker Street. They will be removing that pavement and turning that into green space.

As far as drainage, the DPW asked if they could provide a separate deep sump catch basin to capture the runoff and leach it into a leaching pond. They have done that. They have added the

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elevation and construction details to the plan. One of the key things that have resulted from their conversations with the Town Planner is that they have cleaned and greened the front yard. They will eliminate the driveway between the buildings and provide a three foot walkway with tote storage. One discussion was related to buffer zone against cemetery. There is a four foot wall that surrounds the entire perimeter of the cemetery, which provides a substantial buffer. It has been paved up to that wall. They also submitted a stamped drainage summary that explains what they are doing. The landscape architectural plan details out all of the plantings. One of the concerns was to hide gas meters in the front of the building. Mr. Taylor highlights where lawn will be located, where plowing will occur, and states they want the snow piles to run off and be able to be collected onsite.

Chair Harnais opens the discussion up to the public to see if there are any questions or comments. There are no questions, comments or statements.

Member Joyce has one question and she would like staff to provide an update as to where the application stands. Member Joyce states in the Operations and Maintenance (O&M) Plan that was submitted it references a rain garden. Mr. Taylor confirmed that originally they were going to do a rain garden, but it wouldn't be effective. Member Joyce asks that the Operations and Maintenance Plan be revised. Also, on one of the seasonal tests, it is noted to inspect landscape vegetation or replace as required. She would request that it be noted "inspect and maintain landscape vegetation"; add the maintenance to make sure that we are not waiting for them to die to take care of them.

Member Mikami asks what the coverage ratio is (current coverage ratio vs. proposed coverage ratio). The Applicant states the lot, as it exists, is currently 87% covered with impervious surface; as proposed it would be 55.8 % impervious surface. That is all three lots together. Staff requests that it be broken down by all three lots. There is a 30% reduction in impervious surface. He confirms there are four parking spaces per building and they are closing off cut through. He would strongly encourage the Applicant and team to have really nice landscaping plan; this would add tremendous value.

Member Reynolds comments that the proposed plan looks very nice; he is very familiar with that area and thinks it is a real upgrade.

Melissa SantucciRozzi, Principal Planner, states she reached out to Mr. Taylor to get preliminary response to the Staff Report and revised materials so that she could put together some draft conditions and findings for the meeting. They did submit some revised materials, which she has gone through in detail and updated the Staff Report. She will highlight a couple of the items that are outstanding. We still need further clarification on the topography, and we require people not using NGVD or NAVD to give the conversions. They are using Braintree Sewer datum, but they put the letters "NGVD" next to it. The Principal Planner did make a suggestion in the Staff Report for some more plantings in the ten foot required buffer strip. We do recognize that there is a wall there, but we look for those areas to be planted as vibrantly as possible. She states they talked about the ANR plan, which is going to be a condition if this project is approved. The Applicant is aware of that requirement. The outstanding requirements are erosion and sedimentation controls. They are going to be doing a large amount of saw cutting and pavement removal. This is just to make sure there is no impact to Hooker Street and/or River Street when they are making those cuts in between the buildings. She thinks the landscape plan could use a little bit more attention. She is concerned about the front yards. The

front of the structures have an unusual amount of meters, boxes, dishes and all sorts of things; she has looked at the planting schedule, and some of those plantings are kind of small. She is wondering will they, in fact, screen all of this material. She made the same recommendations that Member Joyce had on the O&M Plan and also for that to include snow storage and that some of the structures mentioned in the report aren't on the site. The declaration of easement should be revised to make sure all the plan references are accurate. She is looking for no snow storage at all in the common access area; that area needs to be kept open and free of any type of intrusions. She still wasn't sure exactly where the curbing was going on the plan. There was a detail for bituminous curb, and there was a detail for a monolithic concrete pore. The specific areas on the plan should be highlighted so that when she goes out for some inspections it is clear. The conduit for the light poles needs to be added to the plan. The Town Engineer made a comment for a backup for the two parking spaces closest to the structure, providing a "T". The Town Engineer also thinks someone may hit the light pole and suggest eliminating it. She suggests maybe a paver. The zoning block table needs to be updated to include existing and proposed building and lot coverages for those specific properties. Overall, she thinks it's a great project. This will be a great improvement. The comments are applicable to both sides. Obviously, the Special Permit for the 702 buffer is not applicable to the 32-34 River Street property. She feels these are minor things that she can work with Brian Taylor on. If the Board is so inclined to approve this evening, she would hold the paperwork until all that material is submitted satisfactorily, at which time she would file any decisions.

Member Joyce asks where is trash pickup for this property? The Applicant clarifies River Street. Member Joyce confirmed that tote storage will be stored between buildings. She asks about the light posts along River Street. She asks whether there is street lighting in the vicinity of the property. Brian Taylor will check that out; he clarifies that the lights they are proposing are more walkway lights at about six feet. Member Joyce feels the new LED street lights are bright and she questions if the proposed lights are necessary. The Principal Planner states they are lantern style and more decorative. Member Joyce feels that adding three light posts in the front of buildings, when there is already a street light there, is too much lighting, as the street light does cast a lot of light. The Applicant asks if it would make sense to do more of a coach-style lantern between the two houses. Member Joyce agrees that between the buildings might be better. Member Reynolds states it would also give the property owner the opportunity to add lighting between the structures. The Principal Planner states these are tall structures that are fairly close together, and she would guess that in between the structures would need lighting. Member Reynolds requests that Mr. Taylor points out where lights are proposed to be installed. The Principal Planner states they are not in favor of the flood lights that seem to be installed over some of the doors. Both parties are willing to work on a condition around lighting that does not cause River Street to be too bright and provides lighting between the properties.

Chair Harnais entertains a motion to close Public Hearing for 28-30 River Street (PB #16-07).

Member Reynolds **MOTION** to close the Public Hearing for 28-30 River Street (PB #16-07); seconded by Member Joyce; voted 4:0:0.

Member Reynolds **MOTION** to approve the project for the Special Permit and Site Plan Review for 28-30 River Street (PB #16-07) with consideration of staff comments that are still outstanding and to incorporate the change to lighting as explained by Member Joyce; seconded Member Joyce; voted 4:0:0.

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CONTINUED PUBLIC HEARING

**Special Permit(s) and Site Plan Review – 32/34 River Street –
Daniel and Jean O’Leary, Applicants (PB File #16-08)**

8:15 PM – Member Eng recused himself, as he is a noticed abutter.

**Present for the Applicant:
Steven Guard, Attorney
Brian Taylor, Engineer, Stenbeck and Taylor
Dan O’Leary, Applicant**

Member Reynolds **MOTION** to accept 24 items of correspondence for PB File 16-08 between June 20, 2016 and October 18, 2016; seconded by Member Joyce: vote 4:0:0.

See discussion above under PB File #16-07, which is also applicable to this Public Hearing.

Chair Harnais entertains a motion to close Public Hearing for 32-34 River Street (PB #16-08).

Member Reynolds **MOTION** to close the Public Hearing for 32-34 River Street (PB #16-08); seconded by Member Joyce; voted 4:0:0.

Member Reynolds makes a similar **MOTION** to approve the project for the Special Permit and Site Plan Review for 32-34 River Street (PB #16-08) with consideration of staff comments that are still outstanding and to incorporate the change to lighting as explained by Member Joyce; seconded Member Joyce; voted 4:0:0.

CONTINUED PUBLIC HEARING

**Major Modification – 1681 Washington Street –
Highland Medical Realty Trust, Applicant (PB File #95-14)**

8:30 PM – All five Planning Board members participated.

The Principal Planner, Melissa SantucciRozzi explained the research lab is no longer interested in locating in Braintree. Therefore, the Applicant has requested that this Matter be Withdrawn Without Prejudice.

Member Reynolds **MOTION** to approval the withdrawal without prejudice; seconded by Member Mikami unanimously voted 5:0:0.

CONTINUED PUBLIC HEARING

**Special Permit(s) and Site Plan Review –
Town of Braintree c/o Mayor Sullivan and BSC Partners LLC
128 Town Street (Braintree High School Property) – (PB File #15-19)**

8:45 PM – All five Planning Board members participated.

Director Stickney explains that Attorney Scott Lacy, on behalf of the Applicants, has requested that this hearing be continued to the November 9, 2016 Planning Board Meeting.

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Chair Hairnais entertains a motion to continue this hearing until the Planning Board Meeting on November 9, 2016.

Member Reynolds **MOTION** to continue this hearing until the Planning Board Meeting on November 9, 2016 at 8:00 PM; seconded by Member Mikami; unanimously voted 5:0:0.

Zoning Board of Appeal Petitions – October 25, 2016

NEW PETITIONS:

Petition #16-38 38 Elmwood Avenue

Michael Garrity, 38 Elmwood Avenue, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 403, 609 and 701 to construct a 26.5 ft. x 22 ft., two-story, rear addition and 9 ft. x 8.7 ft. front portico with stairs. The Zoning Administrator explains that this is an existing single family non-conforming dwelling on a non-conform lot. They have existing side yard and front yard setbacks. The addition will not be creating any new zoning non-conformities, and Zoning Administrator recommended approval.

Member Joyce confirms that this is a two-story rear addition and the driveway and garage already exist. The Zoning Administrator confirmed yes.

Member Reynolds agrees with staff's recommendation.

Member Reynolds **MOTION** to recommend approval based on analysis by staff; seconded by Member Eng; 5:0:0.

Petition #16-40 304 Common Street

TGLE Realty LLC c/o Jack Tran, 77 Birch Street, Stoughton, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 403, 407 and 701 to construct an attached garage (14' x 33.8') and an addition on the first floor (14' x 19') to existing one-story single family dwelling (958 sq. ft.); construct new full second story (+/- 1,611 sq. ft.) with finished attic (678 sq. ft.). It is an existing, non-conforming single family structure, existing non-conforming lot and will need a finding, as such, due to side yard and front yard setbacks. It will also require a variance because he will be encroaching further into the front yard area. The reason being is that this is a hardship related to a taking for Common Street that took a good chunk of his property. You will see he has an odd shaped lot. There is an ongoing case with the Conservation Commission, as this is sited next to some wetlands.

The Applicant, Jack Tran, states Conservation Commission has agreed that we are going to do erosion control and backfill. He needs to present again on November 3rd at Conservation Commission. Initially, the Applicant was going to do renovations rather than newly construct, but because the previous owner had 10 cats, even now you can smell the cats. He talked to a specialist who suggested gutting house. The cat smells have been absorbed into the whole house.

Member Joyce is concerned about the height of this particular building; she clarified how the calculation for building height is done with the Zoning Administrator. As noted on the plan it is 34'3", but looking at the elevations at the back corner (the southwest corner) she is concerned this could be over the 35' building height limit. The Principal Planner provides the definition for

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calculating building height and states it is quite the exercise in providing this calculation. Member Joyce states because there is elevation change around the site, we should do our due diligence and calculate it around the site.

Director Stickney asks about raising building vs. removing down to studs. Mr. Tran clarified that he is removing the hardwood floor. The Zoning Administrator mentions the concern about whether the structure was sound for second floor. Mr. Tran states the structure is sound. Director Stickney is asking the question because in a few recent Zoning Board Petitions, the applicant was granted relief but then it was determined by the Building Department that the properties are not structurally sound. The project is then raised. Chair Harnais clarified whether the applicant had plans to tear down house. The Applicant does not have plans to tear down the house and feels the structure is sound enough for a second floor.

Member Mikami asks whose responsibility is it to verify height calculation. It was confirmed that it is the Applicant's responsibility. Member Reynolds states that he is clarifying this with the Building Department. The Zoning Administrator states it becomes apparent that two stories with a walk-up attic will get you very close to 35 feet.

Applicant states the builder will add height calculations to plans.

Member Eng asks why this is financial hardship. The Principal Planner states we have looked at takings as creating a situation on this lot that wouldn't be on other lots in the district, and they should not be penalized for losing that portion of the front yard. We have had similar cases like this (Myrtle Street), and we have looked to that in the form of a hardship. Member Eng observes you are increasing amount of livable space significantly. Mr. Tran discusses why he needs all of the living space because of size of family.

Member Reynolds agrees that you have a hardship from a topographical perspective because of the land taking. Member Reynolds asks, as a due diligence question, about in-law residents. Will they be sharing same living space or will you have a separate in-law apartment? Mr. Tran confirms that his in-laws will be sharing the same living space.

Member Reynolds **MOTION** to recommend approval with a note of Member Joyce's request for clarification on height calculation and with a request to the Applicant to show builder/engineer how the height is calculated from the definition found in the Zoning Ordinance Bylaw; seconded by Member Eng; voted 4:1:0 (with Member Joyce being the negative vote).

Petition #16-41 71 Prospect Street North

Christopher Garvey, 71 Prospect Street North, Braintree, MA 02184 seeks relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 to demolish existing single family dwelling with a footprint of about 1000 square feet without a rear deck and construct a new, two-story single family dwelling with a 36' x 42.6' footprint. They are requesting a finding to a non-conforming single-family structure. They are located on a non-conforming lot. The Zoning Administrator has worked with the Applicant to reduce the need for any variances with this and come up with a footprint that does not create any new zoning non-conformities.

The Petitioner, Chris Garvey, states it is currently a two-bedroom bungalow, which is setup high and it is narrow. If they add a second floor, it would be over the 35 foot height limit. Mr. Garvey would like to cut the foundation out and get the house lower to the ground. They would make it a

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two-story cape with three bedrooms upstairs and with an open floor plan on the first floor. This would lower the foundation to ensure that they do not go above 35' building height limit.

The Zoning Administrator notes that what is before the Planning Board is some proposed elevations of what the Petitioner would like; he did stress to the Petitioner to come up with some developed floor plans and elevations to present to the Boards, and this is what we have thus far.

Member Joyce can understand the reason why the Petitioner would be looking to do this. Mr. Garvey states it is basically an idea of what he is hoping to put there without investing a few thousand dollars before he knows whether he will be approved. Member Joyce feels it is hard to approve some vague setbacks, and there is not enough information for us to make an intelligent decision on. Member Mikami mentions that when the Applicant submits this they are legal documents and it is hard to not react to specifics. He concurs with Member Joyce. Member Mikami gets what the Applicant wants to do, but from the documents it is difficult to understand what you want to do. He feels it is a plan without a plan.

Member Eng states if you came back with decent plans, and you tore down house and built new house could you relocate house to correct setbacks. The Applicant understands.

Member Reynolds clarifies with Zoning Administrator his interpretation of the grid is that the Applicant is actually improving setback conditions. The Zoning Administrator confirms that and most prominently he is relieving the rear yard setback so that it is almost conforming. The Zoning Administrator further explains the calculations are on the Plot Plan. Member Reynolds states that when the Applicant has those particulars contained in the plans, you should have a high level of confidence going forward.

Chair Harnais clarified that what is shown on the proposed plan is the maximum proposed footprint and it would be less non-conforming than what we have now, which shows an improvement to setbacks. Chair Harnais clarified the height. The Zoning Administrator confirmed that the height would have to conform to Zoning Bylaw, and he feels that a 1.5 story cape would be below 35 feet. Chair Harnais states the Zoning Board looks at these maximums and setbacks. He further states that although with the proposal we don't know the exact design of the house; the setbacks are all less than exist right now. The concern Chair Harnais has is that he doesn't want to get into designs of houses. He feels the Board should be looking at setbacks, height, and coverage and not get into designs of house.

Member Reynolds **MOTION** to recommend approval with conditions as proposed by Zoning Administrator. There is no second.

Member Joyce **MOTION** for unfavorable recommendation due to lack of information; seconded by Member Eng; Vote 3:2:0 (with Chair Harnais and Member Reynolds voting "no"). Chair Harnais comments on this motion in that he feels we know exactly the footprint that is being proposed; we know that it cannot exceed that footprint and height requirement. What we don't know is what the structure is going to look like. He respects the concern for lack of information, but he has strong concern because he feels we make people jump through hurdles, and we know exactly what the footprint and height will be. He feels the Planning Board is here to give a recommendation on whether the Zoning Board should say "yes" or "no". The ZBA does not listen to Planning Board recommendations. Chair Harnais stresses that this is his position, but he will acquiesce to the Planning Board.

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Member Eng explains why he seconded the Motion; he feels we make all Applicants come before us with something the Board can look at. In this case, Member Eng feels like they do not have enough information to move forward with a positive recommendation. Chair Harnais asks, other than the footprint, what other information is needed. Member Eng states they can give us a very simple plan showing the exact height of the building. Also, a better plan would show better clarity on the exact setbacks of what the Applicant is planning to build.

Petition #16-42 39-41 Brooks Drive

Raymond Yu, 675 VFW Parkway #210, Chestnut Hill, MA 02467 (Property Owner, John Graves) seeks relief from Bylaw requirements under Chapter 135, Sections 135-407, 904.2 and 908 to install one (1) 181" x 76" illuminated main/front entrance wall sign, one (1) 7'8" x 5'6" illuminated main entrance monument sign and three (3) additional, 6' x 2'2" directory monument signs. The applicant seeks a permit, variance and/or finding that the proposed alteration is not more detrimental to the neighborhood. The property is located 39-41 Brooks Drive, Braintree, MA 02184 and is within a Highway Business District Zone, as shown on Assessors Map 2053D, Plot 02, and contains a land area of +/- 3 acres.

Raymond Yu, Creative Director of Pandamonium Design, explains that he is here on behalf of Symmons Industries LLC. They are currently designing the exterior signage system for their building facilities. They are appearing before the ZBA because the front entrance sign exceeds what is allowable. He explains that both the package that he provided and two additional visuals will support their petition to allow the sign for the front entrance of the building. The Zoning Administrator states in addition they also need variances for 3 secondary ground signs and a monument sign.

Member Mikami asked if Applicant is the only tenant in the building. Mr. Yu explains that Symmons occupies two buildings in that area, and there are no other neighbors in that vicinity.

The Zoning Administrator explains that he has asked them to scale down what would be 6 foot directional signs, as there is a bit of white space that they may not need; he has also discussed to offset proposed monument sign, they add 15 square feet of open space/landscaping. In addition, the Zoning Administrator asks that the removal of two shrubs and a tree will be replaced in kind.

Member Mikami supports the staff's review.

Member Eng asks whether the Applicant is agreeable to conditions stated by Zoning Administrator. Mr. Yu feels that they can comply with conditions, and he will recommend that to the client. He further agrees to lower the height down from six feet.

Member Reynolds clarifies the location of building with Mr. Yu. He feels there are a lot of opinions on signage, but the setting plays into signage. He agrees with staff recommendation based upon the setting.

Chair Harnais has no problem with the recommendations.

Principal Planner asked about making up open space. Can the Applicant not remove trees? Mr. Yu clarifies landscaping plan and states their intention is not to neglect landscaping. The

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Principal Planner is asking about this because the location is in watershed. While it's only a small displacement, you essentially can't lose any green space because you are already non-compliant. Mr. Yu points out that they have recently increased the green space by removing a corner triangle.

Member Reynolds motion to recommend approval based on staff's recommendation and conditions; seconded by Member Mikami; voted 5:0:0.

Petition #16-43 300 Granite Street

Liberty Bay Credit Union, 350 Granite Street, Braintree, MA 02184 (Property Owner, Sun Life Assurance Co. of Canada) seeks for relief from Bylaw requirements under Chapter 135, Sections 135-407, 904.2 and 908 to install two (2) illuminated wall signs (98.42 sq. ft. each) and a 7.73 sq. ft. tenant panel sign on existing ground directory. The Zoning Administrator explains this was the building previously occupied by Fidelity Investment, who have vacated the premises. Liberty Bay Credit Union is looking to move to 300 Granite and would like to supplement with two signs. They need variances for: (1) wall signs occupying a space other than the first floor would need approval by the ZBA; and (2) no more than one wall sign and it cannot exceed 150 square feet.

Attorney Frank Marinelli, representing Liberty Bay Credit Union, presents information on Liberty Bay Credit Union and expresses how much the organization values being in Braintree. They are currently located at 350 Granite, which is behind the building that they want to occupy; Fidelity left vacancy at 300 Granite, which Liberty Bay wants to move into. Because Liberty Bay was a business that relied on telephone workers and now rely on on-line banking, they are not as much "bricks and mortar". They don't have 5 or 10 branches; they have a North Shore headquarters in Stoneham, and a South Shore headquarters in Braintree. They are about prominent brand building visibility, so that is why they want to move to 300 Granite. They are going to spend approximately \$3Million for the buildout of 31,000 to 33,000 square feet. They will end up having more space at 300 Granite Street than Fidelity had. They are an important tenant for the building. It is an important investment in Braintree.

On the variances, essentially, they are taking the sign space that Fidelity had on northern facing and southern facing facades and replacing the Fidelity signage with Liberty Bay signage. For the dimensions Fidelity had 148 square feet on each wall sign; then in 2004, they reduced it to about 83 square feet, as part of their rebranding. Liberty Bay signage comes in at about 98 square feet, which is right in line with where Fidelity was in most recent decision in 2004.

Attorney Marinelli confirms, as the Zoning Administrator points out, the Applicant needs relief to have two signs and because the aggregate signage is limited to 150 square feet. Although on this building the facades are 175 linear feet, and we are putting 98 square feet on each side. The basis for the variances is: (1) irregular shape of the lot; (2) a staggered building on the lot, which is an irregular shape building; (3) the building is in a valley, as there is a severe grade drop from Granite Street; (4) there is no curb cut to the building from Granite Street – you have to take an access road down. As the road network in this area is one of the most heavily traveled in the State, we want people to be able to be alerted, change lanes and have reasonable identification of this business in time. In summary, they are basically replacing what was there. There is no detriment.

Member Eng made sure the Applicant agreed with requirement of no sign illumination between 1:00 AM and 6:00 AM. They did.

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Member Reynolds comments on the Zoning Bylaws that govern signs. He feels that in this particular situation there is a set of circumstances that supports the Applicant's request. Topography alone is a compelling case. He agrees with staff's recommendation.

Member Eng **MOTION** for favorable recommendation; seconded by Member Reynolds; 5:0:0.

Petition #16-44 11 Brewster Avenue

Deana Ferrini, 11 Brewster Avenue, Braintree, MA 02184 seeks for relief from Bylaw requirements under Chapter 135, Sections 135-403, 407, 609 and 701 to construct a one-story, 476 sq. ft. rear addition that does not meet the rear yard setback requirements. The Zoning Administrator explains that the Applicants are in a non-conforming site with a non-conforming single-family dwelling. Most importantly, the rear addition will encroach into the rear yard setback.

Mr. Ferrini states they have submitted their plot plans along with detail of addition. They included a letter of support from their rear abutter, and they are expecting two additional letters of support. The addition is a continuation of their kitchen, with a full basement but no attic space. The addition is not visible from Brewster Avenue, but is visible from Washington Street.

The Zoning Administrator discusses potential encroachments onto the property. There is a vacant lot/park abutting the property, which the Applicants have been in discussions with the Mayor's Office about. If approved, there would be a series of permits required to access the rear of the Applicant's property. Mrs. Ferrini spoke with Chris Griffin in the Mayor's office, who spoke with DPW Director, Jim Arsenault. Mr. Arsenault said he would forward the Right-of-Way permit allowing the Ferrini's access through that property. Mrs. Ferrini explained that they would temporarily be taking the fencing down but then repairing the land they travelled across.

Member Joyce comments in support of staff recommendation that petitioner has not demonstrated a hardship for the rear yard setback. There is no topography on the plan. She also has question on lot coverage calculations. They should be shown on the plan so that they can be included in calculation.

Member Mikami clarified whether Applicants were aware of setback requirement before they started making plans. The Applicants confirmed they did. He feels it is a severe encroachment, and they are creating their own problem. He suggests adjusting plans to hit all requirements.

Member Reynolds agrees with Member Mikami.

Member Reynolds **MOTION** to agree with staff's recommendation of denial without prejudice; seconded by Member Mikami; 5:0:0.

Petition #16-45 116 Common Street – Chair Harnais recused himself from this Petition.

Peter I. Thompson, 1599 Washington Street, Braintree, MA seeks relief from Bylaw requirements under Chapter 135, Sections 135-403 and 701 for a finding to construct a 21 foot X 2.5 foot (52 sq. ft.) second-story addition within the existing footprint. The Applicant received a building permit with the condition that they are not allowed to build into the 10 foot setback. Given the existing one story, single family dwelling has a 7.6 foot side yard set-back, they are

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ultimately looking to complete that full story on the second floor. After a site visit by the Zoning Administrator, where he notice they have constructed over that set-back, there is a "Stop-Work" order to be issued. As the Zoning Administrator notes that height has been an issue, he did attest that the height is 34 feet, as per the plans. The land is very flat.

Member Mikami asked if Building Department calculated height. The Zoning Administrator explained, to clarify, they had a building permit to build within the existing building. The only thing non-conforming was the side yard setback. Ultimately, they could have built "by right", as they meet all the coverages. They want the building to look complete and make it harmonious with the existing one-story, which requires the finding. Otherwise, the second floor would end 2.5 feet shorter than the first floor.

Member Eng asks what the Applicant's reason is for building beyond the original setback of the house. The Zoning Administrator explains he is not sure why they went ahead without first receiving the finding.

Member Joyce states there is an industry standard way to calculate building height that a land surveyor can provide; it does include topography. Land surveyors need to provide this. It is not above and beyond a petitioner to provide. It is the industry norm. These houses look ridiculously tall. The height calculation should be noted on the plan. The full zoning table should be included on plan. It would help both the Planning Board and Zoning Board of Appeal understand the project.

Member Reynolds agrees with Member Joyce as far as getting better documentation in place, which would allow Planning Board, ZBA and Building Department to get a better initial assessment of each project. He refers to a worksheet that accompanied permit applications in the past, which included calculation on heights. He feels this is a glaring problem, and we do ourselves a great dis-service to not require these calculations. This should be addressed by the Zoning Re-Write Committee.

Member Joyce **MOTION** favorable recommendation to complete the full second floor addition, with submission of a full calculation sheet with zoning analysis including height calculation; seconded by Member Mikami; 4:0:0.

NEW BUSINESS/OLD BUSINESS

Request for Lot Release – 459 West Street, Del's Way Definitive Subdivision) **(PB File #15-01), Requested By: Rich Whittington of Whitman Homes**

Staff prepared an updated packet for the Planning Board. She has the progress As-Builts. She has done multiple site visits; both the Town Engineer and Water & Sewer have been to the site. Mr. Whittington is asking for a lot release for all of the lots; he has submitted all of the materials for review. The Principal Planner will finish the review of these materials prior to releasing any forms, if the Planning Board is so inclined to vote. The Principal Planner notes these homes were featured in the Homes Section of the Patriot Ledger, as some of the premier houses on the South Shore. The Principal Planner feels this developer knows how to do it in an impressive manner. He is very responsive. Staff is supporting the request for lot release.

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Member Mikami feels we should give ourselves a pat on the back because this development went through a journey.

Member Reynolds **MOTION** to approve the staff's recommendation of lot release; seconded by Member Eng; voted 5:0:0.

Project Status Update:

29-39 Hayward Street (PB File 05-09), McGourty Company, Applicant

Chair Harnais states that Mr. McGourty's new engineer will be in to see Planning Staff in morning. The engineer Mr. McGourty had is no longer with the project.

Approval Not Required Subdivision Plan

62 Johnson Lane and 66 Rocsam Park Road/T.J. Development Rocsam Properties

Director Stickney states that the Applicant has asked for a continuance until the November 9 Meeting. She states if the Board is agreeable, we would like to extend that ANR Endorsement Deadline until November 10 so that the Board can hear it on November 9.

Member Reynolds **MOTION** to extend the ANR Endorsement Deadline to November 10, 2016; seconded by Member Eng; voted 5:0:0.

Member Reynolds **MOTION to approve** the minutes from the September 13, 2016 Meeting; seconded by Member Eng; unanimously voted 5:0:0.

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

The Meeting adjourned at 10:22 PM.

Respectfully submitted,

Louise Quinlan
Planning/Community Development