

Department of Planning and Community Development

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

PLANNING BOARD

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

APPROVED

Braintree Planning Board
October 12, 2010
Town Hall

Present:

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

Christine Stickney, Director
Melissa Santucci, Principal Planner

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

New/Old Business

Zoning Board of Appeal Petitions – October
For details see staff reports.

5 Dickerman Lane/K. Curran

Mr. Curran's daughter spoke on his behalf, stating that the reason for the request to carve two parcels from the existing one is based on a financial hardship and that the request to grant variances for lot area and width would result in two lots which are larger than all six lots adjacent to and across the street from his property.

Mr. Mikami asked if they had any idea how the neighbors felt about their application. [The neighbors seem okay with their request.]

Mr. Eng inquired as to why the lines are not squared off and one of the lots is 14,449 SF [one foot shy of the required 15,000 SF]. Ms. Santucci provided an explanation of the reason that the proposed lots are so configured based on her visit to the neighborhood and Zoning Bylaw requirements.

Mr. Reynolds expressed his opinion that the two lots would fall in line with the neighborhood and he has no issue with the proposed application.

Mr. Harnais stated that his only concern is the creation of a "pork chop lot."

Motion by Mr. Reynolds, second by Mr. Eng to recommend that the ZBA approve the request for variances based on the fact there will be no detrimental effect on the neighborhood.
Vote: 5/0

Mr. Curran addressed the Board regarding his commitments to the Town.

34 Boscobel Street/S. Fishman

The applicant was present representing homeowner Eric Tardif, who wishes to construct a porch at the rear of the dwelling which will encroach less than one foot into the rear yard setback. The neighbors have no problem with the proposal.

Ms. Lauria asked if the porch would go to the edge of the existing slab [yes] and Mr. Eng asked how long the slab had existed [2-3 years] and if it had been granted a variance [no need if slab].

Mr. Reynolds expressed no issue with a 9" encroachment.

Motion by Mr. Eng, second by Mr. Reynolds to recommend the ZBA grant the request.
Vote: 5/0

143 Pond Street/M. Maggiore

The applicant was present representing homeowner Kathleen Furness, who wishes to add dormers on the second floor to allow more head room upstairs.

Ms. Santucci noted that the dormers must be shown on the plans. Mr. Maggiore produced plans with the dormers.

Motion by Mr. Reynolds, second by Ms. Lauria to recommend the ZBA grant the request.
Vote: 5/0

Request for Extension of Time to Complete the Subdivision – Grove Heights [Stonecrest Drive]
For details please see Ms. Santucci's staff report dated 10/12/10.

George Lang, landowner, appeared and stated he wished to finish the road.

Ms. Santucci informed the Board that the deadline for improvements is October 16, 2010 and Mr. Lang has requested an extension of this deadline to July 31, 2011. It is her recommendation that the applicant be allowed two months to complete the paperwork and improve site conditions.

Mr. Eng asked about snow removal [The binder is down.] and Mr. Mikami expressed concern that there are issues which the applicant does not seem to have addressed. The property needs immediate attention and he asked when penalties would kick in.

Mr. Harnais stated his opinion that the Department should not be chasing the applicant to have him address outstanding issues.

Ms. Santucci explained about the drainage design for Lots 5 and 6 having been amended in 2008. The applicant is proposing to alter the drainage design, to which staff has no objection as long as a maintenance easement is provided with the owners of Lots 5 and 6 as responsible parties.

Mr. Reynolds noted there are many issues to be addressed and wondered about giving the applicant a completion date and establishing clear penalties if the work not completed.

Mr. Harnais continued to point out that the roadway must be completed and the other issues should be addressed immediately and be of no further concern to the Board. He does not wish the applicant to appear in two months and not have resolved the outstanding issues [other than roadway paving]. He probably would not vote for an additional extension.

Motion by Mr. Reynolds, second by Mr. Eng to take staff's recommendation for a two-month extension with all standards to be met by the applicant.

Vote: 5/0

Request for As-Built Approval and Release of Surety – Lenox Farms
For details please see Ms. Santucci's staff report dated 10/7/10.

Tom Denney of The Hanover Company was present and indicated that the apartments are at 85% occupancy.

Ms. Santucci spoke about the traffic volumes and stated the first traffic monitoring indicates that vehicle trips are 20% to 30% lower than projected in 2005. There are two more monitoring reports due [24 and 36 months after As-Built Approval is granted]. The applicant had submitted a \$560,000 bond for the two roundabouts and a \$100,000 cash As-Built guarantee.

Mr. Mikami asked how many people live in the apartments and how many cars that represents. Mr. Denney responded that there are 326 rental units of which approximately 300 are rented. That would mean about 500 people and probably 400 cars.

Motion by Mr. Eng, second by Mr. Reynolds to release the surety and grant As-Built Approval with Conditions # #1, 11, 13, 16, 20, 33, 34, 39, 49, 50, 51, 52, 53, 54, 55, 56, 72, 78, 85, 86, 88, 90, 92, 93, 94, 100, 101, 102, 103, 104, 116, 117, 118, 119, 120, 121, 129, 130, 131, 132, 133, 134, 135 and 136 to survive.

Vote: 5/0

Discussion – Application for Definitive Subdivision Approval at 153 Middle Street

Mr. Harnais informed the Board that Mr. Mirabito [applicant's engineer] had requested that the Board grant an additional extension.

Ms. Santucci is concerned that she has reached out to the engineer on multiple occasions and has no response from him. She is concerned about constructive approval of the application which was filed a year ago, on November 3, 2009.

Discussion ensued between Mr. Reynolds and Mr. Harnais about the expectations of the Planning Board should a further extension be granted, resulting in the Chair indicating that should progress not be forthcoming, no further extension would be considered.

Motion by Mr. Reynolds, second by Ms. Lauria to extend the hearing date to November 15, 2010, with materials submitted to the Department by November 1, 2010.

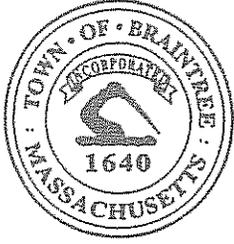
Vote: 5/0

Motion by Mr. Reynolds, second by Mr. Eng to adjourn at 9:45 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
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Christine Stickney, Director
Melissa Santucci, Principal Planner

84 Monatiquot Avenue/M.Farina

Application for Use Special Permit and Site Plan Review – Two-Family Conversion

The Chair opened the continued public hearing.

Mr. Farina provided a bit of background on the reason his home had an in-law apartment and noted that there are four two-family dwellings in close proximity to his property [83 Monatiquot Avenue, 99 and 63 West Street and 92 Hollis Avenue. He said making his home into a legal two-family dwelling would not be detrimental in any way to the neighborhood, as it “has been and looks like” a two-family [for 27 years]. All those who rose in opposition to his application have lived in the neighborhood less than nineteen years. Converting to a two-family would provide the financial relief he needs to maintain the property.

The Chair asked the public to comment for or against the application.

Margaret Prioli, 77 West Street, stated that allowing the conversion will change the area and she has concerns that it will reduce property values in the neighborhood and feels there is a safety concern as well. It is not the area for it.

Bill Fleming, 48 Oak Street, wants the neighborhood to retain its residential character. The original addition was to accommodate family. All the two-family dwellings mentioned have been so before 1983.

Bill Crocker, 87 Monatiquot Avenue, reiterated his opposition to the proposal and asked why the change now. It would not be happening if not for the passing of Mr. Farina’s father.

Dan Barry, 95 Monatiquot Avenue, opposes the proposal and asked what would happen if Mr. Farina sells his home. In his opinion two-family dwellings should not be in the neighborhood at all.

John Devine, 39 Oak Street, opposes the proposal, noting he fails to see the hardship as everyone is going through hard times, no one seems in favor of the proposal, property values will decrease, and the conversion will cause a burden on the schools and the water supply. The homeowner has other options.

Robert Ohare, 106 Monatiquot Avenue, said it was the original intent of zoning to have this area "residential." If the Board allows this conversion it will change the character of the neighborhood.

Anne Gibson-Vosikas, 100 Monatiquot Avenue, hoped the applicant would consider "condo-izing" the property, which would mean that two owners would share ownership and maintenance responsibilities.

The Chair asked for a motion to accept the summary of correspondence from 7/28/10 – 10/8/10. Motion by Mr. Reynolds, second by Mr. Eng to accept the correspondence summary.
Vote: 5/0

Ms. Lauria asked the applicant if he had spoken with his neighbors about their concerns [No, he heard their objections at the last hearing.] and asked how he would resolve potential future issues if he is not able to approach the neighbors now. Mr. Farina responded that the house has been the same for twenty-seven years. The only change would be the people in the house. Ms. Lauria stated if he was not attempting to work with his neighbors now [when he should be looking for their support], what recourse would the neighbors have in future if there are problems with renters. Mr. Farina said he did not speak with his neighbors because he did not feel they would change their minds. He has 48 abutters, only 7 or 8 neighbors are raising objections; evidently the others approve of the proposal. The house has looked like a two-family home for 27 years. Ms. Lauria continued by asking if, when they constructed the addition, they had an idea of how they would address things in the future. [They made no plans. However, his father did say if he considered selling the home it would be a "tough nut to crack."] Ms. Lauria expressed her opinion about the possibility of setting a precedent.

Mr. Mikami questioned the applicant about the dwellings he had indicated earlier were two-families. [A member of the audience stated that 83 Monatiquot Avenue is an in-law accommodation.] The applicant stated that he had consulted the Town's web site and the properties he mentioned earlier were described as being multi-family dwellings. Ms. Santucci provided an explanation of the Town's records and Mr. Harnais injected additional information about the Town's records.

Mr. Mikami feels the Board does not have all the facts relative to two-family dwellings in the neighborhood and it is difficult to differentiate between a two-family and an in-law accommodation. He raised the fact that there have not been two-family conversions in the

neighborhood for years and he would like more information. Following on Ms. Lauria's line of questioning relative to the applicant's relations with neighbors, Mr. Mikami stated that the applicant has other options: condo conversion or a restrictive covenant to keep the dwelling an owner-occupied home and asked why he has not investigated those. Mr. Farina said putting a restriction on the property could make it difficult when and if he decided to sell the property. And, converting to condos would be difficult as there is only one hearing system. Mr. Mikami feels it would be beneficial to explore the options.

Mr. Eng questioned the applicant about the utilities and how they would be addressed should the dwelling be converted into a two-family dwelling. Mr. Farina responded that the electricity is separate and that he had intended to have the rent include heat and water charges. Mr. Eng asked again for the hardship [1800 SF of empty space and no family to move in]. Mr. Eng noted that everyone in attendance for this hearing is in opposition. Why are others not here to help the applicant out?

Mr. Reynolds shares the concerns of the other members. Relative to the hardship issue he asked if Mr. Farina would consider selling if the space remains empty. [He will have to if he cannot afford to stay.] Mr. Reynolds shares Ms. Lauria's concern about possibly setting a precedent [regarding converting in-law accommodations to two-family dwellings]. The applicant has options, but it certainly is applicant's call [whether to explore those options]. With what he has heard, Mr. Reynolds said he would be hard pressed to vote in favor.

Mr. Harnais stated that Mr. Farina's contention that converting his home to a two-family dwelling is simply changing the people in the home is not necessarily true. It will in some respects change the character of the neighborhood. He doesn't see this as a two-family neighborhood and is concerned with setting precedent. Mr. Farina can withdraw or go forward, with the Planning Board closing the hearing and voting, or continuing the hearing.

Mr. Harnais explained that if the Board votes denial, the applicant cannot come back to the Board for two years. If he withdraws he can come back anytime.

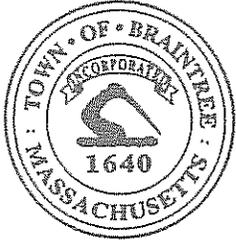
Mr. Farina indicated he wished to withdraw and would put it in writing.

Motion by Mr. Eng, second by Mr. Reynolds to allow the applicant to withdraw without prejudice.

Vote: 5/0

Respectfully submitted,

Linda Raiss



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Braintree Planning Board
October 12, 2010 – Public Hearing @ 8:00 P.M.
Town Hall

Present:

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

Christine Stickney, Director
Melissa Santucci, Principal Planner

367 Franklin Street/J. Duane

Application for Special Permit and Site Plan Review [2-Family Conversion]

For details please see Ms. Santucci's staff report dated 10/8/10.

The Chair opened the public hearing and read the legal notice.

Joseph Duane, homeowner, addressed the Board with his intention of legalizing a two-family home with parking to be provided off Rosedale Avenue.

Ms. Santucci presented background information regarding the foreclosed and neglected property. It is her understanding that the applicant intends to modernize the dwelling, which was used as a two-family home for 40 years, and do what is necessary to satisfy the Town.

Bill Grieco, 3 Rosedale Avenue, stated that Rosedale Avenue is a private way which he plows and he asked about parking on Rosedale.

Marybeth Grieco, 3 Rosedale Avenue, stated that the dwelling was never a two-family home, as the previous owner lived upstairs and her daughter lived downstairs. She is concerned about the proposed parking and possible parking on Rosedale Avenue.

Ms. Santucci stated that the parking will be on Mr. Duane's property. He is only re-orienting the spaces to be parallel to Franklin Street. This is an improved condition as vehicles will not be backing out onto Franklin Street.

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Planning Board Minutes 10/12/10
Public Hearing @ 8:00 P.M.

Michael McGourty, 1 Megan's Way, is in support of the application, stating that the applicant has the right to use Rosedale Avenue to access the property for parking. The proposed parking is safer than that currently existing, where the residents back onto Franklin Street. He stated that this is a mixed-use neighborhood [unlike the application for 84 Monatiquot Avenue].

Ms. Santucci referred again to her staff report and noted that the dwelling will be completely renovated, the property landscaped and the garage will be removed. There is an issue of outstanding property taxes. She recommends continuing the hearing.

Mr. Eng asked about the parking off Rosedale Avenue [Mr. Duane owns to the centerline of the way and has right of passage.] and how plowing would be resolved.

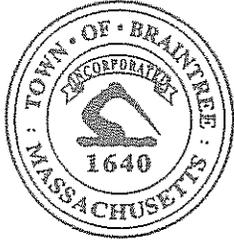
Mr. Mikami wants more information on the house.

Motion by Mr. Reynolds, second by Mr. Eng to continue the hearing to November 16, 2010 at 7:30 P.M.

Vote: 5/0

Respectfully submitted,

Linda Raiss



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50 Forbes Road/Karma Nominee Trust
Application for Special Permit and Site Plan Review
For details please see Ms. Stickney's staff report dated 10/12/10.

The Chair opened the public hearing and read the legal notice.

Attorney Frank Marinelli was present representing the applicant and informed the Board that the property will be redeveloped by Carpenter and Company. He was accompanied by Richard Friedman, President and CEO of Carpenter and Company, Gary Johnson, architect from Cambridge 7, Darren Messina, Director of Development for Carpenter and Company, Peter Diana, General Counsel and Vice President of Carpenter, Brian Dundon and Philip Henry from R.J. O'Connell, and Randy Hart, Director of Transportation Planning at VHB.

Attorney Marinelli explained to the Planning Board that the applicant plans monumental site improvements including removal of 140,000 SF of old hotel floor space, construction of a 204-room hotel and creation of a retail pavilion with a restaurant above. The overall project does not attempt to maximize the potential site build-out. The plans propose increasing open space to 26.2%, lowering the lot coverage to 70% and building coverage to 16%. The redevelopment will result in an increase in landscaping, a half-acre less of impervious surface and less stormwater runoff. Currently the property is "underparked" and the new owners intend to bring the parking into compliance with 629 spaces. The decreases proposed translate into fewer impacts to the busy corridor. The traffic report indicates no adverse impacts with no reduction of Level of Service [LOS]. The applicant has met with neighbors and will ensure that no lighting impacts the neighbors. Attorney Marinelli explained that if the applicant is not successful in attracting a restaurant tenant for the 8800 SF second floor they have requested a Special Permit for a retail alternate.

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Public Hearing @ 8:30 P.M.

Attorney Marinelli stated that Local 26 has collective bargaining issues. The applicant has already paid \$432,000 to the workers laid off. The applicant is hoping for union support. Fridays [restaurant] is non-union, the new restaurant facility will not employ union members. He ended by stating that the Planning Board meeting is not a forum for labor issues.

The Chair asked for comment from those in attendance.

Carolyn Wong identified herself as a former Sheraton employee and asked why Attorney Marinelli stated that the restaurant would be non-union.

Joey Mokos of Local 26 said that they understand that the new owners do not intend to rehire many of those who have worked in the restaurant on site for many years. He is seeking assurance that the longstanding employees will have their jobs back. He referred to Local 26's memo dated 10/12/10.

Frank Losano identified himself as the owner of the large office building abutting the property in question. He stated that he is extremely pleased with the proposal.

Robert Parsons, 19 Fallon Circle, appeared on behalf of the Granite Park Association. He raised issues of fencing and lighting and stated he is appreciative of the openness that the applicant's team has demonstrated. He requested that Mr. Simon, an abutting property owner, also consider installing a similar fence.

Robert Campbell, 38 Fallon Circle, mentioned that the fence will help keep people from cutting through the neighborhood from the commercial properties.

Janet Walsh, Local 26, feels the Planning Board should take into consideration the quality of life for the union members.

Pat Yellock, Local 26, said she gets 30-40 calls every day about people concerned about going back to work. The restaurant not being unionized is of great concern.

Charles Kokoros, District 1 Councilor, rose in support of the proposal and thanked Attorney Marinelli for keeping him apprised of the development. This will be a benefit for District 1. The integrity of the developer is exceptional.

Gregory Kelly, 33 Partridge Hill Road, requested consideration for a fence to prevent flow of pedestrian traffic through the neighborhood.

Attorney Marinelli concluded his remarks by stating that the developer consulted with the Mayor's office in designing the project and the Mayor is in favor of the proposal.

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Public Hearing @ 8:30 P.M.

Mr. Harnais suggested continuing the hearing; Mr. Reynolds stated he wished more detailed information; Mr. Mikami wished copies of photos.

Mr. Eng asked about a small building depicted on the site plan. Attorney Marinelli stated it was for retail use.

Motion by Mr. Reynolds, second by Mr. Eng to continue the hearing to 12/14/10 at 7:30 P.M.
Vote: 5/0

Respectfully submitted,

Linda Raiss