



# Department of Planning and Community Development

Melissa M. Santucci, Principal Planner  
90 Pond Street – Braintree, Massachusetts 02184  
Phone: 781-794-8234 Fax: 781-794-8089

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  
February 8, 2011  
Town Hall

### Present:

James Eng, Acting Chair  
Darryl Mikami  
Michelle Lauria

Melissa Santucci, Principal Planner

Mr. Eng (Acting Chair) called the meeting to order at 7:05 P.M. and called the roll: Ms. Lauria, Mr. Mikami and Mr. Eng present. Both Mr. Reynolds and Mr. Harnais were not in attendance.

### **New Business/Old Business**

#### Zoning Board of Appeal Petitions – February

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Sections 135-403, 407, 701, 903  
#11-08

Applicant, Dunkin Donuts of Massachusetts, Inc. 589 Granite Street, Braintree, MA 02184. Present representing the applicant were: Attorney Carl Johnson III, 536 Granite Street, Braintree, MA 02184; Dana M. Altobello, P.E., Merrill Associates, Inc.; John N. Welch, Director of Retail Construction, Dunkin Brands and Eric Wagner, Dunkin Donuts of Massachusetts.

Attorney Johnson addressed the Planning Board. The petition involves a proposed updating of the building located at 589 Granite Street, Braintree which currently is the location for Dunkin Donuts University. Atty. Johnson gave a brief history of the building and the zoning in the area. The building, which was built in 1967 came in after Zoning Bylaws were adopted by the Town of Braintree in 1940. He explained that there is different zoning on the property and nearby parcels. The rear portion of the property, was originally zoned Res. A (rezoned in 1954 to Industrial) while a 200 ft. portion on Granite Street at the front of the property is zoned Res. B. This zoning essentially created a split lot.

According to Atty. Johnson, the property is non-conforming in 3 ways. 1) The current number of parking spaces. 2) The building side set back. 3) 14 of the existing parking spaces encroach on land owned by the Town of Braintree.

Atty. Johnson also discussed a walk in freezer located at the rear of the building. The ZBA had granted a variance for the existing freezer in 1993. The proposed plans for the property involve moving the existing freezer and adding a 2<sup>nd</sup> one. Due to the slope of the property line this will make the freezer closer to the property line than the requirement, but it does not have a negative impact on the structure, property or neighborhood.

As this structure is the training facility for Dunkin Donuts and Baskin Robins, it was noted that there will also be permits needed for internal upgrades for the classrooms etc.

According to Atty. Johnson, essentially relief will be sought in 3 areas. They want to upgrade the current signage to a new 28 square foot design. Since this is larger than what is designated in the Bylaws this could be scaled back to 21 square feet if necessary. The new design includes stone columns and plantings. Ms. Santucci noted to the Planning Board that Dunkin Brand has proposed extensive landscaping and intends to keep most of the mature trees.

There are also flag poles proposed. These are allowed as long as the National Colors are flown along with the brand flags. The Dunkin Donuts and Baskin Robbins flag poles will be at a height of 15 feet and the National Colors flag pole will be at 20 feet.

The proposal also includes a general dressing up of the exterior of the existing structure.

Dana Altobello of Merrill Associates, Inc. presented more details of the proposal. He informed the Planning Board that the structure is 14,000 square feet and currently has 41 existing parking spaces. Of these spaces, 14 or 15 of them are on town property. Most of these will be eliminated. The resulting removal of impervious material will be beneficial to the watershed. Mr. Altobello stated that drainage issues have been addressed, and that they meet both the 2 year and 10 year flood requirements.

In addition to the removal of the parking spaces there will be a fenced in dumpster included in the proposal.

It was noted that there will be a Special Permit/Site Plan Review (SP/SPR) required.

Atty. Johnson inquired that in regards to the 4 relocated parking spaces (that will not meet the requirements) can a waiver be granted or does it need a variance. Ms. Santucci replied that the Planning Board can waive.

A description of the use of the building was given to the Planning Board by Atty. Johnson. He stated that not only is the facility used for local training, but for international training as well, making it global in use. It has been in operation as a training facility for several years and modernization will be beneficial to the community. The structure will be handicapped accessible and the Building Inspector has issued a permit. A variance will be necessary for the new sign due to its size.

Mr. Eng asked those in attendance if there was anyone from the community that wanted to raise concerns or questions. No one stepped forward. Ms. Lauria also stated that she had no questions at this time.

Mr. Mikami questioned what was driving this change to the existing structure. John Welch of Dunkin Brands explained that this facility trains franchisers as well as employees. This location has not been refurbished since the 1970's and as a result the building is well worn.

Mr. Mikami inquired if the interior changes would alter the amount of users of the facility. Eric Wagner from Dunkin Donuts of Massachusetts explained that there are different types of training classes. Smaller classes hold about 12 participants while larger ones accommodate up to 30. Mr. Welch stated that there would be a new conference room included in the proposed updates. Mr. Wagner informed the Planning Board that while the maximum number of participants for training is 30, this number could be bumped up when they hold conferences at the facility, which occurs about 4 or 5 times per year. There will be no increase in frequency of conferences. Mr. Welch stated that typically the building has about 16 employees in it. It was confirmed that the most amount of individuals in the facility at a given time would be about 60.

Mr. Mikami questioned Atty. Johnson if any trees would have to be removed. The response was probably two. One by the entrance and one next to the building. Possibly a pine tree may have to be removed as well.

Mr. Mikami stated that he liked the design of the new sign, and questioned Ms. Santucci about it conforming to the Bylaws. Ms. Santucci explained that the Residential zoning (at the front of the property) was restrictive. The Bylaw requires signs to be no more than 20 square feet. The sign as it exists currently is 21 square feet, and the proposed sign being 28 square feet would require a variance.

Mr. Mikami asked Atty. Johnson to summarize the non-conforming issues. Atty. Johnson stated that the only thing remaining is the side set back and possibly the 4 remaining parking spots that are not being removed.

Mr. Mikami questioned what the plan was going forward. Atty. Johnson replied that if they got a favorable recommendation they would then go before the ZBA, if again voted favorably they would apply for the SP/SPR. The plan would be to remove 1800 square feet of pavement and replace with green space.

It was pointed out by Mr. Mikami that Dunkin Donuts does need an updated facility, but he did want to know if there were any issues in the proposal that would cause concerns for the neighbors. The potential need for a buffer should the land behind the property be zoned open/conservancy was discussed. Mr. Eng wanted to know if the direct abutters were commercial. Ms. Santucci stated that there was also a two family structure but she is unsure as to its current use. Atty. Johnson emphasized that the town needs to look at this corridor and the various zoning.

The parking at the facility was then discussed. Mr. Eng wanted to confirm that there were 66 proposed parking spaces. Atty. Johnson said that was correct. Mr. Eng asked if there was anyway that there could be more. Mr. Welch said that there was not, but due to the scheduling process at the facility there would not be more individuals in the building than the proposed parking spaces could support. Mr. Eng asked if an overflow was to occur, where would the extra cars park. Mr. Welch stated that they had a good relationship with the owner of the neighboring property. Mr. Eng asked who the owner was. Atty. Johnson said he believes it is a realty company.

The question was raised if there was anyone living in the neighboring 2 residential properties. Ms. Santucci replied that there was. Mr. Eng wanted to know if there would ever be night time meetings and if so, he wants to be sure that there was adequate landscaping to serve as a buffer for headlights in the parking area. Mr. Welch said that the possibility of after dark meetings did exist, but they would be rare. Ms. Santucci addressed the Planning Board saying that Dunkin Donuts has more than adequately addressed the maintenance of the landscaping and that they were adamant about keeping the existing trees on the property.

Mr. Eng asked who would be addressing the drainage. Ms. Santucci replied that when they file they will meet with the Town Engineer and herself. Mr. Eng also wanted to know if the Planning Board would have the opportunity to review. Ms. Santucci told him that the drainage calculations would be provided to the Planning Board and would be reviewed by both herself and the Town Engineer.

Ms. Santucci pointed out to the Board members that the issue with the signage being 28 square feet would require a variance not a finding and that she would adjust the Staff Report accordingly. Atty. Johnson believes that they can meet the 21 square feet if need be. Mr. Eng wanted to know if the stone pillars on either side of the sign were part of the 28 square feet. Ms. Santucci told him they were not. Mr. Wagner went on to say that the lighting for the sign would be landscape style uplighting.

Motion by Mr. Mikami, second by Ms. Lauria to give a favorable recommendation provided that the sign and the parking issues would be addressed.  
Vote: 3/0

Request for Relief from Bylaw Requirements under Chapter 135, Article 4, Section 135-403, 407, Article 7, Section 701  
#11-5

Applicant Patricia J. O'Connor, of 169 Cedar Street, Braintree, MA 02184 was present to request relief from the above Zoning Bylaw requirements to build an approximately 337 square foot (1 story) addition to the rear of the property located at 169 Cedar Street, Braintree, MA 02184.

Ms. O'Connor addressed the Planning Board and explained that she would like to extend a portion of the rear of her residence. Currently there is a 14 foot deep 'patio' that is approximately 3 feet high and a 10 foot by 10 foot wood deck that is

approximately 6 to 8 feet high on the property. The proposed project would demolish both of these structures and extend the rear of the house. The addition would be 28 feet by 10 feet by 7 feet. The result of the addition would be to extend the size of the existing rooms located at the back of the existing dwelling. She would also like to add a new 15 foot by 15 foot deck or patio to the right of the new addition.

Mr. Eng asked if there was anyone from the neighborhood present that wanted to make any comments. There were not.

Ms. Lauria asked Ms. O'Connor what the hardship was that she was coming before the Planning Board for relief from. She replied "size". Ms. Lauria pointed out that was her hardship, but what about hardship pursuant to the basis the Planning Board must adhere to. Ms. O'Connor stated that she did not understand the question.

Ms. Santucci wanted to know if the proposed dormers were still going to be added. Ms. O'Connor did not know at this time.

Ms. Lauria explained the hardship criteria, i.e. soil or lot formation/topography etc. Mr. Eng wanted to be sure that the applicant understood the Bylaw requirements. He stated that the 30 foot setback is in place so that there would be 60 feet between neighbors. Ms. O'Connor agreed that based on this there was no hardship. Mr. Eng stressed that the Planning Board was not the final step in the process, and if she was going to go before the ZBA he wanted to be sure she understood the procedures.

Ms. Lauria wanted to know if the applicant had any numbers for what the new total percentage of lot coverage would be if the addition/deck were built. Ms. Santucci went over the total combined addition and proposed patio. Ms. Lauria stated she was all set and had no further questions.

Mr. Mikami suggested to Ms. O'Connor that since she has been before the ZBA in the past, that she did have some experience with the process. He feels she should go back and look at the rules and reach out to the Planning Staff for help. Mr. Mikami wanted to be sure that the applicant understood the rules. Ms. O'Connor stated that she did.

Mr. Eng made reference to a past petition where a deck had been added with out proper permitting etc. and that the resident wanted to be allowed to keep the structure since it had already been built. Mr. Eng stressed to Ms. O'Connor that it was the Planning Boards responsibility to take a hard look at situations such as this to protect the nature of the town and its residents.

Motion by Ms. Lauria, second by Mr. Mikami to vote unfavorably and deny the request for relief.

Vote: 3/0

Request for Relief from Bylaw Requirements Under Chapter 135, Article 4, Sections 135-403, 135-407 and 135,1601 et seq (to the extent necessary)  
#11-09

Michael R. Dolan, of Brown Rudnick LLP, 121 South Main Street, Providence, RI 02903, was present to represent the applicant, New Cingular wireless PCS, LLC d/b/a/ AT&T Mobility, to request relief from the above Zoning Bylaw requirements to modify and upgrade the wireless communication facility located at 100 Grandview Road, Braintree, MA 02184. This property is zoned Highway Business.

It was noted that the request for relief for #11-12, for the property located at 45 Braintree Hill Park, Braintree, MA 02184 had been removed.

Mr. Dolan addressed the Planning Board. He gave a brief description of the overall technology update described as LTE (Long Term Evolution, similar to 4G). It was explained that part of this technology update is to look at the existing infrastructure and facilities and to make the necessary improvements.

At this location (100 Grandview Road) the proposal includes the installation of 3 new antennas, none of which are to exceed the height of the existing antennas. The equipment cabinets are to be located behind the screening. The installation of these new antennas will fill a significant coverage gap in this area. It was noted that these may be within 500 feet of a residential structure, and that a variance would be needed as they will extend 10 feet beyond the height of the building. This is a step toward providing updated wireless coverage.

Mr. Eng asked if anyone present in the audience had any questions or concerns. There were none. Ms. Lauria had no comments at this time.

Mr. Mikami asked Mr. Dolan if this update to the existing technology to improve on the coverage gap was to support 4G, and that if they were not putting in 4G, then the new antennas would not be needed. Mr. Dolan confirmed this to be the case.

Mr. Mikami also wanted to know if the building at this location would then be charging more rent for the antennas. He requested that Mr. Dolan check on this and then send a note regarding the multiple request so that the town could reassess. Ms. Santucci stated that the additional/new equipment would cause the property tax to go up. There was a blanket request for this information for all the submitted applications.

Mr. Eng was concerned with the statement in the staff report regarding the existence of a day care facility with in 500 feet of the proposed antennas. Ms. Santucci informed him that there may be a day care in the building and that this statement was kept in the report as a precaution. This is something that the Zoning Board or Building Inspector should verify.

Mr. Eng also inquired if there was anything that the 4G antennas would emit that could possibly be harmful. Mr. Dolan explained that the new antennas are

essentially the same as the existing antennas and they are below the FCC regulations.

Motion by Mr. Mikami, second by Ms. Lauria for a favorable decision on the request for Zoning Bylaw requirement relief.

Vote: 3/0

Request for Relief from Bylaw Requirements Under Chapter 135, Article 4, Sections 135-403, 135-407 and 135,1601 et seq (to the extent necessary)  
#11-10

Michael R. Dolan, of Brown Rudnick LLP, 121 South Main Street, Providence, RI 02903, was present to represent the applicant, New Cingular wireless PCS, LLC d/b/a/ AT&T Mobility, to request relief from the above Zoning Bylaw requirements to modify and upgrade the wireless communication facility located at 531 Pond Street, Braintree, MA 02184. This property is zoned Commercial Watershed.

Mr. Dolan addressed the Planning Board. He explained this proposal as being the placement of 3 new antennas on an existing tower. These will be no higher than the existing antennas. There will also be upgrades to the equipment at the base of the tower. The tower is currently legal non-conforming with minimal visual impact.

Mr. Eng asked if anyone present in the audience had any questions or concerns. There were none.

Mr. Eng questioned Mr. Dolan if he was aware of any complaints from neighbors. To his knowledge there were none.

Motion by Mr. Mikami, second by Ms. Lauria for a favorable decision on the request for Zoning Bylaw requirement relief.

Vote: 3/0

Request for Relief from Bylaw Requirements Under Chapter 135, Article 4, Sections 135-403, 135-407 and 135,1601 et seq (to the extent necessary)  
#11-11

Michael R. Dolan, of Brown Rudnick LLP, 121 South Main Street, Providence, RI 02903, was present to represent the applicant, New Cingular wireless PCS, LLC d/b/a/ AT&T Mobility, to request relief from the above Zoning Bylaw requirements to modify and upgrade the wireless communication facility located at 300 River Street, Braintree, MA 02184. This property is zoned Open Space Conservancy.

Mr. Dolan addressed the Planning Board. He explained that this project also involves an existing (non-conforming) tower.

Page 8  
Planning Board Minutes  
February 8, 2011

Mr. Eng asked if anyone present in the audience had any questions or concerns. There were none. Neither Ms. Lauria nor Mr. Mikami had any comments at this time.

Motion by Mr. Mikami, second by Ms. Lauria for a favorable decision on the request for Zoning Bylaw requirement relief.  
Vote: 3/0

Request for Relief from Bylaw Requirements Under Chapter 135, Article 4, Sections 135-403, 135-407 and 135,1601 et seq (to the extent necessary)  
#11-12  
Removed.

Request for Relief from Bylaw Requirements Under Chapter 135, Article 4, Sections 135-403, 135-407 and 135,1601 et seq (to the extent necessary)  
#11-13

Michael R. Dolan, of Brown Rudnick LLP, 121 South Main Street, Providence, RI 02903, was present to represent the applicant, New Cingular wireless PCS, LLC d/b/a/ AT&T Mobility, to request relief from the above Zoning Bylaw requirements to modify and upgrade the wireless communication facility located at 150 Grossman Drive, Braintree, MA 02184. This property is zoned Highway Business.

Mr. Dolan addressed the Planning Board. He explained that this project also involves the installation of 3 additional panel antennas to the existing roof mount along with equipment upgrades.

Ms. Santucci provided the Planning Board with an additional sketch for their informational packets. She also explained that the new antennas would be no higher than the existing antennas.

As these antennas will be within 500 feet of a residential structure a variance will be required as noted in the staff report. Also they will be 10 feet above the height of the structure.

Mr. Eng inquired if anyone present had any question or concerns. There were none. Neither Ms. Lauria nor Mr. Mikami had any comments at this time.

Motion by Mr. Mikami, second by Ms. Lauria for a favorable decision on the request for Zoning Bylaw requirement relief.  
Vote: 3/0

Request for Relief from Bylaw Requirements Under Chapter 135, Article 4, Section 135-407, Article 9, Section 135-904.2. As (a) 904.2 as (b) #11-07

Pamela Jagiello, of Signs by J, 100 Tenean Street, Dorchester MA, 02122, was present to represent the applicant Robert LeVini, representing Harbor Freight Tools, 26541 Agoura Road, Calabasas, CA 91302, to request relief from the above Zoning Bylaw requirements to install channel letters, with overall size 6'6" X 25'6", two rows of letters (165.75 Sq. Ft) at the property located at 727 Granite Street, Braintree, MA 02184. This property is zoned Highway Business.

Ms. Jagiello addressed the Planning Board. She explained the request for a variance due to the overall size of the proposed signage. They are proposing two lines of type with 'Harbor Freight' on top and 'Tools' centered below. Ms. Santucci explained that the overall size of the letters themselves do not exceed the limit. As mentioned in the staff report the plan provided was not to scale so the Planning Staff could not measure the sign area. Ms. Santucci reviewed the Zoning Bylaw Definition for 'Sign Area' and stated that according to her understanding, the sign with letters the height they were proposing did not exceed the requirements. She also stated that there can be no red lighting in lighted signs. Signs must have white lighting with a red façade.

There was much discussion regarding the sign footage calculations. Ms. Santucci feels that after reading the bylaw requirements it should only be the size of the actual letters used in the overall sign footage and that it was not fair to count the façade of the building in the figure. Mr. Eng and Mr. Mikami were both in agreement with this. Mr. Eng asked Ms. Jagiello if they would consider reducing the size of the letters. Ms. Jagiello said that they would.

There was also some discussion regarding the size of the building and what kind of tools they would be selling.

Ms. Santucci wanted confirmation that the sign would now have 30" letters and no red lights, having white lights used inside the red letters instead. Ms. Jagiello confirmed this, with the resulting letters being a duller red.

Motion by Ms. Lauria, second by Mr. Mikami for a favorable decision on the condition that the letters would now be 30" and would have white lights instead of red.

Vote: 3/0

Mr. Eng questioned if there was anything else that needed discussion. It was decided to hold off on acceptance of the minutes from the Planning Board meeting of January 11, 2011 until the full Planning Board was in attendance.

Ms. Santucci told the Planning Board that Christine Stickney has prepared a memo from the Historical District Commission for them. She would like to hear their comments on this. Mr. Eng wanted to know if the Planning Board needed to vote on this. Ms. Santucci said that they did not.

Page 10  
Planning Board Minutes  
February 8, 2011

Mr. Eng brought up the topic of land court decisions. Ms. Santucci replied that there were several matters before the land court.

Motion by Ms. Lauria, second by Mr. Mikami to adjourn at 8:55.  
Vote: 3/0

Respectfully submitted,

Beth A. Herlihy



Joseph C. Sullivan  
Mayor

## Department of Planning and Community Development

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Phone: 781-794-8234 Fax: 781-794-8089

**APPROVED**

### PLANNING BOARD

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

Braintree Planning Board  
February 8, 2011 – Public Hearing @8:15 P.M.  
Town Hall

**Present:**

James Eng, Acting Chair  
Darryl Mikami  
Michelle Lauria

Melissa Santucci, Principal Planner

405 Franklin/326-330 West Streets/Messina Commercial Properties, LLC  
Application: Request for Rezone  
TCO #10-081

Mr. Eng (Acting Chair) opened the Public Hearing.

Mr. Eng read the legal notice regarding the Public Hearing, Town Council Order #10-081, Request for Rezone for the property located at 405 Franklin/326-330 West Streets. Applicant: Messina Commercial Properties, LLC.

Mr. Eng stated that as there was not a full Planning Board present (only 3 members in attendance) the Public Hearing would be moved to Tuesday, March 8, 2011 at 8:00 P.M.

Motion by Mr. Mikami, second by Ms. Lauria to continue the Public Hearing to Tuesday, March 8, 2011 at 8:00 P.M.

Vote: 3/0